

立法會
Legislative Council

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Tel : 3919 3307

Date : 11 October 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 October 2021

**Proposed amendments to
the Smoking (Public Health) (Amendment) Bill 2019**

Further to LC Paper No. CB(3) 1017/20-21 issued on 27 September 2021, the President has given permission for the Secretary for Food and Health to move amendments to the captioned Bill, subject to the Bill receiving Second Reading.

2. As directed by the President, the proposed amendments are attached for Members' consideration.

(Ivy NGAI)
for Clerk to the Legislative Council

Encl.

Smoking (Public Health) (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
5	<p>By adding—</p> <p>“(1A) Section 3(2A), Chinese text—</p> <p>Repeal</p> <p>“他吸煙”</p> <p>Substitute</p> <p>“該人吸用”.”.</p>
21	<p>In the Chinese text, by deleting subclause (2) and substituting—</p> <p>“(2) 第 15A(3)(a)條 ——</p> <p>廢除</p> <p>在“得將”之後的所有字句</p> <p>代以</p> <p>“(或要約將)傳統吸煙產品售賣予或將傳統吸煙產品給予任何其他人，以換取換物憑證；”。”.</p>
23	<p>By deleting the proposed section 15DB and substituting—</p> <p>“15DB. Liability of officers of bodies corporate, partners and members of unincorporated bodies</p> <p>(1) If a body corporate commits an offence under section 15DA(4), and it is proved that the offence—</p> <p>(a) was committed with the consent or connivance of a person specified in subsection (2); or</p> <p>(b) is attributable to any neglect on the part of the person, the person also commits the offence.</p> <p>(2) The person referred to in subsection (1) is—</p>

- (a) a director, manager, secretary or other similar officer of the body corporate; or
 - (b) a person purporting to act in the capacity of a person referred to in paragraph (a).
- (3) If a partner in a partnership commits an offence under section 15DA(4), and it is proved that the offence—
- (a) was committed with the consent or connivance of a person specified in subsection (4); or
 - (b) is attributable to any neglect on the part of the person, the person also commits the offence.
- (4) The person referred to in subsection (3) is—
- (a) any other partner in the partnership or any other person concerned in the management of the partnership; or
 - (b) a person purporting to act in the capacity of a person referred to in paragraph (a).
- (5) If a member of any other unincorporated body commits an offence under section 15DA(4), and it is proved that the offence—
- (a) was committed with the consent or connivance of a person specified in subsection (6); or
 - (b) is attributable to any neglect on the part of the person, the person also commits the offence.
- (6) The person referred to in subsection (5) is—
- (a) any other member, or any manager, secretary or other similar officer, of the unincorporated body; or
 - (b) a person purporting to act in the capacity of a person referred to in paragraph (a).”.

23 In the proposed section 15DG(2), by adding “for a reasonable period” after “the person”.

23 In the proposed section 15DH(2), in the Chinese text, by deleting “條” and substituting “款”.

23 In the proposed section 15DH(4), by adding “, removed or detained” after “seized”.

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In the proposed section 15DH(5)(a), by adding “for a reasonable period” after “person”.