

立法會
Legislative Council

LC Paper No. CB(2)166/06-07

(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 33rd meeting
held on Tuesday, 23 May 2006 at 8:30 am
in the Chamber 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 Martin LEE Chu-ming, SC, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, 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
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS
Hon Albert Jinghan CHENG

Members absent : Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Dr Hon Joseph LEE Kok-long
Hon LEUNG Kwok-hung
Hon KWONG Chi-kin

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

Miss Shandy LIU
Senior Government Counsel
Department of Justice

Mr Alan CHONG Ka-ning
Government Counsel
Department of Justice

**Deputations/
individual
by invitation**

: Item I

The Hong Kong Medical Association

Dr SHIH Tai-cho
Vice President

Dr LEUNG Chi-chiu
Council Member

Department of Community Medicine, University of Hong
Kong

Professor A J Hedley
Chair Professor

Mr Marcus YU
Executive Director
Tobacco Control and Research Policy Unit

School of Public Health, University of Hong Kong

Professor T H LAM
Chair Professor

Committee on Youth Smoking Prevention

Mr LI Cheong-lung
Project Manager

Hong Kong Council on Smoking and Health

Miss TANG Yok-ling
Representative

Asian Consultancy on Tobacco Control

Dr Judith Mackay
Director

Clear the Air

Ms Annelise Connell
Vice Chairman

Life Education Activity Programme

Miss Margaret CHAN
Educator

Mr Allen LEE

Tobacco Association of Hong Kong

Mr Philip HO
Executive Secretary

JTI (China) Ltd

Mr CHAN Yu-chung
Vice President, Corporate Affairs

Japan Tobacco Inc.

Mr Kazuhito YAMASHITA
General Manager
(Corporate, Scientific and Regulatory Affairs Division)

Mr Anthony POON
(partner of Baker & McKenzie)

Entertainment Business Rights Concern Group

Ms Lillian Y L CHAN
Acting Convenor

Catering Entertainment Premises Smoking Ban Regulations

Concern Group

Ms Jessica LI
Secretary

The Federation of Hong Kong and Kowloon Ballroom and
Night Club Merchants

Mr CHAN Fei-kuck
Chairman

Hong Kong Kowloon Vermicelli & Noodle Manufacturing
Industry Merchants' General Association

Mr FUNG Bing-hau
Life President

Estates' Restaurants (HK) Merchant Association Ltd.

Mr CHAN Cheung-chor
Chairman

Cyber 8 Disco

Mr TSAI Kwok-leung
Floor Manager

Hsin KUANG Restaurant (Holdings) Ltd.

Mr Thomas WOO
Managing Director

De Rodeo Catering Ltd.

Mr YU Tai-fuk
Manager

California Red

Mr Dicky NG
Operation Director

Association of Restaurant Managers Ltd.

Mr Steven LI
Director

Hong Kong Federation of Restaurants and Related Trades

Mr CHAN Wing-on
Chairman

The Association for Hong Kong Catering Services
Management

Mr YEUNG Wai-sing
Chairman

Hong Kong SAR Licensed Massage Association

Mr SO Hin-chak
Chairman

May Moon Association Limited

Mr CHAN Che-kwong
General Manager

KC City

Mr WONG Chee-fung
CEO

Taxi & P.L.B. Concern Group

Mr LAI Ming-hung
Chairman

Hong Kong Newspapers Vendors Alliance

Mr LIU Sair-ching
Chairman

Neway Karaoke Box

Mr WAN Kwok-leung
Human Resources Director

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

Mr Ken WONG
Legislative Assistant (2) 8

I. Meeting with deputations and the Administration

(LC Paper Nos. CB(2)2092/05-06(01) to (10), CB(2)2055/05-06(01), CB(2)2080/05-06(01) and CB(2)2092/05-06(12))

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

2. The Administration undertook to find out from the Liquor Licensing Board whether an establishment, which already held a liquor licence, could apply for another liquor licence for an outlet inside the premises.

II. Date of next meeting

3. The Bills Committee would next meet on 30 May 2006 at 8:30 am.
4. There being no other business, the meeting ended at 12:55 pm.

Council Business Division 2
Legislative Council Secretariat
24 October 2006

**Proceedings of the 33rd meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Tuesday, 23 May 2006 at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000526	Chairman	Opening remarks	
000527 - 001232	Mr Allen LEE	Presentation of views	
001233 - 001655	The Hong Kong Medical Association	Presentation of views	
001656 - 002223	Department of Community Medicine, University of Hong Kong	Presentation of views	
002224 - 002738	School of Public Health, University of Hong Kong	Presentation of views	
002739 - 003426	Committee on Youth Smoking Prevention	Presentation of views	
003427 - 004148	Hong Kong Council on Smoking and Health	Presentation of views	
004149 - 004840	Asian Consultancy on Tobacco Control	Presentation of views	
004841 - 005418	Clear the Air	Presentation of views	
005419 - 005743	Life Education Activity Programme	Presentation of views	
005744 - 010301	Tobacco Association of Hong Kong	Presentation of views	
010302 - 011044	JTI (China) Ltd	Presentation of views	
011045 - 011137	Japan Tobacco Inc.	Presentation of views	
011138 - 011150	Entertainment Business Rights Concern Group	Presentation of views	
011151 - 011208	Catering Entertainment Premises Smoking Ban Regulations Concern Group	Presentation of views	
011209 - 012652	The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants	Presentation of views	
012653 - 013031	Hong Kong Kowloon Vermicelli & Noodle Manufacturing Industry Merchants' General Association	Presentation of views	

Time marker	Speaker	Subject	Action required
013032 - 013125	Estates' Restaurants (HK) Merchant Association Ltd	Presentation of views	
013126 - 013614	Cyber 8 Disco	Presentation of views	
013615 - 013838	Hsin KUANG Restaurant (Holdings) Ltd	Presentation of views	
013839 - 014142	De Rodeo Catering Ltd	Presentation of views	
014143 - 014637	California Red	Presentation of views	
014638 - 014744	Association of Restaurant Managers Ltd	Presentation of views	
014745 - 015122	Hong Kong Federation of Restaurants and Related Trade	Presentation of views	
015123 - 015414	The Association for Hong Kong Catering Services Management	Presentation of views	
015415 - 015937	Hong Kong SAR License Massage Association	Presentation of views	
015938 - 020253	May Moon Association Limited	Presentation of views	
020254 - 020514	KC City	Presentation of views	
020515 - 021103	Taxi & P.L.B. Concern Group	Presentation of views	
021104 - 021305	Hong Kong Newspapers Vendors Alliance	Presentation of views	
021306 - 021518	Mr WAN Kwok-leung	Presentation of views	
021519 - 021708	Chairman Ms Audrey EU Mr Tommy CHEUNG Dr YEUNG Sum	Arrangements of the meeting	
021709 - 022516	Ms Audrey EU Department of Community Medicine, University of Hong Kong Admin	Use of tobacco trade mark in non-tobacco products Only bars serving light refreshment could be exempted from the smoking ban during the transitional period to avoid abuse	
022517 - 023357	Dr YEUNG Sum School of Public Health, University of Hong Kong Asian Consultancy on Tobacco Control Admin	Effectiveness of smoking room in protecting people from secondhand smoke Powers of inspectors provided under new section 15G Duties of managers of statutory non-smoking areas	

Time marker	Speaker	Subject	Action required
023358 - 024640	Mr Martin LEE JTI (China) Ltd Tobacco Association of Hong Kong	Health warnings on the package of tobacco products sold in Mexico and Japan Adoption of the grandfathering-cum-notation approach to allay the concern about the use of proscribed words in the tobacco brand names/trade marks	
024641 - 024649	Mr Tommy CHEUNG	Responding to comments made by Asian Consultancy on Tobacco Control about the effectiveness of smoking room Duties of managers of statutory non-smoking areas Condition for an establishment to claim itself as an massage establishment	
024650 - 024900	Mr Howard YOUNG Chairman Admin	Adaptation period to facilitate compliance with the new statutory requirements	
024901 - 025234	Admin	Responding to Mr Tommy CHEUNG's views	
025235 - 025422	Mr Albert CHAN	Expressed concern about premises patronised by more people such as hotel rooms were being exempted from the smoking ban , whereas premises patronised by a small segment of the community, such as mahjong parlour, was not	
025423 - 025724	The Hong Kong Medical Association Chairman	Opposed phased implementation of the smoking ban	
025725 - 030019	Department of Community Medicine, University of Hong Kong	Smoking ban should best be implemented across-the-board with no adaptation period Smoking room was unable to protect people from secondhand smoke	
030020 - 030355	Dr KWOK Ka-ki Admin Chairman	Compliance of the proposed grandfathering-cum-notation with the Framework Convention on Tobacco Control	
030356 - 030504	Mr Martin LEE	Opposed phased implementation of the smoking ban	
030505 - 030815	Mr Tommy CHEUNG	Smoking room should be allowed in indoor workplaces Would support if sale of tobacco products was banned in Hong Kong	
030816 - 031105	Mr Albert CHAN	Expressed concern about employees being made redundant as a result of implementing the smoking ban	
031106 - 031207	Department of Community Medicine, University of Hong Kong	Would support if sale of tobacco products was banned in Hong Kong	
031208 - 031337	Clear the Air	No double standard for allowing smoking in hotel rooms and not in mahjong parlours Smoking room was unable to protect people from secondhand smoke	

Time marker	Speaker	Subject	Action required
031338 - 032051	School of Public Health, University of Hong Kong	Would support if sale of tobacco products was banned in Hong Kong Smoking room was unable to protect people from secondhand smoke	
032052 - 032345	Tobacco Association of Hong Kong	Invited members to attend a demonstration of air ventilating system in the smoking room Total smoking ban was not the mainstream measure adopted in many developed countries	
032346 - 032735	Catering Entertainment Premises Smoking Ban Regulations Concern Group	More time should be allowed for the catering and entertainment industries to comply with the smoking ban	
032736 - 033148	Entertainment Business Rights Concern Group	Effort should be made on educating the public about the hazards of smoking instead of legislating law to ban smoking in indoor workplaces	
033149 - 034159	Break		
034200 - 041808	Chairman Admin Mr Tommy CHEUNG ALA7	Draft Committee Stage amendments (version as at 17 May 2006) (LC Paper No. CB(2)2055/05-06(01)) <u>New Schedule 5</u> The Administration undertook to find out from the Liquor Licensing Board whether an establishment, which already held a liquor licence, could apply for another liquor licence for an outlet inside the premises	✓ (Admin to provide a written response)
041809 - 042318	Mr Vincent FANG Admin	Existing bars, whose names contained the word "café", should be eligible for applying as a qualified bar	
042319 - 042340	Chairman	Date of next meeting	

Council Business Division 2

Legislative Council Secretariat

24 October 2006