

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Health, Welfare and Food

Clause

Amendment Proposed

"SCHEDULE 6 [s. 19]

TRANSITIONAL PROVISIONS RELATING TO
SMOKING (PUBLIC HEALTH) (AMENDMENT)
ORDINANCE 2006

PART 1

REQUIREMENTS RELATING TO
TOBACCO PRODUCT PACKAGING

1. Interpretation of Part 1

In this Part, "appointed day" (指定日期)
means the day on which the Smoking (Public
Health) (Amendment) Ordinance 2006 (of
2006) is published in the Gazette.

**2. Sale of tobacco products with
pre-amendment health
warnings, etc.**

(1) During the 12 months after the
appointed day, compliance with the relevant
provisions of this Ordinance as in force

immediately before the appointed day shall, for the purposes of sections 8 and 9 of this Ordinance, be deemed to be compliance with the relevant provisions of this Ordinance.

(2) In this section, "relevant provisions" (有關規定) means the provisions relating to health warnings and indication of tar and nicotine yields.

3. Offence relating to tobacco product packaging

No prosecution shall be brought under section 10(3) in respect of an act done during the 12 months after the appointed day if that act would not have constituted an offence under that section as in force immediately before the appointed day.

PART 2

DEFERMENT OF SMOKING BAN IN
LISTED ESTABLISHMENTS

1. Interpretation and application of Part 2

(1) In this Part -

"Appeal Board" (上訴委員會) means the Appeal

Board established by section 12;

"certificate of compliance" (合格證明書) means a

certificate of compliance within the meaning of section 2 of the Clubs (Safety of Premises) Ordinance (Cap. 376);

"club-house" (會址) means a club-house within the meaning of section 2 of the Clubs (Safety of Premises) Ordinance (Cap. 376);

"designated mahjong room" (指定麻將房) has the meaning assigned to it by section 5(2);

"Director" (署長) means the Director of Health;

"displayed name" (展示名稱), in relation to an establishment, means any name, style or description of the establishment that appears -

- (a) outside the establishment; or
- (b) on a signboard or any advertising structure relating to the establishment;

"exclusive entrance" (專用入口), in relation to an establishment, means an entrance that leads exclusively to the establishment;

"licensee" (持牌人) means a licensee within the meaning of regulation 2(1) of the Dutiable Commodities (Liquor) Regulations

(Cap. 109 sub. leg. B);

"liquor licence" (酒牌) means a liquor licence within the meaning of section 2(1) of the Dutiable Commodities Ordinance (Cap. 109);

"list of qualified establishments" (合資格場所名單) means the list maintained under section 7(1);

"listed establishment" (列明場所) means an establishment with its name and address included in the list of qualified establishments;

"person in charge" (負責人) -

- (a) in relation to a qualified bar that complies with section 4(1)(c)(i), means the licensee of the liquor licence that is in force in respect of the bar;
- (b) in relation to a qualified bar that complies with section 4(2)(b), means the person who has made an application described in that section;
- (c) in relation to a qualified club, means the person in whose

name the certificate of compliance for the club-house is issued;

(d) in relation to a qualified nightclub, means the licensee of the liquor licence that is in force in respect of the nightclub;

(e) in relation to a bathhouse, means the person to whom a licence in respect of the bathhouse is granted under the Commercial Bathhouses Regulation (Cap. 132 sub. leg. I);

(f) in relation to a massage establishment, means the person to whom a licence to operate the establishment is issued under the Massage Establishments Ordinance (Cap. 266); and

(g) in relation to mahjong-tin kau premises, means the person to whom a licence is issued in respect of the premises under section 22(1)(b) of the

Gambling Ordinance (Cap. 148);

"prescribed sign" (訂明標誌) has the meaning

assigned to it by section 8(2);

"qualified bar" (合資格酒吧) has the meaning

assigned to it by section 4;

"qualified club" (合資格會所) has the meaning

assigned to it by section 5(1);

"qualified establishment" (合資格場所) has the

meaning assigned to it by section 3;

"qualified nightclub" (合資格夜總會) has the

meaning assigned to it by section 6.

(2) This Part does not apply to any premises that are under the management and control of the Government."