

LEGISLATIVE COUNCIL BRIEF

SMOKING (PUBLIC HEALTH) ORDINANCE (CAP. 371)

SMOKING (PUBLIC HEALTH) (NOTICES) (AMENDMENT) ORDER 2017

INTRODUCTION

On 18 April 2017, the Secretary for Food and Health (SFH), in exercise of the power under section 18(2) of the Smoking (Public Health) Ordinance (Cap. 371), made the Smoking (Public Health) (Notices) (Amendment) Order 2017 (“the Amendment Order”) at **Annex A** to amend the requirements of the health warning and indication of tar and nicotine yields on packet or retail container of tobacco products under the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg. B).

JUSTIFICATIONS

Background

2. At present, the Smoking (Public Health) (Notices) Order (Cap. 371B) stipulates that the health warning should cover at least 50% of the two largest surfaces of packet or retail container of cigarettes, cigar, pipe tobacco and cigarette tobacco in accordance with the prescribed forms and pictures. The existing Smoking (Public Health) (Notices) Order are at **Annex B**. The existing batch of health warning pictures has been used since 2007.

3. The World Health Organization (WHO) Guidelines recommend that two or more sets of health warnings and messages, specified from the outset, should be established to alternate after a specified period, such as every twelve to thirty-six months, as rotation of health warnings and messages and changes in their layout and design are important to maintain saliency and enhance impact. Also, the size of the health warnings and messages should cover more than 50% of the principal

display areas and aim to cover as much of the principal display areas as possible. In fact, the WHO has been advocating for plain packaging of tobacco products¹.

4. According to WHO Guidelines, the provision of specific sources for cessation help on tobacco packaging, such as a toll-free telephone “quitline” number, can be important in helping tobacco users to change their behaviour. Evidence also supports that the inclusion of a quitline number in health warning leads to increase in call volume to the quitline.

5. Having regard to the above, we propose to amend the prescribed forms (including specifications) of health warnings, the size and number of the health warnings and messages for packet or retail container of cigarettes under the Smoking (Public Health) (Notices) Order as follows –

- (a) the area of the graphic health warning shall be of a size that covers at least 85% of two largest surfaces of the packet and of the retail container;
- (b) increases the number of forms of health warning from six to twelve;
- (c) the following health warning message is to be included in the existing statement “HKSAR GOVERNMENT WARNING” / “香港特區政府忠告市民” –

“QUIT SMOKING FOR FUTURE GENERATIONS” /
“請為你的下一代戒煙” and

“QUITLINE 1833 183” / “戒煙熱線：1833 183”,
- (d) the indication of tar and nicotine yields should appear on a surface other than a surface bearing the health warning.

¹ According to paragraph 46 of the Guidelines of Article 11 of FCTC, “plain packaging” is defined as “measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style”.

6. We propose to introduce similar changes to the graphical content and format for retail container of cigar, pipe tobacco or cigarette tobacco, except for the indication of tar and nicotine yields.

7. Having considered the operational issues expressed by the trade, we propose to adjust the graphical content and format requirements for retail container of cigarettes, cigar, pipe tobacco or cigarette tobacco as follows –

(a) Technical requirement in relations to the tar and nicotine yield indication on the retail container of cigarettes

Instead of printing the indication on a white background as required in the current legislation, there would be no restriction on the background colour of the tar and nicotine yields indication. Characters, letters and numbers, as long as clearly visible and in compliance with the requirements on font types and sizes, could be printed in black or white.

(b) Size of health warning requirement on the lid of a drum shape container

The English version of the same health warning would remain covering 50% of the surface area of the lid.

(c) Requirements for retail container of cigar, pipe tobacco or cigarette tobacco (except for the ones containing one cigar)

Under the adjusted proposal, with a view to providing greater flexibility, the health warning will cover 100% of one of the two largest surfaces and 70% of the other largest surface of the cigar box.

(d) Adaptation period

The full adaptation period is twelve months. Starting from 21 October 2017 (six months from the date of gazettal of the Amendment Order), we would allow both packets of tobacco products carrying the present form or the new form of health warnings to be put to sale.

Starting from 21 April 2018 (12 months from the date of gazettal of the Amendment Order), packets of tobacco products put to sale in Hong Kong should only carry the new form of health warnings as set out in the Amendment Order.

THE AMENDMENT ORDER

8. The Amendment Order amends Cap. 371B to amend the prescribed form (including specifications) of the health warning and indication of tar and nicotine yields on packet or retail container of tobacco products. Subject to scrutiny by the Legislative Council (LegCo) under section 34 of Cap. 1 of the laws of Hong Kong, the Amendment Order will come into operation on 21 October 2017 and provides another six months for adaptation that ends on the day that is six months after the commencement date.

LEGISLATIVE TIMETABLE

9. The legislative timetable is as follows –

Publication of Amendment Order in the Gazette	21 April 2017
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Tabling in LegCo	26 April 2017
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IMPLICATIONS OF THE PROPOSAL

10. The Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the Smoking (Public Health) Ordinance. Additional staffing and financial implications, if any, arising from the implementation of the proposal will be absorbed within the existing manpower and financial resources of the Government. It has no economic, environmental and sustainability implications.

PUBLIC CONSULTATION

11. The Government consulted members of the Legislative Council Health Services Panel (HS Panel) in May 2015 and attended a special meeting with deputations on 6 July 2015. In May 2016, the Government issued a letter to the trade setting out the detailed specifications of the proposal. With a view to facilitating the trade's understanding, the Government organised a briefing on the technical issues relating to the implementation of the proposals in November 2016. The Government reported the progress at the HS Panel meeting on 19 December 2016 and attended another meeting with deputations on 17 January 2017. Subsequently, the Government attended the HS Panel meeting on 28 February and 20 March 2017 for further discussion of the proposal.

PUBLICITY

12. The Department of Health will inform local tobacco companies of the revision made to the prescribed form (including specifications) of the health warning and indication of tar and nicotine yields on packet or retail container of tobacco products. Information relevant to the Amendment Order can also be accessed through the Tobacco Control Office's website upon gazettal.

ENQUIRIES

13. Any enquiry on this brief can be addressed to Miss Bonnie YIM, Assistant Secretary (Health) (Tel: 3509 8961; e-mail: byhyim@fhb.gov.hk).

Food and Health Bureau
Department of Health
April 2017

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

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

(Made by the Secretary for Food and Health under section 18(2) of the
Smoking (Public Health) Ordinance (Cap. 371))

1. Commencement

This Order comes into operation on 21 October 2017.

2. Smoking (Public Health) (Notices) Order amended

The Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg. B)
is amended as set out in sections 3 to 12.

3. Title amended

The title—

Repeal

“NOTICES”

Substitute

“PRESCRIBED INFORMATION”.

4. Paragraph 1 substituted

Paragraph 1—

Repeal the paragraph

Substitute

“1. Citation

This Order may be cited as the Smoking (Public Health)
(Prescribed Information) Order.”.

5. Paragraph 2A added

Before paragraph 3—

Add**“2A. Interpretation**

In this Order—

surface (表面), in relation to a packet of cigarettes, or a retail container of cigarette packets, cigars, pipe tobacco or cigarette tobacco—

- (a) means an outer surface of the packet or container; and
- (b) includes any part of the lid of the packet or container that forms part of the surface.”.

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

Paragraph 3—

Repeal subparagraphs (2), (3), (4), (5), (6), (7) and (8)**Substitute**

- “(2) Each packet and each container must bear a health warning and an indication of tar and nicotine yields.
- (3) Subject to subparagraph (9), the health warning and indication of tar and nicotine yields must be printed on the packets and containers.
- (4) The health warning must comply with the following requirements—
 - (a) it must be in one of the forms prescribed in Part 2 of the Schedule;
 - (b) it must appear on the 2 largest surfaces of each packet and of each container;

- (c) if a packet or container has more than 2 largest surfaces, the warning must appear on any 2 of those surfaces;
 - (d) the 2 surfaces must bear the Chinese version and English version of the same warning respectively;
 - (e) each version of the warning must cover at least 85% of the area of the surface on which it appears.
- (5) Despite subparagraph (4), if a packet or container is in the shape of a cylindrical drum—
 - (a) the health warning must be in one of the forms prescribed in Part 2A of the Schedule;
 - (b) the Chinese version of the warning—
 - (i) must appear on the curved surface of the drum; and
 - (ii) must cover at least 85% of the area of that surface; and
 - (c) the English version of the same warning—
 - (i) must appear on the top surface of the lid of the drum; and
 - (ii) must cover at least 50% of the area of that surface.
- (6) For subparagraphs (4)(a) and (5)(a), each form of the health warning prescribed in Part 2 or 2A of the Schedule must appear on the packets and retail containers of each brand of cigarette with equal frequency during any continuous period of 24 months.
- (7) The indication of tar and nicotine yields—
 - (a) must be in either of the forms prescribed in Part 2C of the Schedule; and

- (b) must appear on a surface of each packet and of each retail container other than a surface bearing the health warning.
- (8) The health warning and indication of tar and nicotine yields appearing on a packet or retail container must not be obscured by—
 - (a) any part of the lid of the packet or container when it is closed;
 - (b) an affixture to the packet or container;
 - (c) the wrapping of the packet or container;
 - (d) an affixture to that wrapping; or
 - (e) anything contained in that wrapping.
- (9) The health warning and indication of tar and nicotine yields may appear on a label securely affixed to a packet or retail container if—
 - (a) the packet or container is made of metal or is a plastic drum; or
 - (b) the Commissioner of Customs and Excise approves the affixing of the label to the packet or container on being satisfied that—
 - (i) it is not reasonable to expect to have had a health warning and an indication of tar and nicotine yields printed on the packet or container at the time of its manufacture; and
 - (ii) the approval is required for a limited period of time or in relation to a particular consignment of cigarettes only.”.

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

Paragraph 4A—

Repeal subparagraphs (2), (3), (4), (5), (6), (7) and (8)

Substitute

- “(2) Each container must bear a health warning.
- (3) Subject to subparagraph (10), the health warning must be printed on the containers.
- (4) The health warning must comply with the following requirements—
 - (a) it must be in one of the forms prescribed in Part 2 of the Schedule;
 - (b) it must appear on the 2 largest surfaces of each container;
 - (c) if a container has more than 2 largest surfaces, the warning must appear on any 2 of those surfaces;
 - (d) if appearing on a retail container of cigars, the warning must also comply with subparagraph (5);
 - (e) if appearing on a retail container of pipe tobacco or cigarette tobacco, the warning must also comply with subparagraph (6).
- (5) For a retail container of cigars—
 - (a) the Chinese version of the warning—
 - (i) must appear on the largest surface on the front of the container; and
 - (ii) must cover at least 70% of the area of that surface; and
 - (b) the English version of the same warning—

- (i) must appear on the largest surface on the back of the container; and
 - (ii) must cover 100% of the area of that surface.
- (6) For a retail container of pipe tobacco or cigarette tobacco—
 - (a) the 2 surfaces bearing the warning must bear the Chinese version and English version of the same warning respectively; and
 - (b) each version of the warning must cover at least 85% of the area of the surface on which it appears.
- (7) Despite subparagraphs (4), (5) and (6), if a container is in the shape of a cylindrical drum—
 - (a) the health warning must be in one of the forms prescribed in Part 2A of the Schedule;
 - (b) the Chinese version of the warning—
 - (i) must appear on the curved surface of the drum; and
 - (ii) must cover at least 85% of the area of that surface; and
 - (c) the English version of the same warning—
 - (i) must appear on the top surface of the lid of the drum; and
 - (ii) must cover at least 50% of the area of that surface.
- (8) For subparagraphs (4)(a) and (7)(a), each form of the health warning prescribed in Part 2 or 2A of the Schedule must appear on the retail containers of each brand of cigar, pipe tobacco or cigarette tobacco with equal frequency during any continuous period of 24 months.

- (9) The health warning appearing on a retail container must not be obscured by—
 - (a) any part of the lid of the container when it is closed;
 - (b) an affixture to the container;
 - (c) the wrapping of the container;
 - (d) an affixture to that wrapping; or
 - (e) anything contained in that wrapping.
- (10) The health warning may appear on a label securely affixed to a retail container with an approval given by the Commissioner of Customs and Excise on being satisfied that it is not reasonable to expect to have had a health warning printed on the container at the time of its manufacture.”.

8. Paragraph 4AA amended (health warning on retail container containing one cigar)

Paragraph 4AA—

Repeal subparagraphs (2), (3), (4), (5) and (6)

Substitute

- “(2) Each container must bear a health warning.
- (3) Subject to subparagraph (7), the health warning must be printed on the containers.
- (4) The health warning must comply with the following requirements—
 - (a) it must be in one of the forms prescribed in Part 2B of the Schedule;
 - (b) both the Chinese version and English version of the warning must appear on the largest surface of the container.

- (5) For subparagraph (4)(a), each form of the health warning prescribed in Part 2B of the Schedule must appear on the retail containers of each brand of cigar with equal frequency during any continuous period of 24 months.
- (6) The health warning appearing on a retail container must not be obscured by—
 - (a) any part of the lid of the container when it is closed;
 - (b) an affixture to the container;
 - (c) the wrapping of the container;
 - (d) an affixture to that wrapping; or
 - (e) anything contained in that wrapping.
- (7) The health warning may appear on a label securely affixed to a retail container with an approval given by the Commissioner of Customs and Excise on being satisfied that it is not reasonable to expect to have had a health warning printed on the container at the time of its manufacture.”.

9. Paragraph 5A amended (health warning on price board of tobacco products)

- (1) Paragraph 5A(2)—

Repeal

“Part IIIA”

Substitute

“Part 3A”.

- (2) Paragraph 5A(3)—

Repeal

“shall be of a size that covers”

Substitute

“must cover”.

10. Paragraph 8 amended (sign when offering tobacco products for sale, etc.)

Paragraph 8—

Repeal

“Part VI”

Substitute

“Part 6”.

11. Paragraph 9 added

After paragraph 8—

Add

“9. Transitional provision relating to Smoking (Public Health) (Notices) (Amendment) Order 2017

(1) In this paragraph—

commencement date (生效日期) means the date on which the Smoking (Public Health) (Notices) (Amendment) Order 2017 comes into operation.

(2) During the period of 6 months beginning on the commencement date, compliance with paragraph 3, 4A or 4AA as in force immediately before the commencement date 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.”.

12. Schedule amended

(1) The Schedule—

Repeal Parts II, IIA and IIB

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



English Version



Form 2

Chinese Version



English Version



Form 3

Chinese Version



English Version



Form 4

Chinese Version



English Version



Form 5

Chinese Version



English Version



Form 6

Chinese Version



English Version



Form 7

Chinese Version



English Version



Form 8

Chinese Version



English Version



Form 9

Chinese Version



English Version



Form 10

Chinese Version



English Version



Form 11

Chinese Version



English Version

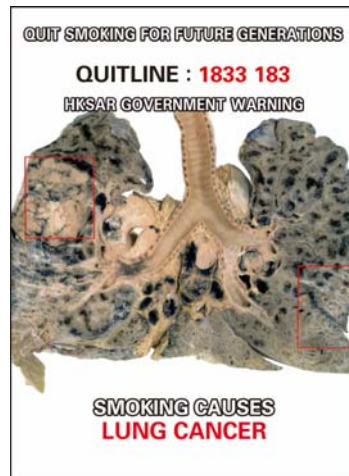


Form 12

Chinese Version



English Version



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.

Part 2A

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

Form 1

Chinese Version



English Version



Form 2

Chinese Version



English Version



Form 3

Chinese Version



English Version



Form 4

Chinese Version



English Version



Form 5

Chinese Version



English Version



Form 6

Chinese Version



English Version



Form 7

Chinese Version



English Version



Form 8

Chinese Version



English Version



Form 9

Chinese Version



English Version



Form 10

Chinese Version



English Version



Form 11

Chinese Version



English Version



Form 12

Chinese Version



English Version

Specifications—

1. The Chinese version of each form is rectangular in shape and surrounded by a black line as demarcation. The English version of each form is hemispherical 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.

Part 2B

Forms of Health Warning on Retail Container Containing One Cigar

Form 1

Chinese Version



請為你的下一代戒煙
戒煙熱線: 1833 183
香港特區政府忠告市民

吸煙奪去我的聲線

English Version



QUIT SMOKING FOR FUTURE GENERATIONS
QUITLINE : 1833 183
HKSAR GOVERNMENT WARNING

SMOKING TAKES AWAY MY VOICE

Form 2

Chinese Version



English Version



Form 3

Chinese Version



English Version



Form 4

Chinese Version



English Version



Form 5

Chinese Version



English Version



Form 6

Chinese Version



English Version



Form 7

Chinese Version



English Version



Form 8

Chinese Version



English Version

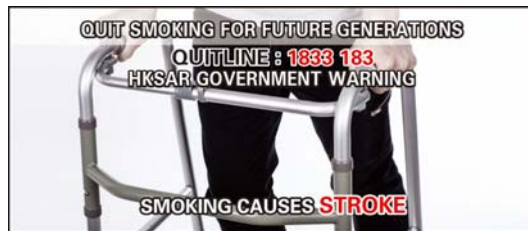


Form 9

Chinese Version



English Version



Form 10

Chinese Version



English Version



Form 11

Chinese Version



English Version



Form 12

Chinese Version



English Version

Specifications—

1. Each form is rectangular in shape and surrounded by a black line as demarcation. The width and the length are 7 cm and 3 cm respectively.
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.

Part 2C**Forms of Indication of Tar and Nicotine Yields on
Packet of Cigarettes or Retail Container of
Cigarette Packets**

Form 1

TAR :	mg	NICOTINE :	mg
焦油 :	毫克	尼古丁 :	毫克

Form 2

TAR :	mg
焦油 :	毫克
NICOTINE :	mg
尼古丁 :	毫克

Specifications—

1. The Chinese characters and Arabic numerals on the same line are printed in “中黑體” typeface. The English letters and Arabic numerals on the same line are printed in Univers Bold typeface.
2. The characters, letters and numbers are—
 - (a) of a font size not less than 8 point;
 - (b) printed in white for white or 100% black for black, whichever colour contrasts more clearly with the colour of their background; and
 - (c) clearly visible.”.
- (2) The Schedule, Part IIIA, heading—

Repeal

“PART IIIA”

Substitute

“**Part 3A**”.
- (3) The Schedule, Part VI, heading—

Repeal

“PART VI”

Substitute

“**Part 6**”.

Secretary for Food and Health

18 April 2017

Explanatory Note

The main purpose of this Order is to amend the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg. B) (*principal Order*) to revise the requirements for health warnings on packets and retail containers of tobacco products.

2. Under the current law, each packet and retail container of cigarettes and each retail container of other tobacco products must bear a health warning in a prescribed form. The health warning must cover at least 50% of the areas of the 2 largest surfaces of the packet or retail container. At present, a total of 6 forms of health warnings are prescribed.
3. The Order amends paragraphs 3, 4A and 4AA of the principal Order—
 - (a) generally to increase the coverage of the health warning to 85% of the areas of the 2 largest surfaces of a packet or retail container;
 - (b) for a packet or retail container in the shape of a cylindrical drum, to increase the coverage of the health warning to 85% of the area of its curved surface (but the coverage for the lid remains to be 50%);
 - (c) for a retail container of cigars, to increase the relevant coverage to 70% (on the front) and 100% (on the back) of the areas of the largest surfaces concerned;
 - (d) to require the indication of tar and nicotine yields to be separately printed on a surface of a cigarette packet and retail container other than the surfaces bearing the health warning; and
 - (e) to make other minor textual amendments.

4. Parts II, IIA and IIB of the Schedule to the principal Order are repealed and replaced by the new Parts 2, 2A and 2B. The new Parts prescribe 12 new forms of health warning with new messages. In addition, there are technical changes to the specifications of the forms.
5. A new Part 2C is added to the Schedule to the principal Order to prescribe the forms and specifications of the indication of tar and nicotine yields on a packet and retail container of cigarettes.
6. The Order comes into operation on 21 October 2017. A transitional period of 6 months is provided for in the Order. In the premises, the Order provides a 12-month adaptation period from the date on which it is published in the Gazette.

Chapter:	371B	SMOKING (PUBLIC HEALTH) (NOTICES) ORDER	Gazette Number	Version Date
		Empowering section		30/06/1997

(Cap 371, section 18(2))

[13 August 1982]

(Originally L.N. 313 of 1982)

Paragraph:	1	Citation		30/06/1997
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This order may be cited as the Smoking (Public Health) (Notices) Order.

Paragraph:	2	(Repealed 21 of 2006 s. 34)	21 of 2006	01/01/2007
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Paragraph:	3	Health warning and indication of tar and nicotine yields on packet or retail container of cigarettes	21 of 2006	27/10/2006
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(1) For the purposes of section 8 of the Ordinance, this paragraph applies to any packet of cigarettes containing 20 or more cigarettes and any retail container of cigarette packets containing any number of cigarettes.

(2) Subject to subparagraph (3), each cigarette packet and each retail container shall bear a health warning and indication of tar and nicotine yields in one of the forms set out in Part II of the Schedule.

(3) For each brand of cigarette, each of the forms so set out shall be borne on the packets containing that brand of cigarette and on the retail containers containing those packets with equal frequency during any continuous period of 12 months.

(4) Subject to subparagraphs (5) and (8)—

- (a) the health warning and indication of tar and nicotine yields shall appear on the 2 largest surfaces of the packet and of the retail container;
- (b) one of those surfaces shall bear the Chinese version of the health warning and indication of tar and nicotine yields and the other surface shall bear the English version of the same health warning and indication of tar and nicotine yields; and
- (c) the top side of the area containing the Chinese or English version of the health warning and indication of tar and nicotine yields shall be no more than 12 millimetres from the top of the surface on which that version appears.

(5) If a packet or retail container is in the form of a drum, the Chinese version of the health warning and indication of tar and nicotine yields shall appear on the curved surface of the drum and the English version of the same health warning and indication of tar and nicotine yields shall appear on the lid.

(6) The Chinese or English version of the health warning and indication of tar and nicotine yields shall be of a size that covers at least 50% of the area of the surface on which that version appears.

(7) No health warning and indication of tar and nicotine yields shall appear in such a manner that it is obscured by any affixture to the packet or retail container, the wrapping of the packet or retail container or any affixture to the wrapping of the packet or retail container.

(8) The health warning and indication of tar and nicotine yields may be printed on a label securely affixed to the packets or retail containers—

- (a) if the packets or retail containers are made of metal or are plastic drums;
- (b) with the approval of the Commissioner of Customs and Excise where he is satisfied that—
 - (i) the circumstances in which the packets or retail containers are in Hong Kong, or are to be brought to Hong Kong, are such that they could not reasonably be expected to have had printed on them a health warning and indication of tar and nicotine yields at the time of their manufacture; and
 - (ii) the approval is required for a limited period of time or in relation to a particular consignment of cigarettes only.

Paragraph:	4	(Repealed L.N. 188 of 1999)	L.N. 188 of 1999	16/07/1999
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Paragraph:	4A	Health warning on retail container of cigar, pipe tobacco or cigarette tobacco (other than retail container containing one cigar)	21 of 2006	27/10/2006
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(1) For the purposes of section 9 of the Ordinance, this paragraph applies to any retail container of any cigar, pipe tobacco or cigarette tobacco (other than a retail container containing one cigar).

(2) Subject to subparagraph (3), each retail container shall bear a health warning in one of the forms set out in Part IIA of the Schedule.

(3) For each brand of cigar, pipe tobacco or cigarette tobacco, each of the forms so set out shall be borne on the retail containers containing that brand of cigar, pipe tobacco or cigarette tobacco with equal frequency during any continuous period of 12 months.

(4) Subject to subparagraphs (5) and (8)—

(a) the health warning shall appear on the 2 largest surfaces of the retail container; and

(b) one of those surfaces shall bear the Chinese version of the health warning and the other surface shall bear the English version of the same health warning.

(5) If a retail container is in the form of a drum, the Chinese version of the health warning shall appear on the curved surface of the drum and the English version of the same health warning shall appear on the lid.

(6) The Chinese or English version of the health warning shall be of a size that covers at least 50% of the area of the surface on which that version appears.

(7) No health warning shall appear in such a manner that it is obscured by any affixture to the retail container, the wrapping of the retail container or any affixture to the wrapping of the retail container.

(8) The health warning may be printed on a label securely affixed to the retail containers with the approval of the Commissioner of Customs and Excise where he is satisfied that the circumstances in which the retail containers are in Hong Kong, or are to be brought to Hong Kong, are such that they could not reasonably be expected to have had printed on them a health warning at the time of their manufacture.

(21 of 2006 s. 36)

Paragraph:	4AA	Health warning on retail container containing one cigar	21 of 2006	27/10/2006
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(1) For the purposes of section 9 of the Ordinance, this paragraph applies to any retail container containing one cigar.

(2) Subject to subparagraph (3), each retail container shall bear a health warning in one of the forms set out in Part IIB of the Schedule.

(3) For each brand of cigar, each of the forms so set out shall be borne on the retail containers containing that brand of cigar with equal frequency during any continuous period of 12 months.

(4) Subject to subparagraph (6), the Chinese and English versions of the health warning shall appear on the largest surface of the retail container.

(5) No health warning shall appear in such a manner that it is obscured by any affixture to the retail container, the wrapping of the retail container or any affixture to the wrapping of the retail container.

(6) The health warning may be printed on a label securely affixed to the retail containers with the approval of the Commissioner of Customs and Excise where he is satisfied that the circumstances in which the retail containers are in Hong Kong, or are to be brought to Hong Kong, are such that they could not reasonably be expected to have had printed on them a health warning at the time of their manufacture.

(21 of 2006 s. 36)

Paragraph:	4B	(Repealed 21 of 2006 s. 37)	21 of 2006	01/01/2007
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Paragraph:	5	(Repealed 21 of 2006 s. 38)	21 of 2006	01/11/2009
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Paragraph:	5A	Health warning on price board of tobacco products	21 of 2006	01/01/2007
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(1) For the purposes of section 14(6)(b)(iv) of the Ordinance, this paragraph applies to a price board that lists the names and prices of the tobacco products offered for sale in any premises.

(2) The price board shall bear a health warning in the form set out in Part IIIA of the Schedule.

(3) The health warning shall be of a size that covers at least 20% of the area of the price board.

(21 of 2006 s. 39)

Paragraph:	6	(Repealed L.N. 188 of 1999)	L.N. 188 of 1999	16/07/1999
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Paragraph:	7	(Repealed L.N. 188 of 1999)	L.N. 188 of 1999	16/07/1999
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Paragraph:	8	Sign when offering tobacco products for sale, etc.		30/06/1997
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A sign required by section 15B of the Ordinance shall be as set out in Part VI of the Schedule and shall-

- (a) be rectangular in shape with sides of at least 38 centimetres in length and 20 centimetres in width;
- (b) be in plain and readily legible letters and characters;
- (c) have letters and characters of a colour which contrasts with the colour of the background upon which they are printed; and
- (d) be printed-
 - (i) in English, in Univers Bold; and
 - (ii) in Chinese, in Gothic Bold (中粗黑/粗黑).

(L.N. 558 of 1994)

Schedule:		SCHEDULE	21 of 2006	01/11/2009
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[paragraphs 3, 4A, 4AA, 5A & 8]
(L.N. 558 of 1994; L.N. 188 of 1999; 21 of 2006 s. 40)

PART I

(Repealed L.N. 188 of 1999)

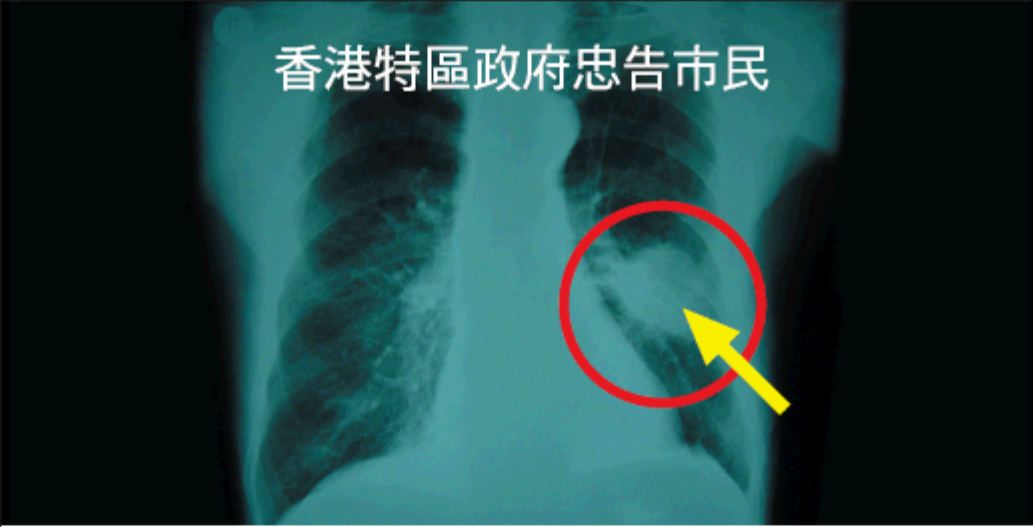
PART II

FORMS OF HEALTH WARNING AND INDICATION OF TAR AND NICOTINE YIELDS ON PACKET OR RETAIL CONTAINER OF CIGARETTES

Form 1

Chinese version

香港特區政府忠告市民

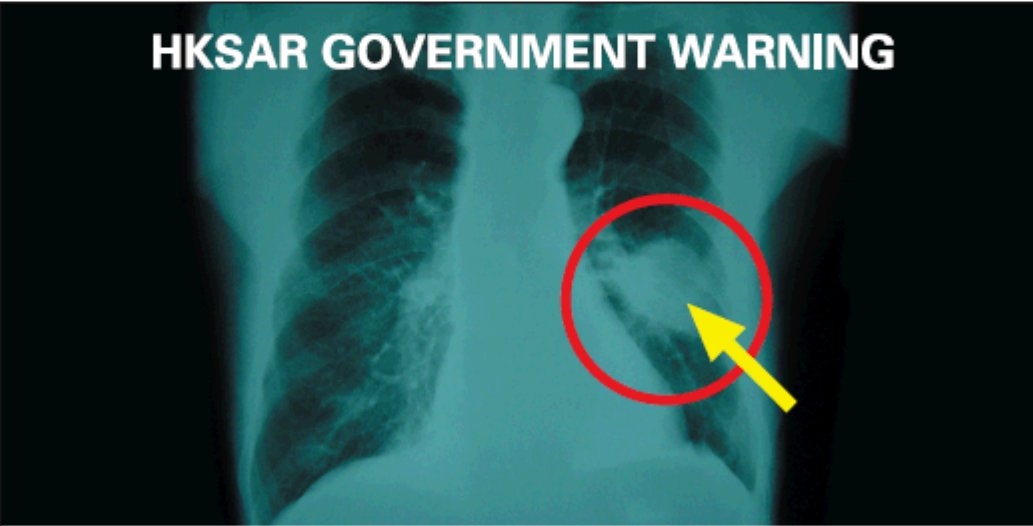


吸煙引致**肺癌**

焦油：	毫克	尼古丁：	毫克
-----	----	------	----

English version

HKSAR GOVERNMENT WARNING



SMOKING CAUSES LUNG CANCER

TAR :	mg	NICOTINE :	mg
-------	----	------------	----

Form 2

Chinese version

香港特區政府忠告市民



吸煙足以致命

焦油：	毫克	尼古丁：	毫克
-----	----	------	----

English version

HKSAR GOVERNMENT WARNING



SMOKING KILLS

TAR :	mg	NICOTINE :	mg
-------	----	------------	----

Form 3

Chinese version



香港特區政府忠告市民

吸煙禍及家人

焦油：	毫克	尼古丁：	毫克
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English version



HKSAR GOVERNMENT WARNING

SMOKING HARMS YOUR FAMILY

TAR :	mg	NICOTINE :	mg
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Form 4

Chinese version

香港特區政府忠告市民	
	
吸煙引致末梢血管疾病	
焦油： 毫克	尼古丁： 毫克

English version

HKSAR GOVERNMENT WARNING	
	
SMOKING CAUSES PERIPHERAL VASCULAR DISEASES	
TAR : mg	NICOTINE : mg

Form 5

Chinese version

	
香港特區政府忠告市民	
吸煙可引致陽萎	
焦油：	毫克
尼古丁：	毫克

English version

	
HKSAR GOVERNMENT WARNING	
SMOKING MAY CAUSE IMPOTENCE	
TAR :	mg
NICOTINE :	mg

Form 6

Chinese version



English version

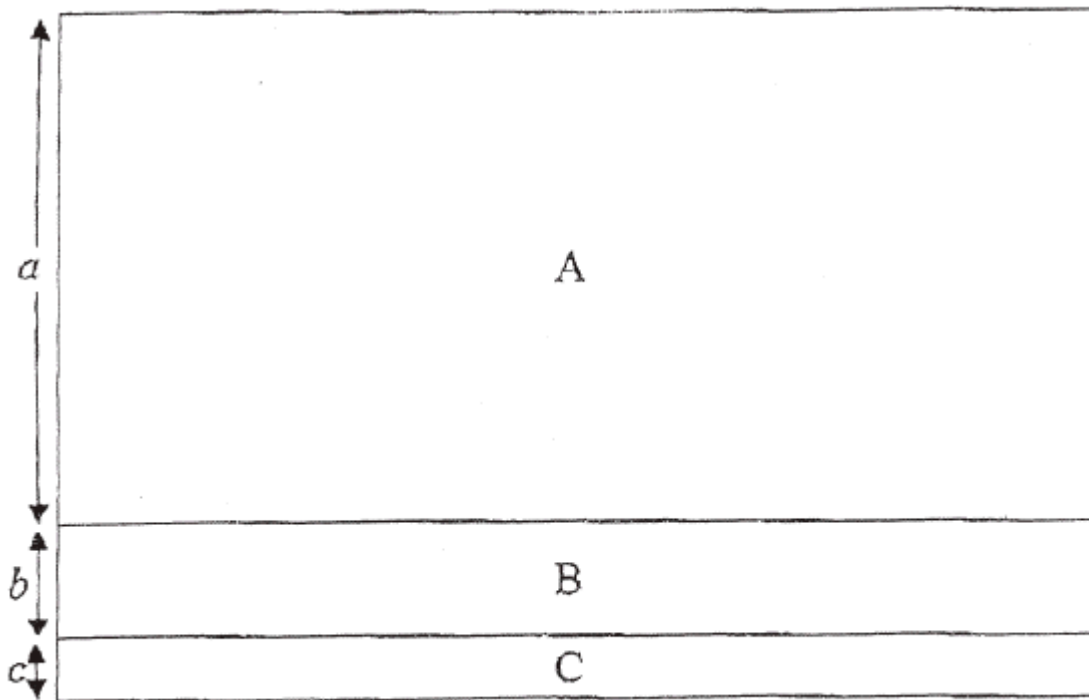


Specifications:

1. Each form is rectangular in shape and surrounded by a black line as demarcation.
2. Each form is divided into 3 rectangular areas (marked "A", "B" and "C" in the diagram below). The ratio of the length of area A to that of area B to that of area C (marked "a", "b" and "c" respectively in that diagram) is 9 to 2 to 1.
3. Area A contains the graphic (on which "香港特區政府忠告市民" (in the Chinese version) or "HKSAR GOVERNMENT WARNING" (in the English version) is printed) as set out in the form. Area B contains the

message in words as set out in the form. Area C contains an indication of tar and nicotine yields as set out in the form.

4. 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.
5. In relation to area A—
 - (a) the characters and letters are printed in white;
 - (b) the graphic is printed by 4-colour printing with a minimum resolution of 300 dpi.
6. In relation to areas B and C—
 - (a) the background colour is white;
 - (b) the characters, letters and numbers are printed in—
 - (i) 100% black for black; and
 - (ii) 100% yellow plus 100% magenta for red.



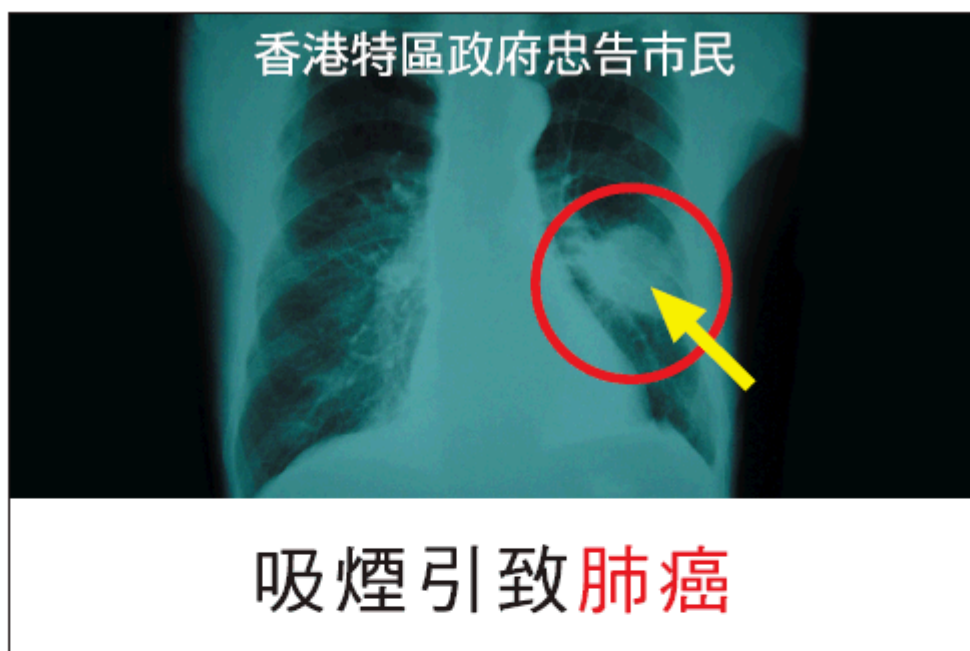
(21 of 2006 s. 40)

PART IIA

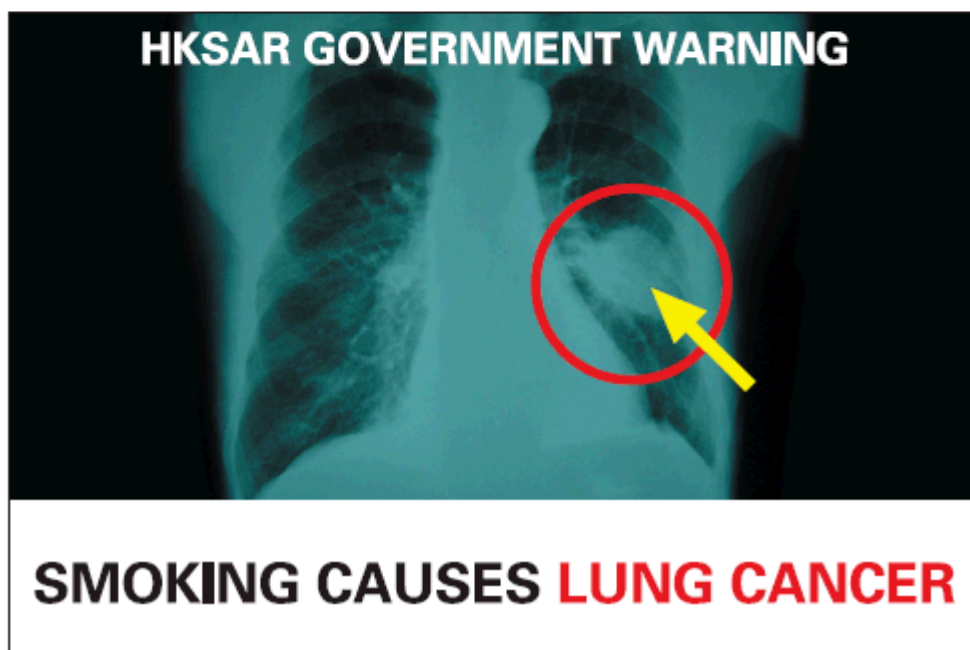
FORMS OF HEALTH WARNING ON RETAIL CONTAINER OF CIGAR, PIPE TOBACCO OR CIGARETTE TOBACCO (OTHER THAN RETAIL CONTAINER CONTAINING ONE CIGAR)

Form 1

Chinese version



English version



Form 2

Chinese version

香港特區政府忠告市民



吸煙足以致命

English version

HKSAR GOVERNMENT WARNING



SMOKING KILLS

Form 3

Chinese version



English version



Form 4

Chinese version

香港特區政府忠告市民



吸煙引致末梢血管疾病

English version

HKSAR GOVERNMENT WARNING



**SMOKING CAUSES
PERIPHERAL VASCULAR DISEASES**

Form 5

Chinese version

香港特區政府忠告市民



吸煙可引致陽萎

English version

HKSAR GOVERNMENT WARNING



SMOKING MAY CAUSE IMPOTENCE

Form 6

Chinese version



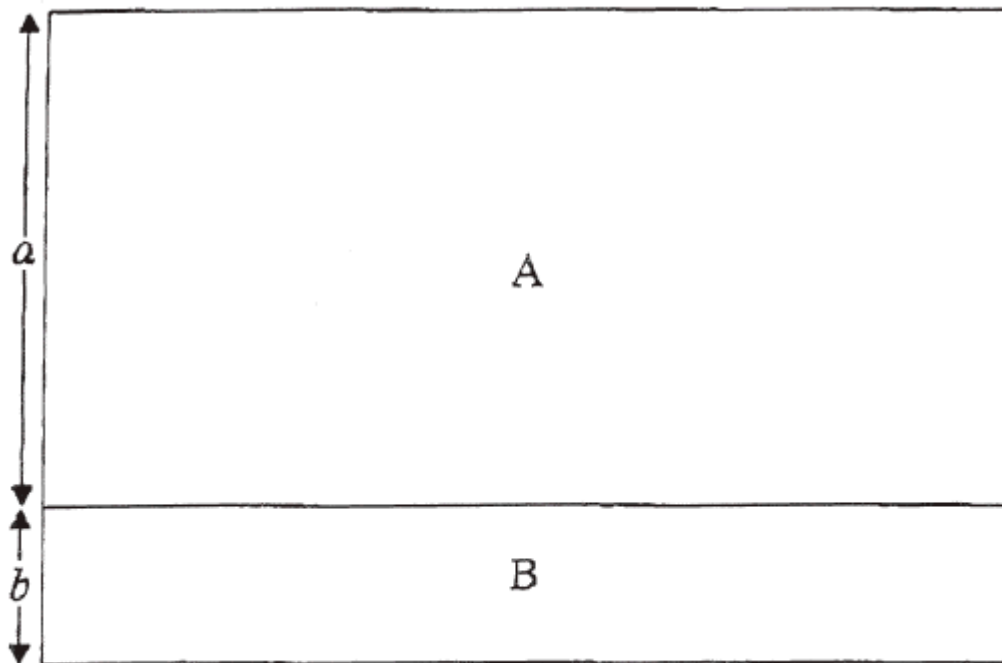
English version



Specifications:

1. Each form is rectangular in shape and surrounded by a black line as demarcation.
2. Each form is divided into 2 rectangular areas (marked "A" and "B" in the diagram below). The ratio of the length of area A to that of area B (marked "a" and "b" respectively in that diagram) is 3 to 1.
3. Area A contains the graphic (on which "香港特區政府忠告市民" (in the Chinese version) or "HKSAR GOVERNMENT WARNING" (in the English version) is printed) as set out in the form. Area B contains the message in words as set out in the form.
4. For the Chinese version, the characters are printed in "中黑體" typeface.
For the English version, the letters are printed in Univers Bold typeface.

5. In relation to area A—
 - (a) the characters and letters are printed in white;
 - (b) the graphic is printed by 4-colour printing with a minimum resolution of 300 dpi.
6. In relation to area B—
 - (a) the background colour is white;
 - (b) the characters and letters are printed in—
 - (i) 100% black for black; and
 - (ii) 100% yellow plus 100% magenta for red.



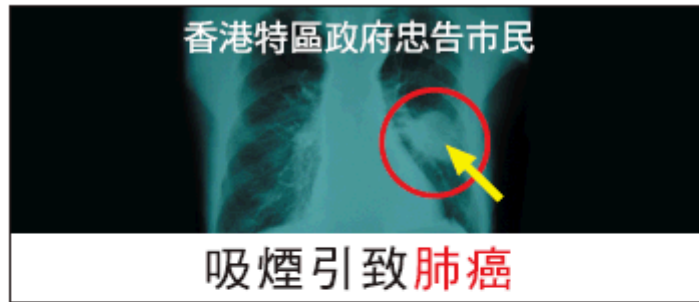
(21 of 2006 s. 40)

PART IIB

FORMS OF HEALTH WARNING ON RETAIL CONTAINER CONTAINING ONE CIGAR

Form 1

Chinese version



English version



Form 2

Chinese version



English version



Form 3

Chinese version

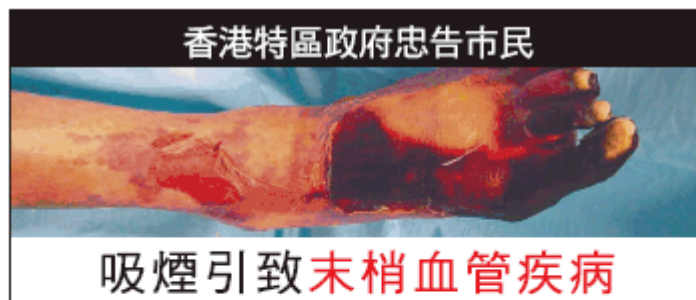


English version



Form 4

Chinese version



English version



Form 5

Chinese version



English version



Form 6

Chinese version



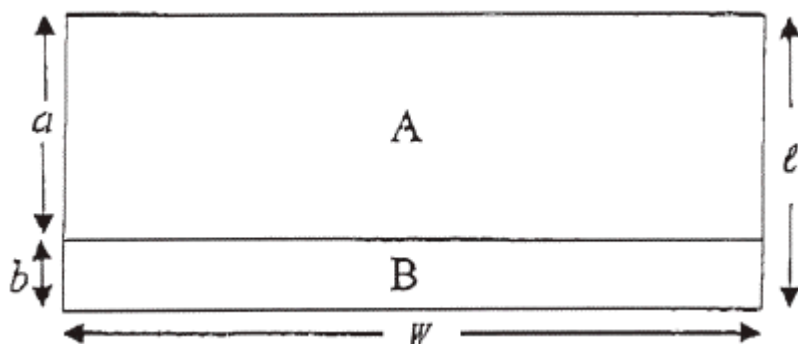
English version



Specifications:

1. Each form is rectangular in shape and surrounded by a black line as demarcation. The width and the length (marked "w" and "l" respectively in the diagram below) are 7 cm and 3 cm respectively.
2. Each form is divided into 2 rectangular areas (marked "A" and "B" in that diagram). The lengths of area A and area B (marked "a" and "b" respectively in that diagram) are 2.25 cm and 0.75 cm respectively.
3. Area A contains the graphic (on which "香港特區政府忠告市民" (in the Chinese version) or "HKSAR GOVERNMENT WARNING" (in the English version) is printed) as set out in the form. Area B contains the

- message in words as set out in the form.
4. For the Chinese version, the characters are printed in "中黑體" typeface.
For the English version, the letters are printed in Univers Bold typeface.
 5. In relation to area A—
 - (a) the characters and letters are printed in white;
 - (b) the graphic is printed by 4-colour printing with a minimum resolution of 300 dpi.
 6. In relation to area B—
 - (a) the background colour is white;
 - (b) the characters and letters are printed in—
 - (i) 100% black for black; and
 - (ii) 100% yellow plus 100% magenta for red.



(21 of 2006 s. 40)

PART III

(Repealed 21 of 2006 s. 40)

PART IIIA

FORM OF HEALTH WARNING ON PRICE BOARD OF TOBACCO PRODUCTS



Specifications:

1. The form is rectangular in shape and surrounded by a black line as demarcation.
2. The background colour is white.

3. The characters “香港特區政府忠告市民” are printed in 30 kyu (級).
 4. The characters “吸煙足以致命” are printed in 90 kyu (級).
 5. All characters referred to in paragraphs 3 and 4 are printed in black and in “華康中黑體” typeface.
 6. The letters “HKSAR GOVERNMENT WARNING” are printed in 30 points.
 7. The letters “SMOKING KILLS” are printed in 90 points.
 8. All letters referred to in paragraphs 6 and 7 are printed in black and in Univers Bold typeface, all capitals.
 9. If the price board is smaller than 1500 square centimetres, the characters and letters of the health warning may be proportionally reduced in kyu (級) and points by reference to the specifications in paragraphs 3, 4, 6 and 7.
- (21 of 2006 s. 40)

PART IV

(Repealed L.N. 188 of 1999)

PART V

(Repealed 21 of 2006 s. 40)

PART VI

SIGN WHEN OFFERING TOBACCO
PRODUCTS FOR SALE, ETC.

BY ORDER OF HKSAR GOVERNMENT:

**NO TOBACCO PRODUCT SHALL BE SOLD
TO PERSON UNDER 18 OR GIVEN FOR
PROMOTION TO ANY PERSON**

特區政府諭

禁止售賣煙草產品予
十八歲以下人士或派
贈煙草產品予任何人士

(L.N. 558 of 1994; L.N. 188 of 1999)