

立法會
Legislative Council

LC Paper No. CB(2)173/06-07

(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 47th meeting
held on Monday, 31 July 2006 at 9:00 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon Howard YOUNG, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon LI Kwok-ying, MH, JP
Dr Hon KWOK Ka-ki
Hon Albert Jinghan CHENG
- Members absent** : Hon Albert CHAN Wai-yip (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Dr Hon YEUNG Sum
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon WONG Ting-kwong, BBS
Hon KWONG Chi-kin
- Public Officers attending** : Ms Julina CHAN
Acting Deputy Secretary for Health, Welfare and Food (Health)

Dr Henry KONG
Acting Assistant Director of Health

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

Miss Jenny HO
Legislative Assistant (2) 9

I. Meeting with the Administration

(LC Paper Nos. CB(2)2563/05-06(02) to (03) and CB(2)2851/05-06(01))

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

2. The Administration was requested to provide a response in writing to the Assistant Legal Adviser 7's letter of 28 July 2006 before mid-August 2006. The Administration was also requested to revert to members on its consideration of allowing certain public pleasure grounds to have designated smoking area prior to the next meeting.

3. The Administration undertook to provide a response in writing to the following requests raised by members at the meeting -

- (a) to consider revising the commencement date of the provisions under new section 2(2) to 90 days after the Ordinance was published in the Gazette; and

- (b) to confirm that the introduction of new section 15G would not increase the existing power of the Police in enforcing the smoking ban.

II. Date of next meeting

4. Members agreed to cancel the next meeting scheduled for 1 August 2006. Members further agreed to resume its work in early September 2006. Dates of next meetings would be advised after the meeting.

5. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 2
Legislative Council Secretariat
24 October 2006

**Proceedings of the 47th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Monday, 31 July 2006 at 9:00 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 – 001636	Chairman	Opening remarks	
001637 – 003403	Mr Martin LEE Admin Mr Tommy CHEUNG	The Administration was urged to provide outside legal opinions obtained concerning clause 11 of the Bill Expressed concern that the implementation of the grandfathering-cum-notation approach on the existing trademarks containing the prohibited words would undermine the run of Dr Margaret CHAN for the office of the Director-General of World Health Organisation, as the approach was protecting the interests of tobacco companies	
003404 – 003839	Chairman Admin Mr Tommy CHEUNG	The Administration undertook to provide a written response to the Assistant Legal Adviser 7 (ALA7)'s letter of 28 July 2006 before mid-August 2006	✓ (Admin to provide a written response)
003840 – 004910	Chairman Admin Mr Tommy CHEUNG	Consideration of full set of draft Committee Stage amendments proposed by the Administration (LC Paper No. CB(2)2563/05-06(02)) <u>Clause 2 – Commencement</u> The Administration undertook to change the commencement dates in new section 2(3) and (4) from 1 August 2007 and 1 August 2009 to 1 November 2007 and 1 November 2009 respectively if the Bill could resume Second Reading debate on 18 October 2006	
004911 – 005314	Mr Tommy CHEUNG Admin	Urged the Administration to change the commencement date of the provisions in new section 2(2) to allow the affected trades not less than 90 days to implement the smoking ban after the enactment of the Bill	
005315 – 005541	Mr Howard YOUNG Chairman Mr Tommy CHEUNG	Bars located inside hotels should not be required to obtain separate liquor licence in order to become a qualified establishment under the Bill, unless the Liquor Licensing Board could speed up the processing of applications for liquor licence	
005542 – 010831	Mr Tommy CHEUNG Admin	The Administration undertook to consider revising the commencement date of the provisions under new section 2(2) to 90 days after the Ordinance was published in the Gazette	✓ (Admin to provide a written response)
010832 – 010856	Chairman	Democratic Party considered the commencement date of the provisions under new section 2(2) should remain on 1 January 2007	

Time marker	Speaker	Subject	Action required
010857 – 011202	Admin Mr Tommy CHEUNG Chairman	<u>Clause 3 – Long title amended</u>	
011203 – 022306	Admin Mr Tommy CHEUNG Chairman Dr KWOK Ka-ki	<u>Clause 4 – Interpretation</u> The Administration undertook to check whether the existing Dai Pai Dongs were covered by the Hawker Regulation (Cap. 132 sub. Leg. AI); if so, what was the number of them operating indoor and outdoor respectively The Administration was requested to revert to members on its consideration of allowing certain public pleasure grounds to have designated smoking area	✓ (Admin to provide a written response)
022307 – 024424	Admin	<u>Clause 5 – Prohibition on smoking in certain designated areas</u> <u>Clause 6 – Display of signs where smoking prohibited</u> <u>Clause 7 – Display of signs outside restaurants</u> <u>Clause 8 – Offences under Part II</u> <u>Clause 13 – Tobacco advertisements in printed publications</u> <u>Clause 15 – Meaning of tobacco advertisement</u> <u>Section 15 – Offences under Part IV</u>	
024425 – 024924	Admin	<u>Clause 18 - Part IVB added</u>	
024925 – 031705	Mr Tommy CHEUNG ALA7 Chairman	Powers of inspector provided under new section 15G should not be extended to those Government departments and the Police for enforcing the fixed penalty system against smoking offence The Administration was requested to provide a paper confirming that the introduction of new section 15G would not increase the existing power of the Police in enforcing the smoking ban	✓ (Admin to provide a written response)
031706 – 032005	Admin	<u>Clause 19 – Regulations and Orders</u>	
032006 – 032234	Chairman Mr Tommy CHEUNG	Cancellation of meeting scheduled for 1 August 2006 Bills Committee to resume its work in early September 2006	