

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1305/05-06

(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 13<sup>th</sup> meeting  
held on Tuesday, 24 January 2006 at 8:30 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 Martin LEE Chu-ming, SC, JP
  - Hon Fred LI Wah-ming, JP
  - Hon Howard YOUNG, SBS, JP
  - Hon Emily LAU Wai-hing, 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
  - Hon LEUNG Kwok-hung
  - Dr Hon KWOK Ka-ki
  - Hon WONG Ting-kwong, BBS
- Members absent** :
- Hon Albert CHAN Wai-yip (Deputy Chairman)
  - Hon LEE Cheuk-yan
  - Hon LEUNG Yiu-chung
  - Dr Hon YEUNG Sum
  - Hon Abraham SHEK Lai-him, JP
  - Hon Albert Jinghan CHENG
  - Hon KWONG Chi-kin
- Public Officers** : Dr York CHOW, SBS, JP

**attending** Secretary for Health, Welfare and Food

Mrs Ingrid YEUNG  
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

**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)901/05-06(02), CB(2)961/05-06(01) and CB(2)962/05-06(01))

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

2. The Administration was requested to provide a written response to the following questions asked by members at the meeting -

- (a) the feasibility of requiring those establishments, which were given a three-year period to implement smoking ban, to provide some smokefree seating inside their premises during the transitional period; and
- (b) the socio-economic impact of the Bill.

**II. Any other business**

3. Members agreed to hold the next two meetings on the following dates -
  - (a) 7 February 2006 at 8:30 am and onwards to listen to the views of deputations on the Administration's latest position on the Bill; and
  - (b) 10 February 2006 at 8:30 am to discuss the Administration's paper on consistency of Hong Kong's tobacco regime with the World Health Organisation's Framework Convention on Tobacco Control (LC Paper No. CB(2)901/05-06(02)).
4. Members further agreed to schedule one to two meetings every week beginning next month.
5. There being no other business, the meeting ended at 10:55 am.

Council Business Division 2  
Legislative Council Secretariat  
3 March 2006

**Proceedings of the 13<sup>th</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Tuesday, 24 January 2006 at 8:30 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
000000 – 000234	Chairman	Opening remarks	
000235 – 000719	Administration	Administration's latest position on the proposed amendment to expand the statutory no smoking area under the Smoking (Public Health) (Amendment) Bill 2005 (the Bill), and response to the views and demands expressed on the Bill by various industry groups and organisations at the Legislative Council meetings on 6 October 2005, 24 October 2005 and 31 October 2005 (LC Paper No. CB(2)962/05-06(01))	
000720 – 001308	Dr KWOK Ka-ki Administration	Public education on the hazards of smoking and plan to help smokers to cease smoking	
001309 – 001920	Ms Audrey EU Administration	Reasons for extending the implementation date of smoking ban by bars open to those aged 18 or above, mahjong parlours, commercial bathhouses, mahjong clubs and nightclubs to 1 July 2009  Number of staff employed by bars open to those aged 18 or above, mahjong parlours, commercial bathhouses, mahjong clubs and nightclubs  Definitions of bars open to those aged 18 or above, mahjong parlours, commercial bathhouses, mahjong clubs and nightclubs  Definition of "indoor"	
001921 – 002514	Mr Vincent FANG Administration	Need for conducting an economic impact assessment of the proposals in the Bill, and setting targets to achieve from implementing smoking ban in indoor workplaces	
002515 – 003030	Mr Martin LEE Administration	Opposed the proposal to extend the implementation date of the smoking ban at the catering and hospitality premises	
003031 – 003640	Mr Fred LI Administration	Expressed concern that some businesses would seek to enjoy a longer transitional period by merely changing the name of their premises	
003641 – 004406	Mr Tommy CHEUNG Administration	Need for conducting an economic impact assessment of the proposals in the Bill, and helping affected staff to find alternative employment	
<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>

004407 – 005046	Mr Howard YOUNG Administration	There was no need to give a three-year period for nightclubs to implement the smoking ban in their common areas  Definitions of karaoke establishments and nightclubs	
005047 – 005814	Ms Emily LAU Administration	Asked the Administration whether its latest position on the Bill had struck a right balance between protecting public health and providing adequate time for affected industries to transform their mode of operation or help them tide over the regulatory changes	
005815 – 010221	Ms LI Fung-ying Administration	Expressed support for extending the implementation date of the smoking ban by the catering and hospitality trade, and further urged that work on raising public awareness about the hazards of smoking be stepped up	
010222 – 010730	Mr LI Kwok-ying	Expressed support for the Administration's latest position on the Bill	
010731 – 011454	Mr LEUNG Kwok-hung Administration	The Administration should conduct test to find out whether ventilation could effectively eliminate secondhand smoke	
011455 – 011821	Dr Joseph LEE Administration	Definitions of bars open to all age groups and bars open to those aged 18 or above	
011822 – 012259	Mr WONG Ting-kwong Administration	Expressed support for the Administration's latest position on the Bill	
012300 – 013357	Mr Alan LEONG Administration Chairman	Measures to be taken by the Administration to help affected industries  The Administration undertook to provide a written response on the feasibility of requiring those establishments, which were given a three-year period to implement the smoking ban, to provide some smokefree seating inside their premises during the transitional period	✓ (Admin to provide a written response)
013358 – 013825	Mr Martin LEE Administration	Reiterated his opposition to extending the implementation date of the smoking ban on the catering and hospitality premises	
013826 – 014247	Mr Vincent FANG Administration	Lack of measures to help the affected industries, should the smoking ban drive them out of business	
014248 – 014812	Dr KWOK Ka-ki Administration Chairman	Suggested subsidising the financial loss suffered by licensed newspapers hawkers arising from the removal of exemption for tobacco advertisement at licensed hawker stalls from tobacco levy	
014813 – 015516	Mr Tommy CHEUNG Chairman Administration	Similar to bars, karaoke establishments could be classified into those open to all age groups and those open to people aged 18 or above, so as to enable the latter to have a longer transitional period to implement a smoking ban	

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
015517 – 020038	Mr James TIEN Administration	Suggested to defer decision on implementing a smoking ban in bars open to people aged 18 or above, mahjong parlours, commercial bathhouses, mahjong clubs and nightclubs upon the expiry of the proposed transitional period	
020039 – 020351	Ms Emily LAU Administration	Hoped to pass the Bill in the current legislative session, preferably in June 2006, and urged the Administration to expeditiously provide all outstanding replies	
020352 – 021019	Mr LEUNG Kwok-hung Administration	Health, Welfare and Food Bureau, Home Affairs Bureau and Economic Development and Labour Bureau should jointly assess the impact of the Bill  The Administration agreed to provide a paper on the socio-economic impact of the Bill	✓ (Admin to provide a written response)
021020 – 021423	Mr Martin LEE Administration	No compromise should be made if it would jeopardise public health  Consideration should be given to introducing a demerit point system to penalise those premises which failed to enforce the smoking ban	
021424 – 022039	Mr Tommy CHEUNG Administration	Establishments could have smoking rooms for their patrons if these rooms were situated outside their premises	
022040 – 022541	Chairman Ms Emily LAU Mr Tommy CHEUNG Mr LEUNG Kwok-hung Administration	Dates of next meetings  Scheduling of one to two meetings every week beginning February 2006	