

Import and Export (Amendment) Bill 2023

Debate and voting arrangements

Object of the Bill : To amend the Import and Export Ordinance (Cap. 60) (“IEO”) to provide for the prohibition on importing alternative smoking products (“ASPs”) and the exemptions from it; and to make related amendments to certain other enactments.

Joint debate : Clauses with no amendment, and a clause — Clauses 1 to 9 with amendment by Dr Hon David LAM

Joint debate on the original clauses and the amendment.

Dr Hon David LAM’s amendment

Enforcement arrangements in relation to the importation offences of ASPs

Clause 3

- To amend the proposed new section 13O(3) of IEO to the effect that, in respect of an article seized, removed or detained by members of the Customs and Excise Department (“C&ED”) under the proposed new section 13N(4) of IEO,¹ if the article is, or a member of C&ED reasonably suspects that it is: (a) an article in transit on an aircraft, (b) an article in transit in a vessel, (c) an air transshipment cargo, or (d) a specified intermodal transshipment cargo, the article concerned would not be required to be transferred to a public officer appointed under section 15F of the Smoking (Public Health) Ordinance (Cap. 371), i.e. tobacco and alcohol control inspector, for enforcement actions, and members of C&ED would take up the enforcement actions.

Voting order : 1. Clauses with no amendment (i.e. clauses 1, 2 and 4 to 9) standing part of the Bill
2. Dr Hon David LAM’s amendment (to amend clause 3)
3. Clause 3 with or without amendment standing part of the Bill

Dr Hon David LAM’s amendment

(set out in LC Paper No. CB(3)506/2023(01) issued on 16 June 2023)

Council Business Division 3
Legislative Council Secretariat
19 June 2023

¹ The proposed new section 13N(4) of IEO provides that a member of the Customs and Excise Service may seize, remove or detain any article if the member reasonably suspects that (a) the article is an ASP; and (b) an offence of importing ASPs under the proposed new section 13B of IEO has been, is being or is about to be committed in respect of the article.