

立法會
Legislative Council

Ref : CB2/BC/5/07

LC Paper No. CB(2)2077/07-08
(These minutes have been seen by
the Administration)

**Bills Committee on
Fixed Penalty (Smoking Offences) Bill**

**Minutes of the third meeting
held on Saturday, 3 May 2008, at 9:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon Andrew CHENG Kar-foo (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon WONG Ting-kwong, BBS

Member absent : Hon LI Kwok-ying, MH, JP

Public Officers attending : Item I

Mrs Ingrid YEUNG
Deputy Secretary for Food and Health (Health)2

Miss Anita CHAN
Principal Assistant Secretary for Food and Health
(Health) Special Duty

Dr Christine WONG
Head of Tobacco Control Office
Department of Health

Attendance by invitation : Committee on Youth Smoking Prevention

Mr LI Cheong-lung
Chief Executive Officer

Mr KAN Ming-yue
Research & Development Officer

Asian Consultancy on Tobacco Control

Dr Judith Mackay
Director, Senior Policy Advisor, WHO

School of Public Health, Li Ka Shing Faculty of Medicine,
The University of Hong Kong

Professor LAM Tai-hing

Catering Entertainment Premises Smoking Ban Regulations
Concern Group

Mr Anthony LOCK
Convenor

Ms Jessica LEE
Secretary

Hong Kong Council on Smoking and Health

Dr Homer TSO
Chairman

Ms Vienna LAI
Executive Director

Entertainment Business Rights Concern Group

Ms CHAN Yun-lin
Convenor

The Federation of Hong Kong and Kowloon Ballroom and
Night Club Merchants

Mr MAK Cheong
Chairman

Club Paris

Mr SHEK Kin-chung
Member

Hong Kong Bars and Karaoke Rights Advocacy

Miss Anita TO
Vice Chairman

Hong Kong Mahjong House

Mr Chris CHEUNG
Licensee

K C City Billiards

Miss KWAN Yuen-tung
Manager

Mr WONG Chee-fung
Assistant

Beijing Club

Mr WONG Hei-yan
Managing Director

Clear the Air

Mr James MIDDLETON
Chairman, Anti Tobacco Committee

Mr Michael MAK

The Association for Hong Kong Catering Services
Management Limited

Mr LEUNG Chun-wah

Hong Kong Public Health Inspectors' Association

Ms LEUNG Chui-man
Chairperson

Mr LEUNG Yat-king
Hon Secretary

Hong Kong Food and Environmental Hygiene Department
Staff Rights Union

Ms LI Mei-siu
Chairman

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Ms Janet SHUM
Senior Council Secretary (2)8

Ms Sandy HAU
Legislative Assistant (2)5

Action

I. Meeting with deputations and the Administration

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

2. The Bills Committee received views from the following deputations on the Fixed Penalty (Smoking Offences) Bill (the Bill) -

- (a) Committee on Youth Smoking Prevention
[LC Paper No. CB(2)1759/07-08(01)];
- (b) Asian Consultancy on Tobacco Control
[LC Paper No. CB(2)1759/07-08(02)];
- (c) School of Public Health, Li Ka Shing Faculty of Medicine, The University of Hong Kong
[LC Paper No. CB(2)1759/07-08(03)];
- (d) Catering Entertainment Premises Smoking Ban Regulations Concern Group;

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- (e) Hong Kong Council on Smoking and Health
[LC Paper No. CB(2)1796/07-08(01)];
- (f) Entertainment Business Rights Concern Group;
- (g) The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants;
- (h) Club Paris;
- (i) Hong Kong Bars and Karaoke Rights Advocacy;
- (j) Hong Kong Mahjong House;
- (k) K C City Billiards;
- (l) Beijing Club;
- (m) Clear the Air
[LC Paper No. CB(2)1759/07-08(04)];
- (n) Mr Michael MAK
[LC Paper No. CB(2)1759/07-08(05)];
- (o) The Association for Hong Kong Catering Services Management Limited;
- (p) The Hong Kong Public Health Inspectors' Association; and
- (q) Hong Kong Food and Environmental Hygiene Department Staff Rights Union.
[LC Paper No. CB(2)1825/07-08(02)].

3. The Administration was requested to provide a response in writing to the following suggestions raised by members at the meeting -

- (a) information on smoking cessation services should be issued together with the issuing of fixed penalty notices (FPNs) for smoking offences by authorised enforcement officers;
- (b) a performance pledge on the maximum period of time that Police officers must arrive at the scene upon request for assistance by Tobacco Control Office (TCO) staff and other public officers authorised to take enforcement actions against smoking offences should be laid down;

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- (c) enforcement work of TCO staff should be made more mechanised "機動化" to better respond to smoking complaints lodged by managers of statutory no smoking areas; and
 - (d) persons who could not afford to pay the fixed penalty for smoking offences and repeated offenders of smoking offences should be required to undergo smoking cessation counselling.
4. The Administration was also requested to provide the following information in writing -
- (a) the number of departures and turnover rate of TCO staff holding the post of Tobacco Control Inspector in the past three years, and the reasons for their departures;
 - (b) the number and post of TCO staff involved in enforcing smoking ban in statutory no smoking areas from 2006-2007 to 2008-2009; and
 - (c) the specific ranks and number of staff of the Food and Environmental Hygiene Department, the Leisure and Cultural Services Department and the Housing Department proposed to issue FPNs for smoking offences in the relevant statutory no smoking areas under their management.

II. Date of next meeting

5. The date of next meeting would be fixed after the meeting.

(Post-meeting note : The next meeting was scheduled for 23 May 2008 at 8:30 am)

6. There being no other business, the meeting ended at 12:20 pm.

Council Business Division 2
Legislative Council Secretariat
27 May 2008

**Proceedings of the meeting of
Bills Committee on Fixed Penalty (Smoking Offences) Bill
on Saturday, 3 May 2008, at 9:30 am
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000430	Chairman	Opening remarks	
000431 - 000839	Hong Kong Council on Smoking and Health	Presentation of views	
000840 - 001326	Committee on Youth Smoking Prevention	Presentation of views [LC Paper No. CB(2)1759/07-08(01)]	
001327 - 001626	Asian Consultancy on Tobacco Control	Presentation of views [LC Paper No. CB(2)1759/07-08(02)]	
001627 - 002037	School of Public Health, Li Ka Shing Faculty of Medicine, The University of Hong Kong	Presentation of views [LC Paper No. CB(2)1759/07-08(03)]	
002038 - 002435	Catering Entertainment Premises Smoking Ban Regulations Concern Group	Presentation of views	
002436 - 002848	Entertainment Business Rights Concern Group	Presentation of views	
002849 - 003048	The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants	Presentation of views	
003049 - 003100	Club Paris	Presentation of views	
003101 - 003321	Hong Kong Mahjong House	Presentation of views	
003322 - 003336	K C City	Presentation of views	
003337 - 003734	Beijing Club	Presentation of views	
003735 - 004357	Clear the Air	Presentation of views [LC Paper No. CB(2)1759/07-08(04)]	
004358 - 004932	Mr Michael MAK	Presentation of views [LC Paper No. CB(2)1759/07-08(05)]	
004933 - 005219	The Association for Hong Kong Catering Services Management Limited	Presentation of views	
005220 - 005512	Hong Kong Public Health Inspectors' Association	Presentation of views	

Time marker	Speaker	Subject	Action required
005513 - 005952	Hong Kong Food and Environmental Hygiene Department Staff Rights Union	Presentation of views [LC Paper No. CB(2)1825/07-08(02)]	
005953 - 010514	Chairman Ms Audrey EU Mr Tommy CHEUNG Admin	The Administration was requested to provide information on the number of departures and turnover rate of Tobacco Control Office (TCO) staff holding the post of Tobacco Control Inspector in the past three years, and the reasons for their departures	✓ (Admin to provide a written response)
010515 - 011107	Mr Tommy CHEUNG Hong Kong Food and Environmental Hygiene Department Staff Rights Union Admin	The Administration was requested to provide information on the specific ranks and number of staff of the Food and Environmental Hygiene Department (FEHD), the Leisure and Cultural Services Department (LCSD) and the Housing Department (HD) proposed to issue fixed penalty notices (FPNs) for smoking offences in the relevant statutory no smoking areas under their management	✓ (Admin to provide a written response)
011108 - 011703	Mr Alan LEONG Admin	Procedures adopted by TCO in handling complaints about smoking in statutory no smoking areas	
011704 - 012432	Ms Audrey EU Hong Kong Public Health Inspectors' Association Hong Kong Food and Environmental Hygiene Department Staff Rights Union Admin	Shortage of FEHD staff to take enforcement action against smoking in indoor areas of public markets and hawker bazaars under the management of FEHD by issuing FPNs	
012433 - 013258	Mr WONG Ting-kwong Admin Asian Consultancy on Tobacco Control Chairman	The suggestion of replacing FPNs with community service orders for offenders of smoking offences from the vulnerable groups Whether public officers of FEHD, LCSD and HD authorised to carry out enforcement work in the relevant statutory no smoking areas under their management would wear uniform	
013259 - 013846	Mr LEUNG Kwok-hung	Concern about total smoking ban in public outdoor areas such as bathing beaches	
013847 - 014401	Mr Martin LEE Admin	Whether inspectors of TCO had been assaulted while taking enforcement work	
014402 - 015029	Mr Vincent FANG Admin	Concern about the adequacy of TCO staff to cope with smoking offences pursuant to the implementation of smoking ban in the indoor areas of bars open to those aged 18 or above, mahjong parlors, commercial bathhouses and massage establishments on 1 July 2009	

Time marker	Speaker	Subject	Action required
015030 - 015630	Chairman School of Public Health, Li Ka Shing Faculty of Medicine, The University of Hong Kong Admin	Information on smoking cessation services should be issued together with the issuing of FPNs for smoking offences by authorised enforcement officers	✓ (Admin to provide a written response)
015631 - 020135	Mr Tommy CHEUNG Catering Entertainment Premises Smoking Ban Regulations Concern Group	Concern about enforcement of smoking ban pursuant to the implementation of smoking ban in the indoor areas of bars open to those aged 18 or above, mahjong parlors, commercial bathhouses and massage establishments on 1 July 2009	
020136 - 020638	Mr Alan LEONG Admin	<p>Whether FEHD, LCSD and HD had consulted their staff on taking part in the enforcement of smoking ban</p> <p>TCO should widely publicise its enforcement work to premises where offences were frequently reported to ensure compliance of smoking ban</p> <p>The Administration was requested to consider the following -</p> <p>(a) laying down a performance pledge on the maximum period of time that Police officers must arrive at the scene upon request for assistance by TCO staff and other public officers authorised to take enforcement actions against smoking offences; and</p> <p>(b) making the enforcement work of TCO staff more mechanised "機動化", say, by providing inspectors of TCO with motorcycles, to better respond to smoking complaints lodged by managers of statutory no smoking areas</p>	✓ (Admin to provide written responses)
020639 - 020957	Mr Martin LEE Admin	Persons who could not afford to pay the fixed penalty for smoking offences and repeated offenders of smoking offences should be required to undergo smoking cessation counselling	✓ (Admin to provide a written response)
020958 - 021515	Mr WONG Ting-kwong Chairman	Concern about giving differential treatment for punishing offenders of smoking offences from the vulnerable groups	
021516 - 021943	Mr LEUNG Kwok-hung	Right of smokers should be protected	
021944 - 022158	Mr Tommy CHEUNG	Publicity on the harmful effects of smoking targetting at female and youth smokers should be stepped up	
022159 - 022348	Mr WONG Ting-kwong	Concern about giving differential treatment for punishing offenders of smoking offences from the vulnerable groups	
022349 - 022746	Mr Martin LEE Admin	Use of tobacco brand name and logo on non-tobacco products should be prohibited	

Time marker	Speaker	Subject	Action required
022747 - 023530	Beijing Club Chairman Admin	Difficulty in taking enforcement against drunken smokers in bars	
023531 - 023715	Asian Consultancy on Tobacco Control	Effective anti-smoking measures implemented by overseas jurisdictions	
023716 - 024017	Entertainment Business Rights Concern Group	Setting up of a smoking room should be allowed in entertainment premises	
024018 - 024231	Hong Kong Food and Environmental Hygiene Department Staff Rights Union	Concern about taking up additional work to enforce smoking ban in indoor areas of public markets and hawker bazaars under the management of FEHD due to lack of manpower	
024232 - 024616	School of Public Health, Li Ka Shing Faculty of Medicine, The University of Hong Kong	Total smoking ban in all indoor areas was necessary to protect public health	
024617 - 024855	Hong Kong Public Health Inspectors' Association	Concern about taking up additional work to enforce smoking ban in food premises due to lack of manpower	
024856 - 025037	Committee on Youth Smoking Prevention	Part of the proceeds from tobacco tax should be used to set up a fund on educating the public on the harmful effects of smoking Consideration could be given to making it an offence for venue managers to not take immediate remedial action to stop people from smoking in statutory no smoking areas	
025038 - 025203	Clear the Air	Paid auxiliary inspectors should be engaged by TCO to carry out enforcement work outside office hours Measures should be put in place to recover default payment of fixed penalty for smoking offences by visitors to Hong Kong	
025204 - 025250	Chairman	Closing remarks	