

立法會
Legislative Council

LC Paper No. CB(2)1410/05-06

(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 20th meeting
held on Monday, 27 February 2006 at 2:30 pm
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
Dr Hon YEUNG Sum
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin

Members absent : Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long
Dr Hon KWOK Ka-ki

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

Miss Shandy LIU
Senior Government Counsel
Department of Justice

Mr CHONG Ka-ning, Alan
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

I. Clause-by-clause examination of the Bill

(The Bill, marked-up copy of the Bill, LC Paper Nos. CB(2)901/05-06(03), CB(2)1195/05-06(01), CB(2)1233/05-06(01) and CB(2)1259/05-06(01))

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

2. The Bills Committee noted that the Administration intended to obtain the World Health Organisation (WHO)'s views on the Administration's proposal to adopt 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 which implied that the cigarettes contained therein were less harmful to health than others.

The Administration agreed to provide the response from WHO when it became available.

3. As the majority of members were not in favour of allowing the use of a trade mark on the packet or retail container containing any of the prohibited words which implied that the cigarettes contained therein were less harmful to health than others, the Administration was requested to abort the proposal. Should the Administration decide to press ahead with the proposed amendment to clause 11, the Bills Committee would seek to restore the original provision. The Administration agreed to provide a written response on the request in two weeks' time.

4. The Administration was also requested to provide written responses to the following suggestions made by members at the meeting -

- (a) whether the proposed grandfathering provision could be made retrospective;
- (b) whether, and if so, which overseas common law 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 which implied that the cigarettes contained therein were less harmful to health than others;
- (c) to consider deleting the word "most" from new section 14(3)(b); and
- (d) to amend new section 14(6) to the effect that when prices of the tobacco product offered for sale in the premises were listed on a price board, the size of the price marker for each product should not be greater than 50 square centimetres and the price board should not exceed 1 500 square centimetres.

Date of next meeting

5. The Chairman reminded members that the next meeting had been scheduled for 2 March 2006 from 8:30 am to 12:45 pm.

6. There being no other business, the meeting ended at 4:32 pm.

**Proceedings of the 20th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Monday, 27 February 2006 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 – 000227	Chairman Administration	Opening remarks	
000228 – 004136	Administration Dr YEUNG Sum Mr Martin LEE Mr Tommy CHEUNG Mr KWONG Chi-kin Mr Albert CHENG	<p><u>Clause 9 – Sales of cigarettes and tobacco products</u></p> <p>Clause 10 – Sale of cigar, pipe tobacco or cigarette tobacco</p> <hr/> <p><u>Clause 11 – Offences under Part III</u></p> <p>The Administration agreed to provide -</p> <p>(a) the response from WHO on the Administration’s proposal to adopt 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 which implied that the cigarettes contained therein were less harmful to health than others; and</p> <p>(b) a written response in two weeks’ time on members’ request to abort the proposed grandfathering provision.</p> <p>The Administration also agreed to provide written responses to the following suggestions -</p> <p>(a) whether the proposed grandfathering provision could be made retrospective; and</p> <p>(b) whether, and if so, which overseas common law 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 which implied that the cigarettes contained therein were less harmful to health than others.</p>	<p>✓</p> <p>(Admin to provide the written responses)</p>
004137 – 005346	Administration Chairman Mr Tommy CHEUNG	<u>Clause 12 – Seizure and forfeiture</u>	
005347 – 010146	Administration Mr Tommy CHEUNG Dr YEUNG Sum	<u>Clause 13 – Tobacco advertisements in printed publications</u>	
010147 – 010300	Administration Mr Tommy CHEUNG	<u>Clause 14 – No display of tobacco advertisement</u>	

Time marker	Speaker	Subjects	Action required
010301 – 015036	Administration Chairman Mr Tommy CHEUNG Mr KWONG Chi-kin Ms Audrey EU Mr WONG Ting-kwong	<u>Clause 15 – Meaning of tobacco advertisement</u> The Administration was requested to - (a) consider deleting the word “most” from new section 14(3)(b); and (b) to amend new section 14(6) to the effect that when prices of the tobacco product offered for sale in the premises were listed on a price board, the size of the price marker for each product should not be greater than 50 square centimetres and the price board should not exceed 1 500 square centimetres.	✓ (Admin to provide a written response)
015037 – 015526	Administration Chairman Mr Tommy CHEUNG	<u>Clause 16 – Removal and disposal of tobacco advertisement</u>	
015527 – 015742	Administration Mr Tommy CHEUNG	<u>Clause 17 – Prohibition on selling or giving of tobacco products, etc.</u>	
015743 – 020038	Chairman Mr Tommy CHEUNG Mr Martin LEE Mr KWONG Chi-kin	Dates of next meetings	