

**Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005**

**Administration's response to issues raised
at the Bills Committee meeting on 4 January 2006**

PURPOSE

This paper sets out the Administration's response to issues raised by the Bills Committee at its meeting on 4 January 2006.

BACKGROUND

2. At the above meeting, Members raised the following issues and requested the Administration to provide a response in writing -

(a) whether the provisions on allowing employees to spend up to 20% of their shift in designated smoking rooms under the Occupational Health and Safety Regulation in British Columbia, Canada were made and came into operation earlier than that of the provisions on protecting employees from secondhand smoke under the smokefree legislation in the same province or vice versa;

ADMINISTRATION'S RESPONSE

3. Both the "20% rule" and secondhand smoke protection for employees are provided for in the same legislation, i.e. the British Columbia Occupational Health and Safety Regulation. However, we cannot discern from the legislation the sequence of enacting the two provisions.

(b) which overseas places practising smokefree policy allowed smoking in designated rooms in workplaces if they had separate ventilation systems and what were the air quality standards required of these rooms;

4. According to our research, only a few overseas jurisdictions allow

the setting up of designated smoking rooms with separate ventilation systems in non-smoking workplaces. These include California, Norway and Singapore. However, no air quality standard was specified in their respective laws.

(c) whether serving and consumption of food, drinks and/or smoking tobacco products other than cigars were allowed in cigar bars in New York State in the United States; if so, the types of food, drinks and/or tobacco products allowed;

5. According to the New York State Clean Indoor Air Act, smoking is permitted in “cigar bars in existence prior to 1 January 2003 (where 10% or more of total annual gross income is from the sale of tobacco products)”. There is no definition of “cigar bar” in the Act. Neither is there any stipulation of the types of food, drinks and/or tobacco products allowed to be sold therein.

(d) what were the definitions of entertainment premises in overseas places where separate place for smoking was allowed;

6. As far as we could ascertain, there is no definition of “entertainment premise” or “place for entertainment” per se in any overseas legislation in relation to tobacco control. We note, however, that in many cases, terms such as discotheque, bars, billiard rooms, amusement game centres, bingo halls etc are mentioned in the legislation. Some of these were separately licensed under other domestic legislation of the respective jurisdiction and a reference is usually made to the legislation that provides for the issue of such licence in the definition of these premises.

(e) what were the bars sales in Ireland before and after the implementation of total smoking ban in all places of work;

7. The information may be found in paragraph 21 of LC Paper No. CB(2)138/05-06(01). For easy reference, it is reproduced below:

“The Retail Sales Index as available from the Central Statistics Office showed that there had been a decline in the volume of bar

sales since 2001. Bar sales declined in volume by 4.4 percent in 2004, while the decline for the previous year was 4.2 percent. Economic analysis suggested that this continuing downward trend was due to a number of factors including high prices, changing lifestyle and shifting demographic patterns.”

(f) to provide a breakdown of the types of cafes and fast food shops registered with the Tobacco Control Office under the Department of Health as at October 2005, including how many of these premises were chain businesses;

8. As at November 2005, five café chains (including both 茶餐廳 and 咖啡館) with a total of 76 outlets have reported to the Tobacco Control Office that their premises are smokefree and hence appear on the list. Similarly, there were 16 fast food chain stores with 536 outlets on the list.

9. Separately, 20 cafes and 14 fast food shops which were not operated as chains have also gone smokefree. Please refer to the **Annex** for a detailed breakdown.

地區	類別															總數					
	茶餐廳		中菜			甜品			快餐					日本料理			西餐				
	食肆名稱	數目	合計	食肆名稱	數目	合計	食肆名稱	數目	合計	食肆名稱	數目	食肆名稱	數目	合計	食肆名稱		數目	合計	食肆名稱	數目	合計
九龍城	香港星巴克	1	1	小魚滋味	1	2	杏花樓	1	2	Delifrance	1	McCafé	1	19	元氣壽司	1	2	必勝客	3	3	29
				美心鐵路快餐廳	1		鴻福堂涼茶館	1		大快活	3	大家樂	3		元綠壽司	1					
深水埗	太平洋咖啡	1	1	----	0	0	----	0	0	Delifrance	1	McCafé	1	26	明將迴轉壽司餐廳	1	1	必勝客	2	2	30
										大快活	5	大家樂	3								
										利華超級三文治	1	肯德基	2								
										炳記牛牛	1	哈迪斯	1								
										麥當勞餐廳	11										
黃大仙	香港星巴克	1	1	----	0	0	----	3	3	一粥麵	1	大快活	4	22	----	0	0	必勝客	2	2	28
										大家樂	4	肯德基	4								
										麥當勞餐廳	9										
觀塘	太平洋咖啡	1	5	翡翠拉麵小籠包	1	1	鴻福堂涼茶館	2	2	Delifrance	1	McCafé	1	33	元氣壽司	1	1	必勝客	4	4	46
	香港星巴克	3								大快活	5	大家樂	8								
	歐陸咖啡室	1								吉野家快餐	1	沙嗲王	1								
										肯德基	3	麥當勞餐廳	13								
荃灣	歐陸咖啡室	1	1	----	0	0	杏花樓	1	1	Delifrance	1	肯德基	2	28	元氣壽司	1	3	必勝客	3	3	36
										大快活	3	大家樂	8								
										吉野家快餐	1	沙嗲王	1								
										哈迪斯	2	麥當勞餐廳	10								
葵青	太平洋咖啡	1	4	----	0	0	----	0	0	Delifrance	1	一粥麵	1	24	元氣壽司	1	1	必勝客	4	6	35
	香港星巴克	2								大快活	3	大家樂	4								
	檀島café	1								吉野家快餐	1	生活知味	1								
										哈迪斯	1	肯德基	2								
北區	----	0	0	----	0	0	鴻福堂涼茶館	1	1	Delifrance	1	大快活	4	20	元綠壽司	1	1	必勝客	2	2	24
										大家樂	7	肯德基	2								
										麥當勞餐廳	6										
西貢	歐陸咖啡室	1	1	美心快餐店	1	1	鴻福堂涼茶館	1	1	一粥麵	1	大快活	3	19	元綠壽司	1	1	必勝客	3	3	26
										大家樂	4	肯德基	2								
										哈迪斯	1	麥當勞餐廳	8								

地區	類別																		總數												
	茶餐廳			中菜			甜品			快餐					日本料理			西餐													
	食肆名稱	數目	合計	食肆名稱	數目	合計	食肆名稱	數目	合計	食肆名稱	數目	食肆名稱	數目	合計	食肆名稱	數目	合計	食肆名稱		數目	合計										
大埔	----	0	0	----	0	0	----	0	0	Delifrance	1	大快活	1	15	元綠壽司	1	1	必勝客	2	2											
									大家樂	4	吉野家快餐	1																			
									肯德基	2	麥當勞餐廳	6																			
沙田	香港星巴克	1	2	翡翠拉麵小籠包	1	1	鴻福堂涼茶館	4	4	Delifrance	1	一粥麵	1	33	元氣壽司	1	3	必勝客	5	5											
										大快活	3	大家樂	6																		
	歐陸咖啡室	1	1							1	1	1	1		1	1					吉野家快餐	1	肯德基	4	1	1	1	1	1	1	1
																					利華超級三文治	1	哈廸斯	1							
																					麥當勞餐廳	15									
屯門	----	0	0	----	0	0	鴻福堂涼茶館	2	2	Delifrance	1	大快活	8	30	元氣壽司	1	3	必勝客	3	3											
									大家樂	5	吉野家快餐	1																			
										肯德基	2	麥當勞餐廳	13		明將迴轉壽司餐廳	1															
元朗	----	0	0	----	0	0	鴻福堂涼茶館	2	2	一粥麵	1	大快活	4	20	元氣壽司	1	1	必勝客	3	3											
									大家樂	1	生活知味	1																			
									吉野家快餐	1	肯德基	3																			
									麥當勞餐廳	9																					
	76			10			31			536				36			58			747											

地區	類別											總數					
	茶餐廳	中菜	甜品	快餐	日本料理	西餐	其他										
中西區	家居坊	5	---	0	---	0		2	---	0	祖樂比	The Helena May	2	---	0	9	
	金華燒腊大王有限公司																
	Coffee Book																
	米記																
	H Tea O Tea Salon																
東區	---	0	---	0	---	0		3	---	0	將太日本料理 旭爐食店 Sprout's	CLUB 35	1	鯉魚門公園及渡假村餐廳	1	5	

南區	---	0	集古村酒樓	1	---	0	Double Star Café	1	---	0	---	---	0	---	0	2	
灣仔	---	0	滬江飯店	3	晶晶甜品	1		2	---	0	貽軒藥膳保健甜品 點心皇	Home Cooking 百合谷茶座	2	多寶齋 靠得住靚粥 素食體驗	3	11	
	滿貫廳																
	新景園咖喱小廚																
離島	---	0	---	0	許留山	1		2	---	0	漢堡王 Flyer's Café	意粉屋 空中花園餐廳 Toro Bar & Seafood House Caffe Ritazza 峰景餐廳 - 香港國際機場 Grappa's Chek Lap Kok 希福牛排館	7	---	0	10	

油尖旺	Big John Café	5	雪園世家 素食一家 六鼎記迴轉火鍋中華料理 粵江春	4	甜在心甜品屋	1	大堂咖啡座	1	---	0	悠閒茶莊 LIME AT T5 赤道	3	大堂酒廊	1	15		
	Café Marco																
	再臨閣																
	Illy Coffee Shop																
	德國熱狗																
九龍城	---	0	高山金峰閣美食館	1	---	0	---	0	---	0	大自然健康廚房	1	譽麵坊 大婆牛肉麵	2	4		
深水埗	---	0	---	0	---	0	---	0	---	0	啤梨叔叔	1	---	0	1		
黃大仙	東東雲吞麵	1	---	0	健康工房	1	---	0	---	0	士多啤梨餐廳	1	---	0	3		
觀塘	Kosmo Living Ltd	2	---	0	---	0	---	0	---	0	涉谷居食屋 膳坊	2	---	0	素善齋	1	5
	美景樓餐廳																
荃灣	風味館	1	---	0	---	0	---	0	---	0	創意拉麵屋	1	---	0	妙法齋素食中心 陸記雲南米線	2	4

葵青	金煌美食餐廳	4	---	0	晴天屋	1	威龍壽司大碗麵	1	春田橫町	1	春田咖啡	1	---	0	8		
	仙桃居																
	Cake Box																
	百合屋茶餐廳																

地區	類別												總數		
	茶餐廳		中菜		甜品		快餐		日本料理		西餐			其他	
北區	----	0	----	0	----	0	花果山	1	----	0	----	0	----	0	1
西貢	----	0	----	0	----	0	----	0	----	0	----	0	----	0	0
大埔	----	0	----	0	甜在心 彩虹甜品屋	2	----	0	明皇迴轉壽司	1	----	0	----	0	3
沙田	老友記茶餐廳	1	百合廳	3	----	0	----	0	----	0	沙田大會堂酒吧	2	香港體育學院餐廳	1	7
			百勝廳								至高法國餐館				
			囍慶												
屯門	----	0	----	0	----	0	Coffee Wien	1	----	0	----	0	大力健康素食有限公司 妙法寺	2	3
元朗	Double Star Express	1	----	0	甜心店	1	----	0	新明皇迴轉壽司	1	----	0	----	0	3
20		12		8		14		6		21		13		94	