

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2971/05-06

(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 39<sup>th</sup> meeting  
held on Friday, 16 June 2006 at 4:45 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Andrew CHENG Kar-foo (Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Martin LEE Chu-ming, SC, JP  
Hon Fred LI Wah-ming, JP  
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  
Dr Hon Joseph LEE Kok-long  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Dr Hon KWOK Ka-ki  
Hon WONG Ting-kwong, BBS  
Hon KWONG Chi-kin
- Members absent** : Hon Albert CHAN Wai-yip (Deputy Chairman)  
Hon LEE Cheuk-yan  
Hon Abraham SHEK Lai-him, JP  
Hon Albert Jinghan CHENG
- 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 Cindy LAI  
Acting Deputy Director of Health

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 Jenny HO  
Legislative Assistant (2) 9

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2)1976/05-06(02), CB(2)2019/05-06(01), CB(2)2092/05-06(12), CB(2)2178/05-06(01), CB(2)2197/05-06(01), CB(2)2203/05-06(01), CB(2)2290/05-06(01), CB(2)2411/05-06(01), CB(2)2414/05-06(01) and CB(2)2434/05-06(01))

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

2. The Administration was requested to provide a response in writing to include running track inside the stadium referred to in section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132) as designated no smoking area raised by members at the meeting.
3. The Administration was also requested to provide a response to the Committee Stage amendments proposed by members at the next meeting.

**II. Date of next meeting**

4. The Bills Committee would next meet on 19 June 2006 at 5:30 pm.
5. There being no other business, the meeting ended at 6:27 pm.

Council Business Division 2  
Legislative Council Secretariat  
30 August 2006

**Proceedings of the 39<sup>th</sup> meeting of the  
Bills Committee on  
Smoking (Public Health) (Amendment) Bill 2005  
on Friday, 16 June 2006 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
000000 – 000348	Chairman	Introduction	
000349 – 004400	Admin Dr KWOK Ka-ki Chairman Mr WONG Ting-kwong Dr YEUNG Sum	Draft Committee Stage amendments (CSAs) to be moved by <u>the Administration (LC Paper No. CB(2)2411/05-06(01))</u>  The Administration was requested to include running track inside the stadium referred to in section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132) as designated no smoking area	✓ (Admin to provide a written response)
004401 – 005052	Mr Tommy CHEUNG Chairman ALA7 Dr YEUNG Sum	Smoking ban should not be imposed on an area of a domestic premises which was being used for commercial activities if such activities were hired services, such as food catering	
005053 – 005109	Admin	The Administration agreed to revert to members on the suggestion of imposing smoking ban on the area of a domestic premises being used for commercial activities, such as providing private tuition	✓ (Admin to provide a written response)
005110 – 005140	Mr Howard YOUNG	Domestic premises used by the occupant for work should not be made smokefree, if the occupant worked alone without any co-worker or employee	
005141 – 010648	Admin Mr Tommy CHEUNG Chairman	Part 3 of Schedule 2 – Interpretation  Whether a room provided by the employer for his two or more foreign domestic helpers for accommodation in the employer's domestic premises should be made smokefree	
010649 – 011038	Admin	Part 2 of Schedule 2 – Exempted areas	
011039 – 011924	Chairman Mr Tommy CHEUNG Dr YEUNG Sum ALA7 Ms Emily LAU	Proposed repeal of section 5 on display of no smoking signs  A CSA to amend section 5 along the lines that manager of statutory no smoking area were required to place and keep in place in each smoking area or public transport carrier, as the case may be, a sign in Chinese and English to indicate clearly that smoking was prohibited in the no smoking area or the public transport carrier and such signs should be maintained by the manager in good condition to would be moved by the Bills Committee if the Administration should decide to move a CSA to repeal section 5	
011925 – 012222	Admin Chairman	The Bills Committee intended to move a CSA to repeal proposed new section 7(5) stipulating that no proceedings or criminal liability are permitted to be taken against or imposed on the Government or any person who does any act or omits to do any act in the course of carrying out his duties in the service of the Government	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
012223 – 013529	Admin Chairman Dr YEUNG Sum ALA7	Remaining proposed amendments in LC Paper No. CB(2)2411/05-06(01)	
013530 – 013639	Chairman	The Administration was requested to give a response to CSAs proposed by members at the next meeting	
013640 – 014158	Admin Dr YEUNG Sum ALA7 Chairman Ms Emily LAU	Proposed amendment to add “reasonable” to “the honest belief” in new section 15H(1)	
014159 – 014402	ALA7 Admin	Transitional period for packaging of tobacco products and display of tobacco advertisements by licensed hawkers/small retailers to meet with the new statutory requirements	
014403 – 014422	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
30 August 2006