

Smoke-free Workplace Legislation in Selected Overseas Places

1. Background

1.1 At the meeting of the Panel on Health Services on 25 February 2005, the Panel requested the Research and Library Services Division (RLSD) to conduct a research on smoke-free workplace legislation in overseas places to facilitate the deliberation of the Panel on the Administration's proposed amendments to the Smoking (Public Health) Ordinance.

2. Scope of research

2.1 A detailed discussion on the smoke-free workplace legislation in selected places includes the following aspects:

- (a) authorities responsible for enforcing such legislation;
- (b) legal responsibility of the owners, operators or managers of workplaces for enforcing such legislation;
- (c) availability of exemptions for workplaces from smoking ban;
- (d) availability of transitional arrangements for the catering and hospitality industries;
- (e) enforcement situation of such legislation; and
- (f) availability of judicial review challenging the enforcement of such legislation.

2.2 The analysis chapter will include a comparison of the regulatory regimes for smoke-free workplaces in the selected places.

3. Overseas places to be studied

3.1 RLSD proposes to study the following places:

- (a) Ireland;
- (b) the United Kingdom (UK);
- (c) Italy;
- (d) Japan;
- (e) Singapore;
- (f) the State of California in the United States (US); and
- (g) the State of Queensland (Queensland) in Australia.

3.2 Ireland is chosen because it has recently introduced legislation to impose restrictive smoking ban on all enclosed workplaces. The UK is chosen because the government has shifted its position from unwilling to ban smoking in workplaces to favoring a ban for almost all enclosed workplaces within the next few years. Italy is chosen because the smoking ban imposed in January 2005 has faced resistance from some bar owners and smokers. Japan is chosen because while it does not have any national smoke-free workplace legislation, the government has recently banned smoking in an increased number of specified public areas. Singapore is chosen because it has received an award from the World Health Organization for its efforts in protecting the health of non-smokers and discouraging smoking. California is chosen because it is one of the first States to ban smoking in workplaces in the US. Queensland is chosen because it has a new anti-smoking law effective on 1 January 2005.

4. Proposed Completion Date

4.1 RLSD proposes to complete the research by May 2005.