

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Honourable Andrew Cheng Kar-foo

Clause

Amendment Proposed

4(h)

By adding

““employee’s accommodation” (僱員居所) means any premises that are

- (a) provided by any employer to one employee and his family, whether or not any monetary consideration is received by the employer for so providing;
- (b) occupied exclusively by the employee and his family;
- (c) occupied for private dwelling only;
- (d) permanently and completely partitioned off from any other premises; and
- (e) independently ventilated.

“employees’ shared accommodation” (僱員共用居所) means any premises, except any part of the premises for employee’s accommodation, if any, that are

- (a) provided by an employer to his employees, whether or not any monetary consideration is received by the employer for so providing;
- (b) occupied by more than one employee; and
- (c) occupied for private dwelling only.”.

5(c) By deleting section (3)(5)(b) and substituting—
“(b) employee’s accommodation;”.

18 By deleting section 15G and substituting—

“15G. General powers and duties of inspectors

(1) Without limiting any other provisions of this Ordinance, an inspector may, subject to subsections (2) and (3) and on production of his authority as an inspector if requested, do all or any of the following—

- (a) at any time enter any place in which the inspector reasonably suspects that a relevant offence has been or is being committed;
- (b) at any reasonable time enter and inspect a no smoking area in a public place for the purpose of ascertaining whether the relevant provisions of this Ordinance are complied with;
- (c) seize any thing that appears to the inspector to be evidence of any relevant offence;
- (d) require any person to give his name and address and to produce proof of identity if the inspector reasonably suspects that the person has committed a relevant offence;
- (e) take photographs or make sound or video recording for the purpose of obtaining evidence in connection with any relevant offence;
- (f) require any person to produce for inspection documents or records under the control of the person for the purpose of enabling the inspector to ascertain whether the relevant provisions of this Ordinance are complied with;

- (g) make copies of all or any part of any such documents or records;
 - (h) require any person to provide the inspector with such assistance or information as is reasonably necessary to enable the inspector to exercise any power or perform any duty conferred or imposed by this Ordinance.
- (2) An inspector shall not enter under subsection (1)(a)
- (a) any domestic premises (except employees' shared accommodation); or
 - (b) any correctional facility with the approval of the Commissioner of Correctional Services.
- (3) An inspector shall not enter under subsection (1)(b) any public place that is a common part of any premises to which the public are not entitled or permitted to have access.
- (4) A person who willfully obstructs an inspector who is in the exercise of a power or the performance of a duty conferred or imposed by this Ordinance commits an offence and is liable on summary conviction to a fine at level 3.
- (5) A person who fails to give his name and address or to produce proof of identity when required to do so under subsection (1)(d), or who then gives a false or misleading name or address commits an offence and is liable on summary conviction to a fine at level 3.”.

20 By deleting Schedule 2 and substituting

“Schedule 2 is amended

- (a) by adding—
 - “2A. Any escalator.
 - 2B. Any children’s playground.”;
- (b) by repealing item 4;

(c) by adding—

“5A. Any employees’ shared accommodation.

5B. Any child care centre except for employee’s accommodation.

6. Any school except for employee’s accommodation.

6A. Any specified educational establishment except for employee’s accommodation.

7. Any approved institution except for employee’s accommodation.

8. Any place of detention except for employee’s accommodation.

9. Any place of refuge except for employee’s accommodation.

10. Any reformatory school except for employee’s accommodation.

10A. Any hospital except for employee’s accommodation.

10B. Any maternity home except for employee’s accommodation.

11. An indoor area in any

(a) shop, department store or shopping mall (except for employee’s accommodation);

(b) market (whether publicly or privately operated or managed) except for employee’s accommodation;

(c) supermarket except for employee’s accommodation;

(d) bank except for employee’s accommodation;

(e) restaurant premises except for employee’s accommodation;

(f) bar except for employee’s accommodation;

- (g) karaoke establishment except for employee's accommodation;
- (h) mahjong-tin kau premises except for employee's accommodation;
- (i) bathhouse except for employee's accommodation;
- (j) residential care home except for employee's accommodation; or
- (k) treatment centre except for employee's accommodation.”.”.