

立法會
Legislative Council

LC Paper No. CB(2)443/06-07
(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 50th meeting
held on Monday, 18 September 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon James TIEN Pei-chun, GBS, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, 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, JP
Hon WONG Ting-kwong, BBS
Hon Albert Jinghan CHENG

Members absent : Hon Albert CHAN Wai-yip (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon Howard YOUNG, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
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
Assistant Director of Health (Special Health Service)

Dr Christine WONG
Senior Medical and Health Officer
Department 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
Chief Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

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 following requests raised by members -

- (a) commencement dates of various provisions in the Bill; and
- (b) reasons for revising the Committee Stage amendments (CSAs) to new

Schedule 2.

3. The Administration was also requested to -
 - (a) find out whether bars or mahjong rooms in recreation clubs set up by disciplinary forces and/or other Government departments could meet the requirements for becoming qualified establishments under new Schedule 6;
 - (b) consider requiring members of the Appeal Board Panel, referred to in new Schedule 6, to declare pecuniary or personal advantage on each and every occasion they were assigned by the Director of Health (the Director) to hear and determine an appeal under section 11 of the same Schedule; and
 - (c) re-consider the appropriateness of enacting legislation to empower the Chairman of the Appeal Board, or at the request of the appellant or the Director, to exclude all or any persons from the whole or any part of the hearing under section 14(3) of new Schedule 6.
4. Members noted that the Administration would provide the draft CSAs regarding bathing beach and public pleasure ground and a written response to a recent federal court case in the United States on misleading descriptors on the package of tobacco product, prior to the next meeting scheduled for 19 September 2006.

II. Date of next meeting

5. The next meeting would be held on 19 September 2006 at 8:30 am.

III. Any other business

6. Members agreed to schedule two additional meetings on 27 and 29 September 2006. The exact meeting time would be advised by the Clerk after the meeting.
7. The Chairman would write to the World Health Organization (WHO) requesting a response, before the end of September 2006, to his letter dated 5 July 2006 regarding whether the proposed amendments to clause 11 of the Bill were in compliance with the WHO Framework Convention on Tobacco Control.

8. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
22 November 2006

**Proceedings of the 50th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Monday, 18 September 2006, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 002554	Chairman Admin Mr Tommy CHEUNG Ms Emily LAU Dr YEUNG Sum	Opening remarks The Administration was requested to provide a paper explaining the reasons for revising the draft Committee Stage amendments (CSAs) to new Schedule 2	✓ (Admin to provide the paper)
002555 - 015553	Admin Mr Tommy CHEUNG Dr YEUNG Sum Ms Emily LAU Mr James TIEN ALA7 Chairman	Consideration of full set of draft CSAs proposed by the Administration (LC Paper No. CB(2)2563/05-06(02)) and draft revised CSAs proposed by the Administration tabled at <u>the meeting</u> The Administration was requested to provide a paper setting out the commencement dates of various provisions in the Bill. The Administration was also requested to - (a) find out whether bars or mahjong rooms in recreation clubs set up by disciplinary forces and/or other Government departments could meet the requirements for becoming qualified establishments under new Schedule 6; (b) consider requiring members of the Appeal Board Panel, referred to in new Schedule 6, to declare pecuniary or personal advantage on each and every occasion they were assigned by the Director of Health (the Director) to hear and determine an appeal under section 11 of the same Schedule; and (c) re-consider the appropriateness of enacting legislation to empower the Chairman of the Appeal Board, or at the request of the appellant or the Director, to exclude all or any persons from the whole or any part of the hearing under section 14(3) of new Schedule 6.	✓ (Admin to provide the paper) ✓ (Admin to provide a written response)
015554 - 015722	Chairman Dr YEUNG Sum Ms Emily LAU	Members agreed to schedule two additional meetings on 27 and 29 September 2006. The Chairman would write to the World Health Organization (WHO) requesting a response, before the end of September 2006, to his letter dated 5 July 2006 regarding whether the proposed amendments to clause 11 of the Bill were in compliance with the WHO Framework Convention on Tobacco Control.	✓ (Clerk to draft the letter)