

**Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005**

**Administration's response to issues raised
at the Bills Committee meeting on 10 June**

Hong Kong's smokefree restaurants

PURPOSE

This paper reports to the Bills Committee results of a survey conducted by the Tobacco Control Office (TCO) of Department of Health on smokefree restaurants in Hong Kong.

BACKGROUND

2. At the meeting on 10 June 2005, Members requested for more detailed information about smokefree restaurants in Hong Kong. We reported in LC Paper No. CB(2)2164/04-05(03) that in order to better assess the situation of the 800 smokefree restaurants in Hong Kong, TCO would conduct a survey. We also agreed to report findings when results were available.

ADMINISTRATION'S RESPONSE

3. The Smoking (Public Health) (Amendment) Bill 2005 ("the Bill") proposes to expand statutory no smoking area to all indoor areas of restaurants premises. However, before the enactment of the Bill, some restaurants in Hong Kong have already implemented smokefree policy on their own initiatives. A list of smokefree restaurants was compiled by TCO under the Department of Health. In order to examine the impact that was brought about by the smokefree policy and how it was enforced among these restaurants, TCO conducted a cross-sectional survey among these smokefree restaurants.

Objectives

4. The principal objectives of the survey were:
- To evaluate the impact to smokefree restaurants, if any, in terms of business and health condition of staff that have been brought about by implementing smokefree policy
 - To assess how these restaurants enforced the smokefree policy and what sorts of enforcement difficulties, if any, were encountered by them.

Method

5. All entries under the TCO smokefree restaurant list at the time of survey (August 2005) were invited to participate. A restaurant was classified to be “smokefree” only when smoking is completely banned during all business hours and in all indoor areas of the restaurant premise.
6. All stand-alone restaurants were contacted for field interviews. For chain restaurants (defined by having more than one outlet under the same name), chain headquarters were contacted to obtain the most updated list of branches. One branch per district was randomly drawn for interview by using computer-generated random number if there were multiple branches under the same chain within the same district council electoral boundaries. Hence, a maximum of 18 branches for a chain restaurant were interviewed.
7. Structured questionnaire with both close-ended and open-ended questions was used. The questionnaire in full is at **Annex** for reference. Pilot testing was carried out in August 2005 to validate the questionnaire.

Results

8. Out of the 89 stand-alone restaurants, 79 were interviewed and the response rate was 88.8%. Among the 32 restaurant chains, 26 responses either permitted TCO interview their branch managers or provided a completed questionnaire by the branch manager. The response rate was 81.3%. A total of 177 outlets of chain restaurants were included in this survey. Apart from pilot interviews, all interviews were conducted during the period from 2 September 2005 to 4 November 2005.

Characteristics of the restaurants

9. Of the 256 restaurants that had completed the survey, 255 (99.6%) were smokefree at the time of survey (Table 1). A total of 25.9% of the 255 smokefree restaurants were located in Hong Kong Island, 30.1% in Kowloon and 43.9% in New Territories and Islands (Table 2).
10. Fast food restaurant was the most dominant type of chain restaurant, comprising 51.4% of outlets of chain restaurants whereas Western restaurant was the most dominant type of stand-alone restaurants, comprising 37.2% of stand-alone restaurants (Table 3).
11. Out of the 255 smokefree restaurants, 83.5% of the restaurants had less than 200 seats, i.e. not statutorily required to designate no smoking area in their premises (Table 4).

12. Some restaurants had become smokefree as early as the 1980s and early 1990s and in general, chain restaurants implemented smokefree policy earlier than stand-alone restaurants (Table 5). Half (49.4%) of smokefree restaurants introduced smokefree policy since they opened their business.

Reasons for implementing smokefree policy

13. When respondents were asked on reasons for implementing smokefree policy, 73.7% said “the management’s decision”, 48.6% “to safeguard the health of staff”, 44.3% “to meet patrons’ demand”, 34.5% “in line with Government policy”, 30.5% “due to general trend” and 27.5% “for the good of business”. These were similar in both stand-alone restaurants and chain restaurants (Table 6).

14. Other common reasons given by respondents included: prohibition of smoking in the whole building where the restaurant was situated; enhancing the image of their restaurants; and better environment as well as air quality.

15. For the only restaurant which had suspended smoke-free policy, the reasons for the decision were: “the management’s decision” and “afraid of negative impact on business”.

Changes brought about by implementing smokefree policy

16. Among those 112 restaurants which implemented smokefree policy after they had started their businesses, 37.5% of restaurants found that their business had improved after implementing smokefree policy and another 37.5% did not notice any change to business, 13.4% reported a slight loss in business, 11.6% had no comment and none reported suffering from great loss (Table 7).

17. Regarding the change in health condition of staff after implementing smokefree policy, 47.4% of respondents reported an improvement, 33.9% reported no significant difference and 18.8% had no comment (Table 8).

Compliance and enforcement

18. Over half of the restaurants (51.4% in chain restaurants and 52.6% in stand-alone restaurants) reported patron(s) smoking in their restaurant premises during the three months prior to the survey, and 47.8% reported none (Table 9). A total of 20.8% of restaurants reported patron(s) requesting another patron not to smoke, and 53.7% of restaurants enforced the smokefree policy by requesting smoking patrons not to smoke (Tables 10 and 11).

19. In general, 96.1% of the respondents commented that patrons were very

willing or willing to observe the smokefree policy whereas only one restaurant (0.4%) had patron unwilling (Table 12).

20. When respondents were asked if they were aware of the statutory power conferred upon them by the Ordinance to stop patrons from smoking in the non-smoking area of their restaurants, 70.6% replied yes and 78.4% acknowledged that the statutory power had helped them in urging/requesting patrons not to smoke (Tables 13 & 14).

21. On the whole, 71.0% of respondents (70.6% in chain restaurants and 71.8% in stand-alone restaurants) did not consider enforcement of smokefree policy difficult, 22.4% considered that it was a bit difficult and 5.9% found it very difficult (Table 15). The commonest difficulty cited was non-cooperation or impoliteness of patrons, but no violent responses had been encountered.

22. When asked what action they had taken when they encountered difficulties during enforcement, 95.8% reported that they had politely urged smokers to stop smoking, 8.3% had sought help from enforcement officer and none replied that they had to remove the patrons by force (Table 16).

Observation

23. This survey has shown that in all 18 districts, there are various types and sizes of smokefree restaurants which provide a smokefree environment for customers. Fast food chain restaurants and Western restaurants were most common among smokefree restaurants.

24. In terms of the impact on business, 75% of restaurants found their business either improved or unaffected. Many acknowledged that it was a general trend for restaurants to become smokefree and there were demands from patrons for smokefree dining places. It is also encouraging to note that nearly half of the responding restaurants reported an improvement in the health condition of their staff.

25. In the detailed breakdown, we note that nearly one quarter of restaurants found that their staff's health condition improved significantly and about the same proportion found slight improvement, which demonstrated benefit of smokefree policy.

26. Regarding compliance and enforcement, an overwhelming majority of respondents reported that patrons were cooperative and willing to comply with the no-smoking requirement (Table 12). Nearly 80% acknowledged that the statutory power in the Ordinance had provided effective support for them in approaching patrons requesting the latter not to smoke in statutory no-smoking premises.

Enforcement by force was not reported (Table 14).

27. Consistent with overseas experiences, this survey showed that smokefree policy in general has not negatively affected the business of restaurants while improvement in staff's health condition was reported. Patrons in most cases were willing to comply with the smokefree policy.

ADVICE SOUGHT

28. The Bills Committee is invited to note the Administration's response.

Table Legends

Table 1	Smokefree status of restaurants
Table 2	Distribution of smokefree restaurants by district
Table 3	Distribution of smokefree restaurants by type
Table 4	Number of seats in smokefree restaurants
Table 5	Year of implementing smokefree policy
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Table 1 Smokefree status of restaurants

	Chain		Stand-alone		Total	
Smokefree	177	(100%)	78	(98.7%)	255	(99.6%)
Ceased to be Smokefree	0	(0%)	1	(1.3%)	1	(0.4%)
<i>Total</i>	177	(100%)	79	(100%)	256	(100%)

Table 2 Distribution of smokefree restaurants by district

District	Chain		Stand-alone		Total	
Central & Western	10	(5.6%)	7	(9.0%)	17	(6.7%)
Wan Chai	16	(9.0%)	10	(12.8%)	26	(10.2%)
Eastern	9	(5.1%)	5	(6.4%)	14	(5.5%)
Southern	7	(4.0%)	2	(2.6%)	9	(3.5%)
Yau Tsim Mong	19	(10.7%)	15	(19.2%)	34	(13.3%)
Sham Shui Po	7	(4.0%)	0	(0%)	7	(2.7%)
Kowloon City	9	(5.1%)	4	(5.1%)	13	(5.1%)
Wong Tai Sin	7	(4.0%)	3	(3.8%)	10	(3.9%)
Kwun Tong	11	(6.2%)	2	(2.6%)	13	(5.1%)
Sai Kung	8	(4.5%)	0	(0%)	8	(3.1%)
Sha Tin	13	(7.3%)	4	(5.1%)	17	(6.7%)
North	7	(4.0%)	0	(0%)	7	(2.7%)
Tai Po	7	(4.0%)	2	(2.6%)	9	(3.5%)
Yuen Long	10	(5.6%)	2	(2.6%)	12	(4.7%)
Tuen Mun	10	(5.6%)	2	(2.6%)	12	(4.7%)
Tsuen Wan	12	(6.8%)	4	(5.1%)	16	(6.3%)
Kwai Tsing	11	(6.2%)	6	(7.7%)	17	(6.7%)
Islands	4	(2.3%)	10	(12.8%)	14	(5.5%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 3 Distribution of smokefree restaurants by type

Type of Restaurant	Chain		Stand-alone		Total	
Fast Food	91	(51.4%)	11	(14.1%)	102	(40.0%)
Western	55	(31.1%)	29	(37.2%)	84	(32.9%)
Japanese	13	(7.3%)	1	(1.3%)	14	(5.5%)
Chinese	6	(3.4%)	7	(9.0%)	13	(5.1%)
Herbal Tea	10	(5.6%)	1	(1.3%)	11	(4.3%)
Dessert	1	(0.6%)	6	(7.7%)	7	(2.7%)
Vegetarian	0	(0%)	6	(7.7%)	6	(2.4%)
Congee & Noodle	1	(0.6%)	4	(5.1%)	5	(2.0%)
Café/Coffee Shop	0	(0%)	5	(6.4%)	5	(2.0%)
Restaurant Inside Hotel	0	(0%)	4	(5.1%)	4	(1.6%)
Bar/Pubs	0	(0%)	2	(2.6%)	2	(0.8%)
Private Clubs	0	(0%)	1	(1.3%)	1	(0.4%)
Food Court	0	(0%)	1	(1.3%)	1	(0.4%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 4 Number of seats in smokefree restaurants

Number of seats	Chain		Stand-alone		Total	
<200	148	(83.6%)	65	(83.3%)	213	(83.5%)
≥200	29	(16.4%)	13	(16.7%)	42	(16.5%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 5 Year of implementing smokefree policy⁺

	Chain		Stand-alone		Total	
Before 1990	0	(0%)	2	(2.6%)	2	(0.8%)
1990	2	(1.1%)	1	(1.3%)	3	(1.2%)
1991	7	(4.0%)	0	(0%)	7	(2.8%)
1992	2	(1.1%)	0	(0%)	2	(0.8%)
1993	3	(1.7%)	1	(1.3%)	4	(1.6%)
1994	9	(5.1%)	1	(1.3%)	10	(4.0%)
1995	6	(3.4%)	1	(1.3%)	7	(2.8%)

⁺ Two restaurants were unable to provide the date of implementing smokefree policy

1996	3	(1.7%)	1	(1.3%)	4	(1.6%)
1997	10	(5.7%)	3	(3.8%)	13	(5.1%)
1998	6	(3.4%)	6	(7.7%)	12	(4.7%)
1999	7	(4.0%)	1	(1.3%)	8	(3.2%)
2000	10	(5.7%)	9	(11.5%)	19	(7.5%)
2001	15	(8.6%)	7	(9.0%)	22	(8.7%)
2002	12	(6.9%)	6	(7.7%)	18	(7.1%)
2003	36	(20.6%)	9	(11.5%)	45	(17.8%)
2004	22	(12.6%)	17	(21.8%)	39	(15.4%)
2005	25	(14.3%)	13	(16.7%)	38	(15.0%)
<i>Total</i>	175	(100%)	78	(100%)	253	(100%)

Table 6 Reasons for implementing smokefree policy

Reasons	Chain		Stand-alone		Total	
The management's decision	134	(75.7%)	54	(69.2%)	188	(73.7%)
To safeguard the health of staff	78	(44.1%)	46	(51.3%)	124	(48.6%)
To meet patrons' demand	83	(46.9%)	30	(38.5%)	113	(44.3%)
In line with Government policy	65	(36.7%)	23	(29.5%)	88	(34.5%)
Due to general trend	56	(31.6%)	22	(28.2%)	78	(30.5%)
For the good of business	54	(30.5%)	16	(20.5%)	70	(27.5%)
Others	56	(31.6%)	32	(41.0%)	88	(34.5%)

Table 7 The change in business brought about by smokefree policy*

Business	Chain		Stand-alone		Total	
Improves significantly	10	(11.9%)	1	(3.6%)	11	(9.8%)
Improves slightly	25	(29.8%)	6	(21.4%)	31	(27.7%)
No influence	29	(34.5%)	13	(46.4%)	42	(37.5%)
Suffers slight loss	8	(9.5%)	7	(25%)	15	(13.4%)
Suffers great loss	0	(0%)	0	(0%)	0	(0%)

* Only those restaurants (112) implemented smokefree policy after starting business were included

No comment	12	(14.3%)	1	(3.6%)	13	(11.6%)
<i>Total</i>	84	(100%)	28	(100%)	112	(100%)

Table 8 The change in health condition of staff brought about by smokefree policy*

Health condition of staff	Chain		Stand-alone		Total	
Improve significantly	21	(25%)	6	(21.4%)	27	(24.1%)
Improve slightly	21	(25%)	5	(17.9%)	26	(23.3%)
No significant difference	29	(34.5%)	9	(32.1%)	38	(33.9%)
No comment	13	(15.5%)	8	(28.6%)	21	(18.8%)
<i>Total</i>	84	(100%)	28	(100%)	112	(100%)

Table 9 Proportion of smokefree restaurants with patron smoking during past 3 months

	Chain		Stand-alone		Total	
Yes	91	(51.4%)	41	(52.6%)	132	(51.8%)
No	85	(48%)	37	(47.4%)	122	(47.8%)
Cannot remember	1	(0.6%)	0	(0%)	1	(0.4%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 10 Proportion of smokefree restaurants with patron requesting other patrons not to smoke during past 3 months

	Chain		Stand-alone		Total	
Yes	38	(21.5%)	15	(19.2%)	53	(20.8%)
No	139	(78.5%)	63	(80.8%)	202	(79.2%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 11 Proportion of smokefree restaurants requested patrons not to smoke during past 3 months

	Chain		Stand-alone		Total	
Yes	95	(53.7%)	42	(53.8%)	137	(53.7%)
No	81	(45.8%)	35	(44.9%)	116	(45.5%)

* Only those restaurants (112) implemented smokefree policy after starting business were included

Do not know	1	(0.6%)	1	(1.3%)	2	(0.8%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 12 Willingness of patrons to observe smokefree policy

	Chain		Stand-alone		Total	
Very willing	71	(40.1%)	47	(60.3%)	118	(46.3%)
Most are willing	99	(55.9%)	28	(35.9%)	127	(49.8%)
Half half	6	(3.4%)	3	(3.8%)	9	(3.5%)
Most are unwilling	1	(0.6%)	0	(0%)	1	(0.4%)
Very unwilling	0	(0%)	0	(0%)	0	(0%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 13 Proportion of restaurant managers understood statutory power conferred upon them

	Chain		Stand-alone		Total	
Understand	134	(75.7%)	46	(59.0%)	180	(70.6%)
Not understand	43	(24.3%)	32	(41.0%)	75	(29.4%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 14 Proportion of restaurant managers found the statutory power helpful in enforcing smokefree policy

	Chain		Stand-alone		Total	
Helpful	144	(81.4%)	56	(71.8%)	200	(78.4%)
Not helpful	26	(14.7%)	11	(14.1%)	37	(14.5%)
Do not know	7	(4.0%)	11	(14.1%)	18	(7.1%)
<i>Total</i>	177	(100%)	78	(100%)	255	(100%)

Table 15 Level of difficulty to enforce smokefree policy

	Chain		Stand-alone		Total	
Not difficult	125	(70.6%)	56	(71.8%)	181	(71.0%)
A bit difficult	38	(21.5%)	19	(24.4%)	57	(22.4%)
Very difficult	13	(7.3%)	2	(2.6%)	15	(5.9%)
No comment	1	(0.6%)	1	(1.3%)	2	(0.8%)

<i>Total</i>	177	(100%)	78	(100%)	255	(100%)
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Table 16 Enforcement actions employed by restaurant managers[#]

Enforcement action	Chain		Stand-alone		Total	
Politely urge smokers to stop	49	(96.1%)	20	(95.2%)	69	(95.8%)
Seek help from enforcement officer	5	(9.8%)	1	(4.8%)	6	(8.3%)
Reasonable force	0	(0%)	0	(0%)	0	(0%)

[#] Only those restaurants considered “a bit difficult” or “very difficult” in enforcement were included

Confidential Upon Completion

Department of Health

Smokefree Restaurants Opinion Survey

(September 2005)

Thank you for implementing the smokefree policy to protect your staff and patrons from the hazards of secondhand smoke. In order to understand the situation of the restaurants after having the smokefree policy in place, the Tobacco Control Office of the Department of Health is conducting a survey. We would be grateful if you could spare 10-15 minutes to answer the following questions. The information of individual restaurant will not be identified and the confidentiality of the information you provide will be carefully protected. The provision of personal data is voluntary.

Please give a “√” at the appropriate box (es).

No: _____

Date of interview: _____

A. Details of restaurant

(Q1) Name of restaurant: _____

(Q2) Category of restaurant:

Chinese restaurant

Western restaurant

Café / coffee shop

Fast food restaurant

Restaurant inside hotel

Bar / Pubs

Others (please specify)

(Q3) Is your restaurant a chain-restaurant?

Yes (Number of restaurants: _____)

No.

(Q4) District where the restaurant is located: _____

(Q5) Is your restaurant a smokefree restaurant now?

Yes (Please answer Part B only)

No. (Please answer Part C only)

B. Situation after implementation of smokefree policy

(Q6) When did your restaurant start to implement the smokefree policy?

_____ / _____ (Month / Year)

(Q7) Why did your restaurant decide to implement the smokefree policy?(Can choose more than one option)

The management's decision

Due to general trend

For the good of business

To safeguard the health of staff

In line with Government policy

To meet patron's demand

Others (please specify)

(Q8) Number of staff of the restaurant

≤ 10

11-30

31-50

51-100

101-200

≥ 201

(Q9) Number of seats of the restaurant:

≤ 200

> 200

(Q10) How is the business of your restaurant affected by implementation of the smokefree policy?

Improves significantly.

Improves slightly.

Zero influence.

Suffers slight loss.

Suffers great loss.

No comment.

(Q11) Have you ever seen any patron smoking in your restaurant during the past three months?

Yes.

No.

Cannot remember.

(Q12) Has any patron requested other patron(s) not to smoke in your restaurant during the past three months?

Yes.

No.

Do not know.

(Q13) Have your staff ever requested any patron not to smoke in your restaurant during the past three months?

Yes.

No.

Do not know.

(Q14) In general, do you find that patrons are willing to observe the no-smoking rule?

Very willing

Most are willing

Half half

Most are unwilling

Very unwilling

(Q15) Do you know that under the existing law, manager are authorized with power to stop patrons from smoking in the restaurant?

Yes

No

(Q16) Regarding the statutory power given, does it make a real impact on/ is it helpful in urging/ requesting patrons not to smoke?

Yes

No

Don't know

(Q17) Do you think that it is difficult for restaurant managers to enforce a smoking ban in restaurant? (If the answer is **Not difficult** or **No comment**, please jump to Q20)

Not difficult

A bit difficult

Very difficult

No comment

(Q18) Have you ever encountered any difficulty in enforcing the smokefree legislation during the past three months?

Yes (please specify). _____

No.

Do not know.

(Q19) Since being a smokefree restaurant, have the following actions been taken when restaurant managers encounter difficulties in enforcing the smoking ban? (Can choose more than one option)

Use reasonable force to remove the non-compliant smoker from the no-smoking area

Ask for enforcement officers' (such as police) assistance

Politely urge smokers to stop smoking or leave the no-smoking area

Others _____

(Q20) If the power authorized to managers by the existing law does not exist, do you think the restaurant managers will still urge patrons not to smoke in the restaurant?

Yes

No.

Do not know.

(Q21) Does the health condition of your staff (such as sick leave absence of staff) improve after implementing smokefree measures?

Improve significantly

Improve slightly

No significant difference

No comment

(Q22) Do you support Government's policy of implementing a total ban on indoor smoking in all restaurants to safeguard the health of staff and patrons?

Support

Object

No comment

C. Follow up questions

(Q23) Your restaurant once imposed a total ban on smoking. Why is the measure not implemented now? (Can choose more than one)

The management's decision

Afraid of negative impact on business

Do not want to enforce the smoking ban

Others (please specify) _____

(Q24) Do you support Government's policy of implementing a total ban on indoor smoking in all restaurants to safeguard the health of staff and patrons?

Support

Object

No comment

D. Details of the respondent (optional):

Name of respondent: _____

Position of respondent: _____

Telephone number: _____