

**立法會**  
**Legislative Council**

LC Paper No. CB(2)156/19-20

(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 third meeting**  
**held on Thursday, 25 April 2019, at 9:00 am**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** :

Hon KWOK Wai-keung, JP (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  
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 CHEUNG Kwok-kwan, JP  
Hon LUK Chung-hung, JP  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

Dr Hon CHENG Chung-tai  
Hon Jeremy TAM Man-ho  
Hon AU Nok-hin

**Members  
absent** : Dr Hon Elizabeth QUAT, BBS, JP (Deputy Chairman)  
Hon Dennis KWOK Wing-hang  
Hon IP Kin-yuen  
Hon SHIU Ka-chun  
Dr Hon Pierre CHAN  
Hon HUI Chi-fung

**Public Officers :  
attending** *Session One*

Prof Sophia CHAN Siu-chee, JP  
Secretary for Food and Health

*Sessions Two to Four*

Dr CHUI Tak-yi, JP  
Under Secretary for Food and Health

*Sessions One to Four*

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** : *Session One*  
**by invitation**

Fanmost Limited

林源標先生  
Company Representative

廖立基先生

陳慧娜女士

Liberal Party

Mr HO Wang  
中央委員

Mr YIP Tin-lun

長發報社

Mr TANG Chi-him  
老闆

Miss LAU Wing-hei

Life Education Activity Programme

Ms Joyce LIU Hoi-shan  
Education Manager (Projects & Training)

Smoking Abstention and Good Health Association

Dr CHAN Kin-sun  
Academic Adviser

Ms CHAN Hiu-yee

Miss Janice CHEUK Heu-mien

Ms Faye FU Man-yee

Mr WONG Wing-leong

Mr YUE Kai

School of Nursing, The University of Hong Kong

Dr Janet WONG Yuen-ha  
Associate Professor

Mr LAU Wai-ming

Mr NG Kwan-lok

孔浩恩先生

Ms KWAN Kit-ching

To Kee Company

何永祥先生  
Marketing Manager

Cancerinformation.com.hk Charity Foundation

Ms Esther YUEN Chun  
Social Worker

Mr CHOI Ka-leong

吳宇豐先生

Mr Henry LEE Hing-lim

Mr LAM Ka-kit

Mr CHENG Wai-cheong

Committee on Home School Cooperation

Mr Henry TONG Sau-chai  
Chairman

Hong Kong Dental Association

Dr Haston LIU Wai-ming  
President

Mr YEUNG Ke-cheong

Federation of Parent-Teacher Associations, Tuen Mun

Ms KWAN Oi-ping  
Chairman

*Session Two*

Federation of Parent-Teacher Association, Tai Po  
District

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Mr HO Chu-ping  
President

Tobacco Association of Hong Kong Limited

Mr Danny LEUNG Chu-ming  
TAHK Legal Representative

SUTL Corporation (Hong Kong) Ltd.

Mr NG Fuk-yu  
Sales Manager

Mr TONG Jan-yu

Yuen Yuen V-Learn Women Centre

Mr Winson CHEUNG  
Operation Manager

港九煙草業職工總會

Ms CHAN Lai-sheung  
理事長

日進報社

邱景安先生  
檔主

Christian Family Service Centre

Miss WONG Wah-shun  
Senior Manager

Yan Chai Hospital (School Sponsoring Body)

Mr Vincent WONG Yin-shun  
Chairman

Mr HO Kam-chung

Sik Sik Yuen

Mr Stephen MA Chak-wa, CStJ  
Chairman

Mr HO Chun-fung

Mr Alex CHEUNG Yau-tin

Fast Printing Company Limited

Mr Danny LAM  
Sale Director

Miss FONG Po-man

Miss TANG Yan-ming

Mr LAU Tat-chi

Mr TAM Ho-nam

Mr Prahlad Chari

譚倫歡先生

Miss Shoba Rai

Mr Jonathan YUE Lap-hang

Dr Derek CHEUNG Yee-tak

Ms LAU Man-man

Mr CHAU Siu-long

Mr William CHING Tim-lam

Mr Anthony MAK Wai-ho

CHEST Delegation Hong Kong and Macau / Hong Kong  
Lung Foundation

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Dr LEE Man-po

Miss HO Long-kwan

*Session Three*

Mr Benny CHUNG Yan-chi

Miss LIN Jiahuang

Miss MOK Hoi-yan

Miss XIA Wei

Shenzhen e-Cigarette Chamber of Commerce

Mr ZHANG Yonghong  
Chairman

Ms Sharmila Gurung

Ms Renee LEE Yan-ha

Mr James TO Wai-chun

Mr Philip MIU Yin-lai

Mr Ivan TSUI Wai-lam

Mr Sam HAN Kwok-chung

Mr Eugene TSUI Yu

蘇偉業先生

Excel Media Group Limited

Mr Paul Arkwright  
Publisher & Editor-in-Chief

The Hong Kong Thoracic Society

Dr Jenny NGAI Chun-li  
Honorary Secretary

Pok Oi Hospital WFAS Acupuncture Specialist Centre

Ms CHAN Yau-man  
Assistant Chinese Medicine Service Manager

Asian Consultancy on Tobacco Control

Prof Judith Mackay  
Executive Director

NG Long-hei

Samson YUM Hin-hei

LAI Chu-kwan

Holy CHAN Ming-hei

Mr CHAN Sheung-kwan

Mathew CHOW Siu-chun

CHAU Man-fong

Mr Daniel Harding De La Vega

*Session Four*

Mr Alan WONG

Hong Kong Association of the Heads of Secondary  
Schools

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Mr Teddy TANG Chun-keung  
主席



Mr Brian Stone

Joint Council of Parent-Teacher Associations of the  
Shatin District Limited

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Ms CHAN Po-yin  
President

Ms Rita AU YEUNG Miu-ling

Mr HO Wan

Miss LAW Tin-ching

Mr TANG Kwong-yau

Miss FUNG Kam-yan

Miss Ewey TAN

Prof Balazs Szabo

Pok Oi Hospital - The Chinese University of Hong Kong  
Chinese Medicine Centre for Training and Research  
(Shatin)

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Mr CHEN Min  
Pok Oi Hospital Deputy Chinese Medicine Service  
Coordinator

Pok Oi Hospital - HK Baptist University Chinese  
Medicine Centre for Training & Research (YTM) &  
(HMT)

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Ms AU Mei-yu  
Deputy Chinese Medicine Service Coordinator

Women Quit

Dr HO Ka-yan  
Research Assistant Professor

Mr Mathiase FUNG Kai-yan

Mr LO Chun-yin

Mr KO Hong-tik

Mr WONG Dik-cheung

The Hong Kong College of Mental Health Nursing

Ms LEE Wai-fun  
Council Member

Wellness Mind Centre, The Hong Kong Federation of  
Youth Groups

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Ms HSU Siu-man  
Registered Social Worker

Pok Oi Hospital Community Chinese Medicine Clinic

Miss WONG Ka-yin  
Service Supervisor

Pok Oi Hospital Chinese Medicine Service Support  
Centre

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Miss WONG Chiu-mei  
Administrative Officer

The Hong Kong Chinese Women's Club (HKCWC Fung  
Yiu King Memorial Secondary School)

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Mr WONG Ping-shing  
Teacher

Miss Beverley LO Kar-yan

Hong Kong Association of Youth Development

Mr YEUNG Chun-yiu  
Vice-chairman

The Hong Kong Institute of Family Education

Mr Christopher YU Wing-fai  
Director

盧芷珊小姐

Mr LUK Ho-man

Kwai Tsing Safe Community and Healthy City  
Association

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Mr CHAN Siu-kuen  
General Manager

Auxiliary Medical Service Officers' Club

Mr LEE Ka-keung  
Hon. Secretary, Executive Committee

**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

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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), CB(2)1275/18-19(01) and CB(3)397/18-19]

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

2. The Bills Committee received oral representation from 114 deputations on the Smoking (Public Health) (Amendment) Bill 2019 ("the Bill").

Action  
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3. The Bills Committee requested the Administration to:
  - (a) advise the types of products whereby the import, manufacture or sale, but not the use, of which were prohibited under the existing legislation;
  - (b) provide response to a suggestion that the proposed prohibition on the manufacture of an alternative smoking product under the proposed new section 15DA(1) of the Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance") should not include the manufacture, which was solely for the purpose of export, of a component of, or accessory to, a device (other than a waterpipe) that was capable of generating an aerosol from tobacco other than by means of lighting the tobacco directly and used for smoking (such as a heating element or battery). Under Part 2 of the proposed new Schedule 7 to the Ordinance, these products were categorized as Category 2 alternative smoking products; and
  - (c) provide for reference of the Bills Committee the international studies on substances in emissions of heat-not-burn products that the Administration had studied when formulating the Bill.

## **II. Any other business**

4. The Chairman reminded members that the Bills Committee would hold its next meeting on 27 April 2019 from 10:00 am to 5:00 pm.
5. There being no other business, the meeting ended at 6:29 pm.

Council Business Division 2  
Legislative Council Secretariat  
6 November 2019

**Proceedings of the third meeting of  
the Bills Committee on Smoking (Public Health) (Amendment) Bill 2019  
held on Thursday, 25 April 2019, at 9:00 am  
in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
<i>Agenda item I: Meeting with deputations and the Administration</i>			
001614 - 002004	Chairman	Opening remarks	
<i>Session One</i>			
002005 - 002229	Fanmost Limited	Presentation of views (LC Paper No. CB(2)1224/18-19(18))	
002230 - 002426	陳慧娜女士	Presentation of views (LC Paper No. CB(2)1213/18-19(18))	
002427 - 002717	Liberal Party	Presentation of views	
002718 - 003033	Mr YIP Tin-lun	Presentation of views (LC Paper No. CB(2)1175/18-19(62))	
003034 - 003225	長發報社	Presentation of views (LC Paper No. CB(2)1213/18-19(19))	
003226 - 003359	Miss LAU Wing-hei	Presentation of views (LC Paper No. CB(2)1175/18-19(63))	
003400 - 003710	Life Education Activity Programme	Presentation of views (LC Paper No. CB(2)1175/18-19(65))	
003711 - 004035	Smoking Abstention and Good Health Association	Presentation of views (LC Paper No. CB(2)1298/18-19(03))	
004036 - 004345	Ms CHAN Hiu-yee	Presentation of views (LC Paper No. CB(2)1175/18-19(150))	
004346 - 004658	Miss Janice CHEUK Heu-mien	Presentation of views (LC Paper No. CB(2)1175/18-19(167))	
004659 - 004857	Ms Faye FU Man-yee	Presentation of views (LC Paper No. CB(2)1224/18-19(26))	
004858 - 005202	Mr WONG Wing-leong	Presentation of views (LC Paper No. CB(2)1175/18-19(69))	
005203 - 005245	廖立基先生	Presentation of views (LC Paper No. CB(2)1224/18-19(19))	
005246 - 005545	Mr YUE Kai	Presentation of views (LC Paper No. CB(2)1175/18-19(209))	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
005546 - 005817	School of Nursing, The University of Hong Kong ("HKU")	Presentation of views (LC Paper No. CB(2)1298/18-19(04))	
005818 - 010048	Mr LAU Wai-ming	Presentation of views (LC Paper No. CB(2)1175/18-19(196))	
010049 - 010358	Mr NG Kwan-lok	Presentation of views (LC Paper No. CB(2)1213/18-19(22))	
010359 - 010529	孔浩恩先生	Presentation of views (LC Paper No. CB(2)1224/18-19(20))	
010530 - 010626	Ms KWAN Kit-ching	Presentation of views (LC Paper No. CB(2)1213/18-19(23))	
010627 - 010934	To Kee Company	Presentation of views	
010935 - 011228	Cancerinformation.com. hk Charity Foundation	Presentation of views (LC Paper No. CB(2)1333/18-19(01))	
011229 - 011412	Mr CHOI Ka-leong	Presentation of views (LC Paper No. CB(2)1175/18-19(71))	
011413 - 011642	吳宇豐先生	Presentation of views (LC Paper No. CB(2)1175/18-19(72))	
011643 - 011853	Mr Henry LEE Hing-lim	Presentation of views (LC Paper No. CB(2)1175/18-19(73))	
011854 - 012205	Mr LAM Ka-kit	Presentation of views (LC Paper No. CB(2)1175/18-19(74))	
012206 - 012518	Mr CHENG Wai-cheong	Presentation of views (LC Paper No. CB(2)1175/18-19(75))	
012519 - 012824	Committee on Home School Cooperation	Presentation of views (LC Paper No. CB(2)1175/18-19(76))	
012825 - 013145	Hong Kong Dental Association	Presentation of views (LC Paper Nos. CB(2)1175/18-19(77), CB(2)1298/18-19(10) and CB(2)1397/18-19(01))	
013146 - 013455	Mr YEUNG Ke-cheong	Presentation of views (LC Paper No. CB(2)1175/18-19(78))	
013456 - 013640	Federation of Parent-Teacher Associations, Tuen Mun	Presentation of views (LC Paper No. CB(2)1298/18-19(12))	
013641 - 014447	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, 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	

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		<p>Legislative Council ("LegCo") Brief [File Ref: FH CR 1/3231/19]. It added that smoking was the major preventable risk factor for many chronic diseases. To safeguard public health, efforts would be made to encourage smoking cessation and enhance publicity and education in respect of the harm of smoking, with a view to reducing smoking prevalence to 7.8% by 2025 and moving toward the target of achieving the endgame for tobacco.</p>	
014448 - 015531	<p>Chairman Mr SHIU Ka-fai School of Nursing, HKU Mr Jeremy TAM Admin</p>	<p>The School of Nursing, HKU's elaboration on its credit-based curriculum in response to an enquiry from Mr SHIU Ka-fai.</p> <p>Mr SHIU Ka-fai's remark that while he did not support the use of electronic cigarettes ("e-cigarettes") which contained potentially toxic chemical mixture, he was of the view that the development of heat-not-burn ("HNB") products by a few major tobacco manufacturers was aimed at providing smokers with a less harmful alternative to conventional cigarettes. The Government Laboratory's test results of seven samples of an HNB product as set out in Annex B to LC Paper No. CB(2)1175/18-19(03) had demonstrated that the maximum level of nicotine and tar yields of HNB products, which stood at 0.2 and 5 mg/stick respectively, was far lower than that of conventional cigarettes which stood at 1.3 and 14 mg/stick respectively.</p> <p>Mr Jeremy TAM's view that all tobacco products were harmful to health. ASPs with lower nicotine and/or tar yields should not be considered as producing lower risk to smokers. The legislative proposals could prevent the taking root of ASPs in the local market which might in turn result in a rebound in smoking prevalence, in particular among young people. In response, the Administration stressed that actions had to be taken before ASPs became popular so as to ensure that the achievement in tobacco control over the years would not be undermined.</p>	
015532 - 020606	<p>Chairman Mr CHAN Chi-chuen Dr Fernando CHEUNG Admin Mr Tommy CHEUNG</p>	<p>Mr CHAN Chi-chuen opined that the Administration should instead introduce a regulatory regime to prohibit the sale of prescribed ASPs to persons below a certain age, same as the prohibition of sale and supply of intoxicating liquor to minors in the course of business; or even impose a full ban on all smoking products if consensus had been reached in this regard among Members and the community. Mr Tommy CHEUNG's view that given that local smoking prevalence was already very low as compared with that in many other places, the Administration should not propose a full ban on ASPs.</p> <p>Dr Fernando CHEUNG considered that a full ban on conventional cigarettes and tobacco products, which were no less harmful than ASPs, should be imposed in the long run for the sake of public health. Given the serious illicit trade of tobacco products (including HNB products), he was concerned about whether the legislative proposal of prohibiting the import of prescribed ASPs could be effectively enforced if the Bill was passed.</p> <p>The Administration's advice that:</p> <p>(a) an aim of the proposed full ban was to make it difficult for</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>potential consumers to get access to ASPs before they took 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); and</p> <p>(b) the Customs and Excise Department ("C&amp;ED") had taken vigorous enforcement actions in combating illicit tobacco product activities, including strengthening its partnership with the Housing Department and District Councils to cut off phone ordering and street-peddling of illicit tobacco products. As a reference, 0.1 million and over 1 million suspected illicit HNB products were seized in the first three months of 2018 and 2019 respectively.</p>	
<i>Break</i>			
<i>Session Two</i>			
021607 - 021654	Chairman	Opening remarks	
021655 - 022022	Federation of Parent-Teacher Association, Tai Po District	Presentation of views	
022023 - 022326	Tobacco Association of Hong Kong Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(79))	
022327 - 022642	SUTL Corporation (Hong Kong) Ltd.	Presentation of views (LC Paper No. CB(2)1175/18-19(80))	
022643 - 022958	Mr TONG Jan-yu	Presentation of views (LC Paper No. CB(2)1213/18-19(24))	
022959 - 023313	Yuen Yuen V-Learn Women Centre	Presentation of views	
023314 - 023540	港九煙草業職工總會	Presentation of views (LC Paper No. CB(2)1175/18-19(81))	
023541 - 023806	日進報社	Presentation of views (LC Paper No. CB(2)1213/18-19(26))	
023807 - 024118	Christian Family Service Centre	Presentation of views (LC Paper No. CB(2)1175/18-19(82))	
024119 - 024350	Yan Chai Hospital (School Sponsoring Body)	Presentation of views (LC Paper No. CB(2)1175/18-19(83))	
024351 - 024607	Mr HO Kam-chung	Presentation of views (LC Paper No. CB(2)1175/18-19(84))	
024608 - 025006	Sik Sik Yuen	Presentation of views (LC Paper No. CB(2)1175/18-19(86))	
025007 - 025224	Mr HO Chun-fung	Presentation of views (LC Paper No. CB(2)1175/18-19(87))	



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
025225 - 025506	Mr Alex CHEUNG Yau-tin	Presentation of views (LC Paper No. CB(2)1175/18-19(88))	
025507 - 025706	Fast Printing Company Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(89))	
025707 - 030009	Miss FONG Po-man	Presentation of views (LC Paper No. CB(2)1175/18-19(90))	
030010 - 030307	Miss TANG Yan-ming	Presentation of views (LC Paper No. CB(2)1175/18-19(91))	
030308 - 030625	Mr LAU Tat-chi	Presentation of views (LC Paper No. CB(2)1175/18-19(92))	
030626 - 030859	Mr TAM Ho-nam	Presentation of views (LC Paper No. CB(2)1175/18-19(93))	
030900 - 031131	Mr Prahlad Chari	Presentation of views (LC Paper No. CB(2)1175/18-19(94))	
031132 - 031404	譚倫歡先生	Presentation of views (LC Paper No. CB(2)1213/18-19(30))	
031405 - 031622	Miss Shoba Rai	Presentation of views (LC Paper No. CB(2)1175/18-19(95))	
031623 - 031931	Mr Jonathan YUE Lap-hang	Presentation of views (LC Paper No. CB(2)1213/18-19(31))	
031932 - 032234	Dr Derek CHEUNG Yee-tak	Presentation of views (LC Paper Nos. CB(2)1175/18-19(96) and CB(2)1298/18-19(05))	
032235 - 032500	Ms LAU Man-man	Presentation of views (LC Paper No. CB(2)1175/18-19(189))	
032501 - 032651	Mr CHAU Siu-long	Presentation of views (LC Paper No. CB(2)1175/18-19(98))	
032652 - 032956	Mr William CHING Tim-lam	Presentation of views (LC Paper No. CB(2)1175/18-19(99))	
032957 - 033315	Mr Anthony MAK Wai-ho	Presentation of views (LC Paper No. CB(2)1175/18-19(100))	
033316 - 033636	CHEST Delegation Hong Kong and Macau / Hong Kong Lung Foundation	Presentation of views (LC Paper Nos. CB(2)1175/18-19(102) and CB(2)1298/18-19(10))	
033637 - 033922	Miss HO Long-kwan	Presentation of views (LC Paper No. CB(2)1175/18-19(103))	
033923 - 034601	Chairman Admin	Responding to the deputations' views, the Administration elaborated on the harmful effects and the prevalence of use of e-cigarettes and HNB products as set out in Annex B to the LegCo Brief.	

Time marker	Speaker	Subject(s)/Discussion	Action required
034602 - 035125	Chairman Admin	<p>Holding the view that the Administration dragging its feet in introducing the legislative proposals after it first consulted the Panel on Health Services in 2015 had enabled e-cigarettes and HNB products to tap into the Hong Kong market and become popular, the Chairman was concerned that solely cutting the local market supply of prescribed ASPs but not prohibiting the use of these products would give rise to illicit trade activities. He asked how the Administration would improve the business environment of the licensed newspaper hawkers, who would become unable to seek including an HNB product as a commodity permitted for sale under their licences if the Bill was passed.</p> <p>The Administration reiterated that an aim of the legislative proposals was to make it difficult for potential consumers to get access to prescribed ASPs before they took root in Hong Kong. It would continue to communicate with the licensed newspaper hawkers in relation to their operating environment.</p>	
035126 - 035742	Chairman Mr WONG Ting-kwong Admin	<p>Mr WONG Ting-kwong's view that the enforcement details of the legislative proposals were slipshod and the Bill, if passed, would aggravate illicit trade of HNB products; and his request for a written response from the Administration to his suggestion that the proposed prohibition on the manufacture of an ASP under the proposed new section 15DA(1) of the Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance") should not include the manufacture, which was solely for the purpose of export, of a component of, or accessory to, a device (other than a waterpipe) that was capable of generating an aerosol from tobacco other than by means of lighting the tobacco directly and used for smoking (such as a heating element or battery).</p>	<b>Admin</b>
035743 - 041054	Chairman Mr SHIU Ka-fai Admin	<p>Mr SHIU Ka-fai's view that it was illogical to impose a full ban on HNB products to deprive adult smokers' right of choice unless there was scientific evidence that these products were more harmful than conventional cigarettes and other tobacco products. The legislative proposal to prohibit the bringing in of prescribed ASPs into Hong Kong by incoming travellers for their own use would cause inconvenience to those travellers who plan to travel to other places (such as the Mainland and Macau) after their stay in Hong Kong. It should be noted that the sale of HNB products was only prohibited in Macau and Singapore.</p> <p>The Administration's elaboration on the recommendation of the World Health Organization concerning novel and emerging tobacco products as set out in paragraph 35 of Annex B to the LegCo Brief.</p>	
041055 - 041539	Chairman Admin	<p>The Chairman's enquiry as to whether the Administration had taken into account the health and the degree of social acceptance of those existing smokers who had switched to HNB products when formulating the legislative proposals.</p> <p>The Administration advised that while it took time to assess the long-term risk of harm associated with the use of HNB products which were relatively new in the market, it should be noted that the aerosol generated by these products contained harmful substances that would be a risk to the users' health.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
041540 - 041853	Chairman Mr AU Nok-hin Admin	Declaring that he had no connection with the tobacco trade, Mr AU Nok-hin urged the Administration to assess carefully the health risks of each type of smoking products when deciding the legislative direction. In his view, a regulatory regime but not the proposed full ban should be introduced for ASPs.	
<i>Break</i>			
<i>Session Three</i>			
051757 - 051926	Chairman	Opening remarks	
051927 - 052112	Mr Benny CHUNG Yan-chi	Presentation of views (LC Paper No. CB(2)1175/18-19(104))	
052113 - 052407	Miss LIN Jiahuang	Presentation of views (LC Paper No. CB(2)1175/18-19(105))	
052408 - 052703	Miss MOK Hoi-yan	Presentation of views (LC Paper No. CB(2)1175/18-19(106))	
052704 - 052907	Miss XIA Wei	Presentation of views (LC Paper No. CB(2)1175/18-19(107))	
052908 - 053059	Shenzhen e-Cigarette Chamber of Commerce	Presentation of views (LC Paper No. CB(2)1175/18-19(193))	
053100 - 053348	Ms Sharmila Gurung	Presentation of views (LC Paper No. CB(2)1175/18-19(108))	
053349 - 053654	Ms Renee LEE Yan-ha	Presentation of views (LC Paper No. CB(2)1175/18-19(109))	
053655 - 053953	Mr James TO Wai-chun	Presentation of views (LC Paper No. CB(2)1175/18-19(110))	
053954 - 054255	Mr Philip MIU Yin-lai	Presentation of views (LC Paper No. CB(2)1175/18-19(54))	
054256 - 054650	Mr Ivan TSUI Wai-lam	Presentation of views (LC Paper No. CB(2)1175/18-19(112))	
054651 - 054958	Mr Sam HAN Kwok- chung	Presentation of views (LC Paper No. CB(2)1175/18-19(113))	
054959 - 055302	Mr Eugene TSUI Yu	Presentation of views (LC Paper No. CB(2)1175/18-19(114))	
055303 - 055626	蘇偉業先生	Presentation of views (LC Paper No. CB(2)1213/18-19(32))	
055627 - 055954	Excel Media Group Limited	Presentation of views (LC Paper No. CB(2)1175/18-19(116))	
055955 - 060249	The Hong Kong Thoracic Society	Presentation of views (LC Paper No. CB(2)1175/18-19(117))	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
060250 - 060505	Pok Oi Hospital WFAS Acupuncture Specialist Centre	Presentation of views (LC Paper No. CB(2)1175/18-19(118))	
060506 - 060825	Asian Consultancy on Tobacco Control	Presentation of views (LC Paper Nos. CB(2)1175/18-19(119) and CB(2)1298/18-19(11))	
060826 - 061206	NG Long-hei	Presentation of views (LC Paper No. CB(2)1175/18-19(122))	
<i>Break</i>			
061937 - 062229	Samson YUM Hin-hei	Presentation of views (LC Paper No. CB(2)1175/18-19(123))	
062230 - 062528	LAI Chu-kwan	Presentation of views (LC Paper No. CB(2)1175/18-19(124))	
062529 - 062759	Holy CHAN Ming-hei	Presentation of views (LC Paper No. CB(2)1175/18-19(125))	
062800 - 063054	Mr CHAN Sheung-kwan	Presentation of views (LC Paper No. CB(2)1175/18-19(126))	
063055 - 063408	Mathew CHOW Siu-chun	Presentation of views (LC Paper No. CB(2)1175/18-19(127))	
063409 - 063715	CHAU Man-fong	Presentation of views (LC Paper No. CB(2)1175/18-19(129))	
063716 - 064005	Mr Daniel Harding De La Vega	Presentation of views (LC Paper Nos. CB(2)1175/18-19(132) and CB(2)1397/18-19(02))	
<i>Break</i>			
064244 - 065030	Chairman Admin	<p>Responding to the deputations' views, the Administration elaborated on its tobacco control measures and the justifications for the legislative proposals; and added the following points:</p> <p>(a) there was no conclusive evidence to suggest that novel and emerging tobacco products, including HNB products, would pose no or less long-term harm to the health of the users and reduce the risk of developing tobacco-related diseases when compared to smoking conventional cigarettes; and</p> <p>(b) referring to the view of Public Health England that e-cigarettes could help smokers quit smoking and the finding of a randomized trial in the United Kingdom ("UK") that the one-year abstinence rate in the e-cigarette group was higher than that of the nicotine-replacement group (18.0% vs. 9.9%), which were cited by some deputations, it should be noted that as pointed out by an editor of the New England Journal of Medicine, 80% of participants in the e-cigarette group who stopped smoking combustible tobacco continued to use e-cigarettes at one year.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
065031 - 065355	Chairman Mr Frankie YICK Admin	<p>Mr Frankie YICK's view that the Bill should provide for exemption from the prohibition of importing any ASPs under 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> <p>The Administration's advice that the reason for including anything that was designed for use as a component of, or accessory to, an ASP, as well as any substance or tobacco that was packaged as being suitable for use with an ASP device in the proposed full ban was to prevent the sale of parts and components that could be easily assembled for use by members of the public on their own while the sale of whole devices was prohibited.</p>	
065356 - 070751	Chairman Dr KWOK Ka-ki Admin Mr CHAN Chi-chuen	<p>Indicating support to the legislative proposals, Dr KWOK Ka-ki enquired about how the Administration could combat illicit trade activities of prescribed ASPs after the passage of the Bill, in particular the sale of these products on the Internet using overseas servers.</p> <p>Mr CHAN Chi-chuen's view that the Administration should impose different level of control for different types of ASPs; his query as to whether the recipient of an overseas parcel which contained a prescribed ASP would contravene any provisions under the Bill; and his request for the Administration to advise in writing the types of products whereby the import, manufacture or sale, but not the use, of which were prohibited under the existing legislation.</p> <p>The Administration advised that:</p> <p>(a) the experience of regulating the sale of conventional cigarettes showed that there would be illicit trade activities of prescribed ASPs regardless of whether a full ban or a regulatory regime would be introduced for these products. Efforts would continuously be made by C&amp;ED to prevent and detect the smuggling of tobacco products through actions at control points, regular patrols within the territory and intelligence reports; and</p> <p>(b) the purchase of prescribed ASPs was not prohibited under the Bill. However, depending on the facts and circumstances of each individual case, a person who placed an online order and caused a prescribed 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> <p>In response to Dr KWOK Ka-ki's enquiry about the Administration's long-term target to reduce the number of smokers using conventional cigarettes and other tobacco products, the Administration advised that it aimed to reduce smoking prevalence to 7.8% by 2025.</p>	<b>Admin</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
070752 - 071200	Chairman Admin	<p>The Chairman's remark that it was worthy to think about the genuine purpose of the development of HNB products by conventional cigarette manufacturers.</p> <p>In response to the Chairman's enquiry about the feasibility of imposing a smoking ban in all public places to safeguard public health, the Administration advised that any proposed expansion of the statutory no smoking areas would require some thorough discussion of the community.</p>	
071201 - 072340	Chairman Mr SHIU Ka-fai Admin	<p>Holding the view that adult smokers should have the right to switch from conventional cigarettes to the less harmful HNB products, Mr SHIU Ka-fai criticized that the Administration had been selective in providing the findings on harmful effects of HNB products by referring to the following two cases:</p> <p>(a) when citing the conclusions of the toxicological evaluation of HNB products conducted by the UK Committees on Toxicity, Carcinogenicity and Mutagenicity of Chemicals in Food, Consumer Products and the Environment in paragraph 26 of Annex B to the LegCo Brief, the Administration had not cited one of the conclusions of the Committees which stated that it was likely that there was a reduction in risk, though not to zero, to health for smokers who switched completely to HNB products as the exposure to compounds of concern in the aerosol was reduced compared to conventional cigarette smoke; and</p> <p>(b) the Administration only cited in paragraph 26 of Annex B to the LegCo Brief the two claims of Philip Morris International which were rejected by the Tobacco Products Scientific Advisory Committee under the Food and Drug Administration of the United States ("US"), but not the third claim (i.e. switching completely from cigarettes to the IQOS system significantly reduced your body's exposure to harmful or potentially harmful chemicals) which was agreed by the Committee by a vote of eight to one. It should also be noted that the Food and Drug Administration of US had authorized in April 2019 the sale of IQOS system in the market of the United States.</p> <p>The Administration stressed that a change in the emission profile of HNB products might not translate into reduction in toxicity, and reduced toxicity did not automatically translate into reduce harm for individual smokers.</p>	
<i>Break</i>			
<i>Session Four</i>			
073129 - 073300	Chairman	Opening remarks	
073301 - 073423	Mr Alan WONG	Presentation of views	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
073424 - 073628	Hong Kong Association of the Heads of Secondary Schools	Presentation of views (LC Paper Nos. CB(2)1175/18-19(133) and CB(2)1224/18-19(04))	
073629 - 073828	Mr Brian Stone	Presentation of views (LC Paper No. CB(2)1175/18-19(134))	
073829 - 074147	Joint Council of Parent-Teacher Associations of the Shatin District Limited	Presentation of views	
074148 - 074505	Ms Rita AU YEUNG Miu-ling	Presentation of views (LC Paper No. CB(2)1175/18-19(135))	
074506 - 074613	Mr HO Wan	Presentation of views (LC Paper No. CB(2)1175/18-19(136))	
074614 - 074915	Miss FUNG Kam-yan	Presentation of views (LC Paper No. CB(2)1175/18-19(137))	
074916 - 075135	Miss Ewey TAN	Presentation of views (LC Paper No. CB(2)1175/18-19(138))	
075136 - 075329	Prof Balazs Szabo	Presentation of views (LC Paper No. CB(2)1175/18-19(156))	
075330 - 075515	Miss LAW Tin-ching	Presentation of views (LC Paper No. CB(2)1175/18-19(206))	
075516 - 075722	Mr TANG Kwong-yau	Presentation of views (LC Paper No. CB(2)1175/18-19(207))	
075723 - 080005	Pok Oi Hospital - The Chinese University of Hong Kong Chinese Medicine Centre for Training and Research (Shatin)	Presentation of views (LC Paper No. CB(2)1333/18-19(02))	
080006 - 080201	Pok Oi Hospital - HK Baptist University Chinese Medicine Centre for Training & Research (YTM) & (HMT)	Presentation of views (LC Paper Nos. CB(2)1175/18-19(139) and CB(2)1298/18-19(07))	
080202 - 080454	Women Quit	Presentation of views	
080455 - 080802	Mr Mathiase FUNG Kai-yan	Presentation of views (LC Paper No. CB(2)1275/18-19(11))	
080803 - 081110	Mr LO Chun-yin	Presentation of views	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
081111 - 081353	Mr KO Hong-tik	Presentation of views	
081354 - 081552	Mr WONG Dik-cheung	Presentation of views	
081553 - 081919	The Hong Kong College of Mental Health Nursing	Presentation of views	
081920 - 082225	Wellness Mind Centre, The Hong Kong Federation of Youth Groups	Presentation of views	
082226 - 082505	Pok Oi Hospital Community Chinese Medicine Clinic	Presentation of views (LC Paper No. CB(2)1333/18-19(03))	
082506 - 082708	Pok Oi Hospital Chinese Medicine Service Support Centre	Presentation of views (LC Paper No. CB(2)1333/18-19(04))	
082709 - 082912	The Hong Kong Chinese Women's Club (HKCWC Fung Yiu King Memorial Secondary School)	Presentation of views (LC Paper No. CB(2)1175/18-19(141))	
082913 - 083203	Miss Beverley LO Kar-yun	Presentation of views (LC Paper No. CB(2)1213/18-19(35))	
083204 - 083518	Hong Kong Association of Youth Development	Presentation of views (LC Paper No. CB(2)1175/18-19(144))	
083519 - 083832	The Hong Kong Institute of Family Education	Presentation of views (LC Paper No. CB(2)1275/18-19(05))	
083833 - 084000	盧芷珊小姐	Presentation of views	
084001 - 084329	Mr LUK Ho-man	Presentation of views (LC Paper No. CB(2)1175/18-19(145))	
084330 - 084615	Kwai Tsing Safe Community and Healthy City Association	Presentation of views (LC Paper No. CB(2)1175/18-19(146))	
084616 - 084958	Auxiliary Medical Service Officers' Club	Presentation of views (LC Paper No. CB(2)1175/18-19(147))	
084959 - 085422	Chairman Admin	Responding to the deputations' views that many users of HNB products and their family members considered these products, which had no ash and less smell, were more acceptable than conventional cigarettes, the Administration stressed that the long-term harmful health effects of using these products were still unknown. An aim of the legislative proposals was to	



Time marker	Speaker	Subject(s)/Discussion	Action required
		prevent the prevalence of prescribed ASPs, which had yet established themselves in the Hong Kong market, from forming an irreversible trend so as to avoid what had happened regarding the regulation of conventional cigarettes and other tobacco products.	
085423 - 085858	Chairman Mr Kenneth LEUNG Admin	<p>In response to Mr Kenneth LEUNG's enquiry about the impact of the use of e-cigarettes and HNB products in enclosed space on indoor air quality, the Administration advised that findings of some independent studies showed that the use of these products in enclosed space would lead to a rise in the concentration of suspended particulates and presence of toxicants in the aerosol. When there were a large number of persons using these products in an enclosed space, the air pollutants were at the same level as that of conventional cigarette emissions.</p> <p>Holding the view that a full ban on all tobacco products could hardly be imposed in the short-term and citing the timetable set by some overseas places to ban the sale of diesel vehicles and/or petrol vehicles, which was also hardly to achieve in the short-term, in the coming decades as a reference, Mr Kenneth LEUNG asked whether the Administration had set a timetable to impose a full ban on tobacco products. The Administration responded that its target was to reduce smoking prevalence to 7.8% by 2025.</p>	
085859 - 090407	Chairman Admin	On the Chairman's remark that some opponents to the legislative proposals held the view that it was meaningless to prohibit, among others, the import and sale of prescribed ASPs as the illicit trade activities of tobacco products would remain serious after the passage of the Bill, the Administration stressed that its stance was that the prescribed ASPs should not be allowed to enter the market and efforts would continuously be made to combat any illicit trade activities.	
090408 - 092241	Chairman Mr SHIU Ka-fai Admin Mr Tommy CHEUNG Mr CHUNG Kwok-pan	<p>Mr SHIU Ka-fai's views that the Administration should (a) test the emissions of different HNB products available in the market which heated the tobacco to different temperatures (such as 350, 240 and 40 degrees celcius); and (b) regulate prescribed ASPs instead of imposing a full ban on these products, in particular HNB products which had lower nicotine and tar yields than conventional cigarettes.</p> <p>Casting doubt on the comprehensiveness of the studies that the Administration had made reference to in formulating the legislative proposals, Mr Tommy CHEUNG opined that it was unreasonable to impose a full ban on prescribed ASPs which would undermine the interest of existing smokers.</p> <p>Declaring that he was a non-smoker, Mr CHUNG Kwok-pan asked the reason why the Administration did not propose a full ban on conventional cigarettes and other tobacco products which were more harmful than HNB products, as well as alcohol which carried health risks for the sake of public health.</p> <p>Stressing that the legislative proposals were of a forward-looking nature to prevent the growth of a new generation of smokers, the Administration elaborated on the justifications for the legislative</p>	<b>Admin</b>

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>proposals; the harmful, gateway and renormalization effects of e-cigarettes and HNB products; and the respective growth and prevalence of e-cigarette and HNB product use in US and Japan as set out in the LegCo Brief. It added that the promulgation of "Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong" had provided a roadmap to address the threat of non-communicable diseases with a focus on four behavioral risk factors, namely tobacco use, harmful use of alcohol, unhealthy diet and physical inactivity.</p> <p>Mr SHIU Ka-fai's request for the Administration to provide in writing the international studies on substances in emissions of HNB products that it had studied when formulating the Bill.</p>	
092242 - 093315	Chairman Dr CHENG Chung-tai Mr Jeremy TAM	<p>Dr CHENG Chung-tai declared that he was a non-smoker. Pointing out that smoking was a personal decision, he said that he opposed to the legislative proposals which, in his view, was a form of paternalism depriving adult smokers' right of using less harmful HNB products in a free society.</p> <p>Mr Jeremy TAM remarked that he disagreed with Dr CHENG Chung-tai's view as the personal decision to take up smoking would create second-hand and third-hand smoke that affected the health of non-smoking bystanders. Separately, studies had showed that smokers who crave nicotine might inhale those tobacco products with lower nicotine yields more deeply; take larger, more rapid, or more frequent puffs; or use extra tobacco products each day to get enough nicotine to satisfy their craving. He expressed supported for the legislative proposals which could help reducing smoking prevalence.</p>	
<i>Agenda item II: Any other business</i>			
093316 - 093326	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
6 November 2019