

立法會
Legislative Council

LC Paper No. CB(2)1699/17-18
(These minutes have been seen
by the Administration)

Ref : CB2/SS/9/17

**Subcommittee on Smoking (Public Health) Ordinance
(Amendment of Schedule 2) Order 2018**

**Minutes of meeting
held on Tuesday, 5 June 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Dr Hon KWOK Ka-ki (Chairman)
Hon CHAN Chi-chuen
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Andrew WAN Siu-kin
Hon SHIU Ka-fai
Hon LAU Kwok-fan, MH

Public Officers attending : Item II

Miss Amy YUEN Wai-yin
Deputy Secretary for Food and Health (Health) 2

Dr Tina CHAN Siu-mui
Assistant Director of Health (Special Health Services)

Dr Manny LAM Man-chung
Head (Tobacco Control Office) (Acting)
Department of Health

Miss Selina LAU Suet-ching
Senior Government Counsel
Department of Justice

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

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Miss Michelle TANG
Council Secretary (2) 2

Miss Cally LAI
Legislative Assistant (2) 2

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr CHAN Chi-chuen, the member who had the highest precedence in Council among members of the Subcommittee present, presided over the election of the Chairman. He invited nominations for the chairmanship of the Subcommittee.

2. Dr KWOK Ka-ki was nominated by Mr SHIU Ka-fai and the nomination was seconded by Mr CHAN Chi-chuen. Dr KWOK Ka-ki accepted the nomination. As there was no other nomination, Mr CHAN Chi-chuen declared Dr KWOK Ka-ki elected as the Chairman of the Subcommittee. Dr KWOK then took the chair.

3. Members agreed that the election of Deputy Chairman was not necessary.

II. Meeting with the Administration

(LC Paper Nos. CB(2)1517/17-18(02)&(03), L.N. 81 of 2018, File Ref: FH CR 7/52/581/89 and LS58/17-18)

4. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

Follow-up actions required of the Administration

Admin

5. The Administration was requested to provide written response to issues raised by members as set out in **Annex B**.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)1570/17-18(02) on 11 June 2018.)

III. Any other business

Legislative timetable

6. The Chairman concluded that the Subcommittee had completed the scrutiny of the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018 ("the Order").

7. Members noted that the scrutiny period of the Order would expire at the Council meeting of 13 June 2018, and that the deadline for giving notice of amendment to the Order was 6 June 2018. Noting that it was the normal practice for subcommittees on subsidiary legislation to report their deliberations to the House Committee before the deadline for giving notice of amendments to the subsidiary legislation, members agreed that the Chairman should move a motion at the Council meeting of 13 June 2018 to extend the scrutiny period to the Council meeting of 4 July 2018.

8. The Chairman said that pending the Administration's response to outstanding issues, he would report the Subcommittee's deliberations to the House Committee on 22 June 2018.

(Post-meeting note: As the motion could not be dealt with at the Council meeting of 13 June 2018 before the adjournment of the meeting, the period for amending the Order had expired at the said Council meeting.)

9. There being no other business, the meeting ended at 3:58 pm.

**Proceedings of the meeting of the Subcommittee on
Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018
on Tuesday, 5 June 2018, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action Required
000427 - 000624	Mr CHAN Chi-chuen Mr SHIU Ka-fai Mr LAU Kwok-fan Dr KWOK Ka-ki	Election of Chairman	
000625 - 001113	Chairman Admin	Briefing by the Administration on the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018 ("the Order"). The Order was made by the Secretary for Food and Health under section 16A of the Smoking (Public Health) Ordinance (Cap. 371) to designate three bus interchanges ("BIs") leading to expressways or tunnels, namely, Aberdeen Tunnel BI, Lantau Toll Plaza BI and Tuen Mun Road BI (including Kowloon bound and Tuen Mun bound), and their adjoining facilities as statutory no smoking areas ("NSAs").	
001114 - 001400	Chairman Mr SHIU Ka-fai Admin	Mr SHIU Ka-fai's indication of support for the Order. His view and the Administration's response on the proposed way forward for regulating electronic cigarettes ("e-cigarettes") and heat-not-burn products.	
001401 - 001832	Chairman Mr LAU Kwok-fan Admin	Mr LAU Kwok-fan's expression of support for the Order. His enquiries and the Administration's responses on the feasibility of extending NSAs to cover bus stops in order to provide further protection against passive smoking in public places.	
001833 - 002713	Chairman Dr Helena WONG Admin	Dr Helena WONG's indication of support for extending the smoking ban to the three BIs covered by the Order. She called on the Administration to expeditiously regulate e-cigarettes and heat-not-burn products. Her enquiries and the Administration's responses on the justifications for prohibiting smoking of e-cigarettes and heat-not-burn products in NSAs.	
002714 - 003351	Chairman Mr IP Kin-yuen Admin	Mr IP Kin-yuen's expression of support for the Order. He suggested the Administration making reference to the new smoking ban introduced by the Government of the Macao	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>Special Administrative Region, i.e. smoking (including smoking of e-cigarettes) was prohibited within 10 metres from all bus stops and taxi stands.</p> <p>The Administration's response to Mr IP's enquiry about the number of prosecutions contravening the smoking ban at the eight BIs located at tunnel portal areas which had already been designated as NSAs since 2016.</p>	
003352 - 003937	Chairman Mr Andrew WAN Admin	Mr Andrew WAN's indication of support for the Order. His suggestion and the Administration's response on using the shelter area of a bus stop or a zone measured by radius distance from the bus stop to decide the boundaries of NSAs.	
003938 - 004211	Chairman Mr LAU Kwok-fan Admin	Mr LAU Kwok-fan's view that the Administration should for trial designate certain bus stops with heavy patronage flow as NSAs, with priority accorded to those bus stops suggested by District Councils.	
004212 - 005330	Chairman Mr CHAN Chi-chuen Admin	<p>The Chairman's and Mr CHAN Chi-chuen's views on the merits of providing cigarette butt containers and/or litter bins with ashtray at areas outside the boundaries of the designated NSAs. The Administration's explanation that it was up to the venue managers concerned to consider whether and where, for the purpose of ensuring environmental hygiene, to place cigarette butt containers and/or litter bins with ashtray outside the boundaries of NSAs for smokers to properly dispose the cigarette butts before entering NSAs.</p> <p>The Chairman requested the Administration to follow up with the venue managers concerned on members' suggestion in this regard and to provide supplementary information after the meeting.</p>	Admin (item (a)(i) of Annex B refers)
005331 - 010432	Chairman Admin	The Chairman's enquiry and the Administration's response on how publicity and enforcement would be taken/stepped up for the purpose of facilitating the implementation of the smoking ban at the three BIs covered by the Order.	

Time marker	Speaker	Subject(s)/Discussion	Action Required
		<p>The Administration was requested to provide supplementary information to address the following concerns raised by the Chairman:</p> <p>(a) whether the Administration would strengthen the publicity on the ground, by arranging mobile broadcast of television/ radio Announcement in the Public Interest and display of posters/signs against smoking within and outside the boundaries of NSAs at each BI as well as deploying smoke-free ambassadors to distribute publicity materials; and</p> <p>(b) the Tobacco Control Office's enforcement plan at NSAs of the three BIs after the Order had come into operation on 31 August 2018, including whether proactive inspections would be arranged at these NSAs to enhance the deterrent effect and, if yes, how frequent such inspections would be conducted.</p> <p>Regarding further extension of NSAs to include additional areas such as other BIs and bus stops, the Chairman suggested the Administration according priority to those bus stops located at places where the Air Quality Health Index persistently stayed at a high level.</p>	<p>Admin (items (a)(ii) and (b) of Annex B refers)</p>
<p>010433 - 012715</p>	<p>Chairman ALA3 Dr Helena WONG Admin</p>	<p>Examination of the provisions of the Order.</p> <p>ALA3's observation that no difficulties had been identified relating to the legal and drafting aspects of the bilingual texts of the Order.</p> <p>Noting that some of the adjoining facilities of the three BIs currently under scrutiny were already statutory NSAs (e.g. subways adjoining the Lantau Toll Plaza Bus BI), the Chairman expressed view that the contents and channels of publicity on the smoking ban at the three BIs should be coordinated to achieve maximum impact.</p> <p>The Administration was requested to provide supplementary information on whether the park adjoining the Aberdeen Toll Plaza (Aberdeen bound) was already designated as an NSA.</p>	<p>Admin (item (c) of Annex B refers)</p>

Time marker	Speaker	Subject(s)/Discussion	Action Required
012716 - 013152	Chairman Dr Helena WONG Admin	<p>Completion of scrutiny and the date of reporting the Subcommittee's deliberations to the House Committee. The Subcommittee's agreement that the Chairman should move a motion at the Council meeting of 13 June 2018 to extend the scrutiny period of the Order to the Council meeting of 4 July 2018.</p> <p>As the Administration would brief the Panel on Health Services at the meeting on 19 June 2018 on the legislative proposal to regulate e-cigarettes and other new tobacco products, Dr Helena WONG requested the Administration to provide the Panel with the results of laboratory tests conducted by the Administration on e-cigarettes and heat-not-burn products, including the detailed scientific analyses and assessment of the effect of the smoke of such substance on health.</p>	Admin (paragraph 2 of Annex B refers)

Council Business Division 2
Legislative Council Secretariat
26 June 2018

**Subcommittee on Smoking (Public Health) Ordinance
(Amendment of Schedule 2) Order 2018**

**List of follow-up actions arising from the discussion
at the meeting on 5 June 2018**

The Administration was requested to provide the Subcommittee with supplementary information to address the following issues raised by members:

- (a) for the purpose of facilitating the implementation of the smoking ban at the three bus interchanges ("BIs") covered by the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018 ("the Order"):
 - (i) whether the relevant venue managers of the three BIs would provide cigarette butt containers and/or litter bins with ashtray at areas outside the boundary of the designated no smoking areas ("NSAs") after taking the physical settings of the areas concerned into account, such that smokers could dispose the cigarette butts properly before entering into NSAs;
 - (ii) whether the Administration would strengthen the publicity on the ground, by arranging mobile broadcast of television/radio Announcement in the Public Interest and display of posters/signs against smoking within and outside the boundary of NSAs at each BI as well as deploying smoke-free ambassadors to distribute publicity materials;
- (b) the Tobacco Control Office's enforcement plan at NSAs of the three BIs after the Order had come into operation on 31 August 2018, including whether proactive inspections would be arranged at these NSAs to enhance the deterrent effect and, if yes, how frequent such inspections would be conducted; and
- (c) regarding the Aberdeen Tunnel BI, whether the park adjoining the Aberdeen Toll Plaza (Aberdeen bound) was already designated as NSA.

2. As the Administration planned to brief the Panel on Health Services ("the Panel") at the meeting on 19 June 2018 on the legislative proposal to regulate electronic cigarettes and other new tobacco products, the Administration was requested to provide the Panel with the results of laboratory tests conducted by the Administration on electronic cigarettes and heat-not-burn tobacco products, including the detailed scientific analyses and assessment of the effect of the smoke of such substance on health.