

立法會
Legislative Council

LC Paper No. CB(2)911/15-16

(These minutes have been
seen by the Administration)

Ref : CB2/SS/3/15

**Subcommittee on Smoking (Public Health) Ordinance
(Amendment of Schedule 2) Order 2015**

**Minutes of the first meeting
held on Tuesday, 5 January 2016, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon SIN Chung-kai, SBS, JP (Chairman)
Hon WONG Ting-kwong, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon James TIEN Pei-chun, GBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Dr Hon Helena WONG Pik-wan

Public Officers attending : Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health
Food and Health Bureau

Ms Wendy AU Wan-sze
Deputy Secretary for Food and Health (Health) 2 (Acting)
Food and Health Bureau

Dr Sarah CHOI Mei-yee, JP
Assistant Director of Health (Special Health Services)
Department of Health

Dr Jeff LEE Pui-man
Head (Tobacco Control Office)
Department of Health

Miss Cindy CHEUK Chi-wing
Senior Government Counsel (Acting)
Department of Justice

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Janet SHUM
Senior Council Secretary (2) 5

Ms Priscilla LAU
Council Secretary (2) 5

Ms Louisa YU
Legislative Assistant (2) 5

Miss Lee Wai-yan
Clerical Assistant (2) 5

Action

I. Election of Chairman

Mr SIN Chung-kai was elected Chairman of the Subcommittee.

2. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[File Ref: L.N. 237 of 2015, Legislative Council Brief issued by the Food and Health Bureau and the Department of Health in December 2015, LC Paper Nos. LS17/15-16 and CB(2)564/15-16(02) to (03)]

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

- Admin 4. The Administration was requested to -
- (a) in respect of the proposal of designating the eight bus interchanges located at eight tunnel portal areas (i.e. Lion Rock Tunnel Bus Interchange, Cross-Harbour Tunnel Bus Interchange, Eastern Harbour Crossing Bus Interchange, Shing Mun Tunnels Bus Interchange, Tate's Cairn Tunnel Bus Interchange, Western

Action

Harbour Crossing Bus Interchange, Tai Lam Tunnel Bus Interchange and Tsing Sha Highway Bus Interchange) as no smoking areas ("NSAs"),

- (i) advise the rationale for prioritizing the designation of these eight bus interchanges, but not other bus interchanges and tunnel portal areas, as NSAs in the current legislative exercise, with particular reference to the statistics on pedestrian flow at these locations;
 - (ii) provide layout plans and photos showing the boundaries of NSAs and, where appropriate, the areas where smoking was not prohibited in the vicinity of these eight bus interchanges;
 - (iii) advise whether, and if so, what facilities would be provided at areas where smoking was not prohibited as referred to in item (ii) above for the convenience of smokers; and
 - (iv) advise the measures to be implemented by the Tobacco Control Office to ensure effective enforcement of the smoking ban at NSAs of these eight bus interchanges;
- (b) advise the way forward, including the timetable, for expanding NSAs to other bus stops; and
- (c) provide for members' reference findings of the Administration's past study on the technical feasibility on setting up separately ventilated smoking rooms to segregate smokers and non-smokers.

The way forward

5. The Chairman invited members' views on whether there was a need to extend the scrutiny period of the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015 ("the Amendment Order") from the Council meeting of 13 January 2016 to that of 3 February 2016, so as to allow more time for the Subcommittee to study the Amendment Order. As there were divergent views among members, a vote was taken on the matter. A majority of members present voted in favour of the Subcommittee extending the scrutiny period of the Amendment Order and no members voted against it. The Chairman declared that given the voting result, he would give notice to move a proposed resolution at the Council meeting of 13 January 2016 to extend the scrutiny period of the Amendment Order.

Action

6. Members noted that if the proposed resolution for extending the scrutiny period of the Amendment Order was dealt with and passed at the Council meeting of 13 January 2016, the period for amending the Amendment Order would be extended to the Council meeting of 3 February 2016; otherwise, the period for amending the Amendment Order would expire at the Council meeting of 13 January 2016. Members agreed that even in the case of the latter, the Subcommittee should hold further meeting(s) to discuss the Administration's written response to issues raised by members at the meeting, and to receive views from the public on the Amendment Order. In line with usual practice, a general notice would be posted on the Legislative Council website and invitation letters would be issued to the 18 District Councils to invite views on the Amendment Order.

(Post-meeting note: With the concurrence of the Chairman, the second meeting of the Subcommittee has been scheduled for 25 January 2016 at 9:00 am to meet with the Administration and to receive views of the public on the Amendment Order.)

7. Members also agreed that a site visit to the Cross-Harbour Tunnel Bus Interchange and the Shing Mun Tunnels Bus Interchange, which were proposed to be designated as NSAs under the Amendment Order, and a bus interchange in Sam Shing of Tuen Mun should be arranged. The Chairman said that the Clerk would follow up with the Administration on the arrangements for the site visit and members would be informed of the details in due course.

Clerk/
Admin

(Post-meeting note: With the concurrence of the Chairman, a site visit to the Bus-Bus Interchanges on Tuen Mun Road, the Shing Mun Tunnels Bus Interchange and the Cross-Harbour Tunnel Bus Interchange has been scheduled for 1 February 2016.)

III. Any other business

8. There being no other business, the meeting ended at 12:05 pm.

**Proceedings of the first meeting of the
Subcommittee on Smoking (Public Health) Ordinance
(Amendment of Schedule 2) Order 2015
on Tuesday, 5 January 2016, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Election of Chairman</i>			
000106 - 000249	Mr WONG Ting-kwong Mr James TIEN Mr Albert CHAN Mr SIN Chung-kai	Election of Chairman	
<i>Agenda item II: Meeting with the Administration</i>			
000250 - 000333	Chairman	Opening remarks	
000334 - 000739	Chairman Admin	Briefing by the Administration on the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015 ("the Amendment Order") which sought to designate eight bus interchanges located at eight tunnel portal areas (i.e. Lion Rock Tunnel Bus Interchange, Cross-Harbour Tunnel Bus Interchange, Eastern Harbour Crossing Bus Interchange, Shing Mun Tunnels Bus Interchange, Tate's Cairn Tunnel Bus Interchange, Western Harbour Crossing Bus Interchange, Tai Lam Tunnel Bus Interchange and Tsing Sha Highway Bus Interchange) ("the eight bus interchanges") and their adjoining facilities as statutory no smoking areas ("NSAs")	
000740 - 001322	Chairman Mr Albert CHAN Admin	<p>Mr Albert CHAN's grave concern over the boundary of the proposed new NSAs as set out in Annex C to the Legislative Council ("LegCo") Brief, which, in his view, might result in the lack of areas in the vicinity of the eight bus interchanges (except on the carriageways) for smokers to smoke after a long bus journey; and his suggestion that the Administration should consider designating a smoking area at each of the eight bus interchanges so as to strike a balance between protecting the non-smokers from second-hand smoking and respecting the rights of smokers.</p> <p>The Administration's response that -</p> <p>(a) the Tobacco Control Office ("TCO") of the Department of Health ("DH") had received complaints and suggestions for imposing smoking ban at bus interchanges located at tunnel portal areas. To protect the public against second-hand smoking, it was proposed that smoking ban be extended to the eight bus interchanges; and</p> <p>(b) the Administration had taken into account the physical configuration of the eight bus interchanges (including the waiting, queuing and boarding areas)</p>	

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		<p>and enforceability of the measures in deciding the boundary of each of the proposed new NSAs. Under the current proposal, smokers could smoke outside the boundaries of the proposed new NSAs where smoking was not prohibited, with the exception of Shing Mun Tunnels Bus Interchange as available space was limited.</p> <p>Mr Albert CHAN's suggestions for the Subcommittee to receive views from members of the public and conduct a site visit to the bus interchanges concerned.</p>	
001323 - 001836	Chairman Mr WONG Ting-kwong Admin	<p>Mr WONG Ting-kwong's remark that the industry had no objection to the legislative proposal. The Administration should, however, include the carriageways concerned into the boundaries of the proposed new NSAs in order to deter dangerous behavior of smokers in smoking on the carriageways, as well as put in place facilities for the convenience of smokers (such as litter containers with ashtrays) at areas outside the boundaries of the proposed new NSAs. To encourage compliance by members of the public and tourists with the proposed smoking ban, the Administration should step up publicity in this regard.</p> <p>The Administration's reiteration that smokers could smoke outside the boundaries of the proposed new NSAs where smoking was not prohibited; and its advice that apart from displaying signs and arranging smoke free ambassadors to distribute publicity materials on site before the proposed smoking ban took effect, a set of television and radio Announcement in the Public Interest would be produced to publicize the new smoking ban.</p>	
001837 - 003155	Chairman Dr Helena WONG Mr Albert CHAN Admin	<p>In response to Dr Helena WONG's enquiry, the Administration's elaboration on (a) the boundaries of the proposed new NSAs, which covered the boarding and waiting areas of the eight bus interchanges, as well as the areas that passengers would pass by in the course of accessing and interchanging among different bus routes; and (b) areas in the vicinity of the eight bus interchanges where smoking was not prohibited.</p> <p>Dr Helena WONG's query on the rationale for prioritizing the imposition of statutory smoking ban at the eight bus interchanges; and her view that the Administration should first designate those bus interchanges with heavy flow of passengers as NSAs. The Administration was requested to provide a response in writing in this regard with reference to the statistics on pedestrian flow at these eight bus interchanges.</p>	Admin
003156 - 004028	Chairman Dr KWOK Ka-ki Mr Albert CHAN Admin	<p>Dr KWOK Ka-ki's call for the early imposition of smoking ban at the eight bus interchanges and the putting in place of measures to indicate clearly and visibly the boundaries of the NSAs; and his enquiry about -</p> <p>(a) the adequacy of manpower of TCO to enforce the</p>	

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		<p>legislative proposal; and</p> <p>(b) whether consideration could be given to designating a smoking area, with display of health warnings and information on smoking cessation services, at each of the eight bus interchanges.</p> <p>The Administration's advice that -</p> <p>(a) TCO would conduct inspections of various NSAs in response to complaints and carry out blitz operations at black spots. In the meantime, DH was reviewing the enforcement work and manpower of TCO; and</p> <p>(b) TCO would arrange to display signs, publicity materials and other demarcations, including markings on the ground as appropriate, to indicate the boundaries of the proposed NSAs at each of the eight bus interchanges. In addition, the plans showing the boundaries of the proposed NSAs would be posted at prominent locations such as the main entrances and exits. No-smoking signs would be displayed at conspicuous locations within the proposed NSAs. At present, DH's smoking cessation hotline was showed on the public litter containers. Further consideration would be given to distributing pamphlets on smoking cessation services at the proposed NSAs.</p> <p>On the Chairman and Dr KWOK Ka-Ki' enquiry as to the reason why other bus interchanges and tunnel portal areas were not designated as NSAs under the current legislative exercise, the Administration's advice that at present, the public transport interchanges and bus termini that fell into the descriptions in section 3(1AB) of the Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance") were designated as NSAs in the Smoking (Public Health) (Designation of No Smoking Areas) Notice (Cap. 371D). As a further step, the Amendment Order sought to designate eight bus interchanges located at eight tunnel portal areas as new NSAs given that TCO had received a number of complaints in this regard. The Administration would consider imposing smoking ban at other bus stops and bus interchanges as appropriate upon further study.</p>	
004029 - 004845	Chairman Mr Alan LEONG Admin	<p>Mr Alan LEONG' view that taking into account the interest of smokers and the policy objective of the Amendment Order, the Administration should set up separately ventilated smoking rooms in the vicinity of the eight bus interchanges to segregate smokers and non-smokers in order to protect non-smokers from exposure to second-hand smoke.</p> <p>The Administration's advice that -</p> <p>(a) the study conducted by the Administration during the previous legislative exercise to provide for protection against second-hand smoking in indoor workplace</p>	

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		<p>and public places revealed that smoking room could not effectively prevent environmental tobacco smoke constituents from leaking out of the room and reduce exposure to second-hand smoke to a safe level. Hence, consideration had not been given to setting up smoking rooms in the vicinity of the eight bus interchanges; and</p> <p>(b) where appropriate, spare space had been provided within the boundaries of the proposed new NSAs to ensure that there would be a reasonable distance between non-smokers and smokers.</p>	
004846 - 005334	Chairman Mr Albert CHAN Dr Helena WONG Admin	<p>The Chairman, Mr Albert CHAN and Dr Helena WONG's requests for the Administration to provide the following information in writing -</p> <p>(a) the findings of the Administration's past study on the technical feasibility on setting up separately ventilated smoking rooms;</p> <p>(b) the rationale for prioritizing the designation of the eight bus interchanges located at eight tunnel portal areas, but not other bus interchanges and tunnel portal areas as NSAs in the current legislative exercise; and</p> <p>(c) layout plans and photos showing the boundaries of the proposed NSAs and the areas where smoking was not prohibited in the vicinity of the eight bus interchanges.</p>	Admin
005335 - 005605	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG's call for TCO to ensure that there would be adequate manpower to enforce the proposed smoking ban at the footbridge connecting the Cross-Harbour Tunnel Bus Interchange and the podium of the Hong Kong Polytechnic University, so as to avoid the circumstances whereby some smokers would try to smoke in the campus of the University which was a designated NSA under the Ordinance.</p>	
005606 - 005759	Chairman Mr Albert CHAN	<p>Mr Albert CHAN's grave concern about the rationale for prioritizing the designation of the eight bus interchanges as NSAs; and his strong view that while it was important to protect the non-smokers from passive smoking, the Administration should ensure the availability of smoking areas in the vicinity of each of the eight bus interchanges.</p>	
005800 - 010235	Chairman Mr Alan LEONG Admin	<p>Mr Alan LEONG's query about the applicability of the findings of the Administration's past technical feasibility study on smoking rooms, which was conducted in the context of discussing the implementation of smoking ban in certain indoor areas, on his proposal of setting up smoking rooms at the eight bus interchanges which were located in an outdoor environment; and his request for the Administration to provide a written response on the way</p>	Admin

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		<p>forward, including timetable, for expanding NSAs to other bus stops.</p> <p>The Administration's advice that priority was accorded to designating the eight bus interchanges as NSAs as TCO had received a number of complaints and suggestions for implementing smoking bans at these bus interchanges, details of the numbers were set out in Annex B to the LegCo Brief. The Administration had been taking a progressive approach in tobacco control. As a next step, it would consider expanding the smoking ban to other bus stops and, where appropriate, conducting study on the setting up of smoking rooms outside the boundaries of those NSAs located in an outdoor environment.</p>	
010236 - 010926	Chairman Mr WONG Ting-kwong Mr Albert CHAN Clerk Mr KWOK Wai-keung Admin	Discussion and voting on the proposed extension of the scrutiny period of the Amendment Order	
010927 - 011514	Chairman Mr Albert CHAN Mr KWOK Wai-keung	Meeting to receive public views on the Amendment Order Site visit to some of the eight bus interchanges Mr KWOK Wai-keung's concern about the distance between the areas where smoking was not prohibited and the boarding areas of the eight bus interchanges, and the availability of facilities (such as electronic display boards providing real time bus arrival information) for the convenience of smokers.	Clerk / Admin
011515 - 011937	Chairman Dr Helena WONG Admin	Dr Helena WONG's view that the Administration should formulate a priority strategy and work plan on designation of bus interchanges and stops as NSAs, instead of working on the basis of the number of complaints TCO received. In response to Dr Helena WONG's enquiry, the Administration reiterated that all public transport interchanges and bus termini that fell into the descriptions of section 3(1AB) of the Ordinance had been designated as NSAs.	
011938 - 012043	Chairman Mr KWOK Wai-keung	Mr KWOK Wai-keung' request for the Administration to provide information about the facilities that would be provided at areas in the vicinity of the eight bus interchanges where smoking was not prohibited for the convenience of smokers, and the measures to be implemented by TCO to ensure effective enforcement of smoking ban at the proposed new NSAs.	Admin

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item III: Any other business</i>			
012044 - 012059	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
18 February 2016