



中華人民共和國香港特別行政區政府總部衛生福利及食物局
Health, Welfare and Food Bureau
Government Secretariat, Government of the Hong Kong Special Administrative Region
The People's Republic of China

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13 January 2006

Miss Doris CHAN
Chief Council Secretary
Legislative Council Secretariat
3rd floor, Citibank Tower,
3 Garden Road, Hong Kong

Dear Miss Chan,

With reference to the letter from Hon. Tommy Cheung to the Bills Committee on Smoking (Public Health) (Amendment) Bill 2005 dated 4 January 2006 on tobacco control efforts in Spain, our response is set out below.

According to our understanding, the smoking ban in Spain was approved by its Parliament on 15 December 2005. According to their law, with effect from 1 January 2006, statutory no smoking areas in Spain include:

- private and public workplaces
- places of public administration and companies of public right
- sanitary establishments
- educational institutions
- sports facilities
- shopping centres
- museums, galleries, libraries and other similar leisure and cultural places
- centers allowing access by those under 18 years
- places of food preparation
- elevators
- telephone booths
- ATMS and other spaces of public use of size less than five square metres
- public transport, airplanes and service stations

Certain places are exempted from the smoking ban under the law. Small venues (bar and restaurant less than 100 square metres) for example, may choose to allow smoking or not. However, these premises should make visible announcement at the entrance of the establishment whether tobacco smoking is permitted therein. This information should also be incorporated in their advertisements, publicity and other media announcements. Meanwhile, smoking areas are permitted to exist in the following areas:

- psychiatric and prison establishments
- hotels
- boarding houses
- restaurants and bars (equal or above 100 square metres)
- open air theatres
- bus stations, ports and airports

There are specified criteria for these smoking areas:

- there must be physical separation between smoking and non-smoking areas;
- an independent ventilation system should also be in place within the smoking area;
- no people under the age of 16 is allowed to enter the smoking area; and
- the area designated for smoking purposes should be less than 30% of the total area and with a maximum limit of 300 square metres in aggregation.

Bars and restaurants were given a 8-month adaptation period to set up proper smoking areas.

According to a poll released by the Centre for Sociological investigation, a government-funded research organization in Madrid, about 75% of persons in Spain support the new law. The International Herald Tribune reported that the hotel and restaurant federation in Spain made an estimation that businesses in bars and restaurants would drop 8% because of the smoking ban, costing the industry about 1.6 billion euro.

You may wish to pass the above information to the Bills Committee.

Yours sincerely,



(Christine Au)

for Secretary for Health, Welfare and Food