

立法會
Legislative Council

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Paper for the House Committee meeting on 26 January 2018

**Report of the Bills Committee on
Dutiable Commodities (Amendment) Bill 2017**

Purpose

This paper reports on the deliberations of the Bills Committee on Dutiable Commodities (Amendment) Bill 2017 ("the Bills Committee").

Background

2. According to the World Health Organization ("WHO"), alcohol consumption is associated with major non-communicable diseases such as cancers, cardiovascular diseases and diabetes. Alcoholic beverages are classified as a Group 1 carcinogen (cancer-causing to humans) by the International Agency for Research on Cancer of WHO, the same grouping as tobacco smoke, asbestos and ionizing radiation. Alcohol affects, in particular, the developing brain in adolescence including impairing the memory and affecting the development of the nervous system as well as reducing self-control ability. In 2010, the 63rd session of the World Health Assembly¹ endorsed a global strategy to reduce the harmful use of alcohol. A policy option and intervention proposed therein is to establish an appropriate minimum age for purchase or consumption of alcoholic beverages in order to raise barriers against the sale to adolescents and hence their consumption of alcoholic beverages. According to the Global Status Report on Alcohol and Health 2014² published by WHO, only 21 out of the 166 reporting economies had no age restrictions for off-premises purchase of any of the three types of alcoholic beverage under survey (i.e. beer, wine and spirits) in 2012. Among the economies which have imposed a minimum age for purchasing alcohol, the minimum age ranges from 10 to 25, with 18 years being the most common minimum age.

¹ The World Health Assembly is the decision-making body of WHO.

² The Global Status Report on Alcohol and Health 2014 can be accessed at the website of WHO (http://www.who.int/substance_abuse/publications/alcohol_2014/en/).

3. In Hong Kong, the sale and supply of intoxicating liquor³ for consumption on premises is regulated through a liquor licensing regime as laid down in the Dutiable Commodities (Liquor) Regulations (Cap. 109B) ("the Regulations"). Regulation 28 of the Regulations provides that no licensee shall permit any person under the age of 18 years to drink any intoxicating liquor on any licensed premises⁴ (such as bars and restaurants). Intoxicating liquor is also available for sale on non-licensed premises (such as liquor stores, retail/convenience stores and supermarkets). However, the law currently does not prohibit the sale and supply of intoxicating liquor to minors⁵ on licensed premises or non-licensed premises for off-premises consumption, the sale of intoxicating liquor to minors through remote means (such as orders received through electronic means, over the phone and by mail), and through vending machines.

4. According to the Administration, the retail industry has been refraining from selling intoxicating liquor to minors on a voluntary basis. However, there have been concerns over the effectiveness of such a voluntary measure. For the overall well-being of minors and to plug the loophole in the sale of intoxicating liquor to minors on licensed and non-licensed premises as well as through remote means, the Administration considers it necessary to amend the law to prohibit the commercial sale and supply of intoxicating liquor to minors to achieve the effect of limiting minors' access and exposure to alcohol to help protect the health of adolescents.

The Bill

5. The Dutiable Commodities (Amendment) Bill 2017 ("the Bill") was introduced into the Legislative Council on 21 June 2017. The Bill seeks to amend the Dutiable Commodities Ordinance (Cap. 109) and 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;

³ Under section 53 of the Dutiable Commodities Ordinance (Cap. 109), "intoxicating liquor" includes spirits, liqueurs, wines, beer and all other liquors fit or intended for use as a beverage.

⁴ Under regulation 2 of the Dutiable Commodities (Liquor) Regulations (Cap. 109B), "licensed premises" means the premises specified in a liquor licence on which the sale of intoxicating liquor is permitted pursuant to the licence.

⁵ Under section 3 of the Interpretation and General Clauses Ordinance (Cap. 1), "minor" is defined to mean a person who has not attained the age of 18 years.

- (c) impose a requirement on seller/supplier to display or publish a prescribed notice for the sale or supply of intoxicating liquor in face-to-face and remote distribution;
- (d) impose a requirement on seller/supplier to receive an age declaration from the purchaser/recipient for remote distribution; and
- (e) provide for related matters.

The Bills Committee

6. At the House Committee meeting on 23 June 2017, Members formed a Bills Committee to study the Bill. The membership list of the Bills Committee is in **Appendix I**.

7. Under the chairmanship of Hon YIU Si-wing, the Bills Committee has held five meetings with the Administration. The Bills Committee has also met with eight deputations at one of these meetings. A list of the organizations which have provided views to the Bills Committee is in **Appendix II**.

Deliberations of the Bills Committee

Prohibition against the sale or supply of intoxicating liquor to minors

8. Members in general are supportive of the proposed prohibition against the sale and supply of intoxicating liquor to minors. However, some members including the Chairman, Mr Paul TSE, Mr Holden CHOW and Mr SHIU Ka-fai consider that the Administration should make it clear whether the restrictions on the sale and/or supply of intoxicating liquor to minors under the new regulatory regime, as set out in the new Part 5 of the Regulations, are intended to apply only to the transaction process involving the sellers or suppliers and purchasers or recipients; and whether the Bill only proposes to regulate the acts of selling or supplying intoxicating liquor in the course of business and not the delivery process of such liquor to another place by persons who are not employed by the sellers or suppliers and are otherwise not involved in the sale or supply of intoxicating liquor.

9. The Administration has advised that if a person responsible for delivering the liquor is under the direct employment of the seller or supplier, that person should take reasonable actions to ensure that the purchaser or the recipient of the intoxicating liquor is aged 18 or above (e.g. checking the proof of identity of the

purchaser or recipient) if he/she has reasonable suspicion that the purchaser or recipient is a minor. For any person who delivers the liquor to a purchaser or recipient, who is not employed by the seller or supplier and who is not otherwise involved in the sale or supply of the intoxicating liquor, according to the Administration, the legislative intent under the proposed new regulation 35 is that such a person will not constitute an agent, given that under the Bill, it is proposed that an "agent", in relation to a sale or supply of intoxicating liquor, does not include a person who delivers the liquor in the course of business but is not otherwise involved in the sale or supply. Taking note of the Administration's explanation, Mr Paul TSE and Mr Holden CHOW suggest that for avoidance of doubt, the Administration should amend the Bill to clearly exclude from the operation of the new regulatory regime persons who are only engaged in delivering the intoxicating liquor in the course of business and are not otherwise involved in the sale or supply of the liquor. To address members' concern, the Administration has agreed to propose Committee stage amendments ("CSAs") to this effect. In response to the enquiry of the Legal Adviser to the Bills Committee, the Administration has confirmed that in relation to a sale or supply of intoxicating liquor, the proposed CSAs to the proposed regulation 37 seek to provide that a person who delivers the liquor in the course of business for another person who sells or supplies the liquor, who is not employed directly by the seller or supplier and who is not otherwise involved in the sale or supply of the liquor would not be subject to the new regulatory regime, i.e. he/she does not have any obligation under the law to take any measures to prevent intoxicating liquor from being sold or supplied to a minor in the course of business. To facilitate the trade's compliance with the new requirements, the Administration will provide detailed guidelines to recommend actions to be taken at the point of delivery by persons employed by the seller or supplier of intoxicating liquor who are responsible for delivering the liquor.

Requirements relating to age declaration and inspection

Proof of identity for remote distribution

10. Regarding the requirement on purchasers or recipients to declare that they have reached the age of 18 before intoxicating liquor is sold or supplied to them in remote distribution, Dr KWOK Ka-ki has expressed concern that enforcement agencies will be unable to verify the truthfulness of the purchasers' declarations made online or through other remote means if production of proof of identity is not required in the ordering process. He opines that this will create a loophole whereby minors may purchase intoxicating liquor through remote means in order to avoid the need to provide proof of identity upon request when purchasing intoxicating liquor in face-to-face distribution, e.g. in an actual store. To ensure that the age declaration requirement for remote distribution will have actual effect in prohibiting the sale or supply of intoxicating liquor to minors,

Dr KWOK has suggested that the Administration should impose a requirement that for remote distribution of intoxicating liquor, a purchaser will have to furnish a copy of his/her proof of identity before intoxicating liquor is sold, settle the payment using only primary/principal credit cards or provide proof of identity for inspection upon request when the intoxicating liquor is delivered.

11. The Administration has responded that in proposing the age declaration requirement for remote distribution of intoxicating liquor, the Administration has made reference to the experience of overseas jurisdictions such as New Zealand. The existing proposal can strike a balance between safeguarding public health and avoiding undue regulation. The Administration has drawn the attention of the Bills Committee to the fact that if, for remote distribution, a purchaser or recipient is required to produce proof of identity, it may have significant implications on issues of privacy and cyber security regarding the collection and subsequent handling of personal data. As to the suggestion of requiring the settlement of payment only by primary/principal credit cards, members have noted that holders of supplementary credit cards are not necessarily under 18, and the card number of the principal and supplementary credit card could also be identical. As such, it is not possible to identify just any supplementary card simply from the card number. Alternatively, the Administration will include in the guidelines for trade's reference advice on how to comply with the new requirements, e.g. keeping proper records on age declarations received and maintaining transaction records of the sale and supply of intoxicating liquor through remote means for inspection by officers of Department of Health ("DH").

12. The Administration has stressed that the main objective of this legislative amendment exercise is to remove a current inconsistency whereby regulation 28 of the Regulations provides that no licensee shall permit any person under the age of 18 to drink any intoxicating liquor on any licensed premises; but the sale or supply of intoxicating liquor to minors is not prohibited, in particular on non-licensed premises such as retail outlets with convenient access to intoxicating liquor. More stringent control on remote distribution will involve elaborate requirements and significant implications in implementation and hence, is not the priority of the Government in this legislative exercise. The Administration has nevertheless assured members that it will closely monitor future developments and keep in view the need to further strengthen the regulation of remote distribution of intoxicating liquor.

Display of the prescribed notice

13. Mr Holden CHOW and Mr SHIU Ka-fai are concerned that the requirement on frontline salespersons to check the proof of identity of a purchaser or recipient if it is suspected that the purchaser or recipient is below the

age of 18 in a face-to-face distribution would overburden the trade and may give rise to disputes between the frontline staff and purchasers or recipients. The Administration has advised that the requirement for a sign containing the prescribed notice, which states the prohibition of sale or supply of intoxicating liquor to minors, has to be displayed in a prominent position at the place of sale or supply will facilitate the frontline staff to carry out the inspection of proof of identity.

14. In response to the Chairman's suggestion of specifying the size and format of the prescribed notice for remote distribution, the Administration has informed members that having considered the technical difficulties that may be encountered in actual operation, the Administration will not specify the size of the prescribed notice for remote distribution which may be published in the form of a visual image or a series of moving visual images. The prescribed notice should, however, be reasonably legible. To facilitate the trade's compliance with the display of the prescribed notice, the Administration will provide detailed guidelines and templates on the content, layout and format of the prescribed notice to be published in different forms for the trade's reference. After the passage of the Bill, inspectors of DH will conduct compliance checks to ensure that the notice requirement for remote distribution is complied with.

15. Dr KWOK Ka-ki has proposed to add at the end of the prescribed notice a health warning statement "Underage drinking poses serious health hazards."⁶ with the purpose of serving as a warning to consumers about the harm of alcohol to minors. The Administration has reiterated that the objective of the Bill is to prohibit, in the course of business, the sale or supply of intoxicating liquor to minors for the overall well-being of minors and to plug the existing loophole in the current legislation. The proposed statutory control aims to impose requirements only on the sale or supply of intoxicating liquor, rather than to add any health warning. The purpose of the prescribed notice is not related to health warning. While the Administration has no objection to the content of the health warning itself, it is of the view that the amendment proposed by Dr KWOK is out of scope and not relevant to the subject matter of the Bill as well as to the subject matter of the clause to which it relates.

16. The Administration has also advised that DH has been educating the public about alcohol-related harm, in particular among young people, by working with youth and parent groups, schools, healthcare professionals and relevant bureaux/

⁶ Dr KWOK Ka-ki originally proposed to amend the Bill to add "Alcohol causes lifelong harm to people." at the end of the prescribed notice in the new Schedule to the proposed new Part 5. He has amended his proposed CSAs after the Administration has explained that the purpose of requiring the display of signs containing the prescribed notice is to inform potential customers and to remind salespersons of the age requirement for the sale and supply of intoxicating liquor.

government departments through various channels. DH will step up efforts to combat underage drinking and a series of public education and publicity activities will be launched. After the passage of the Bill, DH will continue to strengthen public literacy about the harmful effects of drinking, especially on youth, and about making alcohol-free choices as part of healthy living by enabling and facilitating partnerships among stakeholders.

Defences

17. In response to members' question on which party, e.g. the business operators, the salespersons concerned or the person responsible for delivery, should bear criminal liability for selling or supplying intoxicating liquor to minors in the course of business, the Administration has advised that while it depends on the circumstances of each case, it is, under the Bill, a defence for a person charged for selling or supplying intoxicating liquor to minors to establish that he/she has, in the case of face-to-face distribution, inspected a proof of identity purporting to be the proof of identity of the purchaser or recipient of the intoxicating liquor before it is sold or supplied and has been reasonably satisfied that the purchaser or recipient is not a minor; and in the case of remote distribution, he/she has, before the intoxicating liquor is sold or supplied, received a declaration that the purchaser or recipient has reached the age of 18, and there is no circumstance that causes him/her to reasonably suspect that the declaration is false.

18. The Legal Adviser to the Bills Committee has sought clarification from the Administration on whether the defence for remote distribution provided under the proposed regulation 39(2) is intended to apply to persons including employees only responsible for delivering intoxicating liquor which is sold or supplied by their employers, and whether such employees who may only be responsible for making deliveries and not otherwise involved in the transaction process will be deemed to have received a declaration under paragraph (a) of the proposed regulation 39(2), which is one of the conditions for invoking the defence.

19. The Administration has explained to the Bills Committee that in case a person is charged by reason of the act of another person, it is a defence for the former under the proposed regulation 39(3) to establish that reasonable measures (e.g. provision of adequate training/guidelines to salespersons, display of sign at the place of sale or supply (for face-to-face distribution) or in an offer to sell or to supply (for remote distribution) containing the prescribed notice which states that no intoxicating liquor will be sold or supplied to any person under 18 years of age etc.) have been put in place to prevent intoxicating liquor from being sold or supplied by that other person in the course of business to a minor. Under the proposed regulation 39(2), if a person is charged because of the person's act, it is

a defence for the person to establish that, before the intoxicating liquor is sold or supplied, he/she has received a declaration to the effect that the purchaser or recipient of the liquor has reached the age of 18 and there is no circumstance that causes him/her to reasonably suspect that the declaration is false. An employee responsible for delivering intoxicating liquor sold by his/her employer should confirm with the purchaser at the point of delivery, e.g. by phone, whether the intoxicating liquor is being sold to someone over 18 years of age, such that the employee may invoke the defence under the proposed regulation 39(2) should he/she be charged under the proposed regulation 37.

Enforcement

Meaning of "proof of identity"

20. The Bills Committee notes that in the new Part 5 of the Regulations, the term "proof of identity" is defined under the proposed regulation 35 as having the meaning given by section 17B(1) of the Immigration Ordinance (Cap. 115) ("IO"). Mr Paul TSE has suggested that the Administration should consider whether the definition of "proof of identity" should, apart from a person's valid identity card and a valid travel document held by that person (e.g. a passport), also include Hong Kong driving licence or other identity documents on which a person's date of birth is shown (e.g. Home Return Permit) to give greater flexibility to persons when asked to provide proof of identity for inspection during the sale or supply of intoxicating liquor.

21. The Administration has informed the Bills Committee that according to section 17B(1) of IO, "proof of identity" in relation to any person means:

- (a) his valid identity card;
- (b) a document issued by the Commissioner of Registration acknowledging that that person has applied:
 - (i) to be registered under the Registration of Persons Ordinance (Cap. 177); or
 - (ii) for a new identity card under regulation 13 or 14 of the Registration of Persons Regulations (Cap. 177A);
- (c) a valid travel document held by him;
- (d) documentary proof of identity officially issued to him for the purpose of his service in the Chinese People's Liberation Army; or

- (e) a Vietnamese refugee card issued to him.

Under section 17C(1) of IO, every person who has attained the age of 15 and is the holder of an identity card shall have with him/her at all times proof of his/her identity. Apart from a valid identity card, there are other choices of proof of identity (including a valid travel document) provided under section 17B of IO. The Administration is of the view that it is reasonable to adopt the meaning of "proof of identity" under IO for the purpose of the Bill, as the meaning provided therein is sufficiently clear and will enable effective compliance. On the other hand, the Home Return Permit and the Hong Kong driving licence do not fall within the meaning of "proof of identity" under section 17B(1) of IO. The Administration considers it reasonable to follow the legal requirement adopted by the Immigration Department of the Hong Kong Special Administrative Region Government.

Entry into and inspection of an area in a public place

22. The Legal Adviser to the Bills Committee has pointed out that under the proposed regulation 44(1)(a), inspectors are empowered to, "at any reasonable time", "enter and inspect an area in a public place as the inspector considers necessary to ascertain whether this Part is complied with" (i.e. the new Part 5 of the Regulations); however, the term "public place" is not defined in the Bill or in the Regulations. The Legal Adviser has sought clarification from the Administration whether in referring to "public place" in the new regulation 44(1)(a), it is intended that the definition of "public place" in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) ("IGCO") would apply.

23. The Administration has advised that the definition of "public place" under section 3 of IGCO would apply⁷. However, given that the meaning of "public place" would likely affect how the requirements under the Bill are to be enforced, the Administration has proposed to amend the new regulation 44(1)(a) to replace the term "public place" with a defined term "distribution point" to make clear that the inspectors' power under the proposed regulation 44(1)(a) is to be exercised in respect of places falling within the definition of "distribution point". The Administration has also proposed to move CSAs to add a new regulation 44A to the effect that if satisfied by information on oath by an inspector that there are reasonable grounds for suspecting that there is within domestic premises (a definition of "domestic premises" is provided under the proposed CSAs) anything that is or is likely to be evidence of an offence under the new Part 5 of the Regulations, a magistrate may issue a search warrant in respect of such

⁷ Under IGCO, public place means (a) any public street or pier, or any public garden; and (b) any theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have or are permitted to have access.

premises. Inspectors may then enter and search the domestic premises and exercise their powers as set out under the proposed regulation 44(1)(b) to (i) in the domestic premises.

Scope of powers of inspectors

24. Some members including Prof Joseph LEE, Mr Paul TSE and Mr SHIU Ka-fai have expressed concern about the proportionality and necessity of the proposed new regulation 44A. Query has been raised as to whether the powers given to inspectors pursuant to the proposed regulations 44(1)(a) to (i) are too wide.

25. The Administration has advised that in order to ensure effective enforcement, it is necessary to provide the inspectors with sufficient powers to ascertain compliance with the statutory requirements. According to the Administration, the proposed regulations 44(1)(a) to (i) set out the powers of inspectors. Given that inspectors have to carry out routine regulatory inspections of distribution points to ascertain whether the requirements in the new Part 5 are complied with, the power as set out in the proposed regulation 44(1)(a) would enable the inspectors to enter and inspect a distribution point at any reasonable time. In the course of such inspection, the inspector may come across evidence of an offence under the new Part 5. Under the proposed regulations 44(1)(b) to (i), the inspector is empowered to seize what appears to be evidence of an offence and to exercise other ancillary powers, such as taking samples, making copies of documents and requesting for information.

26. The Administration has stressed that the proposed regulation 44 does not give inspectors unrestricted powers. Those powers can only be exercised subject to various safeguards as follows:

- (a) the power of entry to, and inspection of, a distribution point can only be exercised at a reasonable time;
- (b) the power to require a person to provide his/her name and address and proof of identity can only be exercised if the inspector reasonably suspects that that person is involved in an offence under the new Part 5;
- (c) the power to seize anything can only be exercised if it appears to the inspector to be the evidence of an offence under the new Part 5;
- (d) the power to obtain evidence or information can only be exercised if the evidence or information is in connection with an offence under the new Part 5; and

- (e) the power to require assistance or information can only be exercised if the assistance or information enables the inspector to perform his/her function under the new Part 5.

The Administration has advised that the powers proposed under regulation 44(1) are no more than necessary to facilitate inspectors to ascertain compliance with the new Part 5.

27. The Administration has further explained that the proposed regulation 44A provides a power to enter, search and collect evidence of an offence under the new Part 5 within domestic premises. This power can only be exercised upon the inspectors obtaining prior judicial authorization by a magistrate, who will only issue a search warrant upon being satisfied that there are reasonable grounds for suspecting that there is or likely to be evidence of an offence under the new Part 5 in the domestic premises. In this connection, the Administration considers that empowering an inspector to enter and search domestic premises with the authority of a warrant issued by a magistrate is reasonable and proportionate because it strikes a fair balance between the detection and investigation of an offence under the new Part 5 and the protection of privacy in domestic premises.

Manpower and resources for enforcement

28. In response to members' enquiries about the manpower and resources to be allocated for carrying out inspections and enforcement actions in respect of sale or supply of intoxicating liquor to minors under the new regulatory regime, the Administration has advised that DH is planning to set up an Alcohol Enforcement and Publicity Unit after the passage of the Bill. The Administration will allocate resources to set up an enforcement team to (a) monitor and ensure compliance during periodic checks on selected retail outlets such as retail stores and licensed premises which sell intoxicating liquor, (b) handle complaints, and (c) monitor and conduct surveillance concerning remote distribution. DH will also work out enforcement strategies and priorities to ensure effective implementation of the regulatory regime. Besides, a team will also be established to provide back-end support for prosecution, administrative services, and public education and publicity.

Adaptation period

29. The Administration has advised that, after deliberations, it has decided to give a six-month adaptation period so that the trade would have ample time to prepare for the new regulatory regime.

Committee stage amendments

30. The Bills Committee has examined and raised no objection to CSAs to be moved by the Administration, as mentioned in paragraphs 9 and 23 above. A full set of the draft CSAs to be moved by the Administration is in **Appendix III**.

31. The Bills Committee will not move any CSAs to the Bill, but notes that Dr KWOK Ka-ki may move CSAs, as mentioned in paragraph 15 above, in his own name.

Resumption of Second Reading debate

32. The Bills Committee supports the resumption of the Second Reading debate on the Bill, subject to the moving of CSAs by the Administration. The Administration has informed the Bills Committee of its intention to resume the Second Reading debate on the Bill at the Council meeting of 7 February 2018.

Advice sought

33. Members are invited to note the deliberations of the Bills Committee.

Council Business Division 2
Legislative Council Secretariat
25 January 2018

Bills Committee on Dutiable Commodities (Amendment) Bill 2017

Membership list

Chairman	Hon YIU Si-wing, BBS
Members	Prof Hon Joseph LEE Kok-long, SBS, JP Hon Paul TSE Wai-chun, JP Dr Hon KWOK Ka-ki Dr Hon Junius HO Kwan-yiu, JP Hon Holden CHOW Ho-ding Hon SHIU Ka-fai Hon KWONG Chun-yu (Total : 8 members)
Clerk	Miss Josephine SO
Legal Adviser	Miss Joyce CHAN
Date	18 July 2017

Appendix II

Bills Committee on Dutiable Commodities (Amendment) Bill 2017

List of organizations which have submitted views to the Bills Committee

1. Democratic Alliance for the Betterment and Progress of Hong Kong
2. Hong Kong Ample Love Society Limited
3. KELY Support Group
4. Liberal Party
5. The Civic Party
6. The Lion Rock Institute
7. Tung Wah Group of Hospitals 「Stay Sober Stay Free」 Alcohol Abuse Prevention and Treatment Service
8. Tung Wah Group of Hospitals Integrated Centre on Addiction Prevention and Treatment
- *9. Tibetan Culture Exchange Hub

* Organization which has submitted written views only.

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— <p style="margin-left: 40px;"><i>“domestic premises (住宅) means any premises that have been constructed to be used, and are used, as a private dwelling;”</i>.</p>
7	In the proposed regulation 37, by adding— <p style="margin-left: 40px;">“(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—</p> <p style="margin-left: 80px;">(a) delivers the liquor in the course of business for another person who—</p> <p style="margin-left: 120px;">(i) sells or supplies the liquor; and</p> <p style="margin-left: 120px;">(ii) is not the employer of the first-mentioned person; and</p> <p style="margin-left: 80px;">(b) is not otherwise involved in the sale or supply of the liquor.”.</p>
7	In the proposed regulation 44(1)(a), by deleting “public place” and substituting “distribution point”.
7	In the proposed regulation 44(2), by adding in alphabetical order— <p style="margin-left: 40px;"><i>“distribution point (分發地點) means a place (other than domestic premises) where intoxicating liquor is or has been sold or supplied in the course of business;”</i>.</p>
7	By adding— <p style="margin-left: 40px;">“44A. Warrant to search domestic premises etc.</p>

- (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 any 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.”.