

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 663/16-17

Ref. : CB(3)/M/MR

Tel : 3919 3300

Date : 12 June 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Council meeting of 14 June 2017**

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

Members have been informed vide LC Paper No. CB(3) 659/16-17 that the Secretary for Food and Health (“SFH”) will move a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (“the Ordinance”) (Cap. 1) in relation to the Smoking (Public Health) (Notices) (Amendment) Order 2017 (“the Amendment Order”), published in the Gazette as Legal Notice No. 66 of 2017, at the above meeting.

2. Members are invited to note that the President has given permission for Hon SHIU Ka-fai and Dr Hon Fernando CHEUNG to move a total of four proposed resolutions (**Appendices 1 to 4**) under the Ordinance in relation to the Amendment Order. The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

3. The order of moving the proposed resolutions is set out below:

Order	Mover	Purpose of the proposed resolution	Scenario(s) under which the proposed resolution may not be moved
1.	SFH ( <u>Proposed resolution</u> )	To amend Clauses 1, 5, 6, 7, 8, 11 and 12 of the Amendment Order on matters in relation to the adaptation period, specified packet with seal and health warning images	—

Order	Mover	Purpose of the proposed resolution	Scenario(s) under which the proposed resolution may not be moved
2.	Hon SHIU Ka-fai ( <u>The 1st proposed resolution</u> ) (Appendix 1)	To amend Clauses 6 and 7 of the Amendment Order to reduce the coverage of the health warning on cigarette packets, pipe tobacco and cigarette tobacco from 85% to 65% and the coverage of the health warning on retail container of cigar from 100% (back) and 70% (front) to both 65%	—
3.	Dr Hon Fernando CHEUNG ( <u>Proposed resolution</u> ) (Appendix 2)	To amend Clauses 6 and 7 of the Amendment Order to increase the coverage of the health warning on cigarette, pipe tobacco and cigarette tobacco packets or retail containers from 85% to 90% and the coverage of the health warning on the front side of the retail container of cigar from 70% to 75%	If Mr SHIU's 1st proposed resolution <b>is passed</b> , Dr CHEUNG <b>may not move</b> his proposed resolution
4.	Hon SHIU Ka-fai ( <u>The 2nd proposed resolution</u> ) (Appendix 3)	To amend Clause 7 of the Amendment Order to reduce the coverage of the health warning on the front side of retail container of cigar from 70% to 60%	If Mr SHIU's 1st proposed resolution or Dr CHEUNG's proposed resolution <b>is passed</b> , Mr SHIU <b>may not move</b> his 2nd proposed resolution
5.	Hon SHIU Ka-fai ( <u>The 3rd proposed resolution</u> ) (Appendix 4)	To amend Clause 7 of the Amendment Order to reduce the coverage of the health warning on the back of retail container of cigar from 100% to 90%	If Mr SHIU's 1st proposed resolution <b>is passed</b> , he <b>may not move</b> his 3rd proposed resolution

4. The President will order a joint debate on the five proposed resolutions. To assist Members in debating the proposed resolutions, I set out below the relevant proceedings under which the President will:

- (a) call upon SFH to speak and move his proposed resolution, and then propose the question on SFH's proposed resolution;
- (b) call upon Hon SHIU Ka-fai and Dr Hon Fernando CHEUNG to speak respectively, but they may not move their proposed resolutions at this stage;
- (c) invite the chairman of the subcommittee formed to scrutinize the Amendment Order to speak;
- (d) invite other Members to speak;
- (e) call upon Mr SHIU and Dr CHEUNG to speak again;
- (f) call upon SFH to reply; and
- (g) put to vote the question on SFH's proposed resolution and, after SFH's proposed resolution has been voted upon, deal with the proposed resolutions of Mr SHIU and Dr CHEUNG according to the scenarios at the above table.

5. Members are invited to note that the speaking time limit for each Member is 15 minutes. The two Members who intend to move the proposed resolutions will have another 15 minutes to speak again before the proposed resolutions are put to vote. SFH will not be subject to any speaking time limit.



(Dora WAI)  
for Clerk to the Legislative Council

Encl.

**Interpretation and General Clauses Ordinance**

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**Resolution**

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

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**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.

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## **Schedule**

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

#### **1. 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)(e) —

**Repeal**

“85%”

**Substitute**

“65%”.

- (2) Section 6, new paragraph 3(5)(b)(ii) —

**Repeal**

“85%”

**Substitute**

“65%”.

#### **2. 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(5)(a)(ii) —

**Repeal**

“70%”

**Substitute**

“65%”.

- (2) Section 7, new paragraph 4A(5)(b)(ii) —

**Repeal**

“100%”

**Substitute**

“65%”.

- (3) Section 7, new paragraph 4A(6)(b) —

**Repeal**

“85%”

**Substitute**

“65%”.

- (4) Section 7, new paragraph 4A(7)(b)(ii) —

**Repeal**

“85%”

**Substitute**

**“65%”.**

**Interpretation and General Clauses Ordinance**

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**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.

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**1. 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)(e)—

**Repeal**

“85%”

**Substitute**

“90%”.

(2) Section 6, new paragraph 3(5)(b)(ii)—

**Repeal**

“85%”

**Substitute**

“90%”.

**2. 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(5)(a)(ii)—

**Repeal**

“70%”

**Substitute**

“75%”.

(2) Section 7, new paragraph 4A(6)(b)—

**Repeal**

“85%”

**Substitute**

“90%”.

(3) Section 7, new paragraph 4A(7)(b)(ii)—

**Repeal**

“85%”

**Substitute**

“90%”.



**Interpretation and General Clauses Ordinance**

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**Resolution**

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

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

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## **Schedule**

### **Amendment to Smoking (Public Health) (Notices) (Amendment) Order 2017**

- 1. 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)))**

Section 7, new paragraph 4A(5)(a)(ii) —

**Repeal**

“70%”

**Substitute**

“60%”.

**Interpretation and General Clauses Ordinance**

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**Resolution**

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

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Section 7, new paragraph 4A(5)(b)(ii) —

**Repeal**

“100%”

**Substitute**

“90%”.