

立法會
Legislative Council

LC Paper No. CB(2)1690/15-16

(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 fifth meeting
held on Wednesday, 30 March 2016, at 4:30 pm
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
Dr Hon KWOK Ka-ki

Members absent : Hon James TIEN Pei-chun, GBS, JP
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

Mr Simon CHAN
Chief Transport Officer/Tunnels & Tsing Ma
Transport Department

Mr KAN Pui-leung
Senior Engineer/Tsuen Wan
Transport Department

Mr Daniel LAM
Senior Engineer/Kowloon District Central (Acting)
Transport Department

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

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Priscilla LAU
Council Secretary (2) 5

Ms Louisa YU
Legislative Assistant (2) 5

Action

I. 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. CB(2)564/15-16(02), CB(2)719/15-16(02), CB(2)875/15-16(01) and CB(2)1078/15-16(01) to (02)]

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

2. Members generally considered that the Administration should, in formulation of its tobacco control measures, strike a proper balance between protecting non-smokers from second-hand smoke and safeguarding the interests of smokers. In their views, an area where smoking was not prohibited should be provided at the Shing Mun Tunnels Bus Interchanges and smoker should be allowed to smoke at areas closer to the boarding and waiting areas of the Cross-Harbour Tunnel Bus Interchange. Members noted that the Administration would review the implementation of the proposed smoking ban at the eight bus interchanges located at tunnel portal areas 12 months after the smoking ban came into effect. The Subcommittee requested the Administration to revert to the Panel on Health Services on the outcome of the review.

Action

3. The Chairman concluded that the Subcommittee had completed the scrutiny of the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015. Members noted that the Amendment Order would come into operation on 31 March 2016.

II. Any other business

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

Council Business Division 2
Legislative Council Secretariat
8 June 2016

**Proceedings of the fifth meeting of the
Subcommittee on Smoking (Public Health) Ordinance
(Amendment of Schedule 2) Order 2015
on Wednesday, 30 March 2016, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
000105 - 000220	Chairman	Opening remarks	
000221 - 000816	Chairman Admin	Briefing by the Administration on its response to the concerns raised by members at previous meetings [LC Paper No. CB(2)1078/15-16(02)]	
000817 - 001926	Chairman Mr Albert CHAN Admin	<p>Mr Albert CHAN's view that the arguments put forward by the Administration at previous meetings did not constitute sufficient justification for the prioritization of the designation of the eight bus interchanges located at tunnel portal areas as no smoking areas ("NSAs").</p> <p>Considering it necessary to provide an area where smoking was not prohibited at these NSAs, Mr Albert CHAN's expression of strong dissatisfaction with the Administration's response on the desirability and feasibility of providing such an area at Shing Mun Tunnels Bus Interchange.</p> <p>The Chairman's remarks that while supporting the extension of smoking ban to other public transport facilities to protect public health, the majority of the members of the Subcommittee considered it necessary to safeguard the interests of smokers in formulating the smoking ban.</p> <p>The Administration's elaboration of its written response as set out in paragraph 3 of and Annex A to its paper, and its advice that the shelter expansion works currently being carried out by The Kowloon Motor Bus Company Limited ("KMB") at the Shing Mun Bus Tunnels Bus Interchange was expected to be completed in the first half of 2016. The Administration would take into account members' views and suggestions in reviewing the initiative 12 months after its implementation.</p>	
001927 - 002312	Chairman Mr WONG Ting-kwong Admin	Mr WONG Ting-kwong's expression of support for the initiative of designating the eight bus interchanges as NSAs and its implementation on 31 March 2016; and his request for the Administration to consider providing an area with no smoking restriction at Shing Mun Tunnels Bus Interchange in the course of its review. The Administration took note of the view.	
002313 - 002551	Chairman Mr Alan LEONG	Citing the reasons put forth by the Administration in paragraph 4 of its paper concerning the proposed establishment of a smoking room adjacent to the existing Customer Service Centre of KMB located at the Hong Kong-bound bus interchange area at the Cross Harbour Tunnel as an example, Mr Alan LEONG's expression of dissatisfaction that the Administration had not	

Time marker	Speaker	Subject(s)/Discussion	Action required
		given serious consideration to the suggestion of setting up separately ventilated smoking rooms in the vicinity of NSAs to segregate smokers and non-smokers.	
002552 - 002949	Chairman Mr Albert CHAN	Mr Albert CHAN's expression of his strong view against the coming into operation of the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015 on 31 March 2016, as the Administration had failed to strike a proper balance between protecting non-smokers from second-hand smoke and safeguarding the interests of smokers in mapping out the legislative proposal. In his view, the Administration should not wait until 12 months after the implementation of the new smoking ban to review the initiative.	
002950 - 003043	Chairman	The Chairman's conclusion that while members in general were supportive to the extension of smoking ban to other public transport facilities, many of them were of the view that consideration should be given to providing areas where smoking was not prohibited or setting up smoking rooms in the vicinity of these new NSAs. The Administration should take into account members' views and suggestions in its review, and revert the outcome of the review to the Panel on Health Services.	Admin

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