

**Business Facilitation Advisory Committee  
Task Force on Business Liaison Groups**

***Dutiable Commodities (Amendment) Ordinance 2018 –  
Prohibition on the Sale and Supply of Intoxicating Liquor to Minors in  
the Course of Business***

**Purpose**

This paper briefs members on the main features and progress of the Dutiable Commodities (Amendment) Ordinance to prohibit the sale and supply of intoxicating liquor to minors in the course of business.

**Background**

2. The Dutiable Commodities (Amendment) Bill 2017 aims to prohibit the sale and supply of intoxicating alcohol to minors (persons aged below 18) in the course of business. The Bill was passed by the Legislative Council on 8 February 2018. The Commencement Notice was gazetted on 27 April 2018 and the Dutiable Commodities (Amendment) Ordinance 2018 (“The Legislation”) will come into operation on 30 November 2018. The Department of Health (DH) has briefed a number of Business Liaison Groups on the main requirements of the legislation.

**The Legislation**

3. The Legislation has the following main requirements –
- (a) ***Sale and supply***: Prohibiting the sale and supply of intoxicating liquor to minors in the course of business;
  - (b) ***Vending machines***: Prohibiting the sale of intoxicating liquor from vending machines. Vending machines are a special sales channel

where there is no direct contact between the operator and the purchaser. It would be difficult to prevent sales to minors through vending machines, thus it is considered necessary to restrict the sale of intoxicating liquor from vending machines;

(c) ***Face-to-face distribution:***

- Displaying a sign containing the prescribed notice at the place of sale or supply of intoxicating liquor for face-to-face distribution (including but not limited to supermarkets, convenience stores, liquor stores etc.). The prescribed notice should be displayed in a prominent location at the premises or store, easily seen by the public, for example, above the cashier counter. It should comply with the requirements on language, shape and size, character and colour contrast. Please refer to **Annex** for the detailed requirements for and a sample of the prescribed notice;
- There is no requirement to check purchaser's or recipient's proof of identity. However, it is a defence to the person charged if the person charged had inspected the proof of identity of the purchaser or recipient of the intoxicating liquor and was reasonably satisfied that the purchaser or recipient was not a minor; and

(d) ***Remote distribution:*** Displaying a sign containing or expressing the contents of the prescribed notice and to receive an age declaration from the purchaser or recipient for remote distribution (including but not limited to online liquor stores, telephone orders, email orders, etc.). Fulfilment of the latter requirement on declaration is a defence to the person charged if there was no circumstance that caused the person charged to reasonably suspect that the declaration was false.

4. Offenders of requirements (a) and (b) above are liable to a fine at Level 5 (i.e. \$50,000); offenders of requirements (c) and (d) are liable to a fine at Level 4 (i.e. \$25,000).

## **Enforcement**

11. DH officers will conduct inspections and carry out enforcement actions upon receipt of intelligence and complaints. They may conduct inspections, either randomly or targeted, to check whether the vendors have displayed the prescribed notice at places or have complied with the relevant requirements. In order to share the manpower resources and achieve greater economies of scales, the Tobacco Control Office of DH will expand its scope to cover the new alcohol provisions. The new Tobacco and Alcohol Control Office (“TACO”) has commenced operation on 1 November 2018.

## **Publicity**

14. DH has issued guidelines on 1 November 2018 which was available to the public at TACO’s new website [www.taco.gov.hk](http://www.taco.gov.hk). DH has also facilitated stakeholders’ understanding of the new law and publicised the implementation of the new law through various means including organising briefing sessions, attending meetings of the Wholesale and Retail Task Force and the Business Liaison Groups, advertising via different means of mass media, distributing publicity materials to vendors and arranging a media briefing, etc.

## **Way Forward**

20. Members are invited to note the contents of this paper and offer comments, if any.

**Department of Health**  
**November 2018**

Sample of the prescribed notice -



It must:

- a. Be displayed in a prominent location at the premises or store, easily seen by the public, for example, above the cashier counter;
- b. Be rectangular in shape with sides of at least 38cm in length and 20cm in width;
- c. Be in plain and legible characters and letters; and
- d. Have characters and letters of a colour that contrasts with the background on which they appear.