

立法會
Legislative Council

LC Paper No. CB(2)1376/05-06

(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 15th meeting
held on Friday, 10 February 2006 at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon Albert CHAN Wai-yip (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
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
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS

Members absent : Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Hon Abraham SHEK Lai-him, JP
Dr Hon Joseph LEE Kok-long
Hon LEUNG Kwok-hung
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin

Public Officers attending : 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

Dr Cindy LAI
Assistant Director of Health

Mr CHEUNG Wing-leung
Senior Government Counsel
Department of Justice

Deputation by invitation : Asian Consultancy on Tobacco Control

Dr Judith Mackay
Director

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

I. Meeting with deputation and the Administration

(LC Paper Nos. CB(2)2679/04-05(01), CB(2)901/05-06(02), CB(2)1057/05-06(01) to (02) and CB(2)1066/05-06(01))

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

2. Members noted the Administration's proposal to amend Clause 11 of the Bill, which prohibited the use of words "light", "lights", "mild", "low tar" or other words which implied or suggested that the cigarettes were less harmful than others on either

the packet or retail container of cigarettes, to the effect that the Clause would not prevent the use of a trade mark containing any of the prohibited words on the packet or retail container if two of the following conditions were met -

- (a) the trade mark had, as of the day on which the Amendment Ordinance was enacted, registered with the Trade Mark Registry under the Trade Marks Ordinance (TMO) (Cap. 559); or if the trade mark had not been registered under the TMO, its owner was able to prove that the mark was used in Hong Kong in relation to the sale of/the sale by retail of cigarettes on the day immediately before the enactment of the Ordinance; and
- (b) the packet or retail container bore a notation in the prescribed form and manner, the purpose of which was to bring to the smokers' attention that the use of prohibited words did not in any way indicate that cigarettes contained were less harmful to health than others.

The Administration was requested to provide information on whether, and if so, which overseas jurisdiction(s) adopted the aforesaid grandfathering and notation approach in allowing the use of a trade mark on the packet or retail container containing any of the prohibited words that cigarettes contained therein were less harmful to health than others.

II. Any other business

3. The Chairman reminded members that the next meeting had been scheduled for 14 February 2006 at 10:45 am.
4. There being no other business, the meeting ended at 10:37 am.

Council Business Division 2
Legislative Council Secretariat
13 March 2006

**Proceedings of the 15th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Friday, 10 February 2006 at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 – 000654	Chairman	Opening remarks	
000655 – 002031	Asian Consultancy on Tobacco Control	Briefing on WHO Framework Convention on Tobacco Control (FCTC)	
002032 – 004614	Administration	Briefing on the Administration's paper entitled "Consistency of Hong Kong's tobacco control regime with FCTC" (LC Paper No. CB(2)901/05-06(02))	
004615 – 005248	Mr Howard YOUNG Asian Consultancy on Tobacco Control	Extent of the consistency of Hong Kong's tobacco control regime with FCTC	
005249 – 010652	Mr Martin LEE Administration Asian Consultancy on Tobacco Control	Steps taken by the Mainland on tobacco control Measures which the Administration should implement to reduce tobacco use and protect people from secondhand smoke, apart from those proposed in the Smoking (Public Health) (Amendment) Bill 2005 (the Bill) Smoking ban proposed in the Bill should be expanded to include parks, country parks, amusement parks, such as Disneyland and Ocean Park, outdoor playgrounds and sports grounds, and public queuing places	
010653 – 011800	Ms Audrey EU Administration	Compliance of the Bill with Article 13 of FCTC regarding tobacco advertising, promotion and sponsorship	
011801 – 012515	ALA7	Whether the display of tobacco products at licensed hawker stalls constituted tobacco advertisement	
012516 – 013551	Mr Tommy CHEUNG Administration Asian Consultancy on Tobacco Control Chairman	Whether the Administration had said in previous meetings that Hong Kong must undertake to ban smoking in all indoor workplaces within five years after entry into force of FCTC, i.e. 27 February 2005, in order to comply with Article 8 of the Convention	

Time marker	Speaker	Subjects	Action required
013552 – 014334	Dr KWOK Ka-ki Administration Chairman	Raising tobacco levy and earmarking a portion of the levy on public education, research and enforcement with regard to tobacco prevention and control Labelling of tobacco products The Administration was requested to provide information on whether, and if so, which overseas jurisdiction(s) adopted the grandfathering and notation approach in allowing the use of a trade mark on the packet or retail container containing any of the prohibited words that cigarettes contained therein were less harmful to health than others	✓ (Admin to provide a written response)
014335 – 014608	Asian Consultancy on Tobacco Control	Overseas examples of earmarking a portion of the tobacco levy on public education, research and enforcement with regard to tobacco prevention and control	
014609 – 015806	Mr Albert CHAN Administration Asian Consultancy on Tobacco Control Chairman ALA7	Whether the display of tobacco products at licensed hawker stalls and sponsors offered by tobacco companies to hawker stalls constituted tobacco advertisement	
015807 – 020644	Mr Tommy CHEUNG Ms Audrey EU Administration	Indoor establishments should be allowed to set up self-service smoking rooms with independent ventilation Whether the use of a tobacco brand to promote non-tobacco products would be allowed after the enactment of the Bill	
020645 – 020725	Chairman	Date of next meeting	