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Chairman Hon Andrew CHENG Kar-foo, and
Honourable Members
Smoking (Public Health) (Amendment) Bill 2005
Legislative Council Secretariat
3/F, Citibank Tower
3 Garden Road
Central, Hong Kong

Dear Honourable Chairman and Members,

Re: Smoking (Public Health) (Amendment) Bill 2005
Views on Administration's latest position on expansion of statutory no smoking area

1. Delay in implementation date

Hong Kong has already been on an exceedingly slow path of introducing bans in the workplace and restaurants for the last quarter of a century. Further delays are unacceptable in terms of public health.

Workplace smoking regulations were introduced with the administrative ban on smoking in all government buildings starting in 1983, becoming total in April 1996.

The first legislation specifically on restaurants was introduced in 1994: (Smoking (Public Health) (Amendment) Bill 1994; followed by the Smoking

(Public Health) (Amendment) Bill 1997. The current legislation has been under active consideration since the Consultation Document in 2001.

Even as long ago as 1999, 69% of the general population supported or strongly supported all seats in restaurants being smoke-free.(Public Opinion Survey carried out by HK University)

2. Hong Kong bound by international treaty

FCTC OBLIGATIONS

Article 8, Section 2, obliges Parties to “adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels, the adoption and implementation of effective legislative, executive, administrative, and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.” The Convention’s first Guiding Principle, Article 4, Section 1, calls on governments to contemplate measures to protect *all* persons from exposure to tobacco smoke.

This WHO treaty has now been signed by 168 governments, and already ratified by 121 countries (out of 192), including China. Thus Hong Kong is bound to abide by its obligations under the treaty, and must make its initial report to the Conference on Parties within 2 years.

I hope the attached information will be helpful to you in your deliberations.

Yours sincerely,

Dr Judith Longstaff Mackay, FRCP(Edin), FRCP(Lon)

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