

立法會
Legislative Council

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Tel : 3919 3307
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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**

In accordance with the President's ruling issued under LC Paper No. CB(3) 1100/20-21 earlier today, Hon Frankie YICK and Hon CHUNG Kwok-pan are allowed to respectively move amendments to the Bill in **Appendices 1 and 2**, 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

Encls.

Smoking (Public Health) (Amendment) Bill 2019

Committee Stage

Amendments to be moved by the Honourable Frankie YICK Chi-ming, SBS, JP

<u>Clause</u>	<u>Amendment Proposed</u>
23	In the proposed section 15DD, in the heading, by deleting “ or air transshipment cargos ” and substituting “ , air transshipment cargos or transshipment cargos ”.
23	In the proposed section 15DD, by adding— “(1A) Section 15DA(1)(a) does not apply in relation to an alternative smoking product that is a transshipment cargo imported by a vehicle provided that the transshipment cargo is to be removed from the vehicle in which it was imported and transferred directly to an aircraft or vessel for export.”.
23	In the proposed section 15DD(2)(b), by deleting “or”.
23	In the proposed section 15DD(2)(c), by deleting “area.” and substituting “area; or”.
23	In the proposed section 15DD(2), by adding— “(d) for a transshipment cargo—the product is removed from the vehicle in which it was imported without being transferred directly to an aircraft or vessel for export.”.
23	In the proposed section 15DD(3)(b), by deleting “or air transshipment cargo” and substituting “, an air transshipment cargo or a transshipment cargo”.
23	In the proposed section 15DD(8), in the English text, in the definition of <i>specified cargo transshipment area</i> , in paragraph (b), by deleting “(Cap. 60).” and substituting “(Cap. 60);”.

- 23 In the proposed section 15DD(8), in the Chinese text, in the definition of 過境物品, by deleting “義。” and substituting “義；”.
- 23 In the proposed section 15DD(8), by adding in alphabetical order to the proposed definitions—
“*transshipment cargo* (轉運貨物) has the meaning given by section 2 of the Import and Export Ordinance (Cap. 60).”.

Smoking (Public Health) (Amendment) Bill 2019

Committee Stage

Amendment to be moved by the Honourable CHUNG Kwok-pan

<u>Clause</u>	<u>Amendment Proposed</u>
23	<p>In the proposed Part 4AB, by adding—</p> <p>“15DDA. Exemption for import for product development purpose</p> <p>(1) Section 15DA(1)(a) does not apply to a person engaged in the smoking products trade for importing an alternative smoking product (<i>exempt person</i>) if the conditions set out in subsection (2) are complied with.</p> <p>(2) The conditions mentioned in subsection (1) are—</p> <p>(a) the exempt person must not use or possess the alternative smoking product for a purpose other than for product development purpose;</p> <p>(b) the exempt person must keep and maintain proper and itemized records of an inventory of any such alternative smoking product;</p> <p>(c) the exempt person must, upon request by the Secretary, furnish to the Secretary or an inspector appointed by the Secretary the records mentioned in subsection (2)(b) within such period as specified by the Secretary; and</p> <p>(d) the exempt person must preserve the records mentioned in subsection (2)(b) for a period of 2 years after the last import of an alternative smoking product by that person.</p> <p>(3) In this section—</p> <p><i>product development</i> (產品開發) means an activity involving research and development, design, enhancement, bringing a product to commercialisation, prototyping, performance testing, quality assurance, tooling, moulding, automation and market certification of products and processes, failure analysis, or an activity that supports any of these activities.”.</p>