

To: Relevant Committee  
Legislative Council

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SMOKING (PUBLIC HEALTH) ORDINANCE (Cap 371)

1. In s. 2, repeal the definition of "proof of identity";
2. Replace s. 3(3)(b) by: —  
"(b) where the person fails to extinguish the lighted cigarette, cigar or pipe, require him to leave the no smoking area;"
3. Replace s. 3(3)(c) by: —  
"(c) where the person refuses to leave the smoking area, as required under paragraph (b), call the police for assistance;"
4. Replace s. 3(4) by: —  
"(4) where a person under section 3(3)(b) is required to leave, he shall be entitled to a refund of any admission fee or money paid for entry into the premises or building in which the no smoking area is situated;"
5. Replace s. 4(2)(b) by: —  
"(b) where a person fails to extinguish the lighted cigarette, cigar or pipe, require him to leave the public transport carrier;"
6. Replace s. 4(2)(c) by: —  
"(c) where the person refuses to leave the public transport carrier, as required under paragraph (b), call the police for assistance;"
7. Replace s. 4(3) by: —  
"(3) where a person under section 4(2)(b) is required to leave a public transport carrier, he shall not be entitled to a refund of any money paid;"
8. Repeal s. 7(2);
9. Repeal s. 15C(2);
10. Replace s. 16A by: —  
"16A. Amendment of Schedules  
The secretary may by order published in the Gazette amend the Schedules;"
11. Add schedule 5 to the effect that the following places be declared as the no-smoking areas: —
  1. Hennessy Road T/o Tung Lok Road.
  2. Nathan Road T/o Argyle Street.
  3. Salisbury Road.
  4. Tsuen Wan Market Street T/o Tai Wo Road." ; and
12. Add section 15D: —  
"15D Smoking in certain open-space prohibited  
A person who smokes —  
(a) in a country park or pleasure ground (except the public pavement of a country park or pleasure ground);  
(b) when queuing up in a street or public place;  
(c) in an area declared as a no-smoking area under Schedule 5,  
commits an offence and shall be liable on summary conviction to a fine at level 3."

13. Repeal SMOKING (PUBLIC HEALTH) REGULATIONS (Cap 371A)

14. SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 2005

1. In Clause 32, at the substituted regulation 3, repeal "and indication of tar and nicotine yields" in s. 3(2), 3(4), 3(5), 3(6), 3(7) and 3(8);
2. To Part II, repeal all characters "TAR: mg NICOTINE: mg" for form 1 to form 6 in English version.  
和所有有中文字 "焦油: 毫克 尼古丁: 毫克" 和表一至表六(中英對照) ; and
3. Repeal clause 5(c) and substitute "(c) by adding —  
"(5) Subsection (1AA) does not apply to —  
(a) (same)  
(b) (same)  
(c) (same)  
(d) (same)  
(e) (same as former paragraph f)  
(f) (same as former paragraph g)"

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