



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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28 March 2013

Miss Betty MA
Clerk to Subcommittee on
Import and Export (General) (Amendment) Regulation 2013
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong

Dear Miss Ma,

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

Thank you for your letter of 25 March. With regard to the enquiries made by the Hon James TO Kun-sun, our reply is as follows:

- (1) During the period from 1 March 2013 when the Import and Export (General) (Amendment) Regulation 2013 (Amendment Regulation) came into operation up to 22 March 2013, 373 cases of powdered formula were detected by the Customs and Excise Department (C&ED) at boundary control points. A total of 383 persons were under investigation for being suspected of “attempting to export a prohibited article (namely, powdered formula) not under and in accordance with an export licence”, including 215 Hong Kong residents, 164 Mainlanders and 4 other nationals.

C&ED has referred 20 of the cases allegedly in breach of the Amendment Regulation to the court for legal proceedings, of which the offenders of 19 cases (including 5 Hong Kong residents and 12 Mainlanders¹) have been prosecuted, convicted and fined. In addition, a total of 331 arrested persons are currently on Police bail pending investigation, including 197 Hong Kong residents and 134 Mainlanders.

For cases that have been brought to the court upon prosecution, the brands and quantity of the powdered formula involved are as follows:

Brand of Powdered Formula	Quantity (Kg)
Mead Johnson	22.68
Friso	13.50
Nestle	13.10
Wyeth	9.90
Neocate	6.40
Abbott	4.22
Cow & Gate	1.80

- (2) Between 1 and 22 March 2013, a total of 12 persons, including 1 Hong Kong resident and 11 Mainlanders, were investigated by C&ED for carrying rice-based milk cereal when they departed from Hong Kong. C&ED has not yet initiated prosecution actions in respect of these cases. A total of 66 cans with a net weight of 19.8kg of the product were involved, all being Friso Gold Rice-Based Milk Cereal in 300g cans.

After verification, the rice-based milk cereal in question was found not subject to control under the Amendment Regulation. Accordingly, C&ED has contacted all of the 12 persons concerned for cancellation of bail, and return of bail money and detained items. C&ED will offer the following options to them:

¹ Two of the convicted Mainlanders were repeat offenders involved in two cases respectively, i.e. each of them breached the Amendment Regulation twice between 1 and 22 March.

- (a) the person may choose, at a time convenient to him/her, to return to the Police station in person to collect the bail money and detained articles; or
 - (b) the person may authorise a third person to collect the bail money and detained articles on his/her behalf. If the person chooses to authorise C&ED to collect the bail money and detained articles on his/her behalf, C&ED may arrange for the return of the bail money and detained items to the person by different means (such as by telegraphic transfer/post) as agreed with the person.
- (3) Prior to the commencement of the Amendment Regulation, the Administration has compiled a list of powdered formula available at the retail level in Hong Kong through information collected from all local suppliers of powdered formula and the Centre for Food Safety. The list sets out details including the brands, types, nature, weight and intended age groups of the products. We have also provided the list to C&ED for reference in taking enforcement actions.

C&ED has issued operational guidelines to facilitate enforcement actions by frontline officers, and conducted briefings for them on details of the guidelines to ensure their compliance.

When taking enforcement actions, frontline officers of C&ED will make reference to the aforementioned list of powdered formula and other relevant information such as the product descriptions and users instructions as found in the label of the container of powdered formula. If necessary, frontline officers will make enquiries through the hotline and seek directives from their supervisor for handling the case properly.

- (4) In determining whether certain powdered formula product is subject to the Amendment Regulation, a host of factors would be considered, including the information as found in the label of the container of powdered formula like product descriptions and users instructions; and the information provided by the powdered formula suppliers. Since only the brand names of the powdered formula were provided by the Member, and to avoid providing misleading information to the public, the Administration is unable to draw conclusion on whether the concerned products are regulated under the Amendment Regulation.

- (5) Since January 2013, the Government has noted a shortage in the supply of powdered formula. Since then, we have been closely monitoring the supply of powdered formula in the local market. We noted that even though major suppliers of powdered formula had already enhanced their services, emphasised they had sufficient stock, and put in place stringent measures to combat the malpractices of some retailers, many local parents still complained that individual brands of powdered formula were still out of stock at the retail level, that calls to hotlines of certain suppliers were unanswered and that response of certain suppliers was relatively slow.

In view of the above, the Government has set up a special hotline since 1 February 2013 to serve as a safety net. Local parents of infants and young children under 3 years of age who are unable to purchase 7 major brands of powdered formula at the retail level or via the suppliers' hotlines may call this special hotline.

Since the special hotline started operation at 6pm on 1 February 2013 and up to 8 February 2013 (i.e. the last working day before the Chinese New Year), the Government's special hotline received a total of 5 808 calls in less than 8 days. 3 190 purchase orders were referred to the suppliers of the 7 major brands.

Details of the purchase orders are as follows :

Brand of Powdered formula	The number of purchase order referrals by the special hotline
Mead Johnson	2 102 (65.9%)
Friso	454 (14.2%)
Cow & Gate	404 (12.7%)
Nestle	77 (2.4%)
Snow Brand	59 (1.9%)
Abbot	52 (1.6%)
Wyeth	42 (1.3%)
Total	3 190 (100%)

These figures reflect to some extent the shortage of different major brands of powdered formula at the time.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jeff Leung', with a long, sweeping horizontal line extending to the right.

(Jeff LEUNG)

for Secretary for Food and Health