

**立法會**  
**Legislative Council**

LC Paper No. CB(2)530/05-06  
(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 6<sup>th</sup> meeting  
held on Monday, 24 October 2005 at 1:00 pm  
in the Chamber 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 Martin LEE Chu-ming, SC, JP
  - Hon LEUNG Yiu-chung
  - Hon Howard YOUNG, SBS, JP
  - Dr Hon YEUNG Sum
  - Hon Emily LAU Wai-hing, 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
  - Dr Hon Joseph LEE Kok-long
  - Hon Alan LEONG Kah-kit, SC
  - Hon LEUNG Kwok-hung
  - Dr Hon KWOK Ka-ki
  - Hon WONG Ting-kwong, BBS
  - Hon KWONG Chi-kin
- Members absent** :
- Hon Fred LI Wah-ming, JP
  - Hon Abraham SHEK Lai-him, JP
  - Hon Albert Jinghan CHENG

**Public Officers :** Items I and II  
**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

Item I only

Mr CHEUNG Wing-leung  
Senior Government Counsel  
Department of Justice

**Individuals and :** Item 1  
**organisation**  
**by invitation**

Mr James Repace, MSc.  
Repace Associates, Inc. Secondhand Smoke Consultants

Dr Christopher Proctor  
Head of Science and Regulation for British American Tobacco

Hong Kong Bars and Karaoke Rights Advocacy

Mr Jeffrey TAM Chun-kit  
Chairman

Mr WONG Wai-kuen  
Deputy Chairman

Item II

Hsin Kuang Restaurant Holdings Ltd

Mr Thomas WOO Chu  
Executive Managing Director

King Parrot Group

Miss Ada LI  
Executive Secretary

De Rodeo Catering Ltd/King Bakery Ltd

Mr YU Tai-fuk  
Representative

Hoi Tin (Asia) Harbour Restaurant

Mr Johnny WOO  
General Manager

Tan Yo To

Mr Daniel WONG  
General Manager

Ruby Tuesday

Mr Joseph CHEUNG  
Managing Director

Tsui Wah Restaurant

Mr LEE Yuen-hong  
Chairman

Hong Kong Federation of Restaurants and Related Trades

Mr David NG  
Charter President

Mr Anthony LOCK  
Vice-chairman

Nice Garden Restaurant

Mr HUI Hin-chan  
Manager

King of Catering (Holdings) Ltd

Mr WONG Chui-fo  
Business Development Director

Garden Restaurant

Mr CHAN Wai-keung  
Manager Director

Mr WEI Chi-lam  
Manager

Estates' Restaurants (HK) Merchant Association Limited

Mr CHAN Cheung-chor  
President

Co Co Duck

Miss NG Sau-king  
Manager

Mr CHEUNG Yiu-ming  
Staff

SM

Mr Billy TSANG  
Shop Manager

Hong Kong Kowloon Vermicelli & Noodle Manufacturing  
Industry Merchants' General Association

Mr FUNG Bing-hau  
Life President

The Laundry Association of Hong Kong Ltd

Mr LEE Lam  
Vice Chairman

Hong Kong Catering Industry Association

Mr CHEUNG Sing-hung  
Vice Chairman

**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

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

**I. Meeting with ventilation experts**

2. Mr Tommy CHEUNG requested and Mr James Repace agreed to provide the following in writing after the meeting -

- (a) whether Mr Repace had done any studies on the number of people contracting lung cancer before and after the implementation of total smoking ban in catering and entertainment premises in the United States and other places; if not, why not, and what was his assessment on this issue;
- (b) what was the basis for saying that the cost of passive-smoking mortality was 150 deaths per year among 200 000 catering workers in the United States, and what was the relevance of applying such figures to Hong Kong; and
- (c) what was the basis for saying that an average worker had 3 000/100 000 lifetime risk, a de minimus risk level was one death/1 000 000 persons and ventilation must be increased to 81 000 air changes per hour to yield acceptable risk for Hong Kong catering workers from secondhand smoke.

**II. Meeting with deputations**

(LC Paper Nos. CB(2)2660/04-05(29) to (33) and CB(2)133/05-06(01))

3. The Administration agreed to revert to members whether it had any plan to introduce a demerit point system for catering and entertainment premises which failed to stop smoking acts in statutory no smoking areas.

**III. Any other business**

4. Members agreed to hold a closed meeting in November 2005 to consider deputations' views.

5. The Deputy Chairman reminded members that the next meeting was scheduled for 31 October 2005 at 10:45 am to meet with representatives of licensed hawker stall operators and the newspaper trade, and to continue discussion with the Administration on the Bill.

6. There being no other business, the meeting ended at 5:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
28 November 2005

**Proceedings of the 6<sup>th</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Monday, 24 October 2005 at 1:00 pm  
in the Chamber of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
000000 – 001350	Chairman Mr Martin LEE	Opening remarks	
001351 – 003816	Mr James Repace	Presentation of views	
003817 – 005849	Dr Christopher Proctor	Presentation of views	
005850 – 020647	Chairman Mr Tommy CHEUNG Mr Martin LEE Ms Emily LAU Dr YEUNG Sum Mr Howard YOUNG Dr KWOK Ka-ki Dr YEUNG Sum Mr Vincent FANG Mr James TIEN	<p>Questions raised on the presentations made by Mr James Repace and Dr Christopher Proctor</p> <p>Mr Repace was requested to provide the following in writing after the meeting -</p> <p>(a) whether he had done any studies on the number of people contracting lung cancer before and after the implementation of total smoking ban in catering and entertainment premises in the United States and other places; if not, why not, and what was his assessment on this issue;</p> <p>(b) what was the basis for saying that the cost of passive-smoking mortality was 150 deaths per year among 200 000 catering workers in the United States, and what was the relevance of applying such figures to Hong Kong; and</p> <p>(c) what was the basis for saying that an average worker had 3 000/100 000 lifetime risk, a de minimus risk level was one death/1 000 000 persons and ventilation must be increased to 81 000 air changes per hour to yield acceptable risk for Hong Kong catering workers from secondhand smoke</p>	<p>✓ (Mr Repace to provide the information)</p>
020648 – 021421	Break		
021422 – 021453	Deputy Chairman	Introduction	
021454 – 021807	Hsin Kuang Restaurant Holdings Ltd	Presentation of views	
021808 – 021949	King Parrot Group	Presentation of views	
021950 – 022535	De Rodeo Catering Ltd/King Bakery Ltd	Presentation of views (LC Paper No. CB(2)2660/04-05(29))	
022536 – 022841	Hoi Tin (Asia) Harbour Restaurant	Presentation of views	
022842 – 023144	Tan Yo To	Presentation of views (LC Paper No. CB(2)2660/04-05(30))	

Time marker	Speaker	Subjects	Action required
023145 – 023219	Ruby Tuesday	Presentation of views	
023220 – 023559	Tsui Wah Restaurant	Presentation of views	
023600 – 024027	Hong Kong Federation of Restaurants and Related Trades	Presentation of views	
024028 – 024108	Nice Garden Restaurant	Presentation of views	
024109 – 024226	King of Catering (Holdings) Ltd	Presentation of views	
024227 – 024403	Garden Restaurant	Presentation of views (LC Paper No. CB(2)2660/04-05(31))	
024404 – 024632	Estates' Restaurants (HK) Merchant Association Limited	Presentation of views	
024633 – 025124	Co Co Duck	Presentation of views (LC Paper No. CB(2)2660/04-05(32))	
025125 – 025426	SM	Presentation of views	
025427 – 025957	Hong Kong Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association	Presentation of views (LC Paper No. CB(2)2660/04-05(33))	
025958 – 030226	The Laundry Association of Hong Kong Ltd	Presentation of views	
030227 – 030509	Hong Kong Catering Industry Association	Presentation of views	
030510 – 035352	Chairman Mr LEUNG Yiu-chung Administration Mr Tommy CHEUNG Ms Emily LAU Mr Howard YOUNG Mr Vincent FANG Ms LI Fung-ying Mr LEUNG Kwok-hung Hong Kong Federation of Restaurants and Related Trades The Laundry Association of Hong Kong Ltd Hong Kong Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association SM Co Co Duck	Difficulties for catering and entertainment premises to stop smoking acts in statutory no smoking areas  Longer adaptation period for the catering and entertainment trade  Allowing catering and entertainment premises the choice to apply for either a smoking or no smoking licence  What assistance could be provided by the Administration to the trade and its staff if their livelihood was badly hit by the implementation of the Bill  Whether refusal or inability to stop clients from smoking in statutory no smoking areas could constitute a reason for dismissal  Whether open air catering/entertainment areas fell within the definition of "indoor" under the Bill  The Administration agreed to revert to members whether it had any plan to introduce a demerit point system for catering and entertainment premises which failed to stop	✓ (Admin to respond)

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
		smoking acts in statutory no smoking areas	
035353 – 030816	Deputy Chairman Ms Emily LAU Mr Howard YOUNG Clerk Mr Tommy CHEUNG Administration	Members agreed to hold a closed meeting in November 2005 to consider deputations' views	

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28 November 2005