

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

**Administration's response to issues raised
at the Bills Committee meeting on 4 July**

Smoking in Aircraft

PURPOSE

This paper seeks to inform Members of the position with regard to enforcement actions taken by aircraft crew in exercising the smoking ban under the Air Navigation (Hong Kong) Order 1995 ("the Order") (Cap. 448C).

QUESTION ASKED

2. At the Bills Committee meeting of 4 July 2005, the following question was raised by Members -

number of incidents whereby aircraft crew were required to resort to use force against passengers who refused to abide by the statutory no smoking ban inside the aircraft since such a ban had come into operation some 10 years ago.

ADMINISTRATION'S RESPONSE

The legal requirement

3. Article 50 of the Order prohibits smoking in every aircraft registered in Hong Kong and any person who contravenes the provision commits an offence. According to Article 91(5) of the Order, such an offence is liable on summary conviction to a fine not exceeding \$5000.

Number of prosecutions

4. According to information provided by the Civil Aviation Department (CAD), the number of prosecutions and convictions on Hong Kong-registered aircrafts since 2000 pursuant to Article 50(2) of the Order is as follows -

	No. of Cases Reported to the Police	Cases Prosecuted	Cases Convicted
2000	1	0	0
2001	3	0	0
2002	11	6	5
2003	11	7	7
2004	20	3	3
2005 1st quarter	4	1	1
<i>Total</i>	<i>50</i>	<i>17</i>	<i>16</i>

Cases requiring the use of force

5. CAD advised that there was no breakdown on the number of cases that might have involved the use of force.

ADVICE SOUGHT

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