



中華人民共和國香港特別行政區政府總部食物及衛生局  
Food and Health Bureau, Government Secretariat  
The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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7 April 2017

Ms Maisie LAM  
Clerk to Panel on Health Services  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Ms Lam,

**Motions concerning further discussion on the proposal to amend the health warnings on packets and retail containers of tobacco products carried at the Legislative Council Panel on Health Services meeting on 20 March 2017**

**Government's response**

I refer to your letter dated 23 March 2017, requesting the Government to respond to the two motions carried at the Legislative Council (LegCo) Panel on Health Services (HS Panel) meeting on 20 March 2017.

**Response to Motion 1**

2. Having considered the views of LegCo HS Panel Members and technical concerns expressed by the trade, we have proposed adjustment to our proposal in relation to retail containers of cigar (except for those containing one cigar). Under the adjusted proposal, with a view to providing greater flexibility to the trade, the health warning should cover 100% of one of the two largest surfaces

and 70% of the other largest surface of the cigar box. The trade may also affix other seals and labels on the lateral surfaces of the cigar box without any restriction.

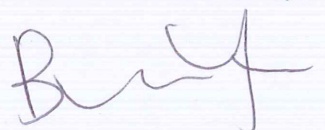
3. On the other hand, as we have indicated at the HS Panel meeting on 20 March 2017, when the offences are of a trivial or technical nature, prosecution may not be in the public interest. Law enforcement agencies will consider whether prosecution is warranted on a case-by-case basis. Generally speaking, law enforcement agencies would not prosecute in cases where slight deviations have arisen from manual procedures.

4. We will provide technical support to assist the trade in preparing for implementation of the new requirement.

### **Response to Motion 2**

5. As mentioned in paragraph 37 of our discussion paper LC Paper No. CB(2)859/16-17(12) (Revised), under section 18 of the Smoking (Public Health) Ordinance (Cap. 371), the Secretary for Food and Health may by order in the Gazette prescribe the matters in relation to health warning and indication of tar and nicotine yields and the manner in which such matters are to be displayed and table in LegCo the amendments for negative vetting. As stated in the same paper, we aim at tabling the proposed Amendment Order in LegCo in the first half of 2017.

Yours sincerely,



( Miss Bonnie YIM )  
for Secretary for Food and Health

c.c. Director of Health (Attn: Head / Tobacco Control Office)