

立法會
Legislative Council

LC Paper No. CB(2)1964/18-19

(These minutes have been
seen by the Administration)

Ref : CB2/BC/4/18

Bills Committee on Smoking (Public Health) (Amendment) Bill 2019

**Minutes of the second meeting
held on Saturday, 13 April 2019, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Members present :

- Hon KWOK Wai-keung, JP (Chairman)
- Dr Hon Elizabeth QUAT, BBS, JP (Deputy Chairman)
- Hon LEUNG Yiu-chung
- Hon Tommy CHEUNG Yu-yan, GBS, JP
- Prof Hon Joseph LEE Kok-long, SBS, JP
- Hon WONG Ting-kwong, GBS, JP
- Hon Paul TSE Wai-chun, JP
- Hon Frankie YICK Chi-ming, SBS, JP
- Hon YIU Si-wing, BBS
- Hon MA Fung-kwok, SBS, JP
- Hon Charles Peter MOK, JP
- Hon CHAN Chi-chuen
- Hon Kenneth LEUNG
- Hon Alice MAK Mei-kuen, BBS, JP
- Dr Hon KWOK Ka-ki
- Hon Christopher CHEUNG Wah-fung, SBS, JP
- Dr Hon Fernando CHEUNG Chiu-hung
- Dr Hon Helena WONG Pik-wan
- Hon IP Kin-yuen
- Ir Dr Hon LO Wai-kwok, SBS, MH, JP
- Hon CHUNG Kwok-pan
- Hon Andrew WAN Siu-kin
- Hon CHU Hoi-dick
- Hon Jimmy NG Wing-ka, JP
- Dr Hon Junius HO Kwan-yiu, JP
- Hon HO Kai-ming
- Hon SHIU Ka-fai
- Hon SHIU Ka-chun

Dr Hon Pierre CHAN
Hon HUI Chi-fung
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon AU Nok-hin

Member attending : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP

Members absent : Hon Dennis KWOK Wing-hang
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon Jeremy TAM Man-ho

Public Officers attending : Prof Sophia CHAN Siu-chee, JP
Secretary for Food and Health

Miss Amy YUEN
Deputy Secretary for Food and Health (Health) 2
Food and Health Bureau

Dr FUNG Ying
Head (Tobacco and Alcohol Control Office)
Department of Health

Dr Manny LAM
Senior Medical and Health Officer (Tobacco and
Alcohol Control Office) 1
Department of Health

Mr Ellis LAI
Assistant Commissioner (Intelligence and Investigation)
Customs and Excise Department

Attendance by invitation : *Session One*

Frontline Doctors' Union

Dr CHAN Tsz-tai
Vice Chairperson

Patients and Health Professional Rights Association

Dr Jeffrey PONG
Chairman

Miss WANG Lijun

Miss LEUNG Lok-tung

The Lion Rock Institute

Mr NG Kin-wah
Event Officer

HK Cancer Reduction Association

Mr SHUEN Pak-man
Convener

Miss CHEN Ting-ting

Mr LEUNG Kwok-hung

Hong Kong Vape Association

Mr CHAN Man-fai
President

Vape Trick Academy of Hong Kong

Miss TSANG Chik-nam
Director

Hong Kong Vape Shop Alliance

Mr LAM Mang-yu
副主席

British-American Tobacco Company (Hong Kong)
Limited

Mr Dominic Adrian Geiser
Partner of Herbert Smith Freehills on behalf of British-
American Tobacco Company (Hong Kong) Limited

Miss TANG Tsz-ching

Hong Kong Patients' Voices

Mr LAM Chi-yau
Chairman

The Hong Kong Medical Association

Dr David LAM Tzit-yuen
Vice President

Coalition of Hong Kong Newspaper and Magazine
Merchants

Mr LIU Sair-ching
Chairperson

Miss CHEUNG Sin-ying

Hong Kong Academy of Medicine

Mr CHENG Chung-hang
Chief Executive Officer

Cancer Strategy Concern Group

Mr Samuel MAK
Spokeman

Liberal Party Youth Committee

Mr Dan CHAN
副主席

Friends of the Earth (HK) Charity Ltd

Dr Francis KEE
Project Manager

港九新界販商社團聯合會

王延華先生
常務副主席兼秘書長

香港報販協會

林長富先生
副主席

渣甸坊販商協會

劉啟明先生
主席

香港吸煙愛好者大聯盟

鄭成林先生
發言人

萬順國際旅遊有限公司

莊少川先生
董事

香港島各界李茂蘭新星龍獅團

楊思遠先生
代表

香港知青聯

Mr POON Chi-ming
代表

Mr Henry LEUNG Kwok-kei

Horizon IP Pte Ltd

Mr Dexter CHIN Kam
Patent Attorney

Macau Social Security Society

Mr HAN Yue
Committee Member

Session Two

Mr CHEUNG Kai-hin

莫建榮先生

Modern Rich Group Limited

Mr Jerry Nicholas FUNG
General Manager

Arena Corporations Limited

Mr LOK Kwun-ming
Director

Mr ZHANG Shiliang

亞寶報檔

Mr LEUNG Kam-ping
Person In Charge

Association of Private Medical Specialists of Hong Kong

Dr Veronica WAI Yuk-chun
Council Member

Miss Madeleine LAU

Coalition On Tobacco Affairs Limited

Ms HU Yimei
Chairman

Wing Fat Fruit Store

Mr TANG Chi-hong
Owner

Wan Kau Store

Ms SIU Yin-kei
Store Owner

Philip Morris Asia Limited

Ms SIU Yuen-kan
Head of External Affairs

Medical Students' Subcommittee, Youth Committee,
Hong Kong Medical Association

Mr WONG Ching-him
Convenor (The Chinese University of Hong Kong)

Ms Kay WONG

Mr CHOW Hoo-keen

Hong Kong College of Community Medicine

Dr Thomas TSANG Ho-fai
President

笑記報檔

Ms KWONG Yau-hop
報檔員工

恒發報社

Ms CHEUNG Shun-kai
檔主

光輝報社

Mr WONG Chung-po
老闆

Japan Tobacco (Hong Kong) Limited

Mr Keizo Morikawa
General Manager

Kerry Logistics (HK) Limited

Mr LI Kin-wah
Assistant Manager - Logistics Solutions

Youth Quitline

Dr William LI Ho-cheung

Hong Kong Council on Smoking and Health

Mr Antonio KWONG Cho-shing
Chairman

Dr WANG Man-ping

Mr Peter FUNG Ming-yu

郭記報檔

Mr KWOK Chi-wo
負責人

Mr Bernard Girault

Miss Jeannette LEE Ching-tsun

Mr Eddie Jr. CHAN YU-him

North American Medical Association of HK

Dr Raymond TSO

Session Three

Mr CHEN Jianjiu

Miss YAN Choi-kei

Miss LEUNG May-kam

Miss SZETO Chun-yin

Miss KONG Yuk-chun

Luen Wah Development Company

Mr YUEN Hong-kit
Director

Mr LAM Ho-fung

Mr LAM Pui-wa

German Automobiles Limited

Mr LEUNG Yiu-hung
Customer Service Manager

Mr Lyon PONG Ting-bong

Mr LEUNG Yat-ming

日報社

Miss SING Yuk-ying
售貨員

Mr LI Chun-yat

Ever Fortune Tobacco Limited

Mr Wilson SIT
Director

Sky Horse Advertising Decoration Company

馬迪安先生
技術員

林沃文先生

Mr CHU Heng-feng

Prof Kevin K. TSUI

Miss Elizabeth TSANG

Community Drug Advisory Council

Miss Amy PAU Yuen-yee
Project In-charge (English Service)

兩益書報社

Mr PAK Wing-lok
老闆

Fuk Chak Compradore

Mr CHAN Ming-tsun
Store Owner

Mr Samson WEI

Ms MUNG Yuen-kam

Mr LEE Hau-chi

Hong Kong Doctors Union

Dr Henry YEUNG Chiu-fat
President

Mr Brian CHIU Wei-chiang

Lo Sun Sam Hing Advertising Decoration Ltd

羅天賜先生
公司代表

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Miss Kay CHU
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

Action

I. Meeting with deputations and the Administration

[File Ref: FH CR 1/3231/19, LC Paper Nos. LS48/18-19, CB(2)966/18-19(02), CB(2)1175/18-19(01) to (03) and CB(3)397/18-19]

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

2. The Bills Committee received oral representation from 89 deputations on the Smoking (Public Health) (Amendment) Bill 2019 ("the Bill").

3. The Bills Committee noted that there were thousands of written submissions from organizations and individuals not attending the meeting. In view of the large number of the written submissions received, they would be issued to members in electronic form in batches.

Admin

4. The Bills Committee requested the Administration to:

- (a) provide response to a suggestion that the Bill should provide for an exemption from the prohibition of importing any alternative smoking products as set out in the proposed new section 15DA(1) of the Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance") if the products were brought into Hong Kong and removed from the aircraft, vehicle or vessel concerned solely for the purpose of exporting them after repacking within Hong Kong; and
- (b) in respect of the existing section 3(2A) of the Ordinance which provided that a person was exempt from the prohibition of smoking or carrying a lighted cigarette, cigar or pipe in a no smoking area if the exemptions for live performance and recording for film or television programme as provided for in Schedule 5 to the Ordinance applied, advise whether it would extend those exemptions to the smoking or carrying of an activated alternative smoking product in a no smoking area.

II. Any other business

5. The Chairman reminded members that the Bills Committee would next meet on 25 April 2019 at 9:00 am to 6:30 pm and on 27 April 2019 from 10:00 am to 5:00 pm to continue to receive public views on the Bill.

Action

6. There being no other business, the meeting ended at 4:29 pm.

Council Business Division 2
Legislative Council Secretariat
10 October 2019

**Proceedings of the second meeting of
the Bills Committee on Smoking (Public Health) (Amendment) Bill 2019
held on Saturday, 13 April 2019, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with deputations and the Administration</i>			
001359 - 001956	Chairman	Opening remarks	
<i>Session One</i>			
001957 - 002222	Frontline Doctors' Union	Presentation of views (LC Paper No. CB(2)1175/18-19(04))	
002223 - 002528	Patients and Health Professional Rights Association	Presentation of views (LC Paper No. CB(2)1275/18-19(02))	
002529 - 002648	Miss WANG Lijun	Presentation of views (LC Paper No. CB(2)1175/18-19(05))	
002649 - 002917	Miss LEUNG Lok-tung	Presentation of views (LC Paper No. CB(2)1175/18-19(06))	
002918 - 003059	The Lion Rock Institute	Presentation of views	
003100 - 003359	HK Cancer Reduction Association	Presentation of views (LC Paper No. CB(2)1175/18-19(07))	
003400 - 003610	Miss CHEN Ting-ting	Presentation of views (LC Paper No. CB(2)1175/18-19(08))	
003611 - 003910	Mr LEUNG Kwok-hung	Presentation of views	
003911 - 004210	Hong Kong Vape Association	Presentation of views (LC Paper No. CB(2)1175/18-19(09))	
004211 - 004418	Vape Trick Academy of Hong Kong	Presentation of views (LC Paper No. CB(2)1175/18-19(10))	
004419 - 004719	Hong Kong Vape Shop Alliance	Presentation of views (LC Paper No. CB(2)1298/18-19(01))	
004720 - 005024	British-American Tobacco Company (Hong Kong) Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(11))	
005025 - 005325	Miss TANG Tsz-ching	Presentation of views (LC Paper No. CB(2)1213/18-19(01))	
005326 - 005626	Hong Kong Patients' Voices	Presentation of views	

Time marker	Speaker	Subject(s)/Discussion	Action required
005627 - 005925	The Hong Kong Medical Association	Presentation of views (LC Paper No. CB(2)1175/18-19(12))	
005926 - 010229	Coalition of Hong Kong Newspaper and Magazine Merchants	Presentation of views (LC Paper No. CB(2)1175/18-19(13))	
010230 - 010539	Miss CHEUNG Sin-ying	Presentation of views (LC Paper No. CB(2)1175/18-19(14))	
010540 - 010830	Hong Kong Academy of Medicine	Presentation of views (LC Paper No. CB(2)1175/18-19(15))	
010831 - 011123	Cancer Strategy Concern Group	Presentation of views (LC Paper No. CB(2)1224/18-19(02))	
011124 - 011421	Liberal Party Youth Committee	Presentation of views	
011422 - 011722	Friends of the Earth (HK) Charity Ltd	Presentation of views (LC Paper No. CB(2)1175/18-19(16))	
011723 - 012036	港九新界販商社團聯合會	Presentation of views (LC Paper No. CB(2)1175/18-19(17))	
012037 - 012409	香港報販協會	Presentation of views (LC Paper No. CB(2)1175/18-19(18))	
012410 - 012615	渣甸坊販商協會	Presentation of views (LC Paper No. CB(2)1175/18-19(19))	
012616 - 012926	香港吸煙愛好者大聯盟	Presentation of views (LC Paper No. CB(2)1175/18-19(20))	
012927 - 013228	萬順國際旅遊有限公司	Presentation of views (LC Paper No. CB(2)1175/18-19(21))	
013229 - 013539	香港島各界李茂蘭新星龍獅團	Presentation of views (LC Paper No. CB(2)1175/18-19(22))	
013540 - 013857	香港知青聯	Presentation of views (LC Paper No. CB(2)1175/18-19(23))	
013858 - 014207	Mr Henry LEUNG Kwok-kei	Presentation of views [At 10:36 am, Deputy Chairman took the chair in the temporary absence of the Chairman.]	
014208 - 014543	Horizon IP Pte Ltd	Presentation of views (LC Paper No. CB(2)1175/18-19(25))	
014544 - 014821	Macau Social Security Society	Presentation of views (LC Paper No. CB(2)1175/18-19(26))	
014822 - 015656	Deputy Chairman Admin	Responding to the deputations' views, the Administration elaborated on the multi-pronged tobacco control approach and the justifications for the proposed prohibition of the import,	

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		<p>manufacture or sale and restriction of the giving, possession or promotion ("full ban") of prescribed alternative smoking products ("ASPs") as set out in paragraphs 2 to 10 of the Legislative Council ("LegCo") Brief [File Ref: FH CR 1/3231/19], and added the following points:</p> <p>(a) there was a lack of sufficient evidence to prove that ASPs could help quit smoking. Smokers, be they users of ASPs or conventional cigarettes, should quit smoking by using methods that had been proven effective and safe, such as nicotine replacement therapy; and</p> <p>(b) the Smoking (Public Health) (Amendment) Bill 2019 ("the Bill"), if passed, would come into operation on the expiry of six months after the day on which it was published in the Gazette as an Ordinance.</p>	
015657 - 020745	Deputy Chairman Mr SHIU Ka-fai Mr CHAN Chi-chuen Mr SHIU Ka-chun Admin	<p>Mr SHIU Ka-fai's remarks that (a) he objected to the proposed full ban which would deprive adult smokers of the right to choose their preferred smoking products; (b) users of heat-not-burn ("HNB") products, which produced no ash, smoke or unpleasant smell, in general were reluctant to switch to conventional cigarettes; and (c) he did not agree to the view expressed by Friends of the Earth (HK) Charity Ltd as the use of conventional cigarettes, which required lighters and left cigarette butts, was not more environmental friendly than the use of ASPs.</p> <p>Mr CHAN Chi-chuen opined that there was lack of conclusive evidence on the level of health risk associated with ASPs to justify imposing a total ban on these new products. On the concern raised by some deputations from the medical profession about the health cost associated with the use of ASPs, he said that a total ban should be imposed on conventional cigarettes which were also harmful to health. Referring to paragraphs 14 and 15 of LC Paper No. CB(2)1175/18-19(03), he queried why the Administration considered that a proposed amendment to the long title of the Bill to prohibit the import, manufacture or sale, or use in certain places, of prescribed smoking products; and to restrict the giving, possession, advertising or promotion of the products should not be allowed to be moved. Mr SHIU Ka-chun, who declared that he was an ex-smoker, said that he objected to the proposed full ban on ASPs. He asked why the Administration did not propose a full ban on all types of tobacco products, including conventional cigarettes, if they were all harmful to health.</p> <p>The Administration advised that the Bill was aimed at, among others, ensuring that the achievement in tobacco control over the years would not be undermined. It would continue to adopt a multi-pronged approach with a view to lowering the smoking prevalence to 7.8% by 2025 and moving toward the target of the World Health Organization to achieve the endgame for tobacco.</p> <p>In response to Mr SHIU Ka-chun's concern over the impact that might be brought about by the legislative proposals on licensed newspaper hawkers who sought to be allowed to sell ASPs</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>under their licences in the future so as to provide other sources of income, the Administration advised that the Food and Environmental Hygiene Department ("FEHD") would continue to communicate with the licensed newspaper hawkers in relation to their operating environment.</p>	
020746 - 021200	Deputy Chairman Mr YIU Si-wing Admin	<p>Mr YIU Si-wing said that he was inclined to support the Bill but was concerned that the legislative proposals to prohibit the bringing in of ASPs into Hong Kong by incoming travellers but not the use of ASPs in Hong Kong otherwise than in a no smoking area ("NSA") or public transport carrier might (a) cause inconvenience to those travellers who would travel to other places (such as the Mainland and Macau) after their stay in Hong Kong; and (b) result in incoming travellers contravening the law unintentionally. He suggested that non-frequent incoming travellers should be allowed to bring in a certain number of ASPs for their own use.</p> <p>The Administration advised that if the Bill was passed, it would step up publicity to enhance incoming travellers' awareness of the prohibition requirement. It intended to adopt a lenient enforcement approach in this regard at the early stage of the coming into operation of the relevant provisions.</p>	
021201 - 021656	Deputy Chairman Dr CHENG Chung-tai	<p>Dr CHENG Chung-tai's remark that some deputations that supported the Bill were also in support of imposing a full ban on conventional cigarettes which were known to be harmful, whereas some other deputations that were against the Bill had criticized the Administration for not imposing a total ban across the board but only on ASPs which, in their view, were less harmful to the health of smokers and bystanders who exposed to secondhand aerosol. He surmised that the Administration was favoring those traders involved in conventional cigarette business, and was concerned that the proposed arrangement of not prohibiting the use of ASPs otherwise than in a NSA or public transport carrier might lead to black market trade.</p> <p>The Administration stressed that under the multi-pronged approach, efforts would continuously be made to reduce smoking prevalence. A full ban would be the most effective form of control when new tobacco products, with many of them being developed by conventional cigarette manufacturing companies, had not yet established themselves in a market. It should also be noted that the claim that ASPs contained a lower level of harmful constituents in their aerosol was still debatable.</p>	
<i>Break</i>			
<i>Session Two</i>			
022509 - 022658	Deputy Chairman	Opening remarks	
022659 - 022955	莫建榮先生	Presentation of views (LC Paper No. CB(2)1175/18-19(28))	

Time marker	Speaker	Subject(s)/Discussion	Action required
022956 - 023258	Mr CHEUNG Kai-hin	Presentation of views (LC Paper No. CB(2)1175/18-19(27))	
023259 - 023503	Modern Rich Group Limited	Presentation of views (LC Paper No. CB(2)1224/18-19(23))	
023504 - 023749	Arena Corporations Limited	Presentation of views (LC Paper No. CB(2)1224/18-19(24))	
023750 - 023844	Mr ZHANG Shiliang	Presentation of views (LC Paper No. CB(2)1175/18-19(29))	
023845 - 024029	亞寶報檔	Presentation of views (LC Paper No. CB(2)1213/18-19(02))	
024030 - 024343	Association of Private Medical Specialists of Hong Kong	Presentation of views (LC Paper No. CB(2)1175/18-19(30))	
024344 - 024604	Miss Madeleine LAU	Presentation of views	
024605 - 024917	Coalition On Tobacco Affairs Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(31))	
024918 - 025217	Wing Fat Fruit Store	Presentation of views (LC Paper No. CB(2)1213/18-19(05))	
025218 - 025439	Wan Kau Store	Presentation of views (LC Paper No. CB(2)1213/18-19(06))	
025440 - 025744	Philip Morris Asia Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(32)) [At 11:53 am, the Chairman re-took the chair.]	
025745 - 030049	Medical Students' Subcommittee, Youth Committee, Hong Kong Medical Association	Presentation of views (LC Paper No. CB(2)1175/18-19(33))	
030050 - 030334	Ms Kay WONG	Presentation of views (LC Paper No. CB(2)1175/18-19(34))	
030335 - 030642	Mr CHOW Hoo-keen	Presentation of views (LC Paper No. CB(2)1175/18-19(35))	
030643 - 030927	Hong Kong College of Community Medicine	Presentation of views (LC Paper No. CB(2)1175/18-19(36))	
030928 - 031004	笑記報檔	Presentation of views (LC Paper No. CB(2)1175/18-19(37))	
031005 - 031204	恒發報社	Presentation of views (LC Paper No. CB(2)1175/18-19(38))	

Time marker	Speaker	Subject(s)/Discussion	Action required
031205 - 031512	光輝報社	Presentation of views (LC Paper No. CB(2)1175/18-19(39))	
031513 - 031814	Japan Tobacco (Hong Kong) Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(40))	
031815 - 031949	Kerry Logistics (HK) Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(41))	
031950 - 032233	Youth Quitline	Presentation of views (LC Paper No. CB(2)1175/18-19(42))	
032234 - 032533	Hong Kong Council on Smoking and Health	Presentation of views (LC Paper No. CB(2)1175/18-19(43))	
032534 - 032827	Dr WANG Man-ping	Presentation of views (LC Paper No. CB(2)1175/18-19(44))	
032828 - 033109	Mr Peter FUNG Ming-yu	Presentation of views (LC Paper No. CB(2)1213/18-19(07))	
033110 - 033324	郭記報檔	Presentation of views (LC Paper No. CB(2)1175/18-19(45))	
033325- 033524	Mr Bernard Girault	Presentation of views (LC Paper No. CB(2)1175/18-19(101))	
033525 - 033819	Miss Jeannette LEE Ching-tsun	Presentation of views (LC Paper No. CB(2)1213/18-19(08))	
033820 - 034137	Mr Eddie Jr. CHAN YU-him	Presentation of views (LC Paper No. CB(2)1213/18-19(09))	
034138 - 034403	North American Medical Association of HK	Presentation of views (LC Paper No. CB(2)1275/18-19(03))	
034404 - 035055	Chairman Admin	Responding to the deputations' views, the Administration reiterated its justifications for the legislative proposals; and added the following points: (a) it would enhance the smoking cessation services and step up publicity to raise public awareness that there was no safe level of exposure to tobacco smoke and ASPs could not be regarded as less harmful until it was so proven; and (b) the Customs and Excise Department ("C&ED") had been making vigorous efforts in combating the smuggling, distribution and peddling of illicit tobacco products. In 2018, the case number of duty-not-paid tobacco products (i.e. illicit tobacco products) detected by C&ED increased by about 71% to 13 582 cases (with 12 097 cases detected at boundary control points) when compared with that in 2017 and 53.4 million sticks of cigarettes were seized.	
035056 - 035401	Chairman Mr AU Nok-hin	Mr AU Nok-hin considered it inconvincible to continue to allow the import, manufacture and sale of conventional cigarettes but impose a full ban on ASPs. To strike a proper balance, it was	

Time marker	Speaker	Subject(s)/Discussion	Action required
		more appropriate to introduce a regulatory regime to prohibit the sale of ASPs to minors under the age of 18 but allow adult smokers the option of switching to ASPs.	
035402 - 035716	Chairman Dr Junius HO	Indicating support to a full ban on all types of tobacco products, Dr Junius HO said that he inclined to support the legislative proposals which could help prevent the emerge of a new generation of smokers. However, the Administration should not take forward the legislative exercise unless it had addressed the concern about the rationale for proposing a full ban on ASPs but not on conventional cigarettes and other tobacco products. He suggested that the Administration should introduce a register of smokers to keep smoking prevalence at the current level or below.	
035717 - 040740	Chairman Dr Pierre CHAN Dr Helena WONG Dr Fernando CHEUNG	<p>Dr Pierre CHAN and Dr Fernando CHEUNG's call for an early passage of the Bill. Dr Pierre CHAN was wary that if the Administration did not impose a full ban on ASPs, smoking prevalence would rebound and the efforts of the Administration in promoting primary healthcare for chronic disease prevention would be undermined as tobacco use was one of the major causes for cancer, chronic obstructive pulmonary disease, heart disease, lung disease and stroke. Expressing support for the introduction of a full ban on all types of smoking products for public health, Dr Fernando CHEUNG urged the Administration to map out a concrete plan to reduce smoking prevalence.</p> <p>Dr Helena WONG sought clarification from the Administration on the health effect of ASPs, in particular HNB products.</p> <p>The Administration's response that all tobacco products were harmful to health and there was no safe level of exposure to tobacco smoke; and that efforts would continuously be made to encourage smokers to quit smoking by using methods that had been proven effective and safe.</p>	
040741 - 041050	Chairman Mr SHIU Ka-fai Coalition on Tobacco Affairs Limited	<p>Mr SHIU Ka-fai's remarks that (a) many members of the public might not fully understand the difference between electronic cigarettes ("e-cigarettes") and HNB products; and (b) a full ban on conventional cigarettes, if introduced, would induce strong negative responses from the community.</p> <p>At Mr SHIU Ka-fai's invitation, Coalition on Tobacco Affairs Limited elaborated on the reasons why there was a significant gateway effect brought about by e-cigarettes to young adults in the United States, the reduction in smoking prevalence in Japan, and the New Zealand's regulatory approach for e-cigarettes and HNB products; and urged the Administration to restrict the access of minors under the age of 18 to ASPs but not to impose a full ban on these products.</p>	
041051 - 041445	Chairman Mr CHAN Chi-chuen	Mr CHAN Chi-chuen's remark that he objected to the Bill and he considered that individual types of ASPs should be regulated under a separate regime; and his enquiry as to whether the Administration would impose a full ban on all types of smoking products if there was a consensus among Members.	

Time marker	Speaker	Subject(s)/Discussion	Action required
		The Administration's advice that it took time to reduce smoking prevalence. Apart from setting the target of lowering the smoking prevalence to 7.8% by 2025, it would continue to work toward the endgame for tobacco.	
041446 - 041905	Chairman Dr CHENG Chung-tai	<p>Dr CHENG Chung-tai's view that the legislative proposal of not prohibiting the use of prescribed ASPs otherwise than in a NSA or public transport carrier would give rise to black market trade; and his question about whether a courier service operator would constitute distributing an ASP if it delivered the product, which was deposited by the supplier in response to an online order, to a person in Hong Kong.</p> <p>Replying in the negative, the Administration advised that the proposed new section 15DA(1)(d) of the Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance") only prohibited a person to give an ASP to another person for promotion or advertisement; in exchange for a token; or as a prize in any event or competition. However, depending on the facts and circumstances of each individual case, the person who placed the online order and caused the ASP to be brought into Hong Kong would be deemed to be the person who imported the product and hence, had contravened the proposed new section 15DA(1)(a) of the Ordinance.</p>	
<i>Break</i>			
<i>Session Three</i>			
052110 - 052234	Chairman	Opening remarks	
052235 - 052534	Mr CHEN Jianjiu	Presentation of views (LC Paper No. CB(2)1175/18-19(46))	
052535 - 052804	Miss YAN Choi-kei	Presentation of views (LC Paper No. CB(2)1175/18-19(48))	
052805 - 052954	Miss LEUNG May-kam	Presentation of views (LC Paper No. CB(2)1213/18-19(10))	
052955 - 053203	Miss SZETO Chun-yin	Presentation of views (LC Paper No. CB(2)1175/18-19(49))	
053204 - 053353	Miss KONG Yuk-chun	Presentation of views (LC Paper No. CB(2)1213/18-19(11))	
053354 - 053517	Luen Wah Development Company	Presentation of views (LC Paper No. CB(2)1224/18-19(08))	
053518 - 053617	Mr LAM Ho-fung	Presentation of views (LC Paper No. CB(2)1224/18-19(09))	
053718 - 053725	Mr LAM Pui-wa	Presentation of views (LC Paper No. CB(2)1224/18-19(10))	
053726 - 054008	German Automobiles Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(51))	

Time marker	Speaker	Subject(s)/Discussion	Action required
054009 - 054108	Mr Lyon PONG Ting-bong	Presentation of views (LC Paper No. CB(2)1224/18-19(11))	
054109 - 054201	Mr LEUNG Yat-ming	Presentation of views (LC Paper No. CB(2)1224/18-19(12))	
054202 - 054352	日報社	Presentation of views (LC Paper No. CB(2)1175/18-19(52))	
054353 - 054500	Mr LI Chun-yat	Presentation of views (LC Paper No. CB(2)1224/18-19(13))	
054501 - 054750	Ever Fortune Tobacco Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(53))	
054751 - 054937	Sky Horse Advertising Decoration Company	Presentation of views (LC Paper No. CB(2)1224/18-19(14))	
054938 - 055138	林沃文先生	Presentation of views (LC Paper No. CB(2)1224/18-19(15))	
055139 - 055446	Mr CHU Heng-feng	Presentation of views (LC Paper No. CB(2)1213/18-19(12))	
055447 - 055605	Ms MUNG Yuen-kam	Presentation of views (LC Paper No. CB(2)1213/18-19(16))	
055606 - 055905	Prof Kevin K. TSUI	Presentation of views (LC Paper No. CB(2)1175/18-19(55))	
055906 - 060216	Miss Elizabeth TSANG	Presentation of views (LC Paper No. CB(2)1175/18-19(56))	
060217 - 060508	Community Drug Advisory Council	Presentation of views (LC Paper No. CB(2)1175/18-19(57))	
060509 - 060624	兩益書報社	Presentation of views (LC Paper No. CB(2)1175/18-19(58))	
060625 - 060837	Fuk Chak Compradore	Presentation of views (LC Paper No. CB(2)1175/18-19(59))	
060838 - 061137	Mr Samson WEI	Presentation of views (LC Paper No. CB(2)1175/18-19(60))	
061138 - 061233	Mr LEE Hau-chi	Presentation of views (LC Paper No. CB(2)1213/18-19(17))	
061234 - 061459	Hong Kong Doctors Union	Presentation of views (LC Paper No. CB(2)1224/18-19(03))	
061500 - 061634	Mr Brian CHIU Wei-chiang	Presentation of views (LC Paper No. CB(2)1175/18-19(61))	
061635 - 061749	Lo Sun Sam Hing Advertising Decoration Ltd	Presentation of views (LC Paper No. CB(2)1224/18-19(16))	

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061750 - 062340	Chairman Admin	<p>Responding to the deputations' views, the Administration's elaboration on the harmful effects of ASPs and the efforts to be made by FEHD to understand the licensed newspaper hawkers' concerns on their operating environment as mentioned in the earlier part of the meeting and its advice that:</p> <p>(a) any HNB products containing tobacco in content were dutiable commodities subject to the regulation of the Dutiable Commodities Ordinance (Cap. 109). Any person who imported, possessed, sold or bought these commodities without a valid licence committed an offence. Incoming passengers bringing in HNB products, for their own use, in excess of the statutory duty-free concessions had to declare to Customs Officers and make duty payment; and</p> <p>(b) the number of illicit HNB products seized by C&ED had increased significantly from 0.74 million (out of the 60 million tobacco products seized) in 2017 to 8 million (out of the 53.4 million tobacco products seized) in 2018. In the first two months of 2019, 1.03 million illicit HNB products had been seized.</p>	
062341 - 062856	Chairman Admin	<p>The Chairman remarked that it was worthy to think about the genuine purpose of the development of HNB products by the conventional cigarette manufacturers.</p> <p>On the enforcement against illicit tobacco activities, the Chairman surmised that the growth of HNB product use was attributed by the increase in illicit trade in these products as the prices of illicit products were much lower than the licit products. He asked whether adopting a regulatory approach or a full ban approach for HNB products would render enforcement in this regard more difficult than before. Citing the statistics in relation to the illicit cases detected by C&ED in 2017 and 2018, the Administration advised that it had stepped up enforcement action at boundary control points against illicit tobacco products (including HNB products) in view of the "ants-moving-home" tactic adopted by syndicates to smuggle illicit tobacco products into Hong Kong.</p>	
062857 - 063859	Chairman Mr WAN Siu-kin Admin Mr Kenneth LEUNG	<p>Mr WAN Siu-kin declared that he was a non-smoker and he was against the use of e-cigarettes. However, he could not see the logic why HNB products, but not the more harmful conventional cigarettes and tobacco products, should be subject to a full ban. In his view, the Administration should introduce risk-proportionate regulation for different tobacco products.</p> <p>Declaring that he was a non-smoker, Mr Kenneth LEUNG sought information about findings of studies on the substances contained in e-cigarettes and HNB products and their harmful effects associated with long-term use.</p> <p>The Administration's elaboration on the multi-pronged approach it adopted for tobacco control, and the harmful effects of e-cigarettes and HNB products as set out in paragraphs 2 to 6 and 25 to 27 in</p>	

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		Annex B to the LegCo Brief; and its advice that the legislative proposals were aimed at preventing the harm of ASPs from taking root in Hong Kong, similar to what had been achieved with the ban of smokeless tobacco products under the Smokeless Tobacco Products (Prohibition) Regulations (Cap. 132BW).	
063900 - 065736	Chairman Dr Pierre CHAN Admin Mr Frankie YICK Mr Kenneth LEUNG	<p>Dr Pierre CHAN's concern about the health and social costs associated with the use of tobacco products; and his strong call for the Administration to continue to lobby for the support of Members and members of the public for the Bill in order to prevent the harm of the newly emerged ASPs from taking root.</p> <p>The Chairman's view that there was not much controversy over introducing a full ban on e-cigarettes which contained and emitted numerous potentially toxic substances which were harmful to health. As regards HNB products, the Administration should explain clearly as to whether its policy direction should be on catering smokers' right of choice for products which, in their view, presented less risk of harm or containing the proliferation of tobacco use by preventing the emergence of a new generation of smokers using the novel smoking products.</p> <p>The Administration stressed that tobacco consumption was the single most important preventable risk factor responsible for main causes of death and chronic diseases. Protecting public health, in particular the health of children and adolescents, was the prime consideration of the Administration in proposing a total ban on ASPs. It was expected that any control short of a full ban would undermine the Administration's ongoing efforts on tobacco control. It would step up publicity on the fact that all these new smoking products were harmful to health.</p> <p>The Chairman reiterated his enquiry about whether adopting a full ban approach or a regulatory approach for HNB products would render enforcement against illicit trade of tobacco products more difficult. Mr Kenneth LEUNG asked which approach would enhance C&ED's enforcement capability and facilitate prosecution. In response, the Administration said that C&ED would combat illicit tobacco product activities according to the law. However, a regulatory regime but not a full ban would require more public education efforts and an enforcement regime with a whole new set-up involving extra resources, the use of which was considered not well-justified as these products were known to be harmful.</p> <p>Mr Frankie YICK's request for the Administration to provide a written response to his suggestion that the Bill should provide for exemption from the prohibition of importing any ASPs as set out in the proposed new section 15DA(1) of the Ordinance if the products were brought into Hong Kong and removed from the aircraft, vehicle or vessel concerned solely for the purpose of exporting them after repacking within Hong Kong.</p>	Admin
065737 - 070510	Chairman Mr MA Fung-kwok Admin	In respect of the existing section 3(2A) of the Ordinance which provided that a person was exempt from the prohibition of smoking or carrying a lighted cigarette, cigar or pipe in a NSA if	

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		<p>the exemptions for live performance and recording for film or television programme as provided for in Schedule 5 to the Ordinance applied, Mr MA Fung-kwok requested the Administration to consider whether it would extend those exemptions to the smoking or carrying of an activated ASP in a NSA.</p> <p>On Mr MA Fung-kwok's concern that the legislative proposals might deprive adult smokers, who could not quit smoking for various reasons, of the right to switch from the use of conventional cigarettes to HNB products which were claimed to be reduced-risk products, the Administration reiterated that smokers should quit smoking by using methods that had been proven effective and all tobacco products were harmful to health.</p>	<p>Admin</p>
070511 - 071033	<p>Chairman Dr Junius HO Admin</p>	<p>Dr Junius HO's view that the Administration should shelve the legislative proposals but take on board his suggestion of introducing a register of exiting smokers, whom would be the only group of people being allowed to use conventional cigarettes and ASPs within a defined period of time, to show the Administration's determination to lower smoking prevalence in order to achieve the endgame for tobacco.</p> <p>The Administration's reiteration on the justifications for the legislative proposals, and its target to further reduce smoking prevalence to 7.8% by 2025.</p>	
071034 - 072316	<p>Chairman Mr SHIU Ka-fai Admin Mr Kenneth LEUNG</p>	<p>Mr SHIU Ka-fai's view that smokers would still purchase black market ASPs if the Bill was passed; and his concerns about (a) the legislative proposal that manufacture of ASPs solely for export purpose was not allowed; (b) the comprehensiveness of the studies that the Administration had made reference to in formulating the legislative proposals; and (c) the inconvenience to be brought by the legislative proposals on incoming travellers who wished to bring ASPs into Hong Kong for their own use.</p> <p>Mr Kenneth LEUNG's concerns about the positive and negative social and economic impacts (such as the health expenditure in relation to tobacco-related illnesses, the loss in productivity due to tobacco use, and the business of the travel industry) to be brought about by the legislative proposals.</p>	
072317 - 072750	<p>Chairman Admin</p>	<p>The Chairman's views that (a) many people were more receptive to tobacco companies' marketing tactics that HNB products were clean and less harmful products; (b) it was worthy to consider whether the society as a whole should cater for existing smokers' right of choice or contain the proliferation of use of novel and emerging tobacco products; and (c) the Administration had to enhance the confidence of members of the public, in particular that of licensed newspaper hawkers, in the enforcement against illicit trade of HNB products.</p> <p>The Administration's advice that it would continue to work with C&ED to combat illicit tobacco product activities; and FEHD would examine how to improve the business operations of licensed newspaper hawkers.</p>	

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072751 - 073231	Chairman Mr SHIU Ka-fai Admin	Mr SHIU Ka-fai's remark that the 30 countries where the sale of e-cigarettes was prohibited as referred to in paragraph 17 of Annex B to the LegCo Brief were mostly less developed countries; and his query about whether the majority of chronic disease inpatients of public hospitals were smokers. The Administration stressed that smoking was a preventable causative agent of many chronic diseases, including cancers and cardiovascular diseases. Existing smokers should quit smoking for their health sake.	
<i>Agenda item II: Any other business</i>			
073232 - 073252	Chairman	Dates of the next two meetings to continue to receive views from deputations on the Bill	

Council Business Division 2
Legislative Council Secretariat
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