

立法會
Legislative Council

LC Paper No. CB(1)2828/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/SS/10/10

**Subcommittee on
Public Revenue Protection (Dutiable Commodities) Order 2011**

**Minutes of the third meeting
held on Friday, 8 April 2011, at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Dr Hon Joseph LEE Kok-long, SBS, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon James TO Kun-sun
Hon Vincent FANG Kang, SBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon KAM Nai-wai, MH
Hon CHAN Kin-por, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip

Members absent : Hon CHAN Kam-lam, SBS, JP
Hon Andrew CHENG Kar-foo

**Public officers
attending** : Agenda item I

Professor Gabriel LEUNG, JP
Under Secretary for Food and Health

Mr Thomas CHAN, JP
Deputy Secretary for Food & Health (Health)2

Miss Monica CHEN
Principal Assistant Secretary for Food and Health
(Health) Special Duties 1

Miss Karen SHING
Assistant Secretary for Food and Health (Health)
Special Duties 3

Dr Raymond HO
Head of Tobacco Control Office
Department of Health

Clerk in attendance : Ms YUE Tin-po
Chief Council Secretary (1)3

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Miss Rita YUNG
Council Secretary (1)3

Action

- I. Meeting with the Administration**
(LC Paper No. CB(1)1782/10-11(03) -- List of follow-up actions arising from the discussion at the meeting on 24 March 2011
- LC Paper No. CB(1)1819/10-11(01) -- List of follow-up actions arising from the discussion at the meeting on 2 April 2011
- LC Paper No. CB(1)1819/10-11(02) -- Administration's paper on tobacco control and tobacco duty increase
- LC Paper No. CB(1)1819/10-11(03) -- Administration's paper on provision and enhancement

of smoking cessation services

LC Paper No. CB(1)1819/10-11(04) -- Administration's paper on enforcement against illicit cigarette smuggling and peddling

LC Paper No. CB(1)1782/10-11(04) -- Guidelines for implementation of Article 5.3 of the World Health Organization Framework Convention on Tobacco Control
(English version only)

LC Paper No. CB(2)1419/10-11(01) -- Administration's paper on enforcement against the smuggling and sale of illicit cigarette

Other relevant papers

L.N. 32 of 2011 -- Public Revenue Protection (Dutiable Commodities) Order 2011

LC Paper No. LS33/10-11 -- Legal Service Division Report

LC Paper No. CB(1)1660/10-11(01) -- Marked-up copy of the Public Revenue Protection (Dutiable Commodities) Order 2011)

The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

- Admin 2. The Administration was requested to provide:
- (a) information on the breakdown of the number of smokers in Hong Kong by age group, gender and the period of time they had been smoking;
 - (b) the details of all the fees charged (including registration fee) for the smoking cessation services provided by the Department of Health (DH) and the Hospital Authority (HA), and the waiting

time for utilizing such services;

- (c) the addresses and service hours of the smoking cessation clinics and centres under DH, HA and the relevant non-government organizations;
- (d) the details of the financial provision for smoking prevention and cessation services and the size of smoking population over the years, including the actual figures and changes in percentage by year; and
- (e) supplementary information to explain how the decline in the percentages of daily cigarette smokers in the younger age groups of 15-19 and 20-29 in the respective years as stated in Annex C to the Administration's paper (LC Paper No. CB(1)1819/10-11(02)) was statistically significant based on the results of the t-test.

(Post-meeting note: The information provided by the Administration were issued via LC Papers Nos. CB(1)1936/10-11(02) and CB(1)2062/10-11(01) on 15 April and 3 May 2011.)

3. The Subcommittee completed the scrutiny of the Public Revenue Protection (Dutiable Commodities) Order 2011 (the Order).

4. The Chairman informed the meeting that the Subcommittee would provide a written report to the House Committee at its meeting on 15 April 2011.

5. Members noted that under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1), Members might amend subsidiary legislation in any manner whatsoever consistent with the power to make such subsidiary legislation. The power of the Chief Executive under section 2 of the Public Revenue Protection Ordinance (Cap. 120) was to make an order giving full force and effect of law to all the provisions of the bill. Consistent with this power, Members had the power to repeal the Order but did not have power to amend the provisions therein. In this connection, the Chairman reminded members that the deadline for giving notice to move a motion to repeal the Order would be 26 April 2011.

II. Any other business

6. There being no other business, the meeting ended at 10:34 am.

Council Business Division 1
Legislative Council Secretariat
28 July 2011

**Proceedings of the third meeting of
Subcommittee on Public Revenue Protection (Dutiable Commodities) Order 2011
on Friday, 8 April 2011, at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000734 – 000834	Chairman	Opening remarks by the Chairman	
000835 – 001143	Chairman Administration	Briefing by the Administration on its response to issues raised at the meeting on 24 March 2011 (LC Paper Nos. CB(1)1819/10-11 (02), (03) and (04)).	
001144 – 001922	Chairman Mr CHEUNG Kwok-che Administration	<p>Mr CHEUNG Kwok-che expressed concern about the funding for smoking cessation services provided by the non-government organizations (NGOs).</p> <p>In response, the Administration advised that the resources for smoking prevention and cessation services in the Department of Health (DH), Hospital Authority (HA) and relevant NGOs had been increasing over the years. The subvention in 2010-2011 to the smoking cessation programmes provided by the Tung Wah Group of Hospitals (TWGHs) and Pok Oi Hospital (POH) were \$11 million and \$4 million respectively. DH would further strengthen the efforts on smoking prevention and cessation with the additional \$21 million funding allocated in 2011-2012. The current direction was to expand the provision of smoking cessations services by NGOs. These would include scaling up the existing community-based cessation services by TWGHs and POH.</p>	
001923 – 003134	Chairman Mr Alan LEONG Administration	<p>Mr Alan LEONG enquired whether the additional tax revenue from tobacco duty would be used for smoking prevention and cessation services. He also expressed concern about the impact of the increase in tobacco duty on the livelihood of licensed newspaper hawkers, who had suffered income loss as a result of a drop in the sale of cigarettes.</p> <p>In response, the Administration advised that similar to other tax revenues, the revenues from tobacco duty would be credited to the General Revenue Account. The Administration would make appropriate allocation of resources based on actual requirements for expenditure on smoking prevention and cessation services. As regards the licensed newspaper hawkers, the Administration would continue to maintain dialogue with them and keep an open mind in considering their</p>	

Time marker	Speaker	Subject(s)	Action required
		proposals, if any, for improving their business environment.	
003135 – 003849	Chairman Mr CHAN Kin-por Administration	<p>Mr CHAN Kin-por requested the Administration to provide information on the breakdown of the number of smokers in Hong Kong by age group, gender and the period of time they had been smoking. He expressed concern about the smoking cessation services for persons who had been smoking for a long period of time.</p> <p>In response, the Administration advised that DH had entered into a funding and service agreement with POH with effect from April 2010 for the provision of a smoking cessation pilot programme using acupuncture in Chinese medicine. The programme was expected to cater for the elderly who might refuse to take other medications for quitting smoking.</p>	The Administration to follow up as stated in paragraph 2(a) of the minutes.
003850 – 005332	Chairman Mr WONG Ting-kwong Administration	Mr WONG Ting-kwong suggested that legislation should be introduced to prohibit any person under the age of 18 from smoking. He also opined that the smoking cessation services should be provided free of charge and easily accessible to the clients. He called on the Administration to waive the fees charged, in particular the registration fee, for the smoking cessation services provided by DH and HA.	The Administration to follow up as stated in paragraph 2(b) and 2(c) of the minutes.
005333 – 010844	Chairman Mr LEUNG Kwok-hung Administration	Discussion on the different policies on duty rates on tobacco products and harmful food.	
010845 – 011907	Chairman Mr Albert CHAN Administration	Mr Albert CHAN opined that the Administration should formulate substantive measures to enhance the business of the licensed newspaper hawkers. He also opined that alcohol was no less harmful than tobacco to the society. He queried the Administration's policy of increasing duty rates on tobacco products on one hand and exempting the duties on wine, beer and all other alcoholic beverages on the other.	
011908 – 013116	Chairman Mr Vincent FANG Administration	Mr Vincent FANG expressed concern about the impact of the Administration's target for Hong Kong to become a smoke-free city on the tobacco industry and thus the livelihood of the people working in the industry, including the licensed newspaper hawkers. He called on the Administration to formulate substantive measures	

Time marker	Speaker	Subject(s)	Action required
		<p>to enhance the business of the licensed newspaper hawkers.</p> <p>In response to Mr Vincent FANG's enquiry about the criteria for assessing the effectiveness of smoking cessation services, the Administration advised that it was considered successful if the client could cease smoking for over one year after treatment.</p>	
013117 – 014242	Chairman Mr James TO Administration	Noting that the tobacco duty increase was proposed as a measure to protect public health instead of raising revenue, Mr James TO expressed concern about the adequacy of the allocation of resources for smoking cessation services and enforcement actions against illicit cigarette activities. He requested the Administration to provide the details of the financial provision for smoking prevention and cessation services and the size of smoking population over the years, including the actual figures and changes in percentage by year.	The Administration to follow up as stated in paragraph 2(d) of the minutes.
014243 – 014809	Chairman Mr Vincent FANG Administration	<p>Mr Vincent FANG enquired whether the Administration would test the illicit or counterfeit cigarettes seized by the Customs and Excise Department to detect whether there was any component which might pose an even greater health hazard, and educate the public not to consume illicit cigarettes.</p> <p>In response, the Administration advised that all cigarettes, whether illicit or not, were harmful to health. The Administration had no intention to make any comparison among them.</p>	
014810 – 015027	Chairman Dr LEUNG Ka-lau Administration	Dr LEUNG Ka-lau expressed concern whether the decline in the percentages of daily cigarette smokers in the younger age groups of 15-19 and 20-29 in the respective years as stated in Annex C to the Administration's paper (LC Paper No. CB(1)1819/10-11(02)) was statistically significant based on the results of the t-test.	The Administration to follow up as stated in paragraph 2(e) of the minutes.
015028 – 015423	Chairman Mr LEUNG Kwok-hung Administration	<p>Mr LEUNG Kwok-hung opined that the smokers and licensed newspaper hawkers were being "punished" by the Administration upon the increase in tobacco duty.</p> <p>In response, the Administration advised that it aimed to protect public health from the harmful effects of tobacco. According to international and local researches, tax measures were effective and important means of reducing tobacco consumption.</p>	

Time marker	Speaker	Subject(s)	Action required
015424 – 015554	Chairman Dr LEUNG Ka-lau Administration	<p>Dr LEUNG Ka-lau noted that two drugs for quitting smoking, namely Nicotine and Varenicline, were classified as self-financed items in the HA Drug Formulary. He enquired whether the clients of the smoking cessation services were required to pay for the medications.</p> <p>In response, the Administration advised that all clinically necessary medications for quitting smoking were prescribed free-of-charge to clients utilizing the smoking cessation services.</p>	
015555 – 015737	Chairman	Summary of views and follow-up actions	
015740 – 020622	Chairman Mr Albert CHAN Mr LEUNG Kwok-hung Mr WONG Ting-kwong Dr Raymond HO Assistant Legal Adviser (ALA)	Legislative timetable	