

Tobacco Control Legislation (Amendment) Bill 2025

Committee Stage

Amendments to be moved by the Secretary for Health

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	By deleting “specified alternative smoking” and substituting “such”.
1	<p>By deleting subclauses (3), (4) and (5) and substituting—</p> <p>“(3) The following provisions come into operation on the day on which this Ordinance is published in the Gazette—</p> <ul style="list-style-type: none"> (a) Part 1; (b) sections 4(1) and 9; (c) Part 3; (d) Subdivision 1 of Division 1 of Part 4; (e) section 35(2), (3) and (4); (f) section 38(5); (g) section 40(2) in so far as it relates to the new definition of <i>specified clinic or health centre</i>; (h) section 40(3); (i) Part 7; (j) Division 1 (except section 56), Division 2 and Division 2A (except section 57A(3)) of Part 8; (k) section 67; and (l) Part 10. <p>(4) The following provisions come into operation on 1 January 2026—</p> <ul style="list-style-type: none"> (a) Part 6 (except section 40(2) (in so far as it relates to the new definition of <i>specified clinic or health centre</i>) and section 40(3)); (b) section 56(1) and (2); and (c) Division 3 of Part 8.

- (5) The following provisions come into operation on 30 April 2026—
- (a) Subdivision 2 of Division 1 of Part 4; and
 - (b) sections 56(3) and 57A(3).”.
- 15(1) In the English text, by adding “a fine” before “at”.
- 15(1) By deleting “of”.
- 15(2) In the English text, by adding “a fine” before “at”.
- 15(2) By deleting “of”.
- Part 4 In the heading, by deleting “**Specified Alternative Smoking**” and substituting “**Such**”.
- Part 4,
Division 1 By adding before clause 17—
- “Subdivision 1—Prohibition on Provision of Alternative Smoking Products to Underage Persons”.**
- Part 4,
Division 1 By adding before clause 18—
- “Subdivision 2—Prohibition on Possession of Specified Alternative Smoking Products”.**
- 20(2) In the proposed section 15DG(2), by adding “, to facilitate the enforcement of this Part” after “the inspector”.
- 20(2) By deleting the proposed section 15DG(2)(a) and substituting—
- “(a) may detain the person for a reasonable period;
 - (ab) may search the person and the person’s belongings; and”.
- 20(2) By adding—
- “(2A) If the person resists, or attempts to evade, a search or arrest effected under subsection (2), the inspector may use any force that is reasonably necessary to effect the search or arrest.”.

- Part 4 In Division 2, in the English text, in the heading, by deleting “**Amendment**” and substituting “**Amendments**”.
- New In Part 4, in Division 2, by adding before clause 24—

**“Subdivision 1—Extension of Prohibition on Possession to
All Alternative Smoking Products**

**23A. Section 15DAB amended (prohibition on possession of
specified alternative smoking products)**

- (1) Section 15DAB, heading—

Repeal

“specified”.

- (2) Section 15DAB(1), (2), (4) and (5)—

Repeal

“a specified”

Substitute

“an”.

- (3) Before section 15DAB(7)(a)—

Add

“(aa) the possession of more than 2 devices that fall within
the description of item 1.1 or 2.1 of Part 2 of Schedule
7;

(aab) the possession of more than 20 things that fall within
the description of item 1.2 or 2.2 of that Part;”.

- (4) Section 15DAB(7)(a)(i)—

Repeal

“Part 2 of Schedule 7”

Substitute

“that Part”.

- (5) Section 15DAB(9)—

Repeal

“specified”.

- (6) Section 15DAB—

Repeal subsection (10).

**Subdivision 2—Extension of Prohibition on Possession of
Alternative Smoking Products to All Places”.**

- 24 In the heading, by deleting “**specified**”.
- 38(5) By deleting “and indication of tar and nicotine yields”.
- 38 By adding—
“(5A) Paragraph 3(8)—
Repeal
“and indication of tar and nicotine yields”.”.
- 40(1) By deleting the proposed definition of *stadium* and substituting—
“*stadium* (體育場) means—
(a) a stadium as defined by section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);
(b) the Kai Tak Stadium, located at 38-39 Shing Kai Road, Kowloon; or
(c) the Kai Tak Youth Sports Ground, located at 38-39 Shing Kai Road, Kowloon;”.
- 45 In the proposed Schedule 9, in item 11, by deleting “and Kai Tak Youth Sports Ground”.
- 55 In the proposed Schedule, in item 1, in column 4, by deleting “, in public transport carriers or while queuing to board public transport carriers or to enter certain places etc.” and substituting “or in public transport carriers”.
- 55 In the proposed Schedule, in item 1, in column 5, by deleting “\$3,000” and substituting “\$1,500”.
- 56 By deleting the clause and substituting—
“**56. Schedule amended (scheduled offence)**
(1) The Schedule, item 1, column 4—
Repeal
“or in public transport carriers”

Substitute

“, in public transport carriers or while queuing to board public transport carriers or to enter certain places etc.”.

- (2) The Schedule, item 1, column 5—

Repeal

“\$1,500”

Substitute

“\$3,000”.

- (3) The Schedule, after item 2—

Add

“3. Section 15DAB(1)	The aggravating factor (as construed in accordance with section 15DAB(7) of Cap. 371) does not apply in relation to the offence	Possession of any specified alternative smoking product for not more than a specified quantity	\$3,000”.
-------------------------	---	---	-----------

- (4) The Schedule, item 3, column 4—

Repeal

“any specified”

Substitute

“any”.”.

New

In Part 8, by adding—

**“Division 2A—Amendments to Fixed Penalty
(Smoking Offences) (Specification of Authorities and
Public Officers) Notice (Cap. 600 sub. leg. B)**

57A. Schedule amended (authorities and public officers)

- (1) The Schedule—

Repeal

“Scheduled
Offence* Authority Public Officer”

Substitute

“Column 1 Column 2 Column 3

Scheduled
Offence* Authority Public Officer”.

- (2) The Schedule, entry relating to Authority “Director of Health”, column 1, after “1”—

Add

“or 2”.

- (3) The Schedule, entry relating to Authority “Director of Health”, column 1—

Repeal

“or 2”

Substitute

“, 2 or 3”.

- (4) The Schedule, entry relating to Authority “Director of Food and Environmental Hygiene”, column 3—

Repeal

“Market Assistant”

Substitute

“Market Assistant
Market Supervision Assistant”.

- (5) The Schedule—

Repeal

everything after “to the Ordinance.”.”.

58 In the proposed paragraph 10(2), by deleting “6 months” and substituting “9 months”.

Part 9 In the heading, by deleting “**Amendments to Smoking (Public Health) Ordinance (Cap. 371) to Prohibit Sale of Conventional Smoking Products Containing Specified Additives etc. and to Introduce**” and substituting “**Prohibition on Sale of Conventional Smoking Products Containing Specified Additives etc. and Introduction of**”.

Part 9

By adding before clause 60—

“Division 1—Amendments to Smoking (Public Health) Ordinance (Cap. 371)”.

64

In the proposed Division 2, in section 10AAD, by adding—

“(1A) Subsection (1) does not apply to anything done in relation to a product that is designed for imparting a flavouring to a conventional smoking product if the product is held by the manufacturer or importer of the product for export from Hong Kong.”.

New

By adding—

“65A. Section 10B added

Part 3, Division 4, after section 10A—

Add

“10B. Taking samples

- (1) An inspector may take samples of any conventional smoking products for ascertaining whether Divisions 2 and 3 are complied with.
- (2) For exercising the power under subsection (1), an inspector may at any reasonable time enter a place (other than domestic premises) that the inspector reasonably suspects is a place—
 - (a) that is used for the storage of conventional smoking products; or
 - (b) where such products are offered for sale.
- (3) In exercising a power under this section, an inspector must, if requested, produce proof of his or her authority as an inspector.
- (4) This section does not limit section 15G(1).”.

67(2)

In the proposed section 18(1)(cc), by adding “and the effect of such withdrawal” after “cancellation”.

68

In the proposed Schedule 10, in Part 1, by deleting items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and substituting—

- “2. Additives capable of imparting a visible colour to the smoke generated from the conventional smoking product concerned
3. Amino acids
4. Caffeine
5. Essential fatty acids
6. Fruit extracts
7. Glucuronolactone
8. Mineral nutrients, except those necessary to manufacture the conventional smoking product concerned
9. Probiotics
10. Taurine
11. Vegetable extracts, except starch
12. Vitamins”.

68 In the proposed Schedule 10, in Part 1, by deleting items 13, 14, 15, 16, 17, 18, 19, 20 and 21.

68 In the proposed Schedule 10, in Part 2, by adding—

“9A. Menthol (including L-menthol)

9B. Menthone (including L-menthone)”.

New In Part 9, by adding—

“Division 2—Further Amendments to Smoking (Public Health) Ordinance (Cap. 371)

68A. Schedule 10 amended (specified additives)

(1) Schedule 10, Part 1, after item 7—

Add

“7A. Menthol (including L-menthol)

7B. Menthone (including L-menthone)”.

(2) Schedule 10, Part 2—

Repeal items 9A and 9B.”.

70

By deleting the clause and substituting—

“70. Section 13Q amended (enforcement powers of inspectors)

(1) Section 13Q(2)—

Repeal

everything after “the inspector”

Substitute

“, to facilitate the enforcement of that section—

(a) may detain the person for a reasonable period;

(b) may search the person and the person’s belongings; and

(c) may arrest the person without warrant, and take the person to a police station to be dealt with in accordance with the Police Force Ordinance (Cap. 232).”.

(2) After section 13Q(2)—

Add

“(2A) If the person resists, or attempts to evade, a search or arrest effected under subsection (2), the inspector may use any force that is reasonably necessary to effect the search or arrest.”.