

L.N. 188 of 1999

SMOKING (PUBLIC HEALTH) (NOTICES)

(AMENDMENT) ORDER 1999

(Made under section 18(2) of the Smoking (Public Health)

Ordinance (Cap. 371))

1. Cigarette packets and retail containers

Paragraph 3 of the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg.) is amended---

(a) by repealing subparagraph (1);

(b) in subparagraph (2)---

(i) in sub-subparagraph (a) by repealing "tar group designation" and substituting "indication of tar and nicotine yields";

(ii) in sub-subparagraph (b) by repealing the full stop and substituting a semicolon;

(iii) by adding---

"(c) the health warning and indication of tar and nicotine yields to be borne on the packets and on the retail containers shall appear on the 2 largest surfaces of the packets and of the retail containers;

(d) the front surfaces of the packets and of the retail containers shall bear the Chinese version of the health warning and indication of tar and nicotine yields and the rear surfaces shall bear the English version of the same health warning and indication of tar and nicotine yields and where the 2 surfaces are indistinguishable, one surface shall bear the Chinese version and the other surface shall bear the English version of the health warning and indication of tar and nicotine yields;

(e) the health warning and indication of tar and nicotine yields shall be placed such that the top side of the area containing the health warning and indication of tar and nicotine yields shall be no more than 12 millimetres from the top of each of the 2 surfaces.";

(c) in subparagraph (3)---

(i) by repealing "tar group designation" and substituting "indication of tar and nicotine yields";

(ii) by repealing sub-subparagraph (a) and substituting---

"(a) be printed in black colour on a white background and surrounded by a black line as demarcation and, subject to this Order, the area containing the health warning and indication of tar and nicotine yields, as indicated in the Schedule, shall not contain anything other than the health warning and indication of tar and nicotine yields";

(iii) by repealing sub-subparagraph (c) and substituting---

"(c) appear horizontally.";

(d) by repealing subparagraph (4) and substituting---

"(4) (a) In respect of the lettering and characters of the English version of the health warning and indication of tar and nicotine yields borne on packets of cigarettes containing 20 or more cigarettes---

(i) "HKSAR GOVERNMENT HEALTH WARNING" and the indication of tar and nicotine yields shall be printed in 6.5 point Univers Bold typeface, all capitals (except "mg"); and

(ii) the rest of the health warning shall be printed in 11 point Univers Bold typeface, all capitals.

(b) In respect of the lettering and characters of the Chinese version of the health warning and indication of tar and nicotine yields borne on packets of cigarettes containing 20 or more cigarettes---

(i) "特區政府忠告市民" and the indication of tar and nicotine yields shall be printed in 7 kyu (級) (華康中黑體) typeface; and

(ii) the rest of the health warning shall be printed in 14 kyu (級) (華康中黑體) typeface.

(c) The area containing the health warning and indication of tar and nicotine yields referred to in sub-subparagraph (a) or (b) shall measure 50 mm * 24 mm.

(4A) (a) In respect of the lettering and characters of the English version of the health warning and indication of tar and nicotine yields borne on retail containers of cigarette packets containing any number of cigarettes---

(i) "HKSAR GOVERNMENT HEALTH WARNING" and the indication of tar and nicotine yields shall be printed in 11 point Univers Bold typeface, all capitals (except "mg"); and

(ii) the rest of the health warning shall be printed in 22 point Univers Bold typeface, all capitals.

(b) In respect of the lettering and characters of the Chinese version of the health warning and indication of tar and nicotine yields borne on retail containers of cigarette packets containing any number of cigarettes---

(i) "特區政府忠告市民" and the indication of tar and nicotine yields shall be printed in 12 kyu (級) (華康中黑體) typeface; and

(ii) the rest of the health warning shall be printed in 26 kyu (級) (華康中黑體) typeface.

(c) The area containing the health warning and indication of tar and nicotine yields referred to in sub-subparagraph (a) or (b) shall measure 100 mm * 48 mm.";

(e) by repealing subparagraph (5) and substituting---

"(5) The area containing the health warning and indication of tar and nicotine yields shall be rectangular in shape, as indicated in the Schedule, and the sides of the area, and any line demarcating such sides, shall not touch any letter or character within the area.";

(f) by repealing subparagraph (6) and substituting---

"(6) No health warning or indication of tar and nicotine yields shall appear--

(a) across any opening in the packet or container or upon any part of a packet which is removed when it is opened; or

(b) in such a manner that it is obscured by any affixture to the packet, container or its wrapping.";

(g) by repealing subparagraph (6A) and substituting---

"(6A) here a packet or retail container is in the form of a drum, the English version of the health warning and indication of tar and nicotine yields shall appear on the lid and the Chinese version on the curved surface of the drum.";

(h) in subparagraph (7)---

(i) by repealing "tar group designation" and substituting "indication of tar and nicotine yields";

(ii) in sub-subparagraph (a) by repealing "金屬或塑膠圓桶" and substituting "塑膠製並呈圓柱體形，或以金屬製成";

(iii) in sub-subparagraph (b)(i) by repealing "designation" and substituting "indication of tar and nicotine yields".

2. Paragraph substituted

Paragraphs 4 and 4A are repealed and the following substituted---

"4A. Cigars, pipe tobacco and cigarette tobacco

(1) Paragraph 3(2)(b) (except the reference to subparagraph (7)) to (e), (3), (5), (6) and (6A) and Part IIA of the Schedule shall apply in the case of the health warning to be borne on packets, containers, drums or wrapping containing cigars, pipe tobacco and cigarette tobacco, save that the indication of tar and nicotine yields shall not be borne thereon.

(2) The area containing the health warning shall be rectangular in shape and its size shall be at least 20% of the surface area on which the health warning appears and in any case not smaller than 50 mm * 24 mm.

(3) Where the area containing the health warning measures 50 mm * 24 mm, the lettering and characters of the health warning shall be as follows---

(a) (in respect of the English version of the health warning) "HKSAR GOVERNMENT HEALTH

WARNING" in 6.5 point Univers Bold typeface, all capitals, and the rest of the health warning in 11 point Univers Bold typeface, all capitals; and

(b) (in respect of the Chinese version of the health warning) "特區政府忠告市民" in 7 kyu (級) (華康中黑體) typeface and the rest of the health warning in 14 kyu (級) (華康中黑體) typeface.

(4) Where the area containing the health warning is larger than 50 mm * 24 mm, the area and the lettering and characters of the health warning shall be proportionally enlarged by reference to the requirements in subparagraphs (2) and (3).

(5) Where a cigar is sold individually, the area containing the health warning shall measure 70 mm * 30 mm. The health warning shall be in both English and Chinese and the English version shall be printed in 9 point Univers Bold typeface, all capitals, and the Chinese version shall be printed in 9 kyu (級) (華康中黑體) typeface on the surface of the packet, container, drum or wrapping containing the cigar and the form of health warning to be borne on such packet, container, drum or wrapping shall be as set out in Part IIB of the Schedule.

(6) The health warning to be borne on packets, containers, drums or wrapping containing cigars, pipe tobacco or cigarette tobacco may be printed on a label securely affixed to the packets, containers, drums or wrapping with the approval of the Commissioner of Customs and Excise where he is satisfied that the circumstances in which the packets, containers, drums or wrapping are in Hong Kong, or are to be brought to Hong Kong, are such that they could not reasonably be expected to have had printed on them a warning at the time of their manufacture."

3. Paragraph substituted

Paragraphs 5, 6 and 7 are repealed and the following substituted---

"5. Tobacco advertisements on display

(1) This paragraph shall apply to any tobacco advertisement which is required to bear a health warning under section 12 of the Ordinance and the tobacco advertisement shall bear the prevailing health warning as set out in Part III of the Schedule.

(2) The tobacco advertisement shall, on the first occasion of display and on any occasion thereafter when it is amended, bear such prevailing health warning as is applicable on that occasion.

(3) The area containing the health warning shall---

(a) occupy not less than 20% of the total area of the tobacco advertisement;

(b) notwithstanding the shape of the surface of the tobacco advertisement, be rectangular in shape;

(c) be in white colour and surrounded by a black line as demarcation with the lettering

and characters of the health warning printed in black colour; and

(d) contain nothing except the health warning.

(4) The sides of the area containing the health warning, and any line demarcating such sides, shall not touch any letter or character within the area.

(5) Subject to subparagraph (7), where the tobacco advertisement has more than one surface, each surface shall bear a prescribed health warning.

(6) The size of the health warning in relation to the area containing the warning shall be proportional to the form as shown in Part III of the Schedule.

(7) The health warning shall be in both English and Chinese and the English and Chinese versions of the health warning shall appear on the same surface and each of the versions shall be given equal prominence within the area referred to in subparagraph (3).

(8) The English version of the health warning shall be printed in Univers Bold typeface and the Chinese version in (華康中黑體) typeface.

(9) The orientation of the health warning shall be the same as that of the tobacco advertisement.

(10) Where a tobacco advertisement depicts a packet or container of a tobacco product, the whole packet or container shall be shown, and the packet or container shown shall be a representation of the real object and bear the prescribed health warning and indication of tar and nicotine yields in accordance with section 8 or 9 of the Ordinance, as the case may be, but of size proportionate to the representation of the packet or container size.

(11) In the case of a tobacco advertisement on the surface of any structure---

(a) the view of the health warning displayed on the tobacco advertisement shall not be obstructed, whether by any other structure or otherwise;

(b) the health warning displayed on the tobacco advertisement shall be no less visible, legible and prominent than the remainder of the tobacco advertisement;

(c) when the tobacco advertisement is illuminated, the health warning displayed on the tobacco advertisement shall be

no less illuminated than the remainder of the tobacco advertisement.

(12) In the case of a tobacco advertisement by way of a neon sign, the health warning shall be, subject to subparagraph (11), displayed, painted or printed on a panel and---

(a) the panel shall be adequately illuminated at all times when the neon sign is illuminated;

(b) for the purposes of subparagraph (3)(a)---

(i) where the tobacco advertisement appears against a background set apart for the better display of the tobacco advertisement, the area of that background;

(ii) in any other case, an area which is greater by 20% than the smallest rectangle which can be drawn to surround the tobacco advertisement,

shall be deemed to be the area of the tobacco advertisement and, for the purposes of this subparagraph, any neon frame surrounding the tobacco advertisement shall be deemed to form part of it;

(c) the panel shall be rectangular in shape, immediately adjacent to the neon sign and displayed in such a manner that the view of it is not obstructed, whether by the neon sign or otherwise."

4. Schedule amended

The Schedule is amended---

(a) by repealing "[paras. 3, 4" and substituting "[paras. 3";

(b) by repealing Part I;

(c) by repealing Part II and substituting---

"PART II

Health Warnings and Indication of Tar

and Nicotine Yields on Packets

of 20 or more Cigarettes and

on their Retail Containers

Form 1 English Version

Chinese Version

Form 2 English Version

Chinese Version

Form 3 English Version

Chinese Version

Form 4 English Version

Chinese Version

Form 5 English Version

Chinese Version

Form 6 English Version

Chinese Version

PART IIA

Health Warnings on Packets, Containers,

Drums or Wrapping Containing

Cigars, Pipe Tobacco and

Cigarette Tobacco

Form 1 English Version

Chinese Version

Form 2 English Version

Chinese Version
Form 3 English Version
Chinese Version
Form 4 English Version
Chinese Version
Form 5 English Version
Chinese Version
Form 6 English Version
Chinese Version

PART IIB

Health Warning on Packet, Container,
Drum or Wrapping containing a Cigar
which is Sold Individually

Form 1
Form 2
Form 3
Form 4
Form 5
Form 6 ";

(d) by repealing Part III and substituting---

"PART III

Health Warnings on Tobacco
Advertisements on Display

1. From 1 January to the last day of February (both dates inclusive) of a year, the prevailing health warning shall be---

English Version

Chinese Version

2. From 1 March to 30 April (both dates inclusive) of a year, the prevailing health warning shall be---

English Version

Chinese Version

3. From 1 May to 30 June (both dates inclusive) of a year, the prevailing health warning shall be---

English Version

Chinese Version

4. From 1 July to 31 August (both dates inclusive) of a year, the prevailing health warning shall be---

English Version

Chinese Version

5. From 1 September to 31 October (both dates inclusive) of a year, the prevailing health warning shall be---

English Version

Chinese Version

6. From 1 November to 31 December (both dates inclusive) of a year, the prevailing health warning shall be---

English Version

Chinese Version

";

(e) by repealing Part IV;

(f) in Part VI by repealing the sign and substituting---

"BY ORDER OF HKSAR GOVERNMENT:
NO TOBACCO PRODUCT SHALL BE SOLD
TO PERSON UNDER 18 OR GIVEN FOR
PROMOTION TO ANY PERSON

特區政府諭

禁止售賣煙草產品予

十八歲以下人士或派

".贈煙草產品予任何人士".

5. Transitional provision on health warnings
regarding packets or containers of
tobacco products

(1) Where tobacco products contained in packets, containers, drums or wrapping are sold, offered for sale or possessed for the purposes of sale after the commencement of this section, the provisions of the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg.) ("principal Order"), as amended by this Order, relating to health

warning shall be deemed to be complied with if the health warning borne on the packets, containers, drums or wrapping complies with the provisions of the principal Order, as in force immediately before the commencement of this section, relating to health warning.

(2) This section shall expire at the beginning of 16 July 2000.

6. Transitional provision on indication of tar and nicotine yields regarding packets or containers of tobacco products

(1) Where tobacco products contained in packets or retail containers are sold, offered for sale or possessed for the purposes of sale after the commencement of this section, the provisions of the principal Order, as amended by this Order, relating to indication of tar and nicotine yields shall be deemed to be complied with if the tar group designation borne on the packets or retail containers complies with the provisions of the principal Order, as in force immediately before the commencement of this section, relating to tar group designation.

(2) This section shall expire at the beginning of 16 July 2000.

7. Transitional provision regarding tobacco advertisements on display

(1) Where tobacco advertisements are displayed immediately before the commencement of this section and continue to be displayed after such commencement, the provisions of the principal Order, as amended by this Order, relating to health warning shall be deemed to be complied with if the health warning borne on the tobacco advertisements complies with the provisions of the principal Order, as in force immediately before such commencement, relating to health warning.

(2) This section shall expire at the beginning of 16 October 1999.

Gregory LEUNG

Acting Secretary for Health and Welfare

13 July 1999

Explanatory Note

This Order amends the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg.) to prescribe new forms of health warning and indication of tar and nicotine yields and the manner in which they should be displayed. These amendments are consequential upon the enactment of the Smoking (Public Health) (Amendment) Ordinance 1997 (93 of 1997).