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To <fhbenq@fhb.gov.hk>

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Subject Re: Views on the legislative proposals of Amendments to Import and Export (General) Regulations (Cap. 60, sub. leg. A)

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To Whom It May Concern

We understand that the Government's primary objective to amend the Import and Export (General) Regulations is to combat cross-the-border parallel trading activities on Infant Milk Powder and stabilize supply for local market in the long run. However, we also suggest that the Government should consider the possible negative impacts to different business entities once the legislative proposals approved. We foresee that the downside of this regulation would increase business operation costs and upset normal business trading activities of current market practitioners.

Under the new amendments, our sole agent has to apply for export license at least twice a month in order to continue our normal business practice in Macau. In addition, even though our Hong Kong branch office does not registered as importer, there are occasions that we have to send some samples or consumer complaint products to our Japan Head office for follow up services. Based on our understanding from the consultation documents, we have to register as importer under Food Safety Ordinance (which we are not sure whether 2 importers on same product category can be allowed under current scheme or not) and also obtain export permission for sending some product samples to our head office. All these undoubtedly shall increase our business operating costs and upset our normal business trading activities which do not have a correlation with the parallel trading activities of Infant Milk Powder at all.

Another point worth to consider is, under the Hospital Authority's tender system, vendors are required to conduct independent laboratory tests on certain mandatory items of nutrients and only products meeting the HA specifications can be supplied to HA hospitals. Therefore, we have to send our milk powder to accredited Independent Laboratory for conducting test. As we know independent laboratory will also send the milk powder samples to their Asia or China branches to conduct test on certain nutrients as the HK laboratory cannot conduct a complete test on all items. The intended amendments of regulations ought to address this issue in order not to create a conflict with HA's current tender policy.

With this regard, sincerely hopes that the Amendments to Import and Export (General) Regulations (Cap. 60, sub. leg. A) should grant exemptions to milk powder manufacturers, distributing agents which help to distribute infant milk powder to the retail market in Hong Kong and Macau as well as internationally accredited laboratories.

Last but not the least, we wish to keep our company name and personal data submitted in this email confidential from public.

Thank you for your kind attention.

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