

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Honourable Tommy CHEUNG

<u>Clause</u>	<u>Amendment Proposed</u>
4	<p>Interpretation</p> <p>Section 2 is amended –</p> <p>(h) by adding –</p> <p>“ “smoking room” means a room designated for smoking in a no smoking area if all the following requirements are complied with -</p> <p>(i) the room is independently ventilated and completely partitioned off from the remainder of the premise;</p> <p>(ii) a “Designated Smoking Room” sign is placed and kept in place at the entrance of the room; and</p> <p>(iii) no employee is required to enter the room while it is being occupied by customers for smoking and before smoking activity has ceased for 30 minutes.”.</p>

Clause

Amendment Proposed

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Prohibition on smoking in certain designated areas

Section 3 is amended –

(a) by repealing subsections (3) and (4)

(b) by adding –

“(5) Subsection (1AA) does not apply to—

(h) Smoking rooms in the following establishments:-

(i) restaurant premises;

(ii) bar;

(iii) karaoke establishment;

(iv) mahjong-tin kau premises/mahjong club;

(v) bathhouse; or

(vi) nightclub.”.

Clause

Amendment Proposed

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Display of signs where smoking prohibited

By repealing Section 5 and substituting –

“The manager shall place in a prominent position in each no smoking area or public transport carrier, as the case may be, signs in English and Chinese to indicate that smoking is prohibited in the no smoking area or the public transport carrier and such signs shall be of the prescribed description and shall be maintained by the manager in legible condition and good order.”.

Clause

Amendment Proposed

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PART IVB added

Section 15G (1) is amended –

“by repealing (a) and substituting –

- (a) at any time enter any place in which the inspector reasonably suspects that a relevant offence has been or is being committed; and”.

Section 15H is amended –

“by repealing (1) and substituting –

- (1) An inspector is not personally liable for any act done or omitted to be done by the inspector while exercising a power or performing a duty conferred or imposed by this Ordinance if the inspector did the act or omitted to do the act in the honest and reasonable belief that the act or omission was required or authorized by or under this Ordinance.”.

Clause

Amendment Proposed

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Designated no smoking areas

Schedule 2 is amended—

“(a) by repealing item 4;

(b) by adding—

5. Any child care centre.
6. Any school.
7. Any approved institution.
8. Any place of detention.
9. Any place of refuge.
10. Any reformatory school.
11. With the exception of smoking rooms in (e), (f), (g),
(h), (i) and (n), an indoor area in any—
 - (a) shop, department store or shopping mall;
 - (b) market (whether publicly or privately operated
or managed);
 - (c) supermarket;
 - (d) bank;
 - (e) restaurant premises;

Clause

Amendment Proposed

- (f) bar;
 - (g) karaoke establishment;
 - (h) mahjong-tin kau premises/mahjong club;
 - (i) bathhouse;
 - (j) hospital;
 - (k) maternity home;
 - (l) residential care home;
 - (m) treatment centre; or
 - (n) nightclub.
12. Any post secondary school.
13. Any specified educational establishment.”.