

立法會
Legislative Council

LC Paper No. CB(3) 659/16-17

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Tel : 3919 3300

Date : 9 June 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 14 June 2017

**Proposed resolution under
the Interpretation and General Clauses Ordinance**

The Secretary for Food and Health will move the attached proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Smoking (Public Health) (Notices) (Amendment) Order 2017, published in the Gazette as Legal Notice No. 66 of 2017, at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

Smoking (Public Health) (Notices) (Amendment) Order 2017

Resolved that the Smoking (Public Health) (Notices) (Amendment) Order 2017, published in the Gazette as Legal Notice No. 66 of 2017 and laid on the table of the Legislative Council on 26 April 2017, be amended as set out in the Schedule.

Schedule

Amendments to Smoking (Public Health) (Notices) (Amendment) Order 2017

1. Section 1 amended (commencement)

Section 1—

Repeal

“October”

Substitute

“December”.

2. Section 5 amended (paragraph 2A added)

(1) Section 5—

Renumber new paragraph 2A as paragraph 2A(1).

(2) Section 5, Chinese text, new paragraph 2A(1), definition of *表面*, paragraph (b)—

Repeal

“分。”

Substitute

“分；”。

(3) Section 5, new paragraph 2A(1)—

Add in alphabetical order

“*specified seal* (指明封條), in relation to a packet of cigarettes, means an affixture to the packet that is affixed to—

- (a) the top part of the 2 surfaces that bear the health warning; and
 - (b) the surface that adjoins the top of those 2 surfaces;”.
- (4) Section 5, after new paragraph 2A(1)—

Add

“(2) For the purposes of paragraph 3, a packet is a specified packet with seal if—

- (a) the packet does not have a lid any part of which forms, when the lid is closed, part of a surface that bears the health warning;
- (b) the packet bears one specified seal that partially obscures any health warning appearing on any surface of the packet; and
- (c) the area of the warning so obscured does not exceed 23 mm in width and 14 mm in length.”.

3. **Section 6 amended (paragraph 3 amended (health warning and indication of tar and nicotine yields on packet or retail container of cigarettes))**

(1) Section 6, new paragraph 3(4)—

Repeal sub-subparagraph (a)**Substitute**

“(a) it must conform to—

- (i) for a container and a packet other than a specified packet with seal—either version A or version B of one of the forms prescribed in Part 2 of the Schedule; and
- (ii) for a specified packet with seal—version C of one of the forms prescribed in Part 2 of the Schedule;”.

(2) Section 6, new paragraph 3(4)—

Repeal sub-subparagraph (d)**Substitute**

“(d) subject to sub-subparagraph (a), the 2 surfaces must respectively bear the Chinese version and English version of version A, version B or version C of the same warning;”.

(3) Section 6, new paragraph 3(4)(e), after “each”—

Add

“Chinese or English”.

(4) Section 6, after new paragraph 3(8)—

Add

“(8A) Subparagraph (8) is not contravened in relation to a specified packet with seal by reason only of the affixture of a specified seal to the packet.”.

4. **Section 7 amended (paragraph 4A amended (health warning on retail container of cigar, pipe tobacco or cigarette tobacco (other than retail container containing one cigar)))**

(1) Section 7, new paragraph 4A(4)(a)—

Repeal

“be in”

Substitute

“conform to either version A or version B of”.

(2) Section 7, new paragraph 4A(6)—

Repeal sub-subparagraph (a)**Substitute**

“(a) subject to subparagraph (4)(a), the 2 surfaces bearing the warning must respectively bear the Chinese version and English version of version A or version B of the same warning; and”.

(3) Section 7, new paragraph 4A(6)(b), after “each”—

Add

“Chinese or English”.

5. Section 8 amended (paragraph 4AA amended (health warning on retail container containing one cigar))

Section 8, English text, new paragraph 4AA(4)(a)—

Repeal

“be in”

Substitute

“conform to”.

6. Section 11 amended (paragraph 9 added)

Section 11, new paragraph 9—

Repeal subparagraphs (1) and (2)

Substitute

“During the period between 21 December 2017 and 20 June 2018 (both dates inclusive), compliance with paragraph 3, 4A or 4AA as in force immediately before 21 December 2017 is, for the purposes of sections 8 and 9 of the Ordinance, taken to be compliance with paragraph 3, 4A or 4AA, as may be appropriate.”.

7. Section 12 amended (Schedule amended)

Section 12(1)—

Repeal new Part 2

Substitute

“Part 2

Forms of Health Warning on Packet of Cigarettes or Retail Container of Tobacco Products (Not in Cylindrical Drum Shape, Not Containing One Cigar)

Form 1

Chinese Version of Version A



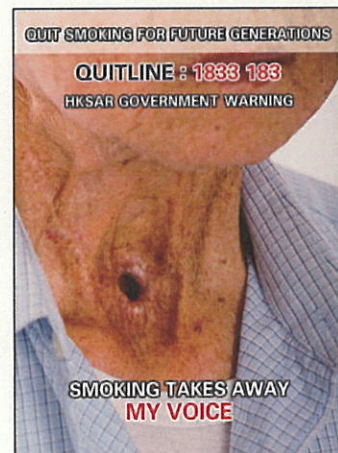
Chinese Version of Version B



Chinese Version of Version C



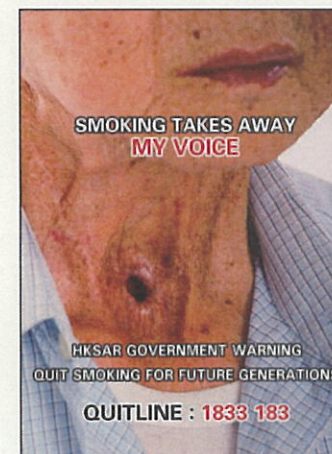
English Version of Version A



English Version of Version B



English Version of Version C



Form 2

Chinese Version of Version A



Chinese Version of Version B



Chinese Version of Version C



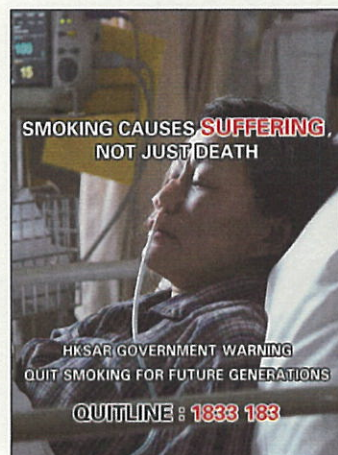
English Version of Version A



English Version of Version B



English Version of Version C



Form 3

Chinese Version of Version A



Chinese Version of Version B



Chinese Version of Version C



English Version of Version A



English Version of Version B

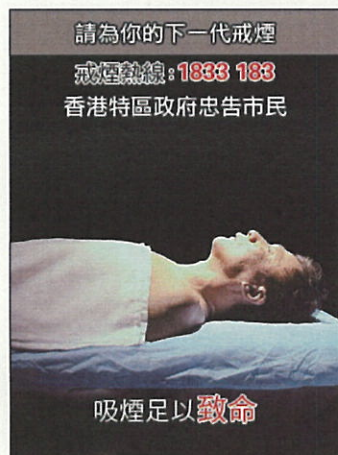


English Version of Version C



Form 4

Chinese Version of Version A



Chinese Version of Version B



Chinese Version of Version C



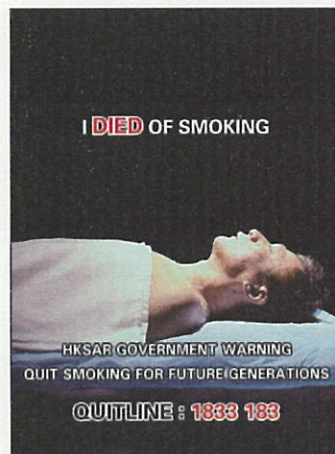
English Version of Version A



English Version of Version B



English Version of Version C



Form 5

Chinese Version of Version A



Chinese Version of Version B



Chinese Version of Version C



English Version of Version A



English Version of Version B



English Version of Version C



Form 6

Chinese Version of Version A



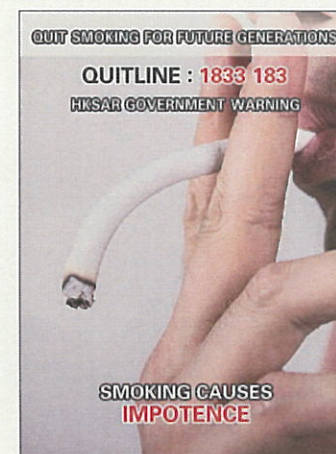
Chinese Version of Version B



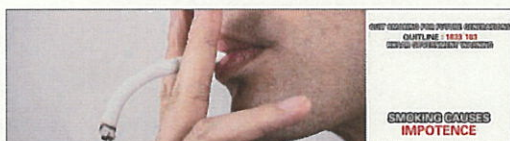
Chinese Version of Version C



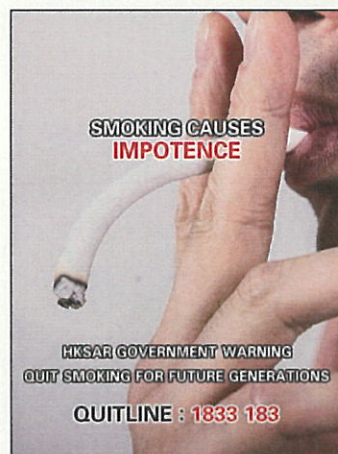
English Version of Version A



English Version of Version B



English Version of Version C



Form 7

Chinese Version of Version A



Chinese Version of Version B



Chinese Version of Version C



English Version of Version A



English Version of Version B



English Version of Version C



Form 8

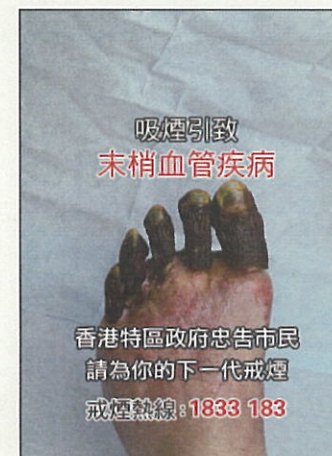
Chinese Version of Version A



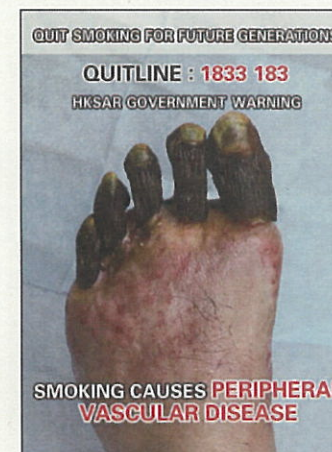
Chinese Version of Version B



Chinese Version of Version C



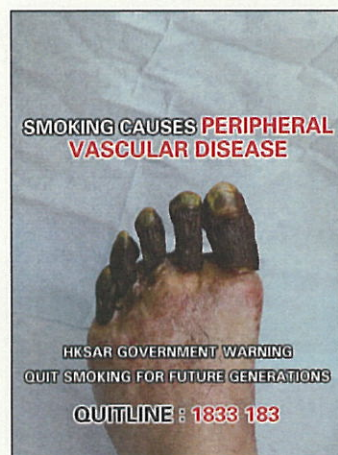
English Version of Version A



English Version of Version B



English Version of Version C



Form 9

Chinese Version of Version A



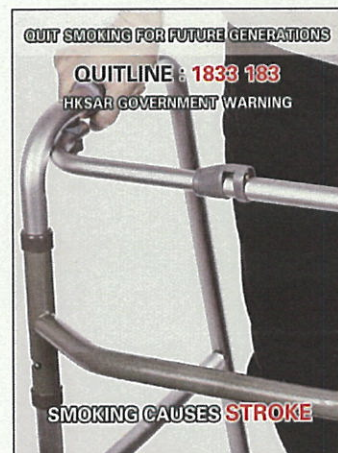
Chinese Version of Version B



Chinese Version of Version C



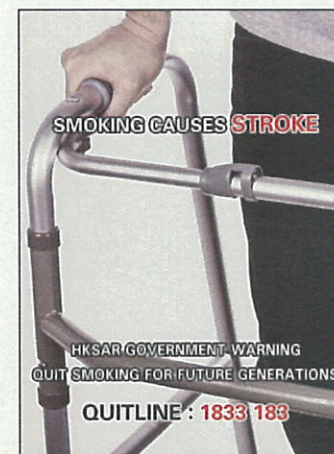
English Version of Version A



English Version of Version B



English Version of Version C



Form 10

Chinese Version of Version A



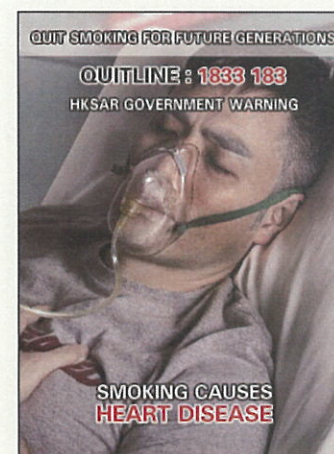
Chinese Version of Version B



Chinese Version of Version C



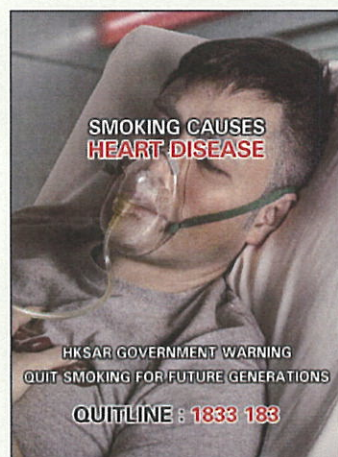
English Version of Version A



English Version of Version B



English Version of Version C



Form 11

Chinese Version of Version A



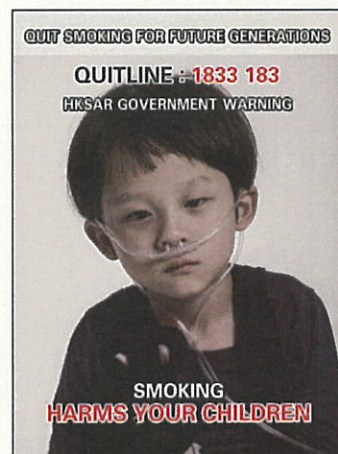
Chinese Version of Version B



Chinese Version of Version C



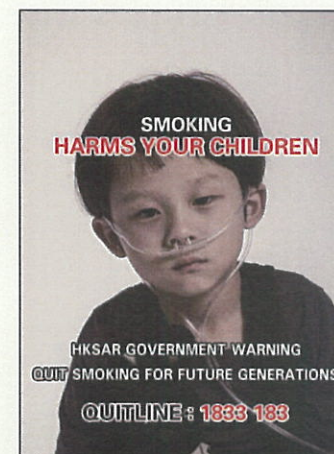
English Version of Version A



English Version of Version B



English Version of Version C



Form 12

Chinese Version of Version A



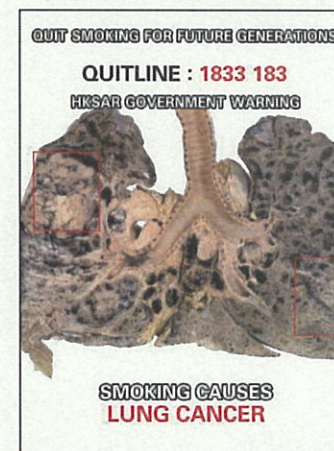
Chinese Version of Version B



Chinese Version of Version C



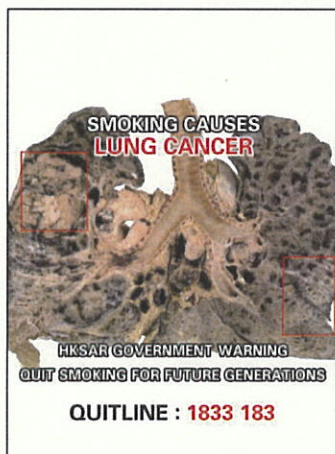
English Version of Version A



English Version of Version B



English Version of Version C



Specifications—

1. Each form is rectangular in shape and surrounded by a black line as demarcation.
2. The characters, letters and numbers are surrounded by either a black line or white line.
3. For the Chinese version, the characters and numbers are printed in “中黑體” typeface. For the English version, the letters and numbers are printed in Univers Bold typeface.

4. The graphic, characters, letters and numbers are printed by 4-colour printing with a minimum resolution of 300 dpi.”.