

**L.N. 66 of 2009****FIXED PENALTY (SMOKING OFFENCES) REGULATION**

(Made by the Secretary for Food and Health under section 16 of the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008))

**1. Commencement**

This Regulation comes into operation on a day to be appointed by the Secretary for Food and Health by notice published in the Gazette.

**2. Notices under sections 3 and 6 of Ordinance**

(1) A notice under section 3(1) of the Ordinance must be in accordance with Form 1 in the Schedule.

(2) A notice under section 6(2) of the Ordinance must be in accordance with Form 2 in the Schedule.

(3) A notice in Form 2 in the Schedule is valid only if the name of a public officer acting on behalf of the Authority is signed or printed on the notice.

**3. Payment of fixed penalty**

(1) The payment of the fixed penalty in respect of a notice in Form 1 or 2 in the Schedule must be made—

- (a) by post addressed to the Treasury;
- (b) at a counter of any post office other than a mobile post office;
- (c) through an automated teller machine of a bank;
- (d) by phone by using the service commonly known as PPS;
- (e) through the Internet; or
- (f) through the phone-banking service provided by a bank.

(2) A person who wishes to pay the fixed penalty in accordance with subsection (1)(a) or (b) must deliver the notice to which the payment relates together with the payment in accordance with the payment instructions as set out in the notice.

(3) If a payment is made in accordance with this section, it must be of the amount of the fixed penalty specified in the notice or, if the payment is made in respect of more than one notice, of the total amount of fixed penalties specified in the notices.

(4) A payment made in accordance with subsection (1) must not include, or form part of, an amount in respect of a matter other than a matter specified in the notice or notices.

(5) If a payment of the fixed penalty is made otherwise than in accordance with this Regulation, the fixed penalty is treated as unpaid and the Director of Accounting Services may return the amount of the payment to the payer.

#### **4. Certificate under section 9 of Ordinance**

A certificate under section 9(2) of the Ordinance must be in accordance with Form 3 in the Schedule.





**附註 (請細心閱讀)**

1. 如自發出本通知書的日期起計的 21 天內繳付定額罰款，即可解除就本通知書所指明的罪行而須負上的法律責任。款項須按照繳款指示繳付。
2. 如你意欲就該罪行的法律責任提出抗辯，你須以書面通知主管當局。請註明本通知書左上角所示的 10 位數字檔號以作參考。
3. 你如不按照本通知書繳付罰款，亦不通知主管當局你意欲就該罪行的法律責任提出抗辯，則可能導致被判處附加罰款。
4. 任何人如提供他/她明知是虛假的或具誤導性的關於其姓名、地址或聯絡電話號碼的任何詳情，以充作遵從根據《定額罰款(吸煙罪行)條例》(2008 年第 26 號) 第 4(1) 條提出的要求，即屬犯罪，可予檢控。

**繳款指示：**

1. 款項須按下述任何一種方法繳付——
  - (a) **透過銀行自動櫃員機**  
款項可在任何貼有「繳費服務」標誌的自動櫃員機繳付。請選擇「政府機構」，然後選擇「定額罰款(吸煙罪行)」，並輸入本通知書下半部所示的 16 位數字編號。  
  
款項可在大部分貼有「繳費易」標誌的自動櫃員機繳付。請選擇「輸入商戶編號」及「6760」，並輸入本通知書下半部所示的 16 位數字編號。

**NOTES (Please read carefully)**

1. Liability for the offence specified in the notice may be discharged by paying the Fixed Penalty within 21 days from the date of the giving of this notice. Payment must be made in accordance with the Payment Instructions.
2. If you wish to dispute liability for the offence, you should notify the Authority in writing. Please quote the 10-digit Reference No. shown at the top left hand corner of this notice for reference.
3. Failure to pay in accordance with this notice or to notify the Authority that you wish to dispute liability for the offence may result in an additional penalty being imposed.
4. A person who, in purported compliance with a requirement made under section 4(1) of the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008), supplies any particular of his/her name, address or contact telephone number which he/she knows to be false or misleading commits an offence and is liable to prosecution.

**PAYMENT INSTRUCTIONS:**

1. Payment must be made by one of the following methods—
  - (a) **Through Bank Automated Teller Machine (ATM)**  
Payment can be made at any ATM affixed with “Bill Payment” signage. Please select “Government” and then “Fixed Penalty (Smoking Offences)”, and key in the 16-digit serial number shown at the lower portion of this notice.  
  
Payment can be made at most of the ATM affixed with “JET Payment” signage. Please select “Merchant Code Entry” and “6760”, and key in the 16-digit serial number shown at the lower portion of this notice.

(b) 用電話使用「繳費靈」

繳款前，請先致電 18013 登記本通知書。如欲繳款，請致電 18033。請選擇「商戶編號」[9760]，並輸入本通知書下半部所示的 16 位數字編號。如需查詢，請致電「繳費靈」熱線：2311 9876。

(c) 透過互聯網

款項可透過銀行及「繳費靈」(<http://www.ppshk.com>) 在互聯網上提供的繳費服務繳付。詳情請瀏覽庫務署網站 <http://www.treasury.gov.hk>。繳款時，請選擇「定額罰款(吸煙罪行)」。

(d) 透過電話理財服務

款項可使用銀行提供的電話理財服務，透過有關的繳費服務繳付。

(e) 以郵遞方式

請把支票、銀行匯票或本票連同本通知書下半部的「郵遞繳款回條」，寄往香港告士打道郵政局信箱 28000 號庫務署收。請將本通知書下半部所示的 16 位數字編號寫在支票、銀行匯票或本票背面。請勿郵遞現金。請注意：以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視作繳款的日期。

(f) 郵政局櫃位

款項可在任何郵政局(流動郵政局除外)的櫃位繳付。本通知書須保持完整並於繳款時出示。繳款後本通知書會發回作收據。如欲查詢地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽香港郵政網站 <http://www.hongkongpost.com>。

(b) By Phone using “PPS”

Before making payment, please dial 18011 to register this notice. For making payment, please dial 18031. Please select the “Merchant Code” of “9760”, and key in the 16-digit serial number shown at the lower portion of this notice. For enquiries, please call “PPS” Hotline: 2311 9876.

(c) Through Internet

Payment can be made through the bill payment services provided by banks and “PPS” (<http://www.ppshk.com>) on the Internet. For details, please visit Treasury’s web site <http://www.treasury.gov.hk>. Please select “Fixed Penalty (Smoking Offences)” for payment.

(d) Through Phone-banking Service

Payment can be made through the bill payment services by using the phone-banking service provided by banks.

(e) By Post

A cheque, bank draft or cashier order should be sent together with the “Slip for Payment by Post” at the lower portion of this notice to the Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, bank draft or cashier order. Cash should not be sent through the post. Please note that no receipt will be issued for payment by post. The date of the relevant post mark is to be regarded as the date of payment.

(f) At Post Office Counters

Payment can be made at a counter of any post office other than a mobile post office. This notice must be kept **intact** and produced at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours, please call the Hongkong Post’s Hotline: 2921 2222 or visit Hongkong Post’s web site <http://www.hongkongpost.com>.

2. 透過自動櫃員機、使用「繳費靈」、透過互聯網或電話理財服務繳款，請輸入本通知書下半部所示的 16 位數字編號。款項於到期日午夜前繳付會被視作準時繳交。
  3. 支票、銀行匯票或本票均須以「香港特別行政區政府」或「香港特區政府」為收款人，並加以劃線。以支票付款，只在支票首次提交付款銀行獲得兌現的情況下，繳款方為有效。期票不予接受。
2. For payment through ATM, by “PPS”, through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice. Payment made before mid-night on the due date will be regarded as on-time payment.
  3. Cheques, bank drafts or cashier orders should be made payable to “The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR” and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

如就本通知書有任何查詢，請致電有關的部門的查詢熱線電話。

For any enquiry about this notice, please call enquiry hotline of the relevant department.

衛生署戒煙熱線：1833 183

Department of Health Smoking Cessation Hotline: 1833 183

通知書編號  
Notice Serial No.

表格 2  
FORM 2

《定額罰款(吸煙罪行)條例》  
(2008 年第 26 號)

FIXED PENALTY (SMOKING OFFENCES) ORDINANCE  
(26 of 2008)

要求繳付定額罰款通知書  
(第 6(2) 條)

NOTICE DEMANDING PAYMENT OF FIXED PENALTY  
(Section 6(2))

致： (先寫姓氏)  
To: ..... (Surname first)  
地址為  
of .....

於 ..... 年 ..... 月 ..... 日大約 ..... 在 .....  
發生一宗違反《吸煙(公眾衛生)條例》(第 371 章)第 ..... 條的吸煙罪行，  
即 .....，你現被指稱須對該罪行負法律責任。

On ..... at about ..... at .....  
a smoking offence contrary to section ..... of the Smoking (Public Health) Ordinance (Chapter 371), namely,  
....., has been committed for which you are alleged to be liable.

本人現要求你繳付定額罰款 \$1,500，並告知你如意欲就該罪行的法律責任提出抗辯，你須通知本人。

I now demand payment of the Fixed Penalty of \$1,500 and inform you that, if you wish to dispute liability  
for the offence, you must notify me.

你須在本通知書的日期起計的 10 天內——

You are required, within 10 days from the date of this notice—

- (a) 繳付定額罰款；或  
to pay the Fixed Penalty; or
- (b) (使用附上的通知表格) 以書面通知本人你意欲就該罪行的法律責任提出抗辯。  
to notify me in writing that you wish to dispute liability for the offence (by using the attached  
notification form).

如你不按照本通知書繳付定額罰款，亦不按照本通知書通知本人你意欲就該罪行的法律責任提出抗辯，本  
人將向裁判官申請作出命令，命令你繳付定額罰款、相等於該項定額罰款數額的附加罰款及訟費 \$300，即合  
共 \$3,300。

If you do not pay the Fixed Penalty and do not notify me that you wish to dispute liability for the offence  
in accordance with this notice, an application will be made to a magistrate for an order that you pay the Fixed  
Penalty, an additional penalty equal to the amount of the Fixed Penalty and the sum of \$300 by way of costs,  
totalling \$3,300.

日期：

Date: .....

.....  
主管當局 ( 代行)

for the Authority

請注意 Please note:

1. 如你已繳付上述指明的定額罰款，則無須理會本通知書。  
If you have paid the Fixed Penalty specified above, you should ignore this notice.
2. 款項須按照背頁列明的繳款指示繳付。  
Payment must be made in accordance with the payment instructions set out overleaf.

機印所示款項收訖。 Received the sum printed.



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郵遞繳款回條 Slip for Payment by Post

CRC 141	表格 FORM	編號 SERIAL NUMBER												數額 AMOUNT		
	2															

<<預印條紋碼 Pre-printed Bar Code>>

## 繳款指示：

1. 款項須按下述任何一種方法繳付——

(a) 透過銀行自動櫃員機

款項可在任何貼有「繳費服務」標誌的自動櫃員機繳付。請選擇「政府機構」，然後選擇「定額罰款(吸煙罪行)」，並輸入本通知書下半部所示的16位數字編號。

款項可在大部分貼有「繳費易」標誌的自動櫃員機繳付。請選擇「輸入商戶編號」及「6760」，並輸入本通知書下半部所示的16位數字編號。

(b) 用電話使用「繳費靈」

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款項可透過銀行及「繳費靈」(<http://www.ppshk.com>)在互聯網上提供的繳費服務繳付。詳情請瀏覽庫務署網站<http://www.try.gov.hk>。繳款時，請選擇「定額罰款(吸煙罪行)」。

(d) 透過電話理財服務

款項可使用銀行提供的電話理財服務，透過有關的繳費服務繳付。

## PAYMENT INSTRUCTIONS:

1. Payment must be made by one of the following methods—

(a) **Through Bank Automated Teller Machine (ATM)**

Payment can be made at any ATM affixed with “Bill Payment” signage. Please select “Government” and then “Fixed Penalty (Smoking Offences)”, and key in the 16-digit serial number shown at the lower portion of this notice.

Payment can be made at most of the ATM affixed with “JET Payment” signage. Please select “Merchant Code Entry” and “6760”, and key in the 16-digit serial number shown at the lower portion of this notice.

(b) **By Phone using “PPS”**

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(d) **Through Phone-banking Service**

Payment can be made through the bill payment services by using the phone-banking service provided by banks.

(e) 以郵遞方式

請把支票、銀行匯票或本票連同本通知書下半部的「郵遞繳款回條」，寄往香港告士打道郵政局信箱 28000 號庫務署收。請將本通知書下半部所示的 16 位數字編號寫在支票、銀行匯票或本票背面。請勿郵遞現金。請注意：以郵遞方式繳款將不會獲發收據。有關的郵戳日期會被視作繳款的日期。

(f) 郵政局櫃位

款項可在任何郵政局(流動郵政局除外)的櫃位繳付。本通知書須保持完整並於繳款時出示。繳款後本通知書會發回作收據。如欲查詢地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽香港郵政網站 <http://www.hongkongpost.com>。

2. 透過自動櫃員機、使用「繳費靈」、透過互聯網或電話理財服務繳款，請輸入本通知書下半部所示的 16 位數字編號。款項於到期日午夜前繳付會被視作準時繳交。
3. 支票、銀行匯票或本票均須以「香港特別行政區政府」或「香港特區政府」為收款人，並加以劃線。以支票付款，只在支票首次提交付款銀行獲得兌現的情況下，繳款方為有效。期票不予接受。

(e) **By Post**

A cheque, bank draft or cashier order should be sent together with the “Slip for Payment by Post” at the lower portion of this notice to the Treasury, P.O. Box No. 28000, Gloucester Road Post Office, Hong Kong. Please write the 16-digit serial number shown at the lower portion of this notice on the back of the cheque, bank draft or cashier order. Cash should not be sent through the post. Please note that no receipt will be issued for payment by post. The date of the relevant post mark is to be regarded as the date of payment.

(f) **At Post Office Counters**

Payment can be made at a counter of any post office other than a mobile post office. This notice must be kept **intact** and produced at the time of payment. It will be receipted and returned to you upon payment. For addresses and opening hours, please call the Hongkong Post's Hotline: 2921 2222 or visit Hongkong Post's web site <http://www.hongkongpost.com>.

2. For payment through ATM, by “PPS”, through Internet or phone-banking service, please key in the 16-digit serial number shown at the lower portion of this notice. Payment made before mid-night on the due date will be regarded as on-time payment.
3. Cheques, bank drafts or cashier orders should be made payable to “The Government of the Hong Kong Special Administrative Region” or “The Government of the HKSAR” and crossed. For payment made by cheque, payment is valid only when the cheque is honoured on the first presentation to the drawee bank. Post-dated cheques will not be accepted.

**意欲就法律責任提出抗辯者請注意**

1. 你如意欲就罪行的法律責任提出抗辯，你可簽署附上的表格，並於通知抗辯的最後日期或該日之前將之交付主管當局，以通知主管當局你有此意欲。
2. 你如通知主管當局你意欲就罪行的法律責任提出抗辯，事件會以申訴方式交由裁判官按照《吸煙(公眾衛生)條例》(第371章)裁定，傳票將會在適當時候向你送達。
3. 你如在通知主管當局你意欲就罪行的法律責任提出抗辯後，在裁判官席前應訊時你並沒有提出辯護理據或提出屬瑣屑無聊或無理取鬧的辯護理據，而你被定罪，則在任何其他罰則及訟費以外，可被處相等於定額罰款數額的附加罰款。
4. 你如不按照本通知書繳付罰款，亦不按照本通知書通知主管當局你意欲就罪行的法律責任提出抗辯，則可能導致被判處附加罰款。

**NOTES FOR THOSE WHO WISH TO DISPUTE LIABILITY**

1. You may notify the Authority, if you wish to dispute liability for the offence, by signing the attached form and delivering it to the Authority on or before the last day for notification of dispute.
2. If you notify the Authority that you wish to dispute liability for the offence, the matter will be determined by a magistrate on complaint in accordance with the Smoking (Public Health) Ordinance (Chapter 371) and you will be served with a summons in due course.
3. If, having notified the Authority that you wish to dispute liability for the offence, you appear before a magistrate and offer no defence or a defence which is frivolous or vexatious, you are liable to, in addition to any other penalty and costs, an additional penalty equal to the amount of the Fixed Penalty if you are convicted of the offence.
4. Failure to pay or notify the Authority that you wish to dispute liability for the offence in accordance with this notice may result in an additional penalty being imposed.

如就本通知書有任何查詢，請致電有關的部門的查詢熱線電話。

For any enquiry about this notice, please call enquiry hotline of the relevant department.

衛生署戒煙熱線：1833 183

Department of Health Smoking Cessation Hotline: 1833 183

通知書編號  
Notice Serial No.

《定額罰款 (吸煙罪行) 條例》  
(2008 年第 26 號)

FIXED PENALTY (SMOKING OFFENCES) ORDINANCE  
(26 of 2008)

致主管當局的通知  
(第 6(2) 條)

NOTIFICATION TO AUTHORITY  
(Section 6(2))

致：

To:

就貴處 / 署 \* 根據《定額罰款 (吸煙罪行) 條例》(2008 年第 26 號) 第 6(2) 條送達的通知書 (詳情本人經已閱悉)，本人意欲就該通知書所指明的罪行的法律責任提出抗辯，特此通知。

Take notice that I wish to dispute liability for the offence specified in your notice (particulars of which I have taken notice) served under section 6(2) of the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008).

日期：  
Date: .....

簽名  
Signature .....  
姓名 (全名)  
Name (in full) .....

\* 請刪去不適用者。  
\* Please delete where appropriate.

表格 3  
FORM 3

《定額罰款(吸煙罪行)條例》  
(2008 年第 26 號)

FIXED PENALTY (SMOKING OFFENCES) ORDINANCE  
(26 of 2008)

關於犯事人身分及地址以及未繳定額罰款的證明書  
(第 9(2) 條)

CERTIFICATE OF IDENTITY AND ADDRESS OF OFFENDER  
AND OF NON-PAYMENT OF FIXED PENALTY  
(Section 9(2))

現證明——

This is to certify that—

- (a) 於 ..... 年 ..... 月 ..... 日大約 ..... , 發生一宗違反 .....  
..... , 即 ..... 的  
罪行, ..... 被指稱須對該罪行負法律責任。  
On the ..... day of ....., at about ....., an offence  
of ..... contrary  
to ..... has been committed for  
which ..... is alleged to be liable.
- (b) 於 ..... 年 ..... 月 ..... 日, ..... 的地址為  
.....。  
On the ..... day of ....., the address of .....  
was .....
- (c) 於 ..... 年 ..... 月 ..... 日之前, 該人未有就 (a) 段所指明的以及根據《定額罰款(吸煙罪行)條例》(2008 年第 26 號) 第 6(2) 條送達而日期為 ..... 的通知書(編號 ..... )所指明的罪行繳付定額罰款。  
Before the ..... day of ....., no payment was made of the Fixed Penalty in respect of the offence specified in paragraph (a) and in Notice Serial No. .... dated ..... which was served under section 6(2) of the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008).
- (d) 於 ..... 年 ..... 月 ..... 日之前, ..... 沒有通知 ..... 他/她意欲就該罪行的法律責任提出抗辯。  
Before the ..... day of ....., ..... had not notified ..... that he/she wished to dispute liability for the offence.

日期:

Date: .....

.....  
主管當局 ( ..... 代行)  
for the Authority

Dr. York Y. N. CHOW  
Secretary for Food and Health

21 April 2009

### **Explanatory Note**

The purposes of this Regulation are to—

- (a) prescribe the forms of the notices demanding payment of fixed penalties under the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008) (“the Ordinance”);
- (b) prescribe the form of a certificate as proof of non-payment in proceedings for recovery of fixed penalties under the Ordinance; and
- (c) specify the manner of payment of fixed penalties.