

L.N. 66 of 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;

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- (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).

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- (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

Section 8

- (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)

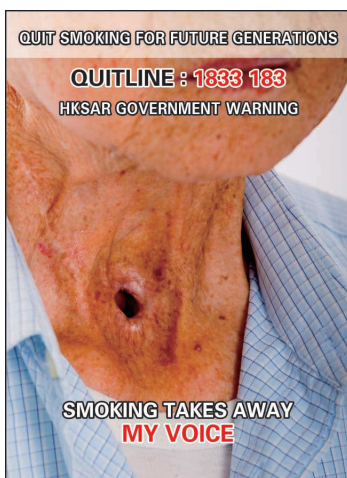
Form 1

Chinese Version



Section 12

English Version



Form 2

Chinese Version



Section 12

English Version



Form 3

Chinese Version



Section 12

English Version



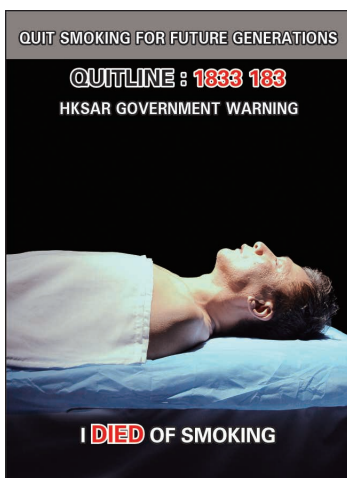
Form 4

Chinese Version



Section 12

English Version



Form 5

Chinese Version



Section 12

English Version



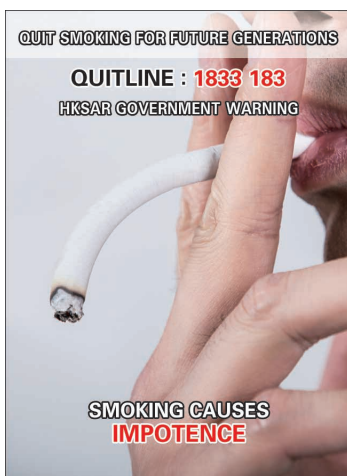
Form 6

Chinese Version



Section 12

English Version



Form 7

Chinese Version



Section 12

English Version



Form 8

Chinese Version



Section 12

English Version



Form 9

Chinese Version



Section 12

English Version



Form 10

Chinese Version



Section 12

English Version



Form 11

Chinese Version



Section 12

English Version

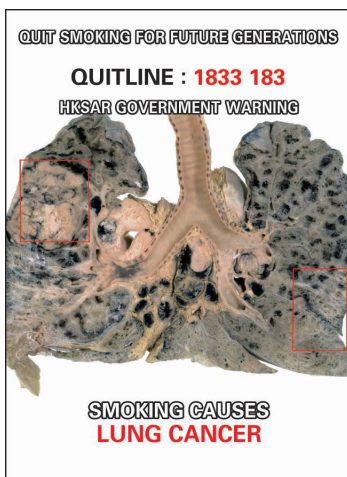


Form 12

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



Section 12

English Version



Form 2

Chinese Version



Section 12

English Version



Form 3

Chinese Version



Section 12

English Version



Form 4

Chinese Version



Section 12

English Version



Form 5

Chinese Version



Section 12

English Version



Form 6

Chinese Version



Section 12

English Version



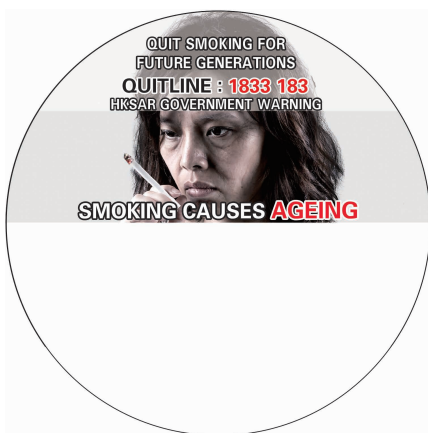
Form 7

Chinese Version



Section 12

English Version



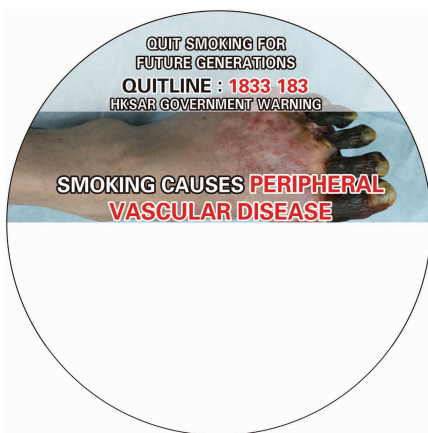
Form 8

Chinese Version



Section 12

English Version



Form 9

Chinese Version



Section 12

English Version



Form 10

Chinese Version



Section 12

English Version



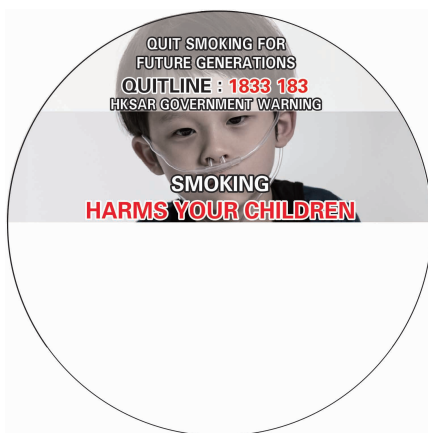
Form 11

Chinese Version



Section 12

English Version

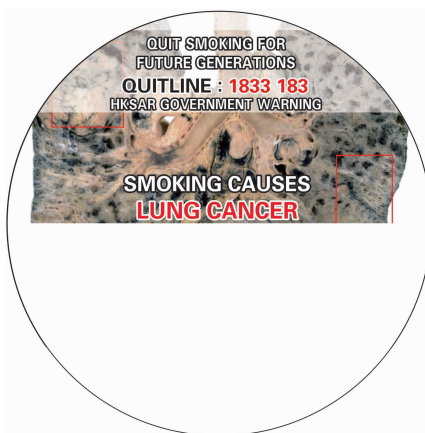


Form 12

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



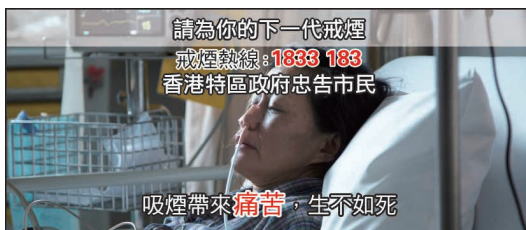
English Version



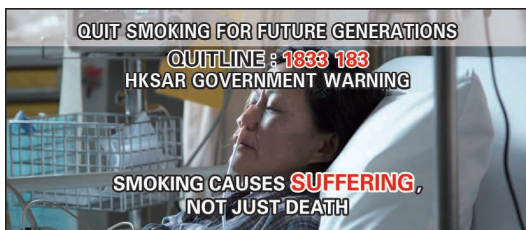
Section 12

Form 2

Chinese Version



English Version



Form 3

Chinese Version



English Version



Form 4

Chinese Version



English Version



Form 5

Chinese Version



English Version



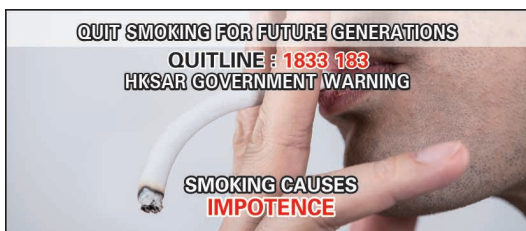
Form 6

Chinese Version



Section 12

English Version

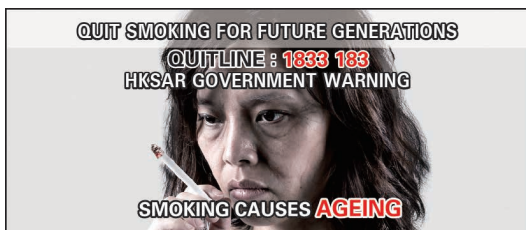


Form 7

Chinese Version



English Version



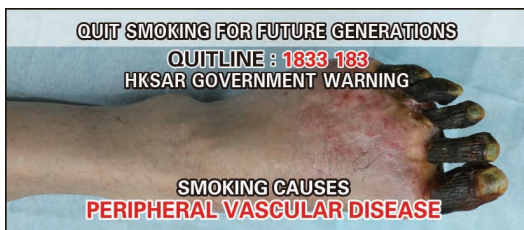
Section 12

Form 8

Chinese Version



English Version



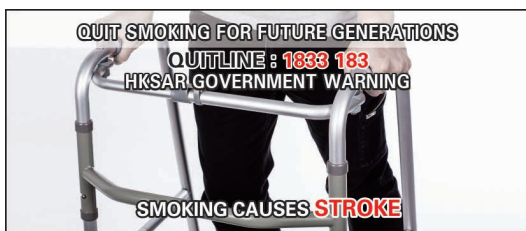
Form 9

Chinese Version



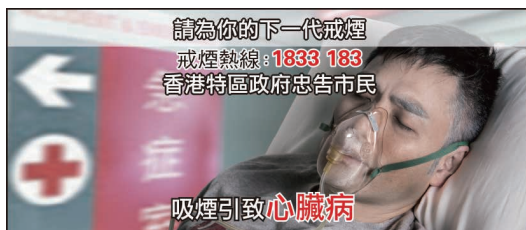
Section 12

English Version

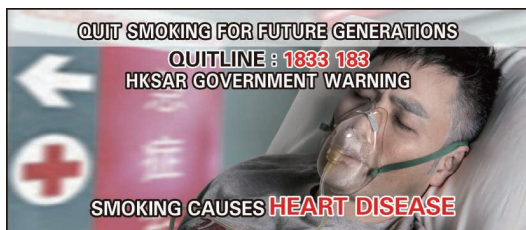


Form 10

Chinese Version



English Version



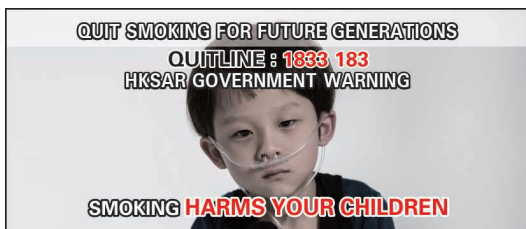
Section 12

Form 11

Chinese Version

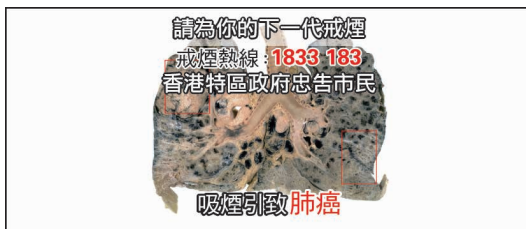


English Version

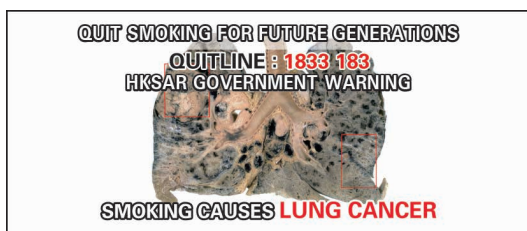


Form 12

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**”.

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

L.N. 66 of 2017

B2869

Dr. KO Wing-man
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.