

**立法會**  
**Legislative Council**

LC Paper No. CB(2)169/06-07

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/11/04

**Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005**

**Note of informal meeting  
held on Friday, 9 June 2006 at 8:30 am  
in the Chamber of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Martin LEE Chu-ming, SC, JP  
Hon Fred LI Wah-ming, JP  
Hon Howard YOUNG, SBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, 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 Albert CHAN Wai-yip (Deputy Chairman)  
Hon LEE Cheuk-yan  
Dr Hon YEUNG Sum  
Hon Emily LAU Wai-hing, JP  
Hon LI Fung-ying, BBS, JP  
Hon Vincent FANG Kang, 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 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

---

**I. Discussion with the Administration**  
(LC Paper Nos. CB(2)2313/05-06(01) and (02))

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

2. The Administration was requested to provide a response in writing to the following suggestions made by members at the meeting -

- (a) to increase the number of days for the person in charge of a listed establishment to make a written representation under section 9(5) of new Schedule 6 from 10 to 14 days;
- (b) to consider making clear the circumstances under which the Secretary for Health, Welfare and Food would exercise his power provided under section 11(2) of new Schedule 6;
- (c) to replace "個人利害" with "個人利益" referred to in the Chinese

version of sections 12(5) and 13(6) of new Schedule 6;

- (d) to consider allowing the appellant to continue operating his/her establishment as a qualified establishment until the appeal result was known and requiring the unsuccessful appellant to bear the costs of the appeal proceedings, in place of requiring an establishment to cease operating as a qualified establishment once its name and address were removed from the list of qualified establishments maintained by the Director of Health; and
- (e) to make the English version of the proposed amendments to new section 15G(d) align with its Chinese version.

3. The Administration undertook -

- (a) to check with the Liquor Licensing Board whether bars, located in premises holding a liquor licence for the whole premises, could continue to operate as such in the course of applying for a separate liquor licence to operate as a qualified bar, as well as the application procedures and the time required; and
- (b) to provide information on the duties and powers of other appeal boards formed by the Administration to hear cases similar in nature and scope to those of removing an establishment from the list of qualified establishments.

**II. Date of next meeting**

- 4. The Bills Committee would next meet on 13 June 2006 at 8:30 am.
- 5. There being no other business, the meeting ended at 10:33 am.

Council Business Division 2  
Legislative Council Secretariat  
24 October 2006

**Proceedings of the note of informal meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Friday, 9 June 2006 at 8:30 am  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 – 001916	Chairman	Opening remarks	
001917 – 002946	Admin Mr Howard YOUNG	Administration's response to issues raised at the meetings on 24 April, 4, 9, 12 and 16 May 2006 (LC Paper No. CB(2)2313/05-06(02))	
002947 – 015728	Admin Mr Tommy CHEUNG Mr Martin LEE Mr Howard YOUNG Mr LI Kwok-ying ALA7 Ms Audrey EU	<p>Draft Committee Stage amendments to the moved by the Administration (LC Paper No. CB(2)2313/05-06(01))</p> <p>The Administration was requested -</p> <p>(a) to increase the number of days for the person in charge of a listed establishment to make a written representation under section 9(5) of new Schedule 6 from 10 to 14 days;</p> <p>(b) to consider making clear the circumstances under which the Secretary for Health, Welfare and Food would exercise his power provided under section 11(2) of new Schedule 6;</p> <p>(c) to replace "個人利害" with "個人利益" referred to in the Chinese version of sections 12(5) and 13(6) of new Schedule 6;</p> <p>(d) to consider allowing the appellant to continue operating his/her establishment as a qualified establishment until the appeal result was known and requiring the unsuccessful appellant to bear the costs of the appeal proceedings, in place of requiring an establishment to cease operating as a qualified establishment once its name and address were removed from the list of qualified establishments maintained by the Director of Health; and</p> <p>(e) to make the English version of the proposed amendments to new section 15G(d) align with its Chinese version.</p> <p>The Administration undertook -</p> <p>(a) to check with the Liquor Licensing Board whether bars, located in premises holding a liquor licence for the whole premises, could continue to operate as such in the course of applying for a separate liquor licence to operate as a qualified bar, as well as the application procedures and the time required; and</p> <p>(b) to provide information on the duties and powers of other appeal boards formed by the Administration to hear cases similar in nature and scope to those of removing an establishment from the list of qualified establishments.</p>	<p style="text-align: center;">✓</p> <p>(Admin to provide a written response)</p> <p style="text-align: center;">✓</p> <p>(Admin to provide a written response)</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
015729 – 020225	Chairman Admin Mr Tommy CHEUNG Mr WONG Ting-kwong Clerk	Date of next meeting  Timing of Administration's response to outstanding issues  Tentative date of resumption of Second Reading debate on the Bill	

Council Business Division 2  
Legislative Council Secretariat  
24 October 2006