

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

**List of follow-up actions required of the Administration
arising from the discussion at the meeting on 16 May 2017**

The Administration was requested to:

- (a) in respect of soft pack cigarettes,
 - (i) take steps to understand the technical concerns raised by the tobacco industry that it was not feasible to, within the 12-month adaptation period (i.e. from 21 April 2017 on which the Smoking (Public Health) (Notices) (Amendment) Order 2017 ("the Amendment Order") was published in the Gazette to 20 April 2018), modify their packaging and use transparent seals on the packets in order to meet the proposed new requirement that a health warning had to cover at least 85% of the two largest surfaces of the packet on which it appeared, as well as the requirement that the health warning and indication of tar and nicotine yields appearing on a packet should not be obscured by any part of the lid of the packet when it was closed; an affixture to the packet; the wrapping of the packet; an affixture to that wrapping; or anything contained in that wrapping;
 - (ii) consider, in view of the above technical impracticability of the trade, extending the adaptation period for allowing the packets of soft pack cigarettes putting to sale in Hong Kong to carry the present form or the new form of health warnings; and
 - (iii) if an extension of the adaptation period would not be provided for and given the above technical impracticability of the trade, advise whether the enforcement authority would exercise discretion and not to prosecute cases whereby the soft pack cigarettes putting to sale carried a non-transparent seal which covered a small portion of the health warning (of a size covering at least 85% of the two largest surfaces of the packet concerned) after the expiry of the 12-month adaptation period;

- (b) address the concerns of the tobacco trade that the standardized electronic archive version of graphic health warnings provided by the Administration to the trade would result in serious image distortion when enlarged to meet the proposed new requirement that a health warning had to cover at least 85% of the two largest surfaces of the retail container of cigarette packets and cigars;
- (c) advise whether the printing of two or more copies of a prescribed health warning on each of the two largest surfaces of a packet or retail container of a tobacco product, the total size of which meeting the relevant percentage prescribed by the Amendment Order, would be considered as meeting the proposed new requirements in this regard; and
- (d) advise whether it would constitute an offence under section 9 of the Smoking (Public Health) Ordinance (Cap. 371) if a person sold a cigar, which was packed with other cigars in a retail container that bore a health warning in the prescribed form and manner, individually; and if so, the enforcement actions, including prosecution, taken in this regard in the past three years.

Council Business Division 2
Legislative Council Secretariat
22 May 2017