

立法會
Legislative Council

LC Paper No. CB(2)1304/05-06
(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 12th meeting
held on Friday, 20 January 2006 at 2:30 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 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
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin

Members absent : Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon Abraham SHEK Lai-him, JP
Dr Hon Joseph LEE Kok-long
Hon WONG Ting-kwong, BBS

Public Officers : Mrs Ingrid YEUNG

attending Deputy Secretary for Health, Welfare and Food (Health)

Ms Julina CHAN
Principal Assistant Secretary for Health, Welfare and Food
(Health)

Dr T H LEUNG, JP
Deputy Director of Health

Dr Cindy LAI
Assistant Director of Health

Mr CHEUNG Wing-leung
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2) 4

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Miss Mary SO
Senior Council Secretary (2) 8

Miss Maggie CHIU
Legislative Assistant (2) 4

I. Meeting with the Administration
(LC Paper Nos. CB(2)901/05-06(01) to (04) and CB(2)918/05-06(01) to (02))

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

2. The Administration was requested to provide a written response to the following questions asked by members at the meeting -

- (a) whether display of tobacco products and the use of hardware sponsored by tobacco companies to display tobacco products at licensed hawker stalls would be considered as display of tobacco advertisement; and
- (b) why allowing licensed hawker stalls and retailers employing not more than two persons to display tobacco advertisement would run the risk of not meeting the requirements of the comprehensive ban on all

tobacco advertising and promotion imposed by Article 13(2) of the World Health Organisation's Framework Convention on Tobacco Control.

II. Any other business

3. The Chairman reminded members that the next meeting would be held on 24 January 2006 at 8:30 am.

4. There being no other business, the meeting ended at 4:36 am.

Council Business Division 2
Legislative Council Secretariat
3 March 2006

**Proceedings of the 12th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Friday, 20 January 2006 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 – 002449	Chairman Mr Tommy CHEUNG Dr KWOK Ka-ki Mr KWONG Chi-kin Ms Emily LAU Dr YEUNG Sum Mr Albert CHAN Mr Vincent FANG Mr Howard YOUNG Ms Audrey EU	Inviting deputations to give views on the Administration's latest position on banning smoking in indoor workplaces	
002450 – 003229	Administration	The Administration's latest position to the issue of the proposed removal of exemption for tobacco advertisement at licensed hawker stalls and the issue of smoking prohibition arrangements at cross-boundary ferry terminals (LC Paper No. CB(2)901/05-06(01))	
003230 – 004011	Mr Albert CHAN Administration	Economic impact assessment of implementing smoking ban in indoor workplaces should be conducted The Administration was requested to put in writing that display of tobacco products and the use of hardware sponsored by tobacco companies to display tobacco products at licensed hawker stalls would not be considered as display of tobacco advertisement	✓ (Admin to provide the paper)
004012 – 004619	Mr Vincent FANG Administration Mr Tommy CHEUNG	The Administration was requested to provide a written response on why allowing licensed hawker stalls and retailers employing not more than two persons to display tobacco advertisement would run the risk of not meeting the requirements of comprehensive ban on all tobacco advertising and promotion imposed by Article 13(2) of the World Health Organisation (WHO)'s Framework Convention on Tobacco Control (FCTC) The Administration undertook to seek the views of more representatives of licensed hawkers on its latest position to the issue of the proposed removal of exemption for tobacco advertisement at licensed hawker stalls	✓ (Admin to provide a written response)
004620 – 005019	Mr Tommy CHEUNG Administration	Exact date of the commencement of adaptation period for licensed hawkers	
005020 – 005718	Mr Tommy CHEUNG Administration	Smoking rooms should be allowed to exist at the two cross-boundary ferry terminals	
005719 – 010324	Mr Vincent FANG Administration	Compliance of the People's Republic of China with Article 13(2) of FCTC	

Time marker	Speaker	Subjects	Action required
010325 – 010706	Mr Howard YOUNG Administration	Smoking rooms should be allowed to exist at the two cross-boundary ferry terminals	
010707 – 011140	Dr KWOK Ka-ki Administration	<p>No objection to providing a three-year adaptation period for licensed newspaper hawkers to cease displaying tobacco advertisement at their stalls</p> <p>Consideration should be given to banning smoking rooms at the Hong Kong International Airport</p> <p>The Administration undertook to explore with the Airport Authority (AA) on the possibility of designating an outdoor area within the airport premises for outbound and transit passengers to smoke</p>	
011141 – 011849	Mr LEUNG Kwok-hung Administration	<p>Indoor establishments should be allowed to set up smoking rooms to protect non-smoking customers and employees</p> <p>Legislation should be enacted to protect people against excessive consumption of alcohol</p>	
011850 – 012416	Mr Martin LEE Administration	<p>Providing a three-year transitional period to entertainment establishments to ban smoking in their premises was too long</p> <p>Expressed support for Dr KWOK Ka-ki's suggestion of AA designating an outdoor area within the airport premises for outbound and transit passengers to smoke</p>	
012417 – 012635	Ms Audrey EU	Considered any adaptation period for the trade to adjust to the anti-smoking legislation should be reasonable	
012636 – 012839	Dr YEUNG Sum	The Administration should not back down from implementing a total smoking ban in indoor workplaces in the interest of public health	
012840 – 012943	Mr Martin LEE	Opposed extending the adaptation period to licensed newspaper stall hawkers to cease to display tobacco advertisement from one year to three years. Urged the Administration to step up its effort in helping these hawkers to find and secure alternative advertisement	
012944 – 013043	Mr Vincent FANG	Performance targets should be laid down for implementing the anti-smoking measures proposed in the Bill	
013044 – 013236	Administration	<p>The Administration would shortly write to various business associations to help licensed newspaper stall hawkers find alternative advertisement</p> <p>The objective of the anti-smoking legislation was to reduce the smoking population in Hong Kong. It was however very difficult to set down a specific number to be reduced within a certain time period</p>	
013237 – 013520	Mr LEUNG Kwok-hung	Indoor establishments should be allowed to set up smoking rooms with independent ventilation	

Time marker	Speaker	Subjects	Action required
013521 – 013842	Mr Tommy CHEUNG	Subsidising the financial loss suffered by licensed newspapers hawkers arising from the removal of exemption for tobacco advertisement at licensed hawker stalls from tobacco levy	
013843 – 014326	Administration	Reasons for not allowing smoking rooms in indoor establishments Not feasible to subsidise the financial loss suffered by licensed newspapers hawkers arising from the removal of exemption for tobacco advertisement at licensed hawker stalls from tobacco levy	
014327 – 014552	Ms Emily LAU	Exemptions from implementing smoking ban in indoor workplaces should be kept to a minimal, and the adaptation period for implementing such should not be excessively long	
014553 – 014901	Mr KWONG Chi-kin	As bars and karaoke establishments did not accept extension of the transitional period to tide them over the regulatory changes, it was questionable whether the Administration should proceed with its plan to extend the transitional period for these establishments	
014902 – 014911	Administration	Noted Ms LAU and Mr KWONG's views	
014912 – 015010	Mr LEUNG Yiu-chung	Actions to be taken by the Administration if the interpretation of WHO on "comprehensive ban" differed from that of the Department of Justice (DoJ)	
015011 – 015148	Ms Audrey EU	Extension of transitional period for the catering and hospitality industries, if implemented, should not be too staggered. It was also necessary to give clearer and more specific definitions to the entertainment establishments, such as bars and nightclubs, to plug any loophole through which operators of other businesses might seek to enjoy a longer transitional period by merely changing the name of their premises	
015149 – 015406	Administration	The Administration would review the need to ban display of tobacco advertisement should WHO consider that "comprehensive ban" of tobacco advertisement did not amount to banning such completely, taking into account the need to protect public health and the circumstances of Hong Kong	
015407 – 015531	Dr YEUNG Sum	Extending the transitional period was preferred over granting exemptions to the hospitality industry, but such transitional period should not be too long	
015532 – 015625	Mr Martin LEE	Providing a three-year transitional period for licensed hawker stalls was too long	
015626 – 015726	Administration	Reasons for extending the transitional period for licensed hawker stalls	

Time marker	Speaker	Subjects	Action required
015727 – 020547	Chairman Mr Martin LEE Mr Tommy CHEUNG Mr Albert CHENG Ms Emily LAU	Date of next meeting Scheduling of one to two meetings every week beginning March 2006	
020548 – 020645	Mr Albert CHENG	Opposed extending transitional period for the hospitality industry	
020646 – 020659	Dr YEUNG Sum	Hoped the Bill could be passed in the current legislative session. Where necessary, meetings could be held on Saturdays	
020700 – 020750	Chairman	Closing remarks	

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3 March 2006