

立法會
Legislative Council

LC Paper No. CB(2)175/06-07

(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 52nd meeting
held on Thursday, 21 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
Hon Martin LEE Chu-ming, SC, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, 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
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
- Members absent** : Hon Albert CHAN Wai-yip (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon WONG Ting-kwong, BBS
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
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 MUI Kei-fat, Llewellyn
Senior Government Counsel
Department of Justice

Mr Alan CHONG Ka-ning
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
Chief Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

I. Meeting with the Administration

(LC Paper Nos. CB(2)2976/05-06(02) and CB(2)3066/05-06(01) to (03))

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

2. The Administration was requested to -

(a) provide the Japanese Government's response referred to in paragraphs 13 and 14 of LC Paper No. CB(2)2976/05-06(02). If that was not possible, a paper detailing the Japanese Government's response should be provided; and

(b) provide a paper on the compliance with the Article 11 1(a) of the Framework Convention on Tobacco Control by the People's Republic of China.

3. The Administration was also requested to provide in writing a comparison of the serious risk of successful legal challenge faced by the original clause 11 and the proposed amendments to the clause.

II. Date of next meeting

4. The next meeting would be held on 26 September 2006 at 8:30 am.

III. Any other business

5. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2
Legislative Council Secretariat
24 October 2006

**Proceedings of the 52nd meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Thursday, 21 September 2006 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000654	Chairman	Opening remarks	
000655 - 000737	ALA7	No need to spell out in section 4 of new Schedule 5A an establishment would cease to operate as a qualified bar if it failed to win an appeal for becoming a qualified bar	
000738 - 001827	Chairman Admin Dr KWOK Ka-ki Mr Martin LEE	Administration's response to issues raised at the Bills Committee meetings on 6 and 31 July 2006 (LC Paper No. <u>CB(2)2976/05-06(02)</u>) The Administration was requested to - (a) provide the Japanese Government's response referred to in paragraphs 13 and 14 of LC Paper No. CB(2)2976/05-06(02). If that was not possible, a paper detailing the Japanese Government's response should be provided; and (b) provide a paper on the compliance with the Article 11 1(a) of the Framework Convention on Tobacco Control by the People's Republic of China.	✓ (Admin to provide a written response)
001828 - 020724	Chairman Admin Mr Martin LEE Dr KWOK Ka-ki Mr Abraham SHEK M Emily LAU Ms Audrey EU Mr Alan LEONG ALA7	Administration's response to the letter of the Assistant Legal Adviser dated 20 September 2006 (LC Paper No. <u>CB(2)3066/05-06(02)</u>) Proposal of imposing a general ban on the misleading words on tobacco packaging Reasons for not introducing the proposed grandfathering-cum-notation approach to address misleading descriptors on the packaging of tobacco products in the Bill The Administration was requested to provide a comparison of the serious risk of successful legal challenge faced by the original clause 11 and the proposed amendments to the clause	✓ (Admin to provide a written response)
020725 - 020942	Chairman Mr Tommy CHEUNG Admin	Date of next meeting	