

**立法會**  
**Legislative Council**

LC Paper No. CB(2)167/06-07

(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 34<sup>th</sup> meeting  
held on Tuesday, 30 May 2006 at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** :
- Hon Andrew CHENG Kar-foo (Chairman)
  - Hon Albert CHAN Wai-yip (Deputy Chairman)
  - Hon Fred LI Wah-ming, JP
  - Hon Howard YOUNG, SBS, JP
  - Dr Hon YEUNG Sum
  - 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
  - Dr Hon Joseph LEE Kok-long
  - Hon Alan LEONG Kah-kit, SC
  - Dr Hon KWOK Ka-ki
  - Hon KWONG Chi-kin
- Members absent** :
- Hon James TIEN Pei-chun, GBS, JP
  - Hon LEE Cheuk-yan
  - Hon Martin LEE Chu-ming, SC, JP
  - Hon Abraham SHEK Lai-him, JP
  - Hon LI Kwok-ying, MH
  - Hon LEUNG Kwok-hung
  - Hon WONG Ting-kwong, BBS
  - Hon Albert Jinghan CHENG
- 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 Cindy LAI  
Acting Deputy Director of Health

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. Discussion of the Administration's draft Committee Stage amendments**  
(LC Paper Nos. CB(2)2055/05-06(01) and CB(2)2080/05-06(01))

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

2. The Administration was requested to provide a response in writing to members' requests of stipulating in the Bill that -

(a) the list of qualified establishments would be made available on the Department of Health's website; and

(b) the Appeal Board must hear an appeal within a specified time period upon receipt of the appeal.

3. The Administration undertook to -

(a) revise section 5(c) of new Schedule 5 to increase the number of

designated mahjong rooms required of a qualified club;

- (b) revise section 10(5) of new Schedule 5 to require the Director of Health to give prior notice of removing an establishment from the list of qualified establishments in writing;
- (c) require members of the Appeal Board to declare interests;
- (d) make the Chinese and English versions of section 12(5) of new Schedule 5 more consistent;
- (e) publicise the procedures adopted by the Appeal Board once they became available; and
- (f) ascertain whether Legislative Council Members and District Council members fell within the definition of "public officer" under the Interpretation and General Clauses Ordinance (Cap. 1).

## **II. Date of next meeting**

- 4. The Bills Committee would next meet on 2 June 2006 at 8:30 am.
- 5. There being no other business, the meeting ended at 10:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
24 October 2006

**Proceedings of the 34<sup>th</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Tuesday, 30 May 2006 at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
000000 – 000255	Chairman	Introduction	
000256 – 002642	Admin Ms Emily LAU	Draft Committee Stage amendments (version as at 17 May 2006) (LC Paper No. CB(2)2055/05-06(01))  <u>New Schedule 5</u>  <i>Section 4 - Qualified bar</i> <i>Section 5 - Qualified club and designated mahjong room</i> <i>Section 6 - Qualified nightclub</i> <i>Section 7 - List of qualified establishments</i>  The Administration was requested to -  (a) revise section 5(c) of new Schedule 5 to increase the number of designated mahjong rooms required of a qualified club; and  (b) stipulate in the Bill that the list of qualified establishments would be made available on the Department of Health's website.	✓ (Admin to provide a written response)
002643 – 004642	Admin Mr Tommy CHEUNG Ms Emily LAU Mr Howard YOUNG Dr YEUNG Sum	<i>Section 8 - Listed establishment to display prescribed sign</i>	
004643 – 005602	Mr Howard YOUNG Admin Mr Tommy CHEUNG Dr YEUNG Sum	Exempting performers from smoking or carrying a lighted tobacco product while performing	
005603 – 010047	Admin Ms Emily LAU	<i>Section 9 – Removal of name and address from the list of qualified establishments</i>  The Administration was requested to revise section 10(5) of new Schedule 5 to require the Director of Health to give prior notice of removing an establishment from the list of qualified establishments in writing.	✓ (Admin to provide a written response)
010048 – 011438	Admin Ms Emily LAU Mr Tommy CHEUNG ALA7	<i>Section 10 – Defence to offences under this Part</i> <i>Section 11 – Appeal to Appeal Board against Director's decision</i>  The Administration was requested to require members of the Appeal Board to declare interests.	✓ (Admin to provide a written response)
011439 – 015339	Admin Ms Emily LAU Mr Tommy CHEUNG Dr YEUNG Sum	<i>Section 12 – Constitution of Appeal Board</i> <i>Section 13 – Constitution of Appeal Board Panel</i>  The Administration was requested to -	

Time marker	Speaker	Subject	Action required
	Mr Vincent FANG Dr KWOK Ka-ki ALA7 Mr Fred LI	(a) make the Chinese and English versions of section 12(5) of new Schedule 5 more consistent; and  (b) ascertain whether Legislative Council Members and District Council members fell within the definition of "public officer" under the Interpretation and General Clauses Ordinance (Cap. 1).	✓ (Admin to provide a written response)
015340 – 020113	Admin Mr Tommy CHEUNG Ms Emily LAU Dr YEUNG Sum	<i>Section 14 – Proceedings before Appeal Board</i>  The Administration was requested to -  (a) stipulate in the Bill that the Appeal Board must hear an appeal within a specified time period upon receipt of the appeal; and  (b) publicise the procedures adopted by the Appeal Board once they became available.	✓ (Admin to provide a written response)
020114 – 020707	Admin Chairman Mr Tommy CHEUNG	<i>Section 15 – Powers of the Appeal Board</i> <i>Section 16 – Expiry of this Part</i>  <i>Transitional provisions</i>	
020708 – 020745	Chairman	Date of next meeting	