



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

本函檔案 Our ref. : FHB/F/5/1/1
來函檔案 Your ref. :

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23 July 2013

Ms. Elyssa WONG
Clerk to LegCo Panel on
Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Fax: 2869 6794)

Dear Ms. Wong,

**LegCo Panel on Food Safety and Environmental Hygiene
Issues Relating to the Implementation of
the Import and Export (General)(Amendment) Regulation 2013**

Regarding the enquiries made by the LegCo Panel on Food Safety and Environmental Hygiene at its meeting on 28 May on issues relating to the implementation of the Import and Export (General)(Amendment) Regulation 2013 (Amendment Regulation), our reply is as follows:

Cases in which no prosecution has been instituted by the enforcement authority against those who have violated the “24-hour rule”

The amended Import and Export (General) Regulations (Cap. 60, sub. leg. A) prohibit the unlicensed export of powdered formula for infants and children under 36 months.

Having regard to the need of those departing from Hong Kong for powdered formula for personal use, each person aged 16¹ or above is granted an exemption from the relevant requirements and may carry not more than a total net weight of 1.8 kg of powdered formula out of Hong Kong. However, to prevent parallel traders from abusing the exemption arrangements by making multiple journeys to Hong Kong within the same day, the exemption is only applicable to a person on his first departure from Hong Kong within a 24-hour period.

Since the Amendment Regulation came into effect on 1 March and up to 24 June, the Custom and Excise Department (C&ED), upon consulting the Department of Justice, had decided not to pursue prosecution in six cases in which persons who had left Hong Kong in the last 24 hours contravened the Import and Export (General) Regulations by carrying powdered formula out of Hong Kong without an export licence. The legal advices were made by reference to the specific facts and circumstances of the relevant cases.

Number of enquiries made by the Customs and Excise Department to the hotline of the Food and Health Bureau

To enable more effective law enforcement by frontline staff of C&ED, we have issued a further set of enforcement guidelines to ensure that the enforcement work continues to be carried out smoothly on a standardised basis. To facilitate law enforcement by frontline staff of C&ED, we have also compiled a list of powdered formula regulated by the Amendment Regulation and available at the retail level in Hong Kong through information collected via all local suppliers of powdered formula and the Centre for Food Safety (CFS). Where necessary, C&ED may ring up the hotline of the Food and Health Bureau (FHB). Staff of FHB

¹ In Hong Kong, the minimum age for getting married is 16.

will help contact the suppliers and CFS to seek supplementary factual information about details of the products.

Since the expiry of the scrutiny period of the Amendment Regulation on 17 April and up to 24 June, C&ED made enquiries on 77 products via the hotline.

Notifying the World Trade Organization

The Government has notified the World Trade Organization (WTO) of the amendments to the Import and Export (General) Regulations in accordance with the established mechanism. The relevant document is at Annex. As at 24 June, we have not received any questions or comments from WTO or its members.

Yours sincerely,

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

(Jeff LEUNG)

for Secretary for Food and Health



14 May 2013

(13-2474)

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Committee on Market Access

Original: English

**NOTIFICATION PURSUANT TO THE DECISION ON NOTIFICATION PROCEDURES
FOR QUANTITATIVE RESTRICTIONS (G/L/59/REV.1)**

HONG KONG, CHINA

Addendum

The following communication, dated 26 April 2013, is being circulated at the request of the delegation of Hong Kong, China.

A. Notifying Member: Hong Kong, China
B. Date of notification: 30 April 2013
C. First time notification: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, last notification was made in (doc. symbol): G/MA/QR/N/HKG/1
D. Type of notification: <input checked="" type="checkbox"/> 1. Complete (i.e. notification of all quantitative restrictions in force) <input type="checkbox"/> 2. Changes to a notification previously made in G/MA/QR/N/HKG/1 which are of the following nature: <input checked="" type="checkbox"/> 2.1 Introduction of new restrictions, as listed in Section 1. <input type="checkbox"/> 2.2 Elimination of restrictions, as described in G below. <input type="checkbox"/> 2.3 Modification of a previously notified restriction, as described in Section 1. <input type="checkbox"/> 3. Reverse notification of restrictions maintained by (Member):
E. The notification provides information for the following biennial period (e.g. 2012-2014): <u>2012-2014</u> and relates to restrictions in force as of <u>1 March 2013</u>
F. This notification contains information* relating to: <input checked="" type="checkbox"/> Section 1: List of quantitative restrictions that are currently in force. <input type="checkbox"/> Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force and additional information.
G. Comments of a general nature, including a description of the elimination of restrictions notified under D.2.2 and the date they ceased to be in force.

* In English only.

Section 1: List of quantitative restrictions that are currently in force

QR No.	General description of the restriction	Type of restriction (Symbol in Annex 2 of the Decision)	Tariff line code(s) affected, based on HS2012	Detailed Product Description	WTO Justification (e.g. Article XX(g) of the GATT, etc.) and Grounds for Restriction, e.g., Other International Commitments (e.g. Montreal Protocol, CITES, etc.)	National legal basis and entry into force (i.e. Law, regulation or administrative decision)	Administration, modification of previously notified measures, and other comments
1	2	3	4	5	6	7	7
1.	Licensing arrangement for the export of powdered formula for infants and young children aged under 36 months	NAL-X	ex 0402 1000 ex 0402 2110 0402 2120 ex 0402 2190 ex 0402 2900	Milk powder and soya based formula powder for consumption by infants and young children aged under 36 months	Article XX(j) of the GATT 1994	The Import and Export (General) Regulations (Cap. 60 sub. Leg. A), as amended by the Import and Export (General) (Amendment) Regulation 2013 Date of entry into force: 1 March 2013	<p>Where breastfeeding is not feasible, powdered formula is the sole or major source of food for infants and young children aged under 36 months. To protect their health, it is important to ensure a sufficient and steady supply of powdered formula.</p> <p>The licensing arrangement seeks to tackle the serious shortage of powdered formula in the Hong Kong market caused by the diversion of large quantities of such products away from the local supply chain by parallel traders. Export licences, which are in general issued to importers of powdered formula registered/exempted from registration under the Food Safety Ordinance (Cap. 612), must be obtained for exportation of powdered formula (except for articles in transit or transshipment cargo, or a reasonable amount for personal use). No fees are charged for licence application, and the licensing arrangement is administered on an MFN basis.</p> <p>The licensing arrangement is temporary in nature. The Government has urged major suppliers of powdered formula and retail representatives to strengthen the supply chain to ensure a sufficient and steady supply of powdered formula. A review on the enhancement measures taken by the suppliers will be conducted in October 2013. Provided that the measures have been proved to be effective and sustainable, we will consider removing the licensing arrangement.</p> <p>For further details, please refer to http://www.fhb.gov.hk/en/powderedformula/index.html and http://www.tid.gov.hk/english/import_export/nontextiles/powdered_formula/index.html.</p>

Section 2: Cross-reference to other WTO notifications with information on quantitative restrictions that are currently in force

This section shall be filled by Members in case a notification made pursuant to another notification requirement (e.g. set in the Agreement on Agriculture, Agreement on Balance of Payments, Agreement on Safeguards, and the Agreement on Import Licensing Procedures, etc.) contains information on a quantitative restriction in force and which is not listed in Section 1.

1. Agreement on Agriculture

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

2. Agreement on Balance of Payments

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

3. Agreement on Safeguards

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

4. Agreement on Import Licensing Procedures (non-automatic licences)

- A. Was a notification made with information on a quantitative restriction? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification:

5. Other notifications

- A. Was a notification made with information on a quantitative restriction in other notifications? Yes No
- B. If yes, then list below the relevant document symbol and include any information element missing in the notification: