

立法會
Legislative Council

LC Paper No. CB(2)2908/05-06

(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 28th meeting
held on Thursday, 4 May 2006 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon Albert CHAN Wai-yip (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon LEE Cheuk-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon Howard YOUNG, SBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Alan LEONG Kah-kit, SC
Hon WONG Ting-kwong, BBS
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin

Members absent : Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon LI Fung-ying, BBS, JP
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki

Public Officers attending : Mrs Ingrid YEUNG
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
(Special Health Service)

Miss Shandy LIU
Senior Government Counsel
Department of Justice

Mr Alan CHONG Ka-ning
Government Counsel
Department of Justice

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

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Miss Mary SO
Senior Council Secretary (2)8

Miss Maggie CHIU
Legislative Assistant (2) 4

Mr Arthur KAN
Legislative Assistant (2) 7

I. Meeting with the Administration

(LC Paper Nos. CB(2)1903/05-06(01), CB(2)1904/05-06(01), CB(2)1916/05-06(01) and CB(2)1924/05-06(01))

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

2. The Administration was requested to provide a response in writing to the following issues raised by members at the meeting -

- (a) to consider including a food factory or restaurant licence requirement within the meaning of section 31(2) of the Food Business Regulation

(Cap. 132 sub. leg. X) in the definition of “restaurant premises”;

- (b) to revise section 5 of the Smoking (Public Health) Ordinance (the Ordinance) (Cap. 371) to the effect that the display of signs where smoking was prohibited should be at all entrances of the establishment;
- (c) to consider revising the drafting of new section 15G to make the general powers and duties of inspectors more specific and to set out the circumstances that might lead the inspector to reasonably suspect that a relevant offence was likely to be committed;
- (d) to specify in new section 15G(1)(b)(iii) that body search would be excluded from any necessary action that could be taken for the purpose of obtaining evidence in connection with any relevant offence;
- (e) to consider the respective font size of the Chinese and English versions of these warnings; and
- (f) to consider revising the drafting of section 4 of new Schedule to also include the requirement that a qualified bar must be completely segregated from statutory no smoking area and with its own entrance.

3. The Administration undertook to provide the following information in writing -

- (a) examples of local legislation providing authorised persons with the powers of entry, evidence collection and seizure without a court warrant, and the experience in exercising such powers; and
- (b) entry restrictions of commercial bathhouses.

4. The Administration also undertook to revise the definition of “light refreshment” in section 1 of new Schedule 5 to better reflect its policy intent.

II. Date of next meeting

5. The Bills Committee would next meet on 9 May 2006 at 10:45 am to continue discussion on the draft CSAs (version as at 2 May 2006) (LC Paper No. CB(2)1904/05-06(01)).

III. Any other business

6. Members agreed to set the deadline for members to submit their proposed CSAs on 10 May 2006, so as to enable consideration of these CSAs at the meeting scheduled for 16 May 2006. Members further agreed to listen to the views of deputations on the proposed CSAs to be moved by the Administrations and members at the meeting scheduled for 23 May 2006, and to hold an additional meeting on 27 May 2006 from 9:00 am to 12 noon.

7. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 2
Legislative Council Secretariat
7 August 2006

**Proceedings of the 28th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Thursday, 4 May 2006 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 – 000903	Chairman Mr Tommy CHEUNG Admin	Late submission of paper by the Administration	
000904 – 021229	Chairman Admin ALA7 Mr Tommy CHEUNG Mr Howard YOUNG Mr Martin LEE Mr WONG Ting-kwong Ms Audrey EU Mr Alan LEONG	<p>Draft Committee Stage amendments (version as at 2 May 2006) provided by the Administration (LC Paper No. CB(2)1904/05-06(01))</p> <hr/> <p>The Administration was requested -</p> <p>(a) to consider including a food factory or restaurant licence requirement within the meaning of section 31(2) of the Food Business Regulation (Cap. 132 sub. leg. X) in the definition of “restaurant premises”;</p> <p>(b) to revise section 5 of the Smoking (Public Health) Ordinance (the Ordinance) (Cap. 371) to the effect that the display of signs where smoking was prohibited should be at all entrances of the establishment;</p> <p>(c) to consider revising the drafting of new section 15G to make the general powers and duties of inspectors more specific and to set out the circumstances that might lead the inspector to reasonably suspect that a relevant offence was likely to be committed;</p> <p>(d) to specify in new section 15G(1)(b)(iii) that body search would be excluded from any necessary action that could be taken for the purpose of obtaining evidence in connection with any relevant offence; and</p> <p>(e) to consider the respective font size of the Chinese and English versions of these warnings.</p> <p>The Administration also undertook to examples of local legislation providing authorised persons with the powers of entry, evidence collection and seizure without a court warrant, and the experience in exercising such powers.</p>	<p style="text-align: center;">✓ (Admin to provide a written response)</p> <p style="text-align: center;">✓ (Admin to provide a written response)</p>

Time marker	Speaker	Subject	Action required
021230 – 022006	Chairman Mr Albert CHAN Mr Tommy CHEUNG	Items for discussion at future meetings	
022007 – 023729	Break		
023730 – 040337	Chairman Admin Mr Martin LEE Mr Tommy CHEUNG Mr Howard YOUNG Mr Vincent FANG ALA7 Mr WONG Ting-kwong	The Administration was requested to consider revising the drafting of section 4 of new Schedule to also include the requirement that a qualified bar must be completely segregated from statutory no smoking area and with its own entrance. The Administration also undertook - (a) to provide information on entry restrictions of commercial bathhouses; and (b) to revise the definition of “light refreshment” in section 1 of new Schedule 5 to better reflect its policy intent.	✓ (Admin to provide a written response) ✓ (Admin to provide a written response)
040338 – 040909	Mr Tommy CHEUNG Chairman	Dates of next meetings	

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