

立法會議員羅致光辦事處 立法會議員勞永樂辦事處

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二零零一年五月十四日

討論文件

立法會衛生事務委員會
二零零一年五月十四日會議
《2001 年吸煙（公眾衛生）（修訂）條例草案》

引言

1. 本文件旨在匯報羅致光及勞永樂議員提出之《2001 年吸煙（公眾衛生）（修訂）條例草案》，條例草案全文載於附件 A。

目的

2. 本條例草案的目的在於修訂《2001 年吸煙（公眾衛生）條例》（第 371 章）及《吸煙（公眾衛生）（公告）令》（第 371 章，附屬法例），藉以在所有室內工作地點及指定處所的室內地區實施全面禁止吸煙。

背景及論據

3. 雖然政府已有明確的政策勸阻市民吸煙，但是香港現時並未有法例管制工作地點的吸煙情況。

4. 1999 年，哈佛醫療報告調查結果顯示，全港共有 54% 全職僱員在二手煙環境下工作¹，此外，76% 的全職勞動人口為非吸煙者，但當中 48% 於工作間受到二手煙影響²。根據 2000 年全港有 325 萬僱員計算，即有 119 萬名不吸煙的僱員被迫在工作地點內吸入二手煙。

5. 一般而言，每名僱員每日約有 8 小時留在工作地點，工作地點的二手煙問題威脅僱員的健康。香港大學社會醫學系為香港職業安全局於 1997-98 年進行的調查發現，每 7 名患上吸呼系統疾病的不吸煙勞動人口當中，就有 1 人因工作間接觸二手煙而患病。

¹ 「無煙工作間僱員篇」，香港吸煙與健康委員會。

² 「工作間符合香港利益」，香港吸煙與健康委員，2000 年 10 月。

6. 而立法會環境事務委員會於 2000 年 1 月 7 日的會議中，有文件指出，每年估計有 91 萬僱員因吸入二手煙而出現呼吸系統不適，每年有關之醫療費用高達 1.09 億港元。

7. 在工作地點接觸二手煙既危害僱員的健康，又帶來額外的醫療開支，而室內的工作地點，二手煙霧難以散發，危害更大，實應立法禁止在室內的工作地點吸煙。

豁免範圍

8. 爲了避免干預市民的私人生活，條例草案對以下範圍不作規管：

- 只有家庭傭工的僱員的住宅處所；
- 自僱人士工作的地方；
- 旅館所提供的住房。

工作安排

9. 條例草案的具體條文並未進行公眾諮詢，但民主黨於 2000 年 10 月進行的調查顯示，73.6%的被訪市民贊成全面禁止在室內的工作地點吸煙。條例草案正申請立法會主席的裁定。

徵詢意見

10. 請委員就條例案提出意見。

羅致光 勞永樂
二零零一年五月

A BILL

To

Amend the Smoking (Public Health) Ordinance and the Smoking (Public Health) (Notices) Order.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Smoking (Public Health) (Amendment) Ordinance 2001.

2. Interpretation

Section 2 of the Smoking (Public Health) Ordinance (Cap. 371) is amended -

(a) in the definition of "no smoking area", by repealing ", (1A) or (1C)" and substituting "or (1A)";

(b) by adding -

""accommodation" (住房) has the same meaning as in the Hotel Accommodation Tax Ordinance (Cap. 348);

"domestic servant" (家庭傭工) has the same meaning as in the Employment Ordinance (Cap.57);

"employee" (僱員) means a natural person who works under a contract of employment or apprenticeship, but does not include a domestic servant;

"hotel" and "guesthouse" (旅館) has the same meaning as in the Hotel and Guesthouse Accommodation Ordinance (cap. 349);

"self-employed person" (自僱人士) has the same meaning as in the Mandatory Provident Fund Schemes Ordinance (Cap. 485);

"workplace" (工作地點) means any place where employees work, but does not include any of the following -

(a) the area specified in column 3 of Schedule 3;

(b) the premises specified in Schedule 4;

(c) domestic premises at which the only employees are domestic servants;

(d) a place at which only self-employed persons work;

(e) any accommodation provided by a hotel or a guesthouse."

3. Prohibition on smoking in certain designated areas

Section 3 is amended -

(a) in subsection (1B) -

(i) by repealing "Subject to subsection (1C), the" and substituting "The";

(ii) by adding "any outdoor area of" after "designate";

(b) by repealing subsection (1C).

4. Display of signs outside restaurants

Section 6A is repealed.

5. Offences under Part II

Section 7(4) is repealed.

6. Designated no smoking areas

Schedule 2 is amended -

(a) in item 4(b), by repealing ", except the restaurant within a department store or a shopping mall";

(b) by adding -

"5. Any workplace except a workplace at which employees work exclusively in the outdoor area.

6. Any indoor area of the premises specified in Schedule 4."

7. Designated area

Item 1 of Schedule 3 is repealed.

Smoking (Public Health) (Notices) Order

8. Restaurant signs

Paragraph 4B of the Smoking (Public Health) (Notice) Order (Cap. 371B) is repealed.

9. Display

Part V of the Schedule is repealed.

Explanatory Memorandum

The purpose of this Bill is to amend the Smoking (Public Health) Ordinance (Cap.371) and the Smoking (Public Health) (Notices) Order to introduce a complete ban on smoking in all indoor workplaces and the indoor areas of certain designated premises.

2. Clause 2 defines "accommodation", "domestic servant", "employee", "hotel" and "guesthouse", "self-employed person" and "workplace".
3. Clause 3 amends section 3(1B) and enables managers of premises specified in Schedule 4 to designate the outdoor areas of such premises as non-smoking area. Section 3(1C) is also repealed.
4. Clause 4 repeals section 6A of the Ordinance.
5. Clause 5 repeals section 7(4) of the Ordinance consequent upon the repeal of section 3(1C) of the Ordinance.
6. Clause 6 amends Schedule 2 to the Ordinance to include workplace and the indoor area of premises specified in Schedule 4 as designated no smoking areas.
7. Clause 7 repeals item 1 of Schedule 3 to the Ordinance.
8. Clause 8 repeals paragraph 4B of the Order.
9. Clause 8 repeals Part V of the Schedule to the Order.