



Application for Smoking in a Live Performance
Subject to Valid Exemption Under the 《Smoking (Public Health) Ordinance》 (Cap. 371)

Part I : To Venue Manager

Venue: _____

I hereby represent _____ (company), and request permission to smoke or carry lighted cigarette(s) / cigar(s) / pipe(s) as part of our performance(s) in the above named venue.

According to the Smoking (Public Health) Ordinance (Cap. 371), I understand that this application is required to comply with the requirement for exemption under Schedule 5 to the Ordinance.

I understand that smoking has a certain degree of fire risk. We have rehearsed the scene(s) with such smoking effect and have the manpower to safely manage such action. We will extinguish any matches, lighters and smoking materials immediately after the action is completed.

We will ensure such smoking action remains faithful to the details stated below and undertake all responsibility for any damage or cleaning necessary from such action.

Performance Date(s) : _____ **Day(s)** _____ **Mth** _____ **Yr** _____ **No. of Perf.:** _____

Final Rehearsal : _____ **Date** _____ **Time** _____

Event Name : _____

Act / Scene	Action Time	No. of cigarette(s) / cigar(s) / pipe(s) to be smoked at each action point	Description of Action and Any particular Safety Measure(s)

*** Where more than one action is required, please submit separate action forms under a single application**

Where will the cigarette(s) / cigar(s) / pipe(s) be lit? Offstage Onstage (as part of Action)

How will the cigarette(s) / cigar(s) / pipe(s) be lit? Match Lighter Other _____

Who will light the cigarette(s) / cigar(s) / pipe(s)? Technician Actor

Will the cigarette(s) / cigar(s) / pipe(s) be moved around on stage while lit? No Yes - Stage floor plan indicating movement path is attached

Where will the cigarette(s) / cigar(s) / pipe(s) be extinguished? Offstage Onstage (as part of Action)

How will the cigarette(s) / cigar(s) / pipe(s) be extinguished? Ash Tray Sand Bucket Other _____

Will the scenery be fire proofed? No Yes

Will extra fire extinguishers be provided? No Yes - Number of extinguishers _____

N.B. Fireproofing is required where the cigarette(s) / cigar(s) / pipe(s) are 1.00m or less to any scenery or drape.

Has this same production and smoking action been presented before? No Yes, Venue/Date: _____

Declaration:

I hereby declare that the above information is correct and that the exemption sought is permitted under the Smoking (Public Health) Ordinance (Cap. 371) being in full compliance with the required conditions.

Signature : _____

Date : _____

Name : _____

Post : _____

Contact No. : _____

Company Chop : _____

Notes :

- Permission must be sought in advance from the Venue Manager for exemptions under the Smoking (Public Health) Ordinance (Cap. 371).
- The Venue Manager reserves all rights to request the applicant to perform appropriate flame proofing treatment before granting permission.
- All lighted cigarette(s) or cigar(s) or pipe(s) must be extinguished in suitable receptacles filled with damp sand or other containers / means as agreed by the Venue Manager (see practice notes for more details).
- No rough action is to take place in close proximity to the lighted cigarette, cigar or pipe.
- Scenery in close proximity (1.00m or less) of a lit fixed or moving cigarette, cigar or pipe should be suitably fireproofed.
- Any actor holding a lighted cigarette, cigar or pipe should only do so if their costume and/or wig is fireproofed.
- Any actor coming into close proximity (1.00m or less) of a lighted cigarette, cigar or pipe, no matter in a fixed location or carried by others should have their wig and/or costume fireproofed.
- Valid exemption only permits conventional smoking act during the final rehearsal and performances. Smoking during technical and all other rehearsals other than final rehearsal is strictly prohibited and is an offence under law.

Part II : To Applicant

To : _____
(Applicant / Company)

Date : _____

Fax No : _____

Your application for permission to smoke or carry lighted cigarette(s) / cigar(s) / pipe(s) in your performance(s) _____ on _____ (Date), in _____ (Venue) is approved in principal, with / without the requirement for fire proof treatment, subject to demonstration during the FINAL rehearsal.

You are also requested to follow the stated information filled in by your party in Part I. Please be reminded that you undertake all responsibility for any damage or cleaning caused or necessary by you/your company from such action(s).

Further, you are responsible to the extent that the exemption sought is permitted under the Smoking (Public Health) Ordinance (Cap. 371) being in full compliance with the required conditions of Schedule 5 to the Ordinance.

Venue Manager

Part III : Interpretation and Exemption**Smoking (Public Health) Ordinance (Cap. 371)****Exemption for live performance or recording for film or television programme****1 Interpretation of Schedule 5**

(1) In this Schedule-

"conventional smoking act" (傳統吸煙行為) means smoking or carrying a lighted cigarette, cigar or pipe;

"film" (電影) means a film within the meaning of section 2(1) of the Film Censorship Ordinance (Cap. 392);

"live performance" (現場表演) means a performance given or done before a live audience, whether on payment or otherwise, and includes the final rehearsal of the performance;

"performance" (表演) means any play, show, entertainment or any other kind of performance;

"television programme" (電視節目) means a television programme within the meaning of section 2(1) of the Broadcasting Ordinance (Cap. 562).

(2) For the purposes of this Schedule, a venue is a designated performance venue if it is-

(a) situated in-

(i) a school other than one that provides any nursery, kindergarten or primary education within the meaning of section 3(1) of the Education Ordinance (Cap. 279); or

(ii) a specified educational establishment; and

(b) designated by the manager of that school or establishment as a venue for any live performance.

2 Exemption for live performance

For the purposes of section 3(2A) of this Ordinance, a person who does a conventional smoking act in a no smoking area is exempt from section 3(2) of this Ordinance if he proves that-

(a) he is performing in a live performance, and his conventional smoking act forms part of the performance;

(b) the no smoking area in which the live performance takes place is not a school or specified educational establishment except a designated performance venue;

(c) the manager of the no smoking area has given his prior permission for the live performance with the conventional smoking act to take place in the no smoking area, and in the case of a designated performance venue in a secondary school within the meaning of section 3(1) of the Education Ordinance (Cap. 279), that prior permission has been given in writing;

(d) the live performance takes place only within the time and at the location permitted by the manager; and

(e) the conventional smoking act complies with all the requirements specified in relation to such an act under section 4.

3 Exemption for recording for film or television programme

For the purposes of section 3(2A) of this Ordinance, a person who does a conventional smoking act in a no smoking area is exempt from section 3(2) of this Ordinance if he proves that-

(a) he is performing in a performance, and his conventional smoking act forms part of the performance;

(b) the performance is being recorded for the production of a film or television programme (whether live or otherwise);

(c) the film or television programme is not, and does not form part of, a smoking product advertisement;

(d) the manager of the no smoking area in which the performance takes place has given his prior permission for the performance with the conventional smoking act to take place in the no smoking area, and in the case of a school that provides any nursery, kindergarten, primary or secondary education within the meaning of section 3(1) of the Education Ordinance (Cap. 279), that prior permission has been given in writing;

(e) the performance takes place only within the time and at the location permitted by the manager; and

(f) the conventional smoking act complies with all the requirements specified, in relation to such an act under section 4.

4 Specified requirements for conventional smoking act

For the purposes of sections 2(e) and 3(f), the following are the requirements specified in relation to a conventional smoking act-

(a) the act does not expressly or impliedly induce, suggest or request any person to purchase or smoke any conventional smoking product;

(b) the act does not illustrate smoking in a manner that is calculated, expressly or impliedly, to promote or encourage the use of any conventional smoking product;

(c) the act does not illustrate the package of any conventional smoking product; and

(d) the act does not illustrate any quality of any conventional smoking product except for the purpose of publicizing the harm of smoking.