

Dutiable Commodities (Amendment) Bill 2017
Debate and voting arrangements

Object of the Bill : To amend the Dutiable Commodities Ordinance (Cap. 109) and the Dutiable Commodities (Liquor) Regulations (Cap. 109B) (“the Regulations”) to:

- (a) prohibit the sale of intoxicating liquor from vending machines;
- (b) prohibit the sale or supply of intoxicating liquor to minors in the course of business;
- (c) impose requirements for a prescribed notice and age declaration for the sale or supply of intoxicating liquor; and
- (d) provide for related matters.

First debate	: Clauses with no amendment – Clauses 1 to 6
Voting	: To vote on the above clauses standing part of the Bill
Second debate	: Clause with amendments – Clause 7 proposed by Secretary for Food and Health (“SFH”)
Joint debate on the original clause and the amendments	
Debate theme: Regulation of the sale or supply of intoxicating liquor in the course of business	
<u>SFH’s amendments</u>	
The amendments seek to amend the provisions in the new Part 5 in the Regulations under clause 7 of the Bill.	
<u>1st group of amendments</u> (proposed regulations 35, 37, 44(1)(a) and 44(2))	
<ul style="list-style-type: none"> - To amend the proposed regulation 37 to specify that a person delivering intoxicating liquor in the course of business for another person who sells or supplies the liquor would not be regarded as selling or supplying the liquor, thus not subject to the new regulatory regime, provided that such person is not employed by the seller or supplier nor involved in the sale or supply of the liquor; and to make corresponding amendment to the proposed regulation 35 to delete the definition of “agent”. 	

- To amend the proposed regulation 44(1)(a) to replace “public place” with “distribution point” (which means a place “(other than domestic premises) where intoxicating liquor is or has been sold or supplied in the course of business”) to specify clearly the areas where inspectors may exercise their powers; and to make corresponding amendments to the proposed regulations 35 and 44(2) to add the definitions of “domestic premises” and “distribution point” respectively.

2nd group of amendment (the proposed new regulation 44A)

- To add the new regulation 44A to specify that a magistrate may allow an inspector to collect evidence of an offence under the new Part 5 of the Regulations in a domestic premises by issuing a search warrant, provided that the magistrate meets the specified conditions.

Order of Voting	Remarks
SFH’s 1 st group of amendments	To first vote on SFH’s 1 st group of amendments. Irrespective of whether the 1 st group of amendments are passed or not, SFH <u>may move</u> the 2 nd group of amendment.
SFH’s 2 nd group of amendment	

SFH’s amendments

(set out in LC Paper No. CB(3) 332/17-18 issued on 31 January 2018)

Council Business Division 3
Legislative Council Secretariat
 6 February 2018