

Smoking (Public Health) Regulations

(Cap. 371 sub. leg. A)

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Smoking (Public Health) Regulations

(Cap. 371, section 18(1))

[13 August 1982]

(**Format changes—E.R. 1 of 2012*)

Editorial Note:

*The format of the Regulations has been updated to the current legislative styles.

1. Citation

These regulations may be cited as the Smoking (Public Health) Regulations.

2. *(Repealed 21 of 2006 s. 25)*

3. Determination by the Government Chemist

Where—

- (a) the Government Chemist has published a determination (*relevant determination*) of the tar and nicotine yields of any brand of cigarettes under section 16 of the Ordinance; and
- (b) (subject to any variation allowance published by the Government Chemist in relation to the relevant determination) the result of the relevant determination is different from the result of the determination of the tar and nicotine yields of the brand of cigarettes as previously determined by the Government Chemist, or by the proprietor of the brand under regulation 4,

then—

- (i) the proprietor of the brand shall change the tar and nicotine yields shown on cigarette packets and in tobacco advertisements according to the relevant determination; *(21 of 2006 s. 26)*
- (ii) cigarette packets and retail containers may be sold, offered for sale or possessed for the purposes of sale, bearing the previous tar and nicotine yields for a period of 6 months. *(21 of 2006 s. 26)*
- (iii) *(Repealed 21 of 2006 s. 26)*

(L.N. 13 of 1998)

4. Determination by the proprietor of the brand

Where—

- (a) there has been no determination for a brand of cigarettes published under section 16 of the Ordinance; or
- (b) the manufacturer of the cigarettes has altered the tar and nicotine yields of any cigarettes and thereby rendered the previous determination incorrect,

the tar and nicotine yields of the brand of cigarettes shall be determined by the proprietor of the brand, or his agent, having regard to his own reasonable estimation of the tar and nicotine yields of the cigarette.

(L.N. 13 of 1998; 21 of 2006 s. 27)

5. *(Repealed 21 of 2006 s. 28)*

6. Notification of retail sales

- (1) Upon any cigarettes being first offered for sale by retail and bearing on their packets or retail containers the tar and nicotine yields as determined under regulation 4, the person responsible for the wholesale distribution thereof shall, within

2 days following such first offer, notify the Director of Health of such offer.

- (2) Any person who fails to notify the Director of Health as required by paragraph (1) commits an offence and is liable on summary conviction therefor to a fine at level 1.

(L.N. 76 of 1989; L.N. 13 of 1998; 21 of 2006 s. 29; E.R. 1 of 2012)

6A. *(Repealed 21 of 2006 s. 30)*

6B. *(Repealed 21 of 2006 s. 31)*

7. Exemption of certain advertisements from Part 4 of the Ordinance*

There shall be exempted from the provisions of Part 4 of the Ordinance tobacco advertisements in printed publications to which section 11 of the Ordinance applies where such advertisements—

- (a) are in a publication printed before 31 December 1999.
(21 of 2006 s. 32)
- (b) *(Repealed 21 of 2006 s. 32)*

(L.N. 13 of 1998)

Editorial Note:

* *(E.R. 1 of 2012)*

8. *(Repealed L.N. 13 of 1998)*

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Schedule

(Repealed 21 of 2006 s. 33)