

1st draft : 04.06.2008  
final draft: 10.06.2008

FIXED PENALTY (SMOKING OFFENCES) BILL

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting the definition of "scheduled offence" and substituting- " "scheduled offence" (表列罪行) means an offence prescribed by a provision of the Smoking (Public Health) Ordinance (Cap. 371) specified in column 2 of the Schedule."
6(2)	By deleting "may" and substituting "shall".
6(3)	By deleting the subsection and substituting - " (3) A notice under subsection (2) shall be served - (a) where subsection (1)(a) applies, within 6 months from the date of the notice given under section 3(1); and

(b) where subsection (1)(b) applies, within 6 months from the date on which the person refuses to accept the notice."

7(4) By deleting the subsection and substituting -

"(4) Where a notice under section 3(1) or 6(2) is withdrawn under this section, proceedings in respect of the scheduled offence specified in the notice may only be commenced if -

(a) the ground, or one of the grounds, on which the notice is withdrawn is that it contains incorrect information; and

(b) the incorrect information was supplied by the person to or on whom the notice was given or served."

8(4) (a) In the English text, by deleting "The" and substituting "A".

(b) In the Chinese text, by adding a comma after "通知書".

9(3) By deleting paragraph (c) and substituting -

"(c) the address specified in the certificate

was, at the date specified in the certificate in relation to the address, the address of the person."

10(2) By deleting "applied for the order" and substituting "served the notice under section 6(2) in respect of which the order was made".

13(2) In the Chinese text, by deleting "的2天前" and substituting "不少於2天前".

17(1) By deleting "by notice specify" and substituting "specify by notice published in the Gazette".

17(2) By deleting everything after "subsection (1)" and substituting "is subsidiary legislation".

Schedule (a) In Item 1 -  
(i) in column 2, by deleting "3(2)" and substituting "7(1)";  
(ii) in column 3, by adding "or in public transport carriers" after "no smoking areas".

(b) By deleting item 2.