

**立法會**  
**Legislative Council**

LC Paper No. CB(2)977/05-06  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/11/04

**Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005**

**Minutes of the 11<sup>th</sup> meeting  
held on Wednesday, 4 January 2006 at 10:45 am  
in the Chamber of the Legislative Council Building**

**Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon LEE Cheuk-yan  
Hon Fred LI Wah-ming, JP  
Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, JP  
Hon LI Kwok-ying, MH  
Dr Hon Joseph LEE Kok-long  
Hon Alan LEONG Kah-kit, SC  
Dr Hon KWOK Ka-ki  
Hon WONG Ting-kwong, BBS  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin

**Members absent** : Hon Albert CHAN Wai-yip (Deputy Chairman)  
Hon Martin LEE Chu-ming, SC, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
Hon LEUNG Kwok-hung

**Public Officers** : Mrs Ingrid YEUNG

**attending** Deputy Secretary for Health, Welfare and Food (Health)

Ms Julina CHAN  
Principal Assistant Secretary for Health, Welfare and Food  
(Health)

Dr T H LEUNG, JP  
Deputy Director of Health

Mr CHEUNG Wing-leung  
Senior Government Counsel  
Department of Justice

Ms Amy CHAN  
Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Doris CHAN  
Chief Council Secretary (2) 4

**Staff in attendance** : Miss Monna LAI  
Assistant Legal Adviser 7

Miss Mary SO  
Senior Council Secretary (2) 8

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2)138/05-06(01), CB(2)633/05-06(01), CB(2)729/05-06(01) and CB(2)765/05-06(01))

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration was requested to provide a response in writing to the following questions raised by members -

- (a) whether the provisions on allowing employees to spend up to 20% of their shift in designated smoking rooms under the Occupational Health and Safety Regulation in British Columbia, Canada were made and came into operation earlier than that of the provisions on protecting employees from secondhand smoke under the smokefree legislation in the same province or vice versa;

- (b) which overseas places practising smokefree policy allowed smoking in designated rooms in workplaces if they had separate ventilation systems and what were the air quality standards required of these rooms;
  - (c) whether serving and consumption of food, drinks and/or smoking tobacco products other than cigars were allowed in cigar bars in New York State in the United States; if so, the types of food, drinks and/or tobacco products allowed;
  - (d) what were the definitions of entertainment premises in overseas places where separate place for smoking was allowed; and
  - (e) what were the bars sales in Ireland before and after the implementation of total smoking ban in all places of work.
3. The Administration was also requested to provide a response in writing to the following requests raised by members -
- (a) to provide a breakdown of the types of cafes and fast food shops registered with the Tobacco Control Office under the Department of Health as at October 2005, including how many of these premises were chain businesses;
  - (b) to make the definition of “indoor” clearer; and
  - (c) to find out from those licensed stall hawkers, whose advertising sources were those other than tobacco companies, as to whether their advertisers had agreed to foot the bill for maintaining and renewing their stalls.

## **II. Any other business**

4. Members noted that the next two meetings had been scheduled for 20 January 2006 at 2:30 pm and 24 January 2006 at 8:30 am.
5. The Administration agreed to revert members on its stance on granting exemptions to entertainment premises by 24 January 2006 at the latest.
6. There being no other business, the meeting ended at 12:45 pm.

**Proceedings of the 11<sup>th</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Wednesday, 4 January 2006 at 10:45 am  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 – 000258	Chairman	Opening remarks	
000259 – 000713	Administration Chairman Mr WONG Ting-kwong	Administration's response to issues raised at the meeting on 31 October 2005 (LC Paper No. CB(2)633/05-06(01))	
000714 – 001154	Mr Tommy CHEUNG Administration	Types of smokefree eating premises registered with the Tobacco Control Office (TCO) under the Department of Health as at October 2005  The Administration undertook to provide a breakdown of the types of cafes and fast food shops registered with TCO as at October 2005, including how many of these premises were chain businesses	✓ (Admin to provide a written response)
001155 – 001531	Administration Mr WONG Ting-kwong	Whether the Bill, if implemented, would cover the packaging and labeling of tobacco products sold in duty free shops in Hong Kong	
001532 – 002049	Mr Tommy CHEUNG Administration	Reason why the 841 eating places registered with TCO as at October 2005 adopted a no-smoking policy and the impact of the policy on their business  Number of bars in Hong Kong adopting a no-smoking policy	
002050 – 002209	Chairman	Urged members to restrict their questions to LC Paper No. CB(2)633/05-06(01)	
002210 – 002742	Ms Emily LAU Administration Chairman	Urged the Administration to expeditiously come up with its stance on providing exemptions to entertainment premises	
002743 – 003156	Ms LI Fung-ying Administration	Prohibiting smoking behaviour in performing arts and movies	
003157 – 005218	Dr KWOK Ka-ki Administration Chairman Mr LEUNG Yiu-chung Mr Tommy CHEUNG	Factors for granting exemptions to indoor workplaces by the Administration  The Administration agreed to provide the general direction on granting exemptions to indoor workplaces before the coming Lunar New Year holidays	
005219 – 005723	Mr Tommy CHEUNG Administration	Whether health warning displaying the name of a tobacco company or a company which also sold tobacco products would be deemed to be a tobacco advertisement under section 14(2) of the Smoking (Public Health) Ordinance (Cap. 371)	

Time marker	Speaker	Subjects	Action required
005724 – 005923	Administration	Administration's response to issues raised at the meeting on 24 November 2005 (LC Paper No. CB(2)729/05-06(01))	
005924 – 012830	Mr Tommy CHEUNG Chairman Administration Ms Audrey EU	<p>The Administration was requested to provide information on -</p> <p>(a) whether the provisions on allowing employees to spend up to 20% of their shift in designated smoking rooms under the Occupational Health and Safety Regulation in British Columbia, Canada were made and came into operation earlier than that of the provisions on protecting employees from secondhand smoke under the smokefree legislation in the same province or vice versa; and</p> <p>(b) which overseas places practising smokefree policy allowed smoking in designated rooms in workplaces if they had separate ventilation systems and what were the air quality standards required of these rooms.</p> <p>The Administration was also requested to make clear the definition of "indoor".</p>	<p>✓ (Admin to provide a written response)</p> <p>✓ (Admin to provide a written response)</p>
012831 – 013247	Administration	Administration's response to issues raised at the meeting on 3 October 2005 (LC Paper No. CB(2)138/05-06(01))	
013248 – 013933	Mr Tommy CHEUNG Administration	The Administration undertook to find out whether serving and consumption of food, drinks and/or smoking tobacco products other than cigars were allowed in cigar bars in New York State in the United States; if so, the types of food, drinks and/or tobacco products allowed	✓ (Admin to provide a written response)
013934 – 014437	Mr WONG Ting-kwong Administration	Whether the Administration would give a guarantee that the income of licensed stall hawkers would not be reduced as a result of the revocation of the exemption of the display of tobacco advertisement at licensed hawker stalls proposed under the Bill	
014438 – 014915	Mr James TIEN Administration	<p>The Liberal Party supported granting exemptions to entertainment premises, but the definitions of these premises must be made clear to avoid abuse by eating places</p> <p>The Administration undertook to provide information on the definitions of entertainment premises in overseas places where separate place for smoking was allowed</p>	✓ (Admin to provide a written response)
014916 – 015100	Mr Vincent FANG Administration	Financial impact on licensed stall hawkers if the exemption of the display of tobacco advertisement at licensed hawker stalls were revoked	

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
015101 – 015736	Mr Tommy CHEUNG Administration	The Administration should continue to exempt the display of tobacco advertisement at licensed hawker stalls  The Administration was requested to provide information on bars sales in Ireland before and after the implementation of total smoking ban in all places of work	✓ (Admin to provide a written response)
015737 – 015948	Mr WONG Ting-kwong Administration	The Administration was requested to find out from those licensed stall hawkers, whose advertising sources were those other than tobacco companies, as to whether their advertisers had agreed to foot the bill for maintaining and renewing their stalls	✓ (Admin to provide a written response)
015949 – 020104	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
27 January 2006