

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

**List of follow-up actions arising from the discussion  
at the meeting on 21 November 2017**

Members noted that the Administration intended to move Committee stage amendments ("CSAs") to the proposed new regulation 44(1)(a) of the Dutiable Commodities (Liquor) Regulations (Cap. 109B) ("the Regulations") such that inspectors appointed by the Secretary for Food and Health pursuant to the proposed regulation 43(1) ("inspectors") might "at any reasonable time enter and inspect an area in a distribution point as the inspector considers necessary to ascertain whether this Part (i.e. Part 5) is complied with". Some members expressed concern that it was not expressly stipulated under the proposed regulation 44(1) that inspectors should have reasonable suspicion that an offence under the new Part 5 of the Regulations had been committed before they could exercise the powers as set out under the proposed regulation 44(1)(d) to (i). The Administration was requested to:

- (a) consider (i) members' concern that the powers given to inspectors pursuant to the aforesaid provisions were too wide; (ii) members' suggestion to further amend the proposed regulation 44(1) in order to clarify the circumstances under which the inspectors would exercise their powers; and (iii) giving examples to illustrate how the inspectors would in actual operation exercise such powers; and
- (b) give examples of similar provisions in other ordinances (e.g. the Smoking (Public Health) Ordinance (Cap. 371)) which empowered public officers to enter public places/non-domestic premises for routine checking.

2. The Administration also proposed to move CSAs to add a new regulation 44A to the effect that if satisfied by information on oath that there were reasonable grounds for suspecting that there was in the premises anything that was or was likely to be evidence of an offence under Part 5 of the Regulations, a magistrate might issue a search warrant in respect of the domestic premises. Inspectors might then enter and search the domestic premises and exercise their powers as set out under the proposed regulation 44(1)(b) to (i) within the domestic premises. Concern was raised about the proportionality and necessity of the proposed new regulation 44A, which provided inspectors with the power to enter domestic premises. The Administration was requested to consider whether amendments should be made to the Bill in respect of the powers of inspectors, given members' concerns over the proposed regulations 44 and 44A.

3. The Administration was also requested to provide the number of inspections conducted by the Tobacco Control Office of the Department of Health in relation to domestic/private premises in the past two years, and to advise on whether any practical difficulties had been encountered by frontline staff in conducting the inspections.

4. In relation to Dr KWOK Ka-ki's proposed CSAs, in particular, the proposed CSA to the prescribed notice, i.e. to add at the end of the prescribed notice the following words: "Alcohol causes lifelong harm to people" ("酒精害人，影響健康"), the Administration was requested to consider in particular, whether the proposed CSA was relevant to the subject matter of the Bill.

5. As the Administration advised that it would propose further CSAs to the Bill to rectify certain editorial errors, members requested the Administration to provide the finalized version of its proposed CSAs to the Bills Committee for timely consideration by members.