

立法會
Legislative Council

LC Paper No. CB(2)531/05-06
(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 7th meeting
held on Monday, 31 October 2005 at 10:45 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 LEE Cheuk-yan
 - Hon Martin LEE Chu-ming, SC, JP
 - Hon Fred LI Wah-ming, 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
 - Dr Hon Joseph LEE Kok-long
 - Dr Hon KWOK Ka-ki
 - Hon WONG Ting-kwong, BBS
 - Hon Albert Jinghan CHENG
 - Hon KWONG Chi-kin
- Members absent** :
- Hon Abraham SHEK Lai-him, JP
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung

Public Officers : Items I and II
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

Mr CHEUNG Wing-leung
Senior Government Counsel
Department of Justice

Ms Amy CHAN
Government Counsel
Department of Justice

Deputations : Item 1
by invitation

Hong Kong Newspaper Hawker Association

Mr CHEUNG Kwok-ting
Chairman

Ms LI Lai-han

Coalition of Hong Kong Newspaper and Magazine Merchants

Mr LIU Sair-ching
Chairman

Mr TSANG Tat-king
Secretary

Hong Kong Newspaper Dealers Association

Mr TANG Yup-ming
Vice Chairman

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

Ms Maisie LAM
Council Secretary (2) 2

Miss Maggie CHIU
Legislative Assistant (2) 4

I. Meeting with deputations

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

II. Meeting with the Administration

(LC Paper Nos. CB(2)2164/04-05(03), CB(2)2657/04-05(01), CB(2)138/05-06(01) and CB(2)204/05-06(01))

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

- (a) breakdown of the 800 smoke-free restaurants referred to in LC Paper No. CB(2)2164/04-05(03) by types and districts;
- (b) whether allowing licensed hawker stalls and retail outlets employing not more than two employees to continue to display tobacco advertisement would contravene Article 13(1) of the WHO Framework Convention on Tobacco Control (FCTC) which read “Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products”;
- (c) whether the use of the brand name “Mild Seven” would be allowed if the use of descriptors such as “light”, “mild” and “low tar” on the package of any tobacco product was prohibited after the enactment of the Bill;
- (d) sale figures of Dublin Jack, the first smoke-free pub in Hong Kong, before and after the implementation of total smoking ban in its premises; and

- (e) whether health warning displaying the logo and/or the name of any tobacco product would fall within the definition of tobacco advertisement under section 14 of the Smoking (Public Health) Ordinance (Cap. 371) and be in breach of Article 13(1) of the FCTC.

III. Any other business

- 3. Members agreed that the next meeting scheduled for 24 November 2005 at 8:30 am should be an open meeting, instead of a closed one as previously agreed. The first hour of the meeting should be spent on considering deputations' views, while the remaining hour should be spent on continue discussion with the Administration on the Bill.
- 4. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 2
Legislative Council Secretariat
28 November 2005

**Proceedings of the 7th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Monday, 31 October 2005 at 10:45 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000443	Chairman	Opening remarks	
000444 - 000612	Hong Kong Newspaper Hawker Association	Presentation of views	
000613 - 001157	Coalition of Hong Kong Newspaper and Magazine Merchants	Presentation of views	
001158 - 001720	Hong Kong Newspaper Dealers Association	Presentation of views	
001721 - 001808	Chairman Mr Tommy CHEUNG	Speaking time	
001809 - 002508	Mr Tommy CHEUNG Coalition of Hong Kong Newspaper and Magazine Merchants	Percentage of licensed newspaper stall hawkers who were disabled persons, and percentage of helpers who they hired were disabled persons and their age Monetary loss to licensed newspaper stall hawkers if they were prohibited from displaying tobacco advertisement Sale of tobacco products to people under the age of 18 Whether licensed newspaper stall hawkers could demand young people to show their ID cards before selling them tobacco products Impact of free newspapers on the business of licensed newspaper stall hawkers Comparison of the range of tobacco products sold by licensed newspaper hawker stalls and 24-hour convenience stores	
002509 - 003243	Mr LEE Cheuk-yan Hong Kong Newspaper Dealers Association Coalition of Hong Kong Newspaper and Magazine Merchants	Possible advertising sources to compensate for the monetary loss due to revocation of the exemption for displaying tobacco advertisement by licensed newspaper stall hawkers	
003244 - 004101	Dr KWOK Ka-ki Coalition of Hong Kong Newspaper and Magazine Merchants Hong Kong Newspaper Dealers Association	Sale of tobacco products to people under the age of 18 Possible advertising sources to compensate for the monetary loss due to revocation of the exemption for displaying tobacco advertisement by licensed newspaper stall hawkers	

Time marker	Speaker	Subjects	Action required
004102 - 004722	Dr YEUNG Sum Coalition of Hong Kong Newspaper and Magazine Merchants Hong Kong Newspaper Dealers Association	Ways to help licensed newspaper stall hawkers to safeguard their livelihood, arising from the revocation of the exemption for displaying tobacco advertisement at licensed hawkker stalls	
004723 - 005208	Mr Vincent FANG Coalition of Hong Kong Newspaper and Magazine Merchants	Average monthly revenue for each hawkker arising from the displaying of tobacco advertisement at their stalls, and cost of replacing/maintaining the stall structures	
005209 - 005714	Mr Albert CHAN Coalition of Hong Kong Newspaper and Magazine Merchants	Declaration of interest Limiting the size of the display board for tobacco advertisement at the licensed stalls	
005715 - 010005	Mr LI Kwok-ying Coalition of Hong Kong Newspaper and Magazine Merchants	Financial impact of the revocation of the exemption to licensed stalls for displaying tobacco advertisement	
010006 - 011029	Ms Audrey EU Coalition of Hong Kong Newspaper and Magazine Merchants Hong Kong Newspaper Dealers Association Mr WONG Ting-kwong Mr James TIEN	Difficulty in securing other advertising sources to compensate the monetary loss to all licensed newspaper stalls, due to revocation of the exemption for displaying tobacco advertisement by licensed newspaper stall hawkers	
011030 - 011606	Mr Tommy CHEUNG Hong Kong Newspaper Hawker Association Coalition of Hong Kong Newspaper and Magazine Merchants Hong Kong Newspaper Dealers Association	Sale of tobacco products to people under the age of 18	
011607 - 011624	Chairman	Expressed thanks to deputations	
011625 - 011737	Hong Kong Newspaper Dealers Association Chairman	Urged the Administration to meet with licensed newspaper stall hawkers	

Time marker	Speaker	Subjects	Action required
011738 - 015133	Administration Mr Tommy CHEUNG Mr James TIEN Chairman Mr Martin LEE Ms LI Fung-ying	<p>The Administration's response to issues raised by the Bills Committee at the meeting on 10 June 2005 (LC Paper No. CB(2)2164/04-05(03))</p> <p>The Administration was requested to provide a response in writing to the following issues raised by members -</p> <ul style="list-style-type: none"> (a) breakdown of the 800 smoke-free restaurants referred to in LC Paper No. CB(2)2164/04-05(03) by types and districts; (b) whether allowing licensed hawker stalls and retail outlets employing not more than two employees to continue to display tobacco advertisement would contravene Article 13(1) of the WHO Framework Convention on Tobacco Control (FCTC) which read "Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products"; (c) whether the use of the brand name "Mild Seven" would be allowed if the use of descriptors such as "light", "mild" and "low tar" on the package of any tobacco product was prohibited after the enactment of the Bill; (d) sale figures of Dublin Jack, the first smoke-free pub in Hong Kong, before and after the implementation of total smoking ban in its premises; and (e) whether health warning displaying the logo and/or the name of any tobacco product would fall within the definition of tobacco advertisement under section 14 of the Smoking (Public Health) Ordinance (Cap. 371) and be in breach of Article 13(1) of the FCTC 	<p style="text-align: center;">✓</p> <p>(Administration to provide a written response)</p>
015134 - 015541	Chairman Ms Emily LAU Mr Tommy CHEUNG	<p>Visits to catering and entertainment premises</p> <p>Arrangements for the next meeting</p>	