



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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30 October 2007

Ms Mary So
Clerk to Panel on Health Services
Legislative Council
3rd floor, Citibank Tower
3 Garden Road, Hong Kong

Dear Ms So,

**Legislative Council Panel on Health Services
Enforcement of the Statutory Smoking Prohibition**

At the meeting of the Panel on Health Services on 1 June 2007, the Administration was requested to provide supplementary information on the procedures and time taken by the Tobacco Control Office (TCO) of the Department of Health (DH) in processing complaints about smoking offences. We would like to provide the following supplementary information for the Panel's information.

In general, complaints about smoking offences are handled by the following procedures -

- (a) Upon receipt of a complaint, a Tobacco Control Inspector (Inspector) will make initial contact with complainant and obtain further information on the details of the complaint. An anonymous complaint will also be processed but Inspectors will not be able to contact the complainant.
- (b) The inspector will arrange inspection of the venue concerned. The inspection will be scheduled having regard to the operation plan of TCO to maximize efficiency and use of resources. During the inspection, inspectors will ascertain whether the venue is a statutory no smoking area and, if so, take enforcement action against any smoking offender(s) found.

- (c) Inspectors will also brief the venue managers of the statutory no smoking areas (if any) on the legal requirement and their powers under Cap 371, and to provide educational information on how to deal with smoking offenders. Health education materials and no smoking signage will be provided to venue managers if needed. Venue managers will also be invited to join TCO workshops on the new statutory smoking ban.
- (d) Inspectors will reply to complainants and inform them of the inspection results.
- (e) For repeated complaints received on the same venues, TCO will re-inspect the venues through targeted actions and reinforce enforcement education for the venue managers.

In view of the short duration of a smoking act, it is impracticable for inspectors to arrive at the scene of complaint immediately. Instead, TCO mounts operations at venues under complaint and target at black-spots to enhance deterrent effect against smoking offences. The time taken in processing complaints thus varies according to the cases (ranged from a few days to a few months). Usually the Inspectors will make initial contact with the complainants within five to ten days to provide interim reply and obtain further information. The actual scheduling of inspection will depend on the seriousness of the complaint as well as the overall operational plan of the TCO to ensure efficient operations. Generally speaking, priority will be given to venues where more serious and repeated complaints have been raised. TCO will reply to the complainants as soon as inspections have been made.

During the period from January to September 2007, TCO had received over 14,000 complaints about smoking offences in statutory no smoking areas. Inspections had been conducted for over 95% of these complaints. TCO are arranging inspection for the remaining more recent complaints received.

Please contact the undersigned should you require any further information.

Yours sincerely,



(Miss Christine Au)
for Secretary for Food and Health