

立法會
Legislative Council

LC Paper No. CB(2)2339/04-05

(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 second meeting
held on Monday, 4 July 2005 at 10:45 am
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 LEE Cheuk-yan
 - Hon Martin LEE Chu-ming, SC, JP
 - Hon LEUNG Yiu-chung
 - Hon Howard YOUNG, SBS, JP
 - Dr Hon YEUNG Sum
 - 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 Alan LEONG Kah-kit, SC
 - Dr Hon KWOK Ka-ki
 - Hon WONG Ting-kwong, BBS
 - Hon Albert Jinghan CHENG
 - Hon KWONG Chi-kin
- Members absent** :
- Hon Albert CHAN Wai-yip (Deputy Chairman)
 - Hon Fred LI Wah-ming, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon Abraham SHEK Lai-him, JP
 - Hon LI Kwok-ying, MH
 - Dr Hon Joseph LEE Kok-long
 - Hon LEUNG Kwok-hung

Public Officers : Item I
attending

Department of Community Medicine, University of Hong Kong

Professor LAM Tai-hing
Chair Professor and Head of Department

Professor Anthony J Hedley
Chair Professor

Dr Sarah M McGhee
Associate Professor

Items I and II

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 Christine WONG
Senior Medical and Health Officer
Department of Health

Mr CHEUNG Wing-leung
Senior Government Counsel
Department of Justice

Ms Amy CHAN
Government Counsel
Department of Justice

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

Staff in : Miss Monna LAI
attendance Assistant Legal Adviser 7

Miss Mary SO

Senior Council Secretary (2) 8

Miss Maggie CHIU
Legislative Assistant (2) 4

- I. Discussion of report entitled “Smoking Costs Hong Kong Over \$5 billion every year: First Report of a Comprehensive Assessment in Asia” completed in February 2005 by the Faculty of Medicine of the University of Hong Kong**
(LC Paper No. CB(2)2097/04-05(01))

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

2. At the invitation of the Chairman, Dr Sarah McGhee of the University of Hong Kong briefed members on the salient points of the above report through the aid of powerpoint.

II. Meeting with the Administration

(LC Paper Nos. CB(2)2097/04-05(02) to (05), CB(2)2147/04-05(01), CB(2)2152/04-05(01) to (03) and CB(2)2164/04-05(01) to (03))

3. At the request of the Bills Committee, the Administration undertook to provide a response in writing to the following requests raised by members -

- (a) check with the Police on the number of incidents which Police assistance was sought for dealing with persons who refused to abide by the statutory smoking ban in certain indoor public places, such as shopping malls, supermarkets, banks and departments, and in the smokefree seating areas of restaurants providing indoor seating accommodation for more than 200 persons, which came into operation in July 1999; and
- (b) consider how best to enforce the provision under the Smoking (Public Health) Ordinance (the Ordinance) which allowed managers and authorised persons of designated no smoking areas and public transport carriers to resort to use force against persons who refused to abide by the statutory no smoking requirement; alternatively, to consider drawing up a set of guidelines on the use of such force, and consider whether such guidelines should be discussed by the Labour Advisory Board.

4. The Administration was also requested to provide a response in writing to the

following information requested by members -

- (a) number of incidents whereby aircraft crew were required to resort to use force against passengers who refused to abide by the statutory no smoking ban inside the aircraft since such a ban had come into operation some 10 years ago;
- (b) number of prosecutions and convictions pursuant to section 3(2) of the Ordinance from July 1999 up to 2001;
- (c) venues where the prosecutions and convictions pursuant to section 3(2) of the Ordinance from July 1999 to 2004 had occurred;
- (d) reason(s) why some prosecutions referred to in paragraph 4(c) above had ended in no conviction; and
- (e) number of prosecutions referred to in paragraph 4(c) above whereby employees had appeared as witnesses; among these witnesses, how many of them had met with threat and/or assault from the persons being prosecuted.

III. Date of next meeting

- 5. Members agreed to hold the next meeting on 21 July 2005 at 10:45 am.
- 6. There being no other business, the meeting ended at 12:54 pm.

Council Business Division 2
Legislative Council Secretariat
22 July 2005

**Proceedings of the second meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Monday, 4 July 2005 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000829	Chairman Administration	The Administration was urged to provide outstanding responses to issues raised by members at the meeting on 10 June 2005	
000830 - 001841	Department of Community Medicine, University of Hong Kong (HKU)	Powerpoint presentation on the cost of diseases caused by tobacco in Hong Kong	
001842 - 002117	Chairman HKU	Costs of premature lives lost caused by tobacco	
002118 - 002621	Mr James TIEN Chairman HKU	Assessment of health-related costs of tobacco use if economic gains generated by bars, karaoke, nightclubs and mahjoh parlors were taken into account	
002622 - 003222	Dr KWOK Ka-ki HKU	Including children, people aged 15-35 and carers of patients whose sicknesses were caused by active or passive smoking in the study of cost of diseases caused by tobacco Overseas studies on the cost of diseases caused by tobacco	
003223 - 004315	Mr Tommy CHEUNG Chairman HKU	Queried about the independence and impartiality of the HKU study on the cost of diseases caused by tobacco in Hong Kong	
004316 - 004815	Mr LEE Cheuk-yan HKU	Identification of diseases caused by passive smoking Breakdown of costs of passive smoking by types of industry/occupation	
004816 - 005345	Ms LI Fung-ying HKU Chairman	Occupation and working hours of the people being surveyed	
005346 - 005846	Dr YEUNG Sum HKU	Urged that further data be collected to allow more complete estimation of the costs of tobacco and other population risk factors	
005847 - 010507	Mr Vincent FANG Chairman HKU	Overseas examples of implementing total smoking ban in all indoor workplaces in one go Prohibition of tobacco sale and use	
010508 - 011029	Mr LEUNG Yiu-chung HKU	Comparison of health-related costs caused by tobacco before and after the implementation of no smoking requirement	
011030 - 011302	Mr Albert CHENG	Expressed support for early enactment of the Bill	

Time Marker	Speaker	Subject(s)	Action Required
011303 - 012121	Mr Tommy CHEUNG HKU	Prejudice of the HKU research team	
012122 - 012207	Mr KWONG Chi-kin	Passive smoking caused health hazards was undisputable	
012208 - 012740	Dr KWOK Ka-ki HKU	Applicability of the HKU study on the cost of diseases caused by tobacco in Hong Kong, which used 1998 as the base year, to the present time Increasing funding for public education and research on the health hazards and costs of diseases caused by tobacco	
013019 - 013317	Mr Albert CHENG	Filtering of tobacco smoke would not be effective	
013318 - 013521	Chairman HKU	More resources should be allocated to local tertiary institutions to conduct studies for the promotion of public health	
013522 - 013605	Mr Tommy CHEUNG Chairman HKU	Declaration of interests by HKU research team	
013606 - 013945	Administration	The Administration's response to issues raised at the meeting on 10 June 2005 with regard to enforcement of no smoking requirement (LC Paper No. CB(2)2164/04-05(02))	
013946 - 014504	Mr LEE Cheuk-yan Administration	The Administration was requested to check with the Police on the number of incidents which Police assistance was sought for dealing with persons who refused to abide by the statutory smoking ban in certain indoor public places, such as shopping malls, supermarkets, banks and departments, and in the smokefree seating areas of restaurants providing indoor seating accommodation for more than 200 persons, which came into operation in July 1999	✓ (Admin to provide a written response)
014505 - 014621	Chairman Mr Albert CHENG	Enforcement of no smoking requirement should best be carried out by Government departments	
014622 - 014949	Chairman Mr Tommy CHEUNG	Managers and authorised persons of designated no smoking areas should not be required by law to resort to use force on people who refused to abide by the no smoking requirement	
014950 - 015335	Dr KWOK Ka-ki Administration	Enforcement of no smoking requirement by managers and authorised persons of designated no smoking areas	
015336 - 015518	Mr Howard YOUNG Administration	The Administration was requested to provide information on the number of incidents whereby aircraft crew were required to resort to use force against passengers who refused to abide by the statutory no smoking ban inside the aircraft since such a ban had come into operation some 10 years ago	✓ (Admin to provide a written response)
015519 - 015937	Mr Vincent FANG Administration	Whether an employee refusing to enforce the Bill would constitute a valid cause for dismissal	

Time Marker	Speaker	Subject(s)	Action Required
015938 - 020237	Mr James TIEN Administration	The Administration was requested to consider how best to enforce the provision under the Smoking (Public Health) Ordinance (the Ordinance) which allowed managers and authorised persons of designated no smoking areas and public transport carriers to resort to use force against persons who refused to abide by the statutory no smoking requirement; alternatively, to consider drawing up a set of guidelines on the use of such force, and consider whether such guidelines should be discussed by the Labour Advisory Board	✓ (Admin to provide a written response)
020238 - 020646	Mr Tommy CHEUNG Administration	The Administration was requested to provide information on the following - (a) venues where the prosecutions and convictions pursuant to section 3(2) of the Ordinance from July 1999 to 2004 had occurred; (b) reason(s) why some prosecutions referred to in (a) above had ended in no conviction; and (c) number of prosecutions, referred to in (a) above, whereby employees had appeared as witnesses; among these witnesses, how many of them had met with threat and/or assault from the persons being prosecuted	✓ (Admin to provide a written response)
020647 - 020955	Chairman Administration	The Administration was requested to provide information on the number of prosecutions and convictions pursuant to section 3(2) of the Ordinance from July 1999 up to 2001 Date of next meeting	✓ (Admin to provide a written response)