

Bills Committee on Dutiable Commodities (Amendment) Bill 2017

**List of follow-up actions arising from the discussion
at the meeting on 1 November 2017**

Members noted that in respect of remote distribution, the Dutiable Commodities (Amendment) Bill ("the Bill") proposed a requirement that a purchaser or recipient had to declare that he or she was 18 years of age or over before intoxicating liquor would be sold or supplied. The proposed regulation 39 of the Dutiable Commodities (Liquor) Regulations (Cap. 109B) provided that it was a defence to a charge under the proposed regulation 37 for selling or supplying intoxicating liquor to minors to establish that the person charged had received a declaration from the purchaser or recipient that he or she had reached the age of 18 years, and there was no circumstance that caused the person to reasonably suspect that the declaration was false. Concern was raised that enforcement agencies would be unable to verify the truthfulness of the purchasers' declarations made online or through other remote means if production of proof of identity was not required in the ordering process. To ensure that the declaration requirement for remote distribution would have actual effect in prohibiting the sale or supply of intoxicating liquor to minors, a member suggested that the Administration should impose a requirement that for remote distribution of intoxicating liquor, a purchaser would have to furnish a copy of his or her proof of identity or to settle the payment using only primary/principal credit cards. The Administration was requested to consider and provide a written response to this suggestion.

2. In its response to the enquiries and suggestions made by members and the Legal Adviser to the Bills Committee at the meeting on 1 November 2017, the Administration advised that it would consider proposing the following Committee stage amendments ("CSAs") to the Bill:

- (a) in relation to the proposed regulation 39(2), to make clear that the proposed defence was intended to apply to persons including employees who were only responsible for delivering intoxicating liquor which was sold or supplied by their employers, and to also clarify whether such employees, who might only be responsible for making deliveries and not otherwise involved in the transaction process, would be deemed to have received a declaration under sub-section (a), which was one of the conditions for invoking the defence; and
- (b) in relation to the proposed regulation 44(1)(a), to provide a definition of the term "public place".

The Administration was requested to provide its draft CSAs for consideration at the next meeting.