



**Application to Smoke in a Live Performance**

**Subject to Valid Exemption Under the 《Smoking (Public Health) Ordinance》 (Cap. 371)**

**Part I : To Manager**

**Venue:** \_\_\_\_\_

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

This application meets the requirements for exemption under the Cap.371 《Smoking (Public Health) 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 monitor the smoking action closely, and extinguish any match, lighter and the smoking material immediately after the action is completed.

The Company accepts all risk and responsibility for any venue damages or cleaning arising from such action(s) and all necessary compliance with the Smoking (Public Health) Ordinance (Cap. 371).

**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 & Any Particular Safety Measure

**\* 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 of Sections 3(2A) and particularly Section 4.

**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 lit cigarette(s) or cigar(s) stub(s) and pipe tobacco 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 lit 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 lit cigarette, cigar or pipe should only do so if their costume and/or wig are fireproofed.
- Any actor coming into close proximity (1.00m or less) of a lit cigarette, cigar or pipe, no matter in a fixed location or carried by another should have their wig and/or costume fireproofed.
- Valid exemption only permits smoking at the final rehearsal and performances. Smoking within actors technical and all other rehearsals other than final rehearsal is strictly prohibited and an offence under law.

**Part II : To Applicant**

To : \_\_\_\_\_  
(Applicant / Company)

Date : \_\_\_\_\_

Fax No : \_\_\_\_\_

Your application for smoking exemption in your performance(s) of \_\_\_\_\_ on \_\_\_\_\_ (date), in \_\_\_\_\_ (venue) is approved in principal with / without fire proof treatment request subject to demonstration in FINAL rehearsal.

You are required to follow all the above stated information on your part.

Please be reminded that you undertake all risk and responsibility for any venue damage, or cleaning arising 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 Sections 3(2A) and Section 4.

\_\_\_\_\_  
for 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-

"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;

"smoking act" (吸煙動作) means smoking or carrying a lighted cigarette, cigar or pipe;

"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 smoking act in a 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 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 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 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 smoking act in a smoking area is exempt from section 3(2) of this Ordinance if he proves that-

- (a) he is performing in a performance, and his 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 tobacco 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 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 smoking act complies with all the requirements specified, in relation to such an act under section 4.

**4 Specified requirements for smoking act**

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

- (a) the act does not expressly or impliedly induce, suggest or request any person to purchase or smoke any tobacco 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 tobacco product;
- (c) the act does not illustrate the package of any tobacco product; and
- (d) the act does not illustrate any quality of any tobacco product except for the purpose of publicizing the harm of smoking.