

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1591/12-13  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/4/12

**Subcommittee on  
Import and Export (General) (Amendment) Regulation 2013**

**Minutes of meeting  
held on Tuesday, 9 April 2013, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon WONG Ting-kwong, SBS, JP (Chairman)  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, MH  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin  
Hon Gary FAN Kwok-wai  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Alice MAK Mei-kuen, JP  
Hon Dennis KWOK  
Hon SIN Chung-kai, SBS, JP  
Hon TANG Ka-piu  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, BBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Member attending** : Hon Cyd HO Sau-lan

**Members  
absent** : Hon James TO Kun-sun  
Hon Emily LAU Wai-hing, JP  
Hon CHAN Hak-kan, JP  
Dr Hon LEUNG Ka-lau  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon Helena WONG Pik-wan

**Public Officers  
attending** : Item I

Mrs Marion LAI CHAN Chi-kuen, JP  
Permanent Secretary for Food & Health (Food)

Mr Philip CHAN Kwan-ye, JP  
Deputy Secretary for Food & Health (Food)

Mr Howard YAM  
Assistant Director-General of Trade and Industry  
(Multilateral)

Mr Thomas LIN  
Head of Land Boundary Command  
Customs and Excise Department

Dr Allen CHAN Chi-wai  
Senior Medical Officer (Risk Assessment)  
Centre for Food Safety  
Food and Environmental Hygiene Department

Mr Gilbert MO  
Deputy Law Draftsman  
(Bilingual Drafting and Administration)  
Department of Justice

Mr Peter SZE  
Senior Government Counsel  
Department of Justice

**Clerk in  
attendance** : Miss Betty MA  
Chief Council Secretary (2) 1

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Mr Raymond LAM  
Senior Council Secretary (2) 7

Ms Kiwi NG  
Legislative Assistant (2) 1

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Action

**I. Meeting with the Administration**

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Admin

2. Members requested the Administration to provide a written response on whether the products in a list of milk powder products provided by Mr Vincent FANG and tabled at the meeting were subject to regulation under the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation").

3. Mr Dennis KWOK moved the following motion -

"本委員會促請政府進一步修正「配方粉」的定義，從而符合政策原意及避免出現錯誤執法的情況。"

(Translation)

"This Subcommittee urges the Government to further amend the definition of "powdered formula" to bring it in line with the policy intent and avoid errors in enforcement."

4. As there were divided views among members, a vote was taken. Six members voted in favour of the motion and six members voted against and one member abstained. The Chairman declared that the motion was negatived.

Action

**II. Any other business**

5. The Chairman concluded that the Subcommittee had completed scrutiny of the Amendment Regulation. Members noted that the deadline for giving notice of a motion to amend the Amendment Regulation, if any, at the Council meeting of 17 April 2013 was 10 April 2013.

6. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
10 July 2013

**Proceedings of meeting of the Subcommittee on  
Import and Export (General) (Amendment) Regulation 2013  
held on Tuesday, 9 April 2013, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000312	Chairman	Opening remarks	
000313 - 000750	Admin	Briefing by the Administration on its response to issues raised by members at the Subcommittee meeting on 6 April 2013 [LC Paper No. CB(2)916/12-13(01)].	
000751 - 001353	Chairman Mr Dennis KWOK Admin	Mr Dennis KWOK's concern and the Administration's response regarding whether there was a need for "and any other relevant circumstances" in the proposed further amended definition of "powdered formula".	
001354 - 001907	Chairman Ir Dr LO Wai-kwok Admin	Ir Dr LO Wai-kwok's concern and the Administration's response regarding whether the requirement of not having left Hong Kong in the last 24 hours before being eligible for carrying powdered formula of 1.8 kg in total net weight out of Hong Kong was necessary and whether "in the last 24 hours" could be amended as "within the same day".	
001908 - 002412	Chairman Mr Christopher CHUNG Admin	Mr Christopher CHUNG's question and the Administration's response regarding -  (a) whether a person who left Hong Kong the second time within 24 hours could bring along any powdered formula in an unsealed container for consumption by an accompanying person aged under 36 months; and  (b) whether milk powder products not specified for any particular age group would be subject to regulation under the proposed amended definition.	
002413 - 003441	Chairman Mr Alan LEONG Admin	Mr Alan LEONG's concern and the Administration's response regarding -  (a) whether the requirement of not having left Hong Kong in the last 24 hours before being eligible for carrying powdered formula of 1.8 kg in total net weight out of	

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		<p>Hong Kong could be amended as "not having left Hong Kong within the same day"; and</p> <p>(b) whether there was a need for "and any other relevant circumstances" in the proposed further amended definition of "powdered formula".</p>	
003442 - 004035	Chairman Mr Paul TSE Admin	<p>Mr Paul TSE's concern and the Administration's response regarding -</p> <p>(a) the inconvenience caused by the implementation of the Import and Export (General) (Amendment) Regulation 2013 ("the Amendment Regulation") to Hong Kong residents residing in the Mainland; and</p> <p>(b) whether there was a need for "and any other relevant circumstances" in the proposed further amended definition of "powdered formula".</p>	
004036 - 004549	Chairman Mr CHUNG Kwok-pan Admin	<p>Mr CHUNG Kwok-pan's question and the Administration's response on whether the scope of the proposed further amended definition of "powdered formula" was too broad.</p>	
004550 - 004920	Chairman Mr SIN Chung-kai Admin	<p>Mr SIN Chung-kai's question and the Administration's response on -</p> <p>(a) whether the Administration could install identity card readers at boundary control points for Hong Kong residents to check whether they had left Hong Kong in the last 24 hours; and</p> <p>(b) whether the Customs and Excise Department could issue a written confirmation that a person who left Hong Kong had not brought any powdered formula out of Hong Kong.</p>	
004921 - 005253	Chairman SALA2 Admin	<p>SALA2's advice and the Administration's response on whether the requirement of not having left Hong Kong in the last 24 hours before being eligible for carrying powdered formula of 1.8 kg in total net weight out of Hong Kong could be amended as "not having left Hong Kong within the same day".</p>	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
005254 - 005829	Chairman Mr Gary FAN Admin	<p>Mr Gary FAN's expression of support for the Amendment Regulation.</p> <p>Mr Gary FAN's question and the Administration's response regarding -</p> <p>(a) the need to combat parallel trading of powdered formula;</p> <p>(b) the restrictions imposed in other countries on the sale of powdered formula;</p> <p>(c) whether the maximum weight of powdered formula a person could bring out of Hong Kong within 24 hours should be reduced to 900 g;</p> <p>(d) whether an export tax should be imposed on powdered formula; and</p> <p>(e) whether multiple-entry endorsements under the Individual Visit Scheme should be abolished.</p>	
005830 - 010530	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's concern and the Administration's response regarding -</p> <p>(a) the need to ensure a steady supply of powdered formula for local infants and young children; and</p> <p>(b) the need for incorporation of a sunset provision in the Amendment Regulation.</p> <p>Ms Cyd HO's indication of her intention to move an amendment to incorporate sunset provisions in the Amendment Regulation.</p>	
010531 - 011259	Chairman Mr Paul TSE Admin	<p>Mr Paul TSE's concern and the Administration's response regarding -</p> <p>(a) whether the restrictions on the sale of powdered formula in other countries were imposed by their government; and</p> <p>(b) other local legislation in which "any other circumstances" was used.</p>	

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011300 - 011812	Chairman Mr CHUNG Kwok-pan Admin	Mr CHUNG Kwok-pan's concern and the Administration's response regarding -  (a) the progress of improving the supply chain for powdered formula by suppliers and retailers; and  (b) whether the quantity of powdered formula kept in stock by suppliers in Hong Kong could meet the demand of local infants and young children.	
011813 - 012338	Chairman Ir Dr LO Wai-kwok Admin	Ir Dr LO Wai-kwok's concern and the Administration's response regarding -  (a) whether the requirement of not having left Hong Kong in the last 24 hours before being eligible for carrying powdered formula of 1.8 kg in total net weight out of Hong Kong was necessary and whether "in the last 24 hours" should be amended as "within the same day"; and  (b) whether the scope of the proposed further amended definition of "powdered formula" was too broad.	
012339 - 013017	Chairman Mr Vincent FANG Admin	Mr Vincent FANG's concern and the Administration's response regarding -  (a) whether there were any differences in the composition and nutritional contents of different products of milk powder for persons aged between 12 months and 36 months; and  (b) whether powdered formula for persons aged over 12 months but under 36 months could be excluded from the coverage of the Amendment Regulation.	
013018 - 013500	Chairman Mr Dennis KWOK Admin	Mr Dennis KWOK's concern and the Administration's response regarding the restrictions imposed in New Zealand in relation to powdered formula.	
013501 - 013712	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan's expression of view regarding the need to ensure a steady supply of powdered formula for local infants and young children and implement the Amendment Regulation.	



<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action Required</b>
013713 - 014400	Chairman Ir Dr LO Wai-kwok Admin	Ir Dr LO Wai-kwok's question and the Administration's response regarding whether "any other circumstances" in the proposed further amended definition of "powdered formula" could be amended along the line of "any other circumstances relating to product descriptions and users instructions".  Extension of meeting by 15 minutes.	
014401 - 014832	Chairman Mr Alan LEONG Admin	Mr Alan LEONG's concern and the Administration's response regarding whether the scope of "any other circumstances" in the proposed further amended definition of "powdered formula" was too broad.	
014833 - 015010	Chairman Mr Vincent FANG	Mr Vincent FANG's request for the Administration to provide a response on whether the products in a list of milk powder products provided by him and tabled at the meeting were subject to regulation under the Amendment Regulation.	<b>Admin</b>
015011 - 015130	Chairman SALA2 Admin	SALA2's question and the Administration's response on the date of commencement of the Administration's proposed amendment to the Amendment Regulation.	
015131 - 015249	Chairman Mr Dennis KWOK	Mr Dennis KWOK's moving of a motion urging the Administration to further amend the definition of "powdered formula".  Voting on motion proposed by Mr Dennis KWOK.	
015250 - 015500	Chairman	Deadline for giving notice of a motion to amend the Amendment Regulation.	