

立法會
Legislative Council

LC Paper No. CB(2)172/06-07

(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 46th meeting
held on Thursday, 20 July 2006 at 10:45 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 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 Emily LAU Wai-hing, JP
 - Hon Tommy CHEUNG Yu-yan, JP
 - Hon Vincent FANG Kang, JP
 - Hon LI Kwok-ying, MH, JP
 - Dr Hon Joseph LEE Kok-long, JP
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung
 - Dr Hon KWOK Ka-ki
 - Hon Albert Jinghan CHENG
- Members absent** :
- Hon Martin LEE Chu-ming, SC, JP
 - Hon Abraham SHEK Lai-him, JP
 - Hon LI Fung-ying, BBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon WONG Ting-kwong, BBS
 - Hon KWONG Chi-kin
- Public Officers attending** :
- Mrs Ingrid YEUNG
Deputy Secretary for Health, Welfare and Food (Health)

Dr Cindy LAI
Assistant Director of Health

Miss Shandy LIU
Senior Government Counsel
Department of Justice

Mr CHONG Ka-ning, Alan
Government Counsel
Department of Justice

Mr CHEUNG Kam-fai, Peter, JP
Deputy Director of Intellectual Property
Intellectual Property Department

Ms PANG Shuk-fan, Fanny
Assistant Director of Intellectual Property (Registration) (Ag.)
Intellectual Property Department

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

Ms Maisie LAM
Council Secretary (2) 2

Miss Maggie CHIU
Legislative Assistant (2) 4

I. Meeting with the Administration

(LC Paper Nos. CB(2)2542/05-06(01), CB(2)2563/05-06(01) to (03), CB(2)2593/05-06(02), CB(2)2658/05-06(01) to (02), CB(2)2775/05-06(01) and CB(2)2799/05-06(01) to (02))

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

2. At the request of the Chairman, the Clerk undertook to seek clarification from Philip Morris Asia Limited in writing about its view on the proposed grandfathering-cum-notation approach to the use of misleading descriptions in the trade marks of

tobacco products.

3. The Administration undertook to provide a response in writing to the letter dated 18 July 2006 from Assistant Legal Adviser 7 within one week.

4. The Chairman said that it was the objective of the Bills Committee that the Second Reading debate on the Bill should be resumed at the Council meeting on 18 October 2006.

II. Dates of next meetings

5. Members were reminded that the next two meetings had been scheduled for -

(a) 31 July 2006 from 9:00 am to 1:00 pm; and

(b) 1 August 2006 from 9:00 am to 1:00 pm.

6. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
24 October 2006

**Proceedings of the 46th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Thursday, 20 July 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 – 000461	Chairman	Opening remarks	
000462 – 011715	Admin Chairman Dr KWOK Ka-ki ALA7 Dr YEUNG Sum	Administration's response to the letters dated 19 and 24 June 2006 from Assistant Legal Adviser 7 (LC Paper No. CB(2)2755/05-06(10)) The Clerk was requested to seek clarification from Philip Morris Asia Limited in writing about its view on the proposed grandfathering-cum-notation approach to the use of misleading descriptions in the trade marks of tobacco products	✓ (Clerk to write the letter)
011716 – 012703	Mr Vincent FANG Dr KWOK Ka-ki Admin	Legal risk of implementing clause 11 in its original form	
012704 – 013428	Dr KWOK Ka-ki Admin	Reason for including well-known trade marks in the grandfathering approach	
013429 – 014115	Mr Vincent FANG Admin	Date of implementing the grandfathering-cum-notation approach	
014116 – 015008	Dr KWOK Ka-ki ALA7 Admin	Justification for adopting the grandfathering-cum-notation approach	
015009 – 015120	Chairman	Items for discussion at the next meeting	
015121 – 020451	Mr Tommy CHEUNG Chairman Mr Albert CHAN Mr Howard YOUNG Mr Vincent FANG Mr LEE Cheuk-yan	Date of resumption of Second Reading debate on the Bill	
020452 – 020658	Mr Vincent FANG Chairman Admin	Members should be advised in advance of the items for discussion at meetings The Administration undertook to provide a response to the letter dated 18 July 2006 from ALA7 within one week	✓ (Admin to provide a written response)
020659 – 021250	Dr KWOK Ka-ki Mr Tommy CHEUNG Chairman Mr LEE Cheuk-yan	Date of resumption of Second Reading debate on the Bill	
021251 – 021320	Chairman	Closing remarks	