

**L.N. 67 of 2009****FIXED PENALTY (SMOKING OFFENCES) (SPECIFICATION OF AUTHORITIES AND PUBLIC OFFICERS) NOTICE**

(Made by the Secretary for Food and Health under section 17(1) of the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008))

**1. Commencement**

This Notice comes into operation on a day to be appointed by the Secretary for Food and Health by notice published in the Gazette.

**2. Specification of Authority**

A person set out in column 2 of the Schedule is specified as the Authority in relation to the scheduled offence set out opposite to the person in column 1 of that Schedule.

**3. Specification of public officer**

A public officer or a class of public officers set out in column 3 of the Schedule is specified in relation to the scheduled offence set out opposite to the public officer or class of public officers in column 1 of that Schedule.

**SCHEDULE**

[ss. 2 &amp; 3]

**AUTHORITIES AND PUBLIC OFFICERS**

Scheduled Offence*	Authority	Public Officer
1	Commissioner of Police	Police Officer
1	Director of Health	Inspectors appointed by the Secretary for Food and Health under section 15F of the Smoking (Public Health) Ordinance (Cap. 371)
1	Director of Food and Environmental Hygiene	Senior Health Inspector (Market Management)

Scheduled Offence*	Authority	Public Officer
		Senior Health Inspector (Hawkers and Markets)
		Senior Health Inspector (Hawkers)
		Health Inspector (Market Management)
		Health Inspector (Hawkers and Markets)
		Health Inspector (Hawker Casework)
		Principal Hawker Control Officer (Hawker Control Team)
		Chief Hawker Control Officer (Hawker Control Team)
		Senior Hawker Control Officer (Hawker Control Team)
		Hawker Control Officer (Hawker Control Team)
		Assistant Hawker Control Officer (Hawker Control Team)
		Overseer (Markets)
		Foreman (Markets)
		Market Assistant
1	Director of Housing	Housing Manager Assistant Housing Manager Housing Officer
1	Director of Leisure and Cultural Services	Amenities Officer I Amenities Officer II Senior Amenities Assistant Amenities Assistant I Amenities Assistant II Amenities Assistant III Chief Librarian Senior Librarian Librarian

Scheduled  
Offence\*

Authority

Public Officer

Assistant Librarian  
Chief Manager, Cultural  
Services  
Senior Manager, Cultural  
Services  
Manager, Cultural Services  
Assistant Manager,  
Cultural Services  
Assistant Recreation and  
Sport Officer II  
Chief Leisure Services  
Manager  
Senior Leisure Services  
Manager  
Leisure Services Manager  
Assistant Leisure Services  
Manager I  
Assistant Leisure Services  
Manager II

\* In this column, a scheduled offence is described by reference to the item number set out opposite to the scheduled offence in column 1 of the Schedule to the Ordinance. Item 1 of that Schedule represents the offence of smoking in areas designated as no smoking areas or in public transport carriers under section 7(1) of the Smoking (Public Health) Ordinance (Cap. 371).

Dr. York Y. N. CHOW  
Secretary for Food and Health

21 April 2009

### Explanatory Note

The offence of smoking in areas designated as no smoking areas or in public transport carriers under section 7(1) of the Smoking (Public Health) Ordinance (Cap. 371) is a scheduled offence (“the scheduled offence”) punishable by a fixed penalty under the Fixed Penalty (Smoking Offences) Ordinance (26 of 2008) (“the Ordinance”).

2. This Notice specifies Authorities and public officers in relation to the scheduled offence so that in applying a provision of the Ordinance in relation to the scheduled offence—

- (a) a reference to “Authority” in that provision is construed as a reference to a person so specified; and
- (b) a reference to “public officer” in that provision is construed as a reference to a public officer or a member of a class of public officers so specified.