

**Bills Committee on  
Fixed Penalty (Smoking Offences) Bill**

**Administration's response to issues raised  
at the Bills Committee meeting  
on 28 April 2008**

**PURPOSE**

This paper sets out the Administration's response to issues raised by the Bills Committee at its meeting on 28 April 2008.

**BACKGROUND**

2. At the above meeting, Members raised the following issues and requested the Administration to provide a response in writing -

*(a) Whether staff of the Food and Environmental Hygiene Department (FEHD), the Leisure and Cultural Services Department (LCSD) and the Housing Department (HD) would wear uniform when taking enforcement action against smoking offences by issuing fixed penalty notices (FPNs) in statutory no-smoking areas under their management*

**ADMINISTRATION'S RESPONSE**

3. Housing Officers of HD and most of the public officers of LCSD who would be authorized to issue FPNs in relation to smoking offences would not be wearing uniform during their course of duties. However, Housing Officers of HD would be carrying with them Departmental Identity Cards for identification purposes and public officers of LCSD would be carrying identification badges or departmental warrant cards when exercising duties. Officers of these two departments authorized to issue FPNs issued in relation to public cleanliness offences also do not wear uniform but carry with them identification badges or cards when exercising their duties.

4. It is FEHD's intention to authorize officers directly involved in the day-to-day management of public markets and hawker bazaars to issue fixed penalty tickets for smoking offences committed at those premises. Depending on the outcome of staff consultation, which is on-going, officers to be authorized all wear uniforms when they are on duty.

*(b) Manpower plan of TCO*

5. The overall staffing of TCO was 66, 116 and 124 in 2006-07, 2007-08 and 2008-09, including 34, 78 and 85 Tobacco Control Inspectors respectively. The 85 inspectors now work in 20 teams for enforcement of the Smoking (Public Health) Ordinance. On weekends, public holidays and after-office hours of weekdays, 2 to 6 teams of inspectors would be on duty depending on operational needs.

*(c) Operation and staffing of the Complaint and Enquiry Hotline of the Tobacco Control Office (TCO)*

6. The Government's Integrated Call Centre (ICC) started to provide manned telephone service for the TCO complaint and enquiry hotline on 1 February 2007. At the initial stage, operator service was available daily from 9 a.m. to 10 p.m. and incoming calls from 10 p.m. onwards until 9 a.m. was routed to a voicemail box. Since end October 2007, operator service has become available round-the-clock. There is now an average of 12 Customer Service Officers (CSOs) to man the TCO hotline during daytime. After 10 p.m. when the demand for the hotline service is relatively less (about 20% of the overall call volume), an average of 4 CSOs are attending to the TCO hotline.

7. All incoming calls to the TCO hotline would be routed to ICC. If a CSO trained to man the TCO hotline is not immediately available, the call would be put on a queue for waiting, or the caller may choose to leave a voice message. ICC will reply to callers who have left voice messages within 3 hours. ICC's performance target is to answer 80% of calls within 12 seconds.

8. For general enquiries on the Smoking (Public Health) Ordinance and other services of TCO (e.g. provision of health education materials), CSOs provide replies to the caller right away. For other enquiries which cannot be immediately resolved as well as complaints and suggestions, CSOs will log the details of each, together with the caller's contact information and forward them to TCO for follow-up actions.

9. The ICC is seeking improvement measures to shorten the waiting time for calls to the TCO hotline to be answered through more staff recruitment and training. TCO will continue to monitor the situation and work with ICC to ensure better operations of its hotline.

*(d) The workflow of TCO in following up complaints and enquiries*

10. TCO will follow up all complaints by inspection of the venues concerned. In 2007, TCO received over 17,000 complaints related to smoking offences. In view of the short duration of the smoking act, it is impracticable for an inspector to arrive at the scene immediately when a complaint is launched. To make best use of its manpower resources and for strategic considerations, TCO conducts unannounced inspections to statutory no-smoking areas and targeted black-spots that is the subject of repeated complaints.

11. Upon receiving a complaint in relation to smoking offences from ICC, Tobacco Control Inspectors will contact the complainant to provide him/her with an interim reply and to gather further details about the complaint if necessary. Investigation will be initiated within 3 working days.

12. The time required to process complaints varies according to the nature of the case, ranging from a few days to a few months. The actual scheduling of inspection will depend on the seriousness of the complaint itself as well as the overall operational plan of TCO, which is formulated to ensure efficient overall operations and optimal manpower deployment. TCO will reply to the complainants direct after inspections.

For complainants who choose not to leave any contact details, TCO will deposit a written reply in ICC's Case Information System.

*(e) Channels through which summonses were initially referred to TCO for investigation*

13. All summonses were issued subsequent to inspection of statutory no-smoking areas while inspections were initiated based on information provided by complainants. About 70% of summonses resulted from inspections arising from complaints received through the TCO hotline and the rest from inspections arising from complaints received through fax, letter and emails.

*(f) Numbers of cases in which TCO officers were assaulted and/or police assistance was necessary since 1 January 2007*

14. From January 2007 to April 2008, TCO conducted over 16,000 inspections of statutory no-smoking areas and issued about 5,900 summonses. Within this whole period, there has been one case of assault of tobacco control inspector by a smoking offender. The offender was subsequently fined by the court a sum of \$2,500 for the smoking offence, failure to produce proof of identification upon request and common assault, and was ordered to pay \$500 in compensation to the inspector concerned. There has been another case of criminal intimidation committed by another smoking offender. The offender was subsequently convicted and sentenced to serve 100 hours of community service. Tobacco Control Inspectors have also sought police assistance in 158 cases, mostly for failure to provide personal particulars on the part of the offenders.