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Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau
(Attn: Ms Julina CHAN, PAS(H)3)
19/F, Murray Building
Garden Road
Hong Kong

By Fax (2840 0467) and By Post

30 June 2005

Dear Ms CHAN

Smoking (Public Health) (Amendment) Bill 2005 (“the Bill”)

I refer to your letter of 29 June 2005.

Section 3(1AA) of the Bill provides that an indoor area in a workplace or public place is designated as a no smoking area.

Under section 3(5)(g)(i), a building which is not the subject of a valid occupation permit or temporary occupation permit issued under section 21(2) of the Buildings Ordinance (Cap. 123) (“the Ordinance”) is to be exempted from the smoking ban.

Section 41 of the Ordinance provides that the following, inter alia, be exempted from the provisions relating to occupation permit under the Ordinance-

- (a) buildings belonging to the Government;
- (b) buildings upon any land vested in the Housing Authority or over which the Housing Authority has control and management; and
- (c) buildings upon any land vested in any person on behalf of Her Majesty’s naval, military or air force services.

While section 3(6) of the Bill provides that premises that are owned or occupied by, or under the management and control of, the Government are subject to the smoking ban, it seems that buildings upon any land vested in the Housing

Authority and in any person on behalf of Her Majesty's naval, military or air force services and buildings over which the Housing Authority has control and management are excluded from the smoking ban. Please clarify.

It is appreciated that your reply in both Chinese and English could reach us by close of play, 11 July 2005.

Yours sincerely

(Monna LAI)
Assistant Legal Adviser