



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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By Post & Fax

11 April 2013

Dr Ko Wing-man, BBS, JP
Secretary for Food and Health
Food and Health Bureau
18th floor,
East Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar,
HONG KONG
(Fax No.: 2840 0467)

Dear

Secretary,

**Administration's motion to amend the Import and Export (General)
(Amendment) Regulation 2013 (L.N. 25 of 2013)**

I refer to the notice given by the Secretary to move a motion to amend the definition of "powdered formula".

To address the concern of members of the Subcommittee on the Regulation over the definition, the Administration submitted a re-draft of the definition to the Subcommittee for its deliberations. However, the draft motion to amend the Regulation for proposing the new definition was not provided to the Subcommittee for scrutiny. The motion was made available to the Secretariat for all Members when the Secretary submitted the notice for moving the motion late last night and a short while before the deadline.

On behalf of the Subcommittee, I have now scrutinised the motion to be moved by the Secretary (the proposed resolution). As problems relating to the drafting of the revised definition have been fully canvassed

by subcommittee members, my only observation concerns the commencement of the revised definition.

It is noted that if the proposed resolution is passed, it should take effect upon gazettal, as no other date for its commencement is specified in the proposed resolution. When taking effect after gazettal, the revised definition would replace the existing one in L.N. 25, which will be amended accordingly. However, as section 1 of L.N. has not been amended, the operational date of the L.N., section 3 of which has then been so amended, would remain to be 1 March 2013. It may therefore appear that section 3, as amended, would also have taken retrospective effect from 1 March 2013.

I would be grateful if clarification could be made on the above understanding and on the effect of the proposed resolution as regards the operational date of the revised definition for the reference of subcommittee members at your earliest convenience, in any event not later than the Council meeting of 17 April 2013, at which the proposed resolution is to be moved.

Yours sincerely,



(Arthur CHEUNG)

Senior Assistant Legal Adviser

c.c. Clerk to Subcommittee on the Import and Export (General)
(Amendment) Regulation 2013