

立法會
Legislative Council

LC Paper No. LS 161/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 16 June 2000**

**Legal Service Division Report on
Smoking (Public Health) (Amendment) Bill 2000**

Objects of the Bill

- (a) To require the manager of a restaurant which provide indoor seating accommodation for more than 100 persons to designate not less than half of the area as a no smoking area;
- (b) To enable the health warning in a tobacco advertisement appearing in a local newspaper, or appearing in a printed media published or distributed in Hong Kong, to be in a combination of words, pictures and graphics.

LegCo Brief

- 2. Members may refer to the LegCo Brief issued by the office of Dr Hon LEONG Che-hung dated 8 June 2000.

Date of First Reading

- 3. 14 June 2000.

Comments

- 4. The Member in charge of this Bill is Dr Hon LEONG Che-hung. The Bill concerns the designation of no smoking areas in restaurants and tobacco health warnings.

No Smoking Area

5. Under the existing section 3(1C) of the Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance"), the manager of a restaurant which provides indoor seating accommodation for more than 200 persons (excluding area used exclusively for a private event and separated by full height partition) is required to designate not less than one third of the area as a no smoking area.

6. The Bill proposes to extend the designation requirement by requiring the manager of a restaurant which provides indoor seating accommodation for more than 100 persons to designate not less than half of the area (excluding area used exclusively for a private event and separated by full height partition) as a no smoking area.

Health Warning

7. The Ordinance requires tobacco advertisements in local newspapers and printed media, and cigarette packets and retail containers, to bear health warnings. The form and wording of health warnings in tobacco advertisements are prescribed in the Smoking (Public Health) Regulations (Cap. 371 sub. leg.), while the form and wording of health warnings on cigarette packets and retail containers are prescribed in the Smoking (Public Health) (Notices) Order (Cap. 371 sub. leg.). Under existing provisions, the prescribed health warnings can only be in words.

8. The Bill proposes to enable the prescribed health warning appearing in local newspapers or printed media, and the prescribed health warning appearing on cigarette packets and retail containers, to be in a combination of words, pictures and graphics.

Consultation to LegCo Panel

9. Dr Hon LEONG Che-hung will brief the LegCo Panel on Health on 16 June 2000 on this Bill.

10. For Members' information, some members of the Panel expressed support for a total ban on smoking in all public areas when the Panel discussed the enforcement problems of the Ordinance at the meeting of 14 February 2000.

Public Consultation

11. According to the LegCo Brief, there has been no direct public consultation on the content of the Bill. However, surveys conducted by the Hong Kong Council on Smoking and Health have indicated increasing public support to extend no smoking area to half of the seats in a restaurant.

Conclusion

12. The Secretariat has received representations from the restaurant and tobacco trades. The restaurant trade has expressed concern on the proposal to extend no smoking areas in restaurants. The tobacco trade, on the other hand, has expressed concern on the implications of the new format of health warning. Also, a Member has given notice to move a Committee Stage amendment so that the whole of a restaurant is designated as a no smoking area.

13. The Bill is in order from the legal point of view. It would be for Members to decide the appropriate means to consider the policy aspects in the light of different concerns of the public and the time remaining in this legislative session.

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