

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2065/05-06  
(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 23<sup>rd</sup> meeting  
held on Monday, 20 March 2006 at 10:45 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 Fred LI Wah-ming, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
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 Martin LEE Chu-ming, SC, JP  
Hon Emily LAU Wai-hing, JP  
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 T H LEUNG, JP  
Deputy Director of Health

Dr Cindy LAI  
Assistant Director of Health  
(Special Health Service)

Miss Shandy LIU  
Senior Government Counsel  
Department of Justice

Mr Alan CHONG Ka-ning  
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)1428/05-06(01) to (07))

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

2. The Administration was urged to expeditiously provide draft Committee Stage amendments to the Bill for advance consideration by the Legal Adviser to the Bills Committee.

3. The Chairman reminded members that the next meeting had been scheduled for 31 March 2006 from 8:30 am to 12:30 pm.

4. There being no other business, the meeting ended at 12:43 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 May 2006

**Proceedings of the 23<sup>rd</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Monday, 20 March 2006 at 10:45 am  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
000000 – 000355	Chairman	Opening remarks	
000356 – 001738	Administration	Administration's response to issues raised at the meetings on 17 February and 20 February 2006 (LC Paper No. CB(2)1428/05-06(01))	
001739 – 002045	Mr Tommy CHEUNG Administration	Excluding service apartments from the smoking ban	
002046 – 002303	Mr Tommy CHEUNG Administration	The Administration would decide whether communal sleeping accommodation provided by employers for his employees should be made smoke free, pending the outcome of the discussion on the issue by the Labour Advisory Board	
002304 – 002951	Dr KWOK Ka-ki Administration	Reason(s) why, other than private kitchens, domestic premises also functioning as a workplace at certain hours of the day and were visited by patrons or clients were still considered "domestic premises" and be exempted from the smoking ban  Suggested that the extension of smoking ban to outdoor areas should include places where people queued up, such as bus stops  Timing for introducing smoking ban to the outdoor areas of universities	
002952 – 003530	ALA7	Definitions of "domestic premises" and "workplace" needed to be made clearer, to ensure that domestic premises used as a workplace would not be interpreted as domestic premises under the legislation  There was a need to clearly define the meanings of "rest" mentioned in clause 4 under the definition of "workplace" and "sleeping accommodation" mentioned in the proposed new section 5(b)	
003531 – 003607	Chairman	Urged the Administration to expeditiously provide draft Committee Stage amendments to the Bill for advance consideration by ALA7	
003608 – 004018	Mr Howard YOUNG Chairman Administration	Whether the footpaths which run parallel to the mid-level escalator would be subject to the smoking ban	

Time marker	Speaker	Subjects	Action required
004019 – 004246	Dr YEUNG Sum Administration Chairman	Extending smoking ban to country parks, theme parks, outdoor leisure venues and outdoor areas of universities  Administrative arrangements had been put in place by the Leisure and Cultural Services Department to prohibit smokers from smoking at some outdoor leisure venues managed by the Department	
004247 – 005009	Administration	Administration's response to issues raised at the meeting on 6 March 2006 (LC Paper No. CB(2)1428/05-06(02))	
005010 – 005636	Ms LI Fung-ying Administration Chairman	Training of inspectors of the Tobacco Control Office (TCO) under the Department of Health, in anticipation of the new enforcement powers to be conferred on them  Attire of the TCO inspectors	
005637 – 010524	Mr Tommy CHEUNG Chairman Administration ALA7	Need of retaining the reference to "likely to be committed" in the proposed new section 15G  Adding the requirement of reasonableness in the proposed new section 15H(1)	
010525 – 010638	Dr YEUNG Sum Administration	Adequate training should be provided to inspectors appointed under the proposed new section 15F and their attire should be widely publicised	
010639 – 011838	Mr Tommy CHEUNG Administration Chairman	Adding the requirement of reasonableness in the proposed new section 15H(1)  Need of retaining the reference to "likely to be committed" in the proposed new section 15G	
011839 – 012859	Mr Tommy CHEUNG Administration ALA7 Chairman	Extending the smoking ban to outdoor escalators  Reasons for not exempting private kitchens from the smoking ban	
012900 – 013049	Mr Vincent FANG Administration	Extending the smoking ban to outdoor escalators	
013050 – 015342	Mr Tommy CHEUNG Administration Dr KWOK Ka-ki Chairman Dr YEUNG Sum	Public consultation on extending the smoking ban to outdoor escalators  Reasons for not exempting private kitchens from the smoking ban	
015343 – 015551	Chairman Administration Mr Tommy CHEUNG	Date of next meeting  Invitation to visit two ventilation showcase venues extended by British American Tobacco Hong Kong and the Hong Kong Bars and Karaoke Rights Advocacy	

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