

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1783/05-06

(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 21<sup>st</sup> meeting  
held on Thursday, 2 March 2006 at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** :
- Hon Andrew CHENG Kar-foo (Chairman)
  - 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
  - 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 James TIEN Pei-chun, GBS, JP
  - Hon LEE Cheuk-yan
  - Hon Martin LEE Chu-ming, SC, JP
  - Dr Hon YEUNG Sum
  - Hon Abraham SHEK Lai-him, JP
  - Hon LEUNG Kwok-hung
- 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 LAM Ping-yan, JP  
Director of 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

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**I. Clause-by-clause examination of the Bill**

(The Bill, marked-up copy of the Bill, LC Paper Nos. CB(2)1195/05-06(01), CB(2)1266/05-06(01) and CB(2)1283/05-06(01) to (02))

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

2. The Administration was requested to provide its guidelines to help managers and the public understand the meaning of “indoor” referred to in clause 5 of the Bill.

Date of next meeting

3. The Chairman reminded members that the next meeting had been scheduled for 6 March 2006 from 8:30 am to 12:45 pm.
4. There being no other business, the meeting ended at 12:43 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 April 2006

**Proceedings of the 21<sup>st</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Thursday, 2 March 2006 at 8:30 am  
in Conference Room A of the Legislative Council Building**

| <b>Time marker</b> | <b>Speaker</b>   | <b>Subjects</b>  | <b>Action required</b>                           |
|--------------------|--|--|--|
| 000000 – 000409    | Chairman<br>Administration   | Opening remarks  |  |
| 000410 – 015059    | Administration<br>Mr Howard YOUNG<br>Ms Emily LAU<br>Ms Audrey EU<br>Mr KWONG Chi-kin<br>Mr LI Kwok-ying<br>Mr Tommy CHEUNG<br>Ms LI Fung-ying<br>Mr Alan LEONG<br>Mr WONG Ting-kwong<br>Dr KWOK Ka-ki<br>Chairman | Administration's response to the meaning of "indoor"<br>(LC Paper No. CB(2)1266/05-06(01))<br><br>The Administration was requested to provide its guidelines to help managers and the public understand the meaning of "indoor" referred to in clause 5 of the Bill.   | ✓<br><br>(Admin to provide the draft guidelines) |
| 015100 – 021100    |  | 15-minute break  |  |
| 021101 – 024653    | Administration<br>Mr Howard YOUNG<br>Dr KWOK Ka-ki<br>ALA7<br>Mr LI Kwok-ying  | Publicity and enforcement plan for implementing the tobacco control measures set out in the Bill (LC Paper No. CB(2)1283/05-06(01))  |  |
| 024654 – 025322    | Mr Tommy CHEUNG<br>Chairman  | Suggested to defer discussion of LC Paper No. CB(2)1283/05-06(01) due to late submission of the paper by the Administration  |  |
| 025323 – 030139    | Mr Tommy CHEUNG<br>Administration  | Implementation of a fixed penalty system for persons found smoking in statutory no smoking area should first undergo wide public consultation<br><br>Concerned whether the addition of 30 staff to the Tobacco Control Office (TCO) was adequate to cope with the additional enforcement arising from the new regulatory requirements  |  |
| 030140 – 031005    | Mr WONG Ting-kwong<br>Administration<br>ALA7   | Members should be given sufficient time to study the Administration's paper before discussion of the paper<br><br>Enforcement by managers of statutory no smoking areas, if a fixed penalty system for persons found smoking in statutory no smoking area was adopted<br><br>There was a need for the Administration to clarify the enforcement of section 7 of the Smoking (Public Health) Ordinance should a fixed penalty system for persons found smoking in statutory no smoking area was implemented |  |

| <b>Time marker</b> | <b>Speaker</b>  | <b>Subjects</b>   | <b>Action required</b> |
|--------------------|---|---|------------------------|
| 031006 – 032155    | Chairman<br>Administration<br>Mr WONG Ting-kwong<br>Mr Tommy CHEUNG | Late submission of paper by the Administration<br><br>The Administration hoped that members could indicate which issues they wished to discuss at which meetings, so as to facilitate timely submission of the relevant papers by the Administration before the relevant meetings   |                        |
| 032156 – 033146    | Mr LI Kwok-ying<br>Administration<br>Mr Vincent FANG                | Enforcement of the fixed penalty system   |                        |
| 033147 – 034024    | Mr Tommy CHEUNG<br>Administration                                   | Enforcement by the TCO  |                        |
| 034025 – 035030    | Mr Howard YOUNG<br>Administration<br>Chairman                       | Members' views should best be sought at the outset whether late papers should be discussed<br><br>The fixed penalty system for persons found smoking in statutory no smoking area should not be included in the scrutiny of the Bill, in order not to delay the enactment of the Bill within the current legislative session  |                        |
| 035031 – 035235    | Mr WONG Ting-kwong<br>Chairman                                      | Expressed concern about the justification for introducing a fixed penalty system for persons found smoking in statutory no smoking area   |                        |
| 035236 – 035830    | Mr Vincent FANG<br>Administration                                   | Suggested that the Administration should provide its papers at least two days prior to the meeting for items with advance notice<br><br>Whether managers of statutory no smoking areas could detain people who smoked in the no smoking areas until the arrival of TCO inspectors<br><br>Effectiveness of the health education and promotion work carried out by TCO in discouraging smoking and reducing the number of smokers in Hong Kong<br><br>Working hours of TCO inspectors |                        |
| 035831 – 040354    | Mr Tommy CHEUNG<br>Administration                                   | Whether TCO inspectors currently wore uniform when carrying out compliance monitoring, investigation and enforcement; if not, whether they would wear uniform to perform the same after the enactment of the Bill<br><br>Types of inspectors to be appointed under new section 15F  |                        |
| 040355 – 040450    | Mr Howard YOUNG   | Reiterated that the fixed penalty system could be pursued, but should not be tied with the scrutiny of the Bill   |                        |

| <b>Time marker</b> | <b>Speaker</b>                                | <b>Subjects</b>  | <b>Action required</b> |
|--------------------|---|--|------------------------|
| 040451 – 040959    | Mr Vincent FANG<br>Administration<br>Chairman | Suggested that the Administration should provide its papers at least two days prior to the meeting for items with advance notice<br><br>Effectiveness of the health education and promotion work carried out by TCO in discouraging smoking and reducing the number of smokers in Hong Kong<br><br>Working hours of TCO inspectors |                        |
| 041000 – 041024    | Chairman                                      | Closing remarks  |                        |

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21 April 2006