



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

*Our ref.:* ( ) in FH CR 1/4050/17

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29 September 2017

Miss Josephine SO  
Clerk to Bills Committee  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Miss So,

**Bills Committee on Dutiable Commodities (Amendment) Bill 2017**

At the Bills Committee meeting on the Dutiable Commodities (Amendment) Bill 2017 held on 18 July 2017, members were concerned whether the restrictions on the sale and/or supply of intoxicating liquor to minors under the proposed regulatory regime were intended to include the delivery process of such liquor to another place. Our reply is as follows-

The Dutiable Commodities (Amendment) Bill 2017 ("the Bill") has been drafted with the intent to prohibit the **sale** or **supply** of intoxicating liquor to persons under 18 years of age (minors) in the course of business.

In the Bill, the term "agent", in relation to a sale or supply of intoxicating liquor, does not include a person who delivers the liquor in the course of business but is not otherwise involved in the sale or supply.

We wish to reiterate that, for face-to-face distribution, it is a defence for the person who in the course of business **sells** or **supplies** intoxicating liquor, upon being charged for the person's act, to establish that the person had inspected a proof of identity of the purchaser or recipient purportedly before the

intoxicating liquor was sold or supplied, and had been reasonably satisfied that the purchaser or recipient was not a minor. For remote distribution, it is a defence for the person who in the course of business **sells or supplies** intoxicating liquor, upon being charged for the person's act, to establish that, the person had received, before the intoxicating liquor was sold or supplied, a declaration that the purchaser or recipient had reached the age of 18 years, and there was no circumstance that caused the person to reasonably suspect that the declaration was false.

Yours sincerely,



(Miss Carol WONG)  
for Secretary for Food and Health