

Bills Committee on Smoking (Public Health) (Amendment) Bill 2005
Summary of Committee Stage amendments (CSAs) to be moved by the Administration

Relevant part of the Bill	Proposals
Clause 2 – Commencement	<p>To appoint 1 January 2007 as the commencement date for designation of new no smoking areas</p> <p>To appoint 1 August 2007 as the commencement date for repealing the exemption for display of tobacco advertisements at a retail outlet hiring not more than 2 employees</p> <p>To appoint 1 August 2009 as the commencement date for repealing the exemption for display of tobacco advertisements at a licensed hawker stall</p> <p>To appoint the publication date of the Amendment Ordinance (if passed) as the commencement date for the remaining provisions</p>
Clause 4 – Interpretation	<p>To amend the definition of “public transport carrier” so as to prohibit smoking even when it is not carrying passengers</p> <p>To revise the proposed definitions of “manager”, “restaurant premises”, “bathhouse”, “domestic premises”, “indoor”, “school” and “workplace”</p> <p>To delete the proposed definitions of “post secondary school” and “public market”</p> <p>To add new definitions for “bathing beach”, “escalator”, “massage establishment”, “public pleasure ground”, “public swimming pool” and “stadium”</p>
Clause 5 – Prohibition on	To reorganize the provisions for listing the designated no smoking areas and the exempt areas

<p>smoking in certain designated areas</p>	<p>in Parts 1 and 2 of the revised Schedule 2</p> <p>To empower the Director of Health to designate certain areas within public transport interchanges as no smoking areas</p> <p>To provide an exemption from the smoking ban for certain performances under new Schedule 5</p>
<p>Clause 6 – Display of signs where smoking prohibited</p>	<p>To abolish the requirement for managers of no smoking areas to display sufficient signs which indicate that smoking is prohibited</p>
<p>Clause 8 – Offences under Part II</p>	<p>To abolish correspondingly the offence of failing to place no smoking signs</p>
<p>Clause 11 – Offences under Part III</p>	<p>To increase fines for offences under Part III</p> <p>To ban the sale of tobacco products in packets or retail containers bearing the words “light”, “lights”, “mild”, “milds”, “low tar”, “醇”, “焦油含量低”, “低焦油”, “淡味” or “柔和” or other words which imply or suggest that those products are less harmful than other tobacco products, unless exempted under the new Schedule 5A</p>
<p>Clause 13 – Tobacco advertisements in printed publications</p>	<p>To prohibit the publishing of tobacco advertisements in printed documents printed in Hong Kong</p>
<p>Clause 15 – Meaning of tobacco advertisement</p>	<p>To require the trade name or brand name of a tobacco product not to form a prominent part of certain exempted tobacco advertisements</p>

	<p>To further tighten up the restrictions relating to the display of price boards of tobacco products, including the requirement for a prescribed health warning</p> <p>To allow the display of 3 sets of catalogues listing out names and prices of cigars offered for sale in cigar shops</p>
New clause – Offences under Part IV	To increase the fines for offences under Part IV from level 4 to level 5
Clause 18 – Part IVB added (Provisions relating to inspectors)	<p>To revise the powers of inspectors so that they may not enter a place in which he reasonably suspects that a relevant offence is likely to be committed</p> <p>To empower inspectors, for the purpose of ascertaining whether the relevant provisions of the Ordinance are complied with, to enter and inspect a no smoking area in places where the public are entitled to have access and to obtain evidence or require assistance to enable them to perform their duties under the Ordinance</p> <p>To add a mechanism for the disposal of any property seized by inspectors</p> <p>To make corresponding revision to the interpretation clause of this Part</p>
Clause 19 – Regulations and Orders	To add a provision to empower the Secretary to prescribe the form of a notation by order in the Gazette
Clause 20 – Schedule 2 substituted	<p>To designate further no smoking areas under Part 1 and to list out exempted areas in Part 2</p> <p>To set out definitions of three types of staff quarters in Part 3</p>

New Clause 22A – Schedule 5 added	To provide an exemption from the smoking ban for live performances and recording for films or television programmes
New Clause 22B – Schedule 5A added	To provide an exemption from the prohibition to use on packages of tobacco products the words “light”, “lights”, “mild”, “milds”, “low tar”, “醇”, “焦油含量低”, “低焦油”, “淡味” or “柔和” or other words which imply or suggest that those products are less harmful than other tobacco products
Clause 30 – Exemption of certain advertisements from Part IV of the Ordinance	To amend a punctuation mark in the Chinese text
New Clause 31A – No Smoking Signs	To repeal the prescription of no smoking signs
Clause 32 – Paragraphs substituted	To make a technical amendment to remove the citation of the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg. B) in consequence of the addition of new clause 31A
Clause 33 – Paragraphs substituted	To remove a technical requirement on the positioning of health warnings to be displayed on retail containers of cigars, pipe tobacco or cigarette tobacco (other than a retail container containing one cigar)
New Clause 34A – Paragraphs added	To prescribe the notation required to be borne on packets or retail containers of tobacco products containing proscribed terms
New Clause 35A – Paragraph added	To prescribe the health warning required to be borne on price boards of tobacco products

Clause 36 – Schedule amended	To add to the Schedule the prescribed forms of the notation to be borne on packets or retail containers of tobacco products and the health warning required to appear on price boards
Part 4 – Transitional Provisions (Clauses 37 and 38)	<p>To allow the sale of tobacco products with pre-amendment health warnings within one year after the publication of the Amendment Ordinance (if passed)</p> <p>To defer the smoking ban from taking effect before 1 July 2009 in certain listed establishments, such as qualified bars, qualified clubs, qualified nightclubs, bathhouses, massage establishments and mahjong-tin kau premises</p> <p>To empower the Director of Health to maintain a list of qualified establishments</p> <p>To require persons in charge of listed establishments to notify the Director of changes relating to the qualification of the establishments to be listed</p> <p>To provide an appeal mechanism against the Director’s decision to remove from the list those establishments that no longer comply with the qualifying requirements</p>