

Dutiable Commodities (Amendment) Bill 2017

**Committee Stage**

Amendments to be moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
7	In the proposed regulation 35, by deleting the definition of <i>agent</i> .
7	In the proposed regulation 35, by adding in alphabetical order— “ <i>domestic premises</i> (住宅) means any premises that have been constructed to be used, and are used, as a private dwelling;”.
7	In the proposed regulation 37, by adding— “(1A) For the purpose of paragraph (1), a person is not regarded as selling or supplying intoxicating liquor only by delivering the liquor if the person— (a) delivers the liquor in the course of business for another person who— (i) sells or supplies the liquor; and (ii) is not the employer of the first-mentioned person; and (b) is not otherwise involved in the sale or supply of the liquor.”.
7	In the proposed regulation 44(1)(a), by deleting “public place” and substituting “distribution point”.
7	In the proposed regulation 44(2), in the Chinese text, in the definition of 文件或紀錄, by deleting “ ° ” and substituting “ ; ”.
7	In the proposed regulation 44(2), by adding— “ <i>distribution point</i> (分發地點) means a place where intoxicating liquor is or has been sold or supplied in the course of business, but does not include any domestic premises;”.
7	By adding after the proposed regulation 44—

**“44A. Warrant to search domestic premises, etc.**

- (1) A magistrate may issue a search warrant in respect of any domestic premises if the magistrate is satisfied by information on oath by an inspector that there are reasonable grounds for suspecting that there is in the premises anything that is or is likely to be evidence of an offence under this Part.
- (2) The search warrant may authorize the inspector to—
  - (a) enter and search the premises at reasonable time; and
  - (b) exercise all or any of the powers under regulation 44(1)(b) to (i).
- (3) If the inspector seizes anything as authorized by the search warrant, the inspector must—
  - (a) if there is in the premises an adult who appears to the inspector to be a resident of the premises—leave a notice of the seizure with the adult; or
  - (b) if there is no such adult in the premises—leave in a prominent position at the premises a notice of the seizure.
- (4) A notice mentioned in paragraph (3) must contain sufficient particulars so as to identify the thing seized.”.