

Bills Committee on Dutiable Commodities (Amendment) Bill 2017

Committee Stage Amendments proposed by Dr Hon KWOK Ka-ki

The Government's response to the Committee Stage Amendments ("CSAs") proposed by Dr Hon KWOK Ka-ki is set out as follows.

Proposed amendment to regulation 42(4)(a): payment method(s) which can only be used by persons aged 18 or above

2. While principal credit cards are now only issued by banks to persons at least 18 years of age, we wish to point out that supplementary cards are not limited to minors and the minimum age for the application of supplementary cards varies for different banks. We further understand that the card number of the principal and supplementary credit card could be identical, as such it is not possible to identify just any supplementary card simply from the card number. We are not certain if there are other payment methods that can only be used by persons aged 18 or above. Limiting online purchases of intoxicating liquor with payment methods only used by persons aged 18 or above, essentially the use of principal credit cards, will be difficult to enforce with significant implication to the trade as all other forms of payment will be excluded. This implication may be difficult to justify as we are banning the sale and supply of intoxicating liquor to minors instead of a total ban of the sale and supply of intoxicating liquor through remote distribution. Therefore, we do not propose imposing the payment method restriction on the purchase of intoxicating liquor through remote distribution.

Proposed amendment to regulation 42(4)(b) and (5): collection of proof of identity for remote distribution

3. The collection of proof of identity in remote distribution would have significant privacy implications concerning the collection and subsequent use of personal data. The proof of identity may contain the full name, sex, date of birth, address and identity card number of the online purchaser. Improper use of such personal data would not only undermine the privacy interests of online purchasers but would also provide opportunities for fraud or other misuse of personal data. It would also increase the burden on the trade to ensure proper handling of such

personal data. The Bill seeks to ban the sale and supply of intoxicating liquor to minors. As minors usually purchase intoxicating liquor through retail outlets, we would not consider, at this stage, to require the collection of proof of identity for purchasing intoxicating liquor through remote distribution. We will nevertheless closely monitor the future developments and keep in view the need to strengthen the regulation for the remote distribution of intoxicating liquor.

Proposed amendment to the prescribed notice: inclusion of a warning in the signage

4. The objective of this legislative exercise is to prohibit the sale and supply of intoxicating liquor to minors and to plug the loophole in the sale and supply of intoxicating liquor at licensed and non-licensed premises. The purpose of the standard signage is to inform potential customers and remind the staff working at the distribution point of the age requirement for the purchase of intoxicating liquor and to avoid misunderstanding. We therefore consider including a warning in the signage not necessary at this stage. Having said that, we will closely monitor the drinking pattern in Hong Kong and subject to substantial evidence, we would consider including a warning in the signage if necessary.

Food and Health Bureau
Department of Health
Department of Justice
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