

LEGISLATIVE COUNCIL BRIEF

Smoking (Public Health) Ordinance (Chapter 371)

SMOKING (PUBLIC HEALTH) (NOTICES) (AMENDMENT) ORDER 1999

INTRODUCTION

The Secretary for Health and Welfare has made the Smoking (Public Health) (Notices) (Amendment) Order 1999 (the Amendment Order) at Annex to prescribe the form of health warnings and indication of tar and nicotine yields required to be printed on cigarette packets and the health warnings shown in tobacco advertisements on display. These amendments are required to tie in with the Smoking (Public Health) (Amendment) Ordinance 1997 (the Amendment Ordinance).

BACKGROUND AND ARGUMENT

2. Since 1975, it has been the Government's declared policy to discourage smoking, particularly among the young. In 1982, the Smoking (Public Health) Ordinance (the Ordinance) was enacted to introduce various measures to control the use, sale and promotion of tobacco products. The Ordinance has been periodically amended having regard to changing world trends and local public views concerning tobacco control.

THE AMENDMENT ORDER

3. At present, the Smoking (Public Health) (Notices) Order (the Order) prescribes the detailed requirements on the form and

manner in which no smoking signs are placed in designated no smoking areas. It also prescribes the detailed requirements on the form and manner in which the health warnings and tar group designation are borne on cigarette packets and the health warnings shown in tobacco advertisements.

4. As a result of the passage of the Amendment Ordinance, which introduces an indication of tar and nicotine yields to replace the tar group designation shown on cigarette packets, the Order is required to be consequentially amended to reflect such change. Despite a general ban on tobacco advertisements on display with effect from 26 June 1999 as introduced by the Amendment Ordinance, such advertisements are still allowed under certain stipulated circumstances. New provisions have therefore been added to the Order to introduce clearer presentation of the health warnings shown on such advertisements.

5. In accordance with the Amendment Ordinance, the Amendment Order has provided for a one-year transitional period for compliance with the new requirements related to health warnings and indication of tar and nicotine yields borne on cigarette packets. A transitional period of three months has also been provided in relation to health warnings shown on tobacco advertisements on display.

BASIC LAW IMPLICATIONS

6. The Department of Justice advises that the Amendment Order does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

7. The Department of Justice advises that the Amendment Order is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT OF THE LEGISLATION

8. The amendments will not affect the current binding effect of the principal Order.

FINANCIAL AND STAFFING IMPLICATIONS

9. The Amendment Order has no financial or staffing implications.

PUBLIC CONSULTATION

10. The tobacco industry has been consulted on the revised requirements set out in the Amendment Order.

PUBLICITY

11. The Amendment Order was gazetted and came into operation on 16 July 1999 to tie in with the commencement of the remaining provisions in the Amendment Ordinance on the same day.

ENQUIRY

12. For any enquiry on this brief, please contact Mr Eddie Poon of the Health and Welfare Bureau on 2973 8107.

Health and Welfare Bureau
July 1999