

立法會
Legislative Council

LC Paper No. CB(2)743/05-06

(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 8th meeting
held on Thursday, 24 November 2005 at 8:30 am
in the Chamber 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 Howard YOUNG, SBS, JP
 - Hon Emily LAU Wai-hing, 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 WONG Ting-kwong, BBS
 - Hon KWONG Chi-kin
- Members absent** :
- Hon Albert CHAN Wai-yip (Deputy Chairman)
 - Hon Martin LEE Chu-ming, SC, JP
 - Hon Fred LI Wah-ming, JP
 - Hon LEUNG Yiu-chung
 - Dr Hon YEUNG Sum
 - Hon Abraham SHEK Lai-him, JP
 - Hon LI Fung-ying, BBS, JP
 - Dr Hon Joseph LEE Kok-long
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung
 - Dr Hon KWOK Ka-ki
 - Hon Albert Jinghan CHENG

Public Officers : Item I
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
Assistant Director 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. Meeting with the Administration
(LC Paper Nos. CB(2)448/05-06(01) and (02))

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

2. With regard to the Administration's response to the implementation of total smoking ban on betting premises in overseas jurisdictions (paragraphs 3 to 12 of LC Paper No. CB(2)448/05-06(01)), the Bills Committee requested clarification in writing on the following -

- (a) what were the meanings of "most bars" and "(when a bingo game is in progress)" in paragraph 4;

- (b) what was the meaning of “enclosed places of employment” in paragraph 6;
- (c) whether the “separate place for smoking” in paragraph 8 was a self-service area;
- (d) what was the meaning of “premium gaming rooms in casinos” in paragraph 9;
- (e) what was the meaning of “declared smoking area” in paragraph 10; and
- (f) what was the legislative intent and development of the smoke-free legislation in indoor workplaces implemented by the overseas jurisdictions concerned.

The Administration also undertook to provide the provision(s) on protecting employees from second-hand smoke under the Occupational Health and Safety Regulation in British Columbia, Canada, referred to in paragraph 8 of the same paper.

3. The Bills Committee also requested the Administration to provide a response in writing on -

- (a) the proposed establishment and working hours of the Tobacco Control Office of the Department of Health and details of how it would enforce the total smoking ban in hospitality premises such as bars, karaoke establishments, pubs and nightclubs; and
- (b) the question asked by Mr WONG Ting-kwong in his letter to the Administration dated 27 June 2005 on whether employees who suffered bodily harm outside their workplaces for their action in asking clients not to smoke in statutory no smoking areas would be entitled to monetary compensation under the existing labour legislation.

II. Any other business

Visits to hospitality premises

4. Ms Emily LAU said that it would be useful if representatives of the Administration could join the Bills Committee’s visits to hospitality premises on 25 and 28 November 2005. The Administration agreed to consider.

Businesses for the next meeting

5. Members noted that the next meeting originally scheduled for 6 December 2005 at 10:45 am had been changed to 9 December 2005 immediately after the meeting of the House Committee on the same day.

6. Members agreed to invite the following for the next meeting -

- (a) Research & Library Services Division of the Legislative Council Secretariat to make a presentation on its research study entitled “Smoke-free Workplace Legislation in Selected Places” prepared for the Panel on Health Services (RP10/04-05 issued vide LC Paper No. CB(2)2404/04-05 on 1 August 2005);
- (b) members of the delegation of the Panel on Health Services to make a presentation on the report of their visits to Bangkok (Thailand), Oslo (Norway) and Dublin (Ireland) in August 2005 to study the experience of these countries in the implementation of anti-smoking measures, if finalised; and
- (c) representatives of Japan Tobacco Inc. to make a oral representation on its research report entitled ““Mild Seven” Brand Name and On-Pack Notation Consumer Study: Hong Kong”.

7. There being no other business, the meeting ended at 10:37 am.

Council Business Division 2
Legislative Council Secretariat
21 December 2005

**Proceedings of the 8th meeting of the
Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005
on Thursday, 24 November 2005 at 8:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000447	Chairman	Opening remarks	
000448 - 003340	Ms Emily LAU Chairman Mr Tommy CHEUNG Mr Howard YOUNG Mr Vincent FANG Mr WONG Ting-kwong	Way forward	
003341 - 003625	Mr Vincent FANG Chairman Mr Tommy CHEUNG Mr LI Kwok-ying	To invite representatives of Japan Tobacco Inc. to make a oral representation on its research report entitled ““Mild Seven” Brand Name and On-Pack Notation Consumer Study: Hong Kong”	
003626 - 004131	Chairman Administration	The Administration’s response to issues raised by members at the meetings on 6 October and 24 October 2005 (LC Paper No. CB(2)448/05-06(01))	
004132 - 005358	Mr WONG Ting-kwong Administration Chairman	Enforcement of total smoking ban in hospitality premises	
005359 - 011955	Mr Tommy CHEUNG Administration Chairman	Total smoking ban on betting premises implemented by overseas jurisdictions With reference to paragraphs 3-12 of LC Paper No. CB(2)448/05-06(01), the Administration was requested to provide clarification in writing on the following - (a) what were the meanings of “most bars” and “(when a bingo game is in progress)” in paragraph 4; (b) what was the meaning of “enclosed places of employment” in paragraph 6; (c) what was the meaning of “premium gaming rooms in casinos” in paragraph 9; and (d) what was the meaning of “declared smoking area” in paragraph 10	✓ (Admin to provide a written response)
011956 - 012656	Mr Vincent FANG Administration	The Administration was requested to provide in writing the proposed establishment and working hours of the Tobacco Control Office of the Department of Health and details of how it would enforce the total smoking ban in hospitality premises such as bars, karaoke establishments, pubs and nightclubs	✓ (Admin to provide a written response)

Time marker	Speaker	Subjects	Action required
012657 - 012859	Mr LEE Cheuk-yan Administration	The Administration was requested to provide clarification in writing on whether the “separate place for smoking”, referred to in paragraph 8 of LC Paper No. CB(2)448/05-06(01), was a self-service area The Administration also undertook to provide the provision(s) on protecting employees from second-hand smoke under the Occupational Health and Safety Regulation in British Columbia, Canada, referred to in paragraph 8 of the same paper	✓ (Admin to provide a written response)
012900 - 013819	Mr James TIEN Administration Chairman	The Administration was requested to provide in writing the legislative intent and development of the smoke-free legislation in indoor workplaces implemented by the overseas jurisdictions covered in paragraphs 3-12 of LC Paper No. CB(2)448/05-06(01)	✓ (Admin to provide a written response)
013820 - 015021	Chairman Ms Emily LAU Administration Mr Tommy CHEUNG Mr WONG Ting-kwong	To invite the Research & Library Services Division (R&LSD) of the Legislative Council (LegCo) Secretariat to make a presentation on its research study entitled “Smoke-free Workplace Legislation in Selected Places” prepared for the Panel on Health Services (RP10/04-05 issued vide LC Paper No. CB(2)2404/04-05 on 1 August 2005) Reason for providing employers and employees of statutory no smoking areas in Hong Kong with the power to use “reasonable force” in ensuring the compliance with the no smoking requirement	
015022 - 015637	Mr Tommy CHEUNG Chairman Ms Emily LAU	To invite members of the delegation of the Panel on Health Services to make a presentation on the report of their visits to Bangkok (Thailand), Oslo (Norway) and Dublin (Ireland) in August 2005 to study the experience of these countries in the implementation of anti-smoking measures, if finalised	
015638 - 015913	Mr WONG Ting-kwong Chairman Administration	The Administration was urged to provide a response in writing to the question asked by Mr WONG Ting-kwong in his letter to the Administration dated 27 June 2005 on whether employees who suffered bodily harm outside their workplaces for their action in asking clients not to smoke in statutory no smoking areas would be entitled to monetary compensation under the existing labour legislation	✓ (Admin to provide a written response)
015914 - 020610	Chairman Ms Emily LAU Mr WONG Ting-kwong Administration Mr Tommy CHEUNG Mr Vincent FANG	Visits to hospitality premises by the Bills Committee Enforcement of total smoking ban in cinemas Date of next meeting	