



Tobacco Association of Hong Kong
香港煙草業聯會

May 19, 2008

Hon Andrew Cheng Kar-foo
Chairman
Bills Committee on Fixed Penalty (Smoking Offences) Bill
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Chairman Cheng:

Fixed Penalty (Smoking Offences) Bill

I am writing on behalf of the Tobacco Association of Hong Kong (TAHK) in respect of the Fixed Penalty (Smoking Offences) Bill which introduces fixed fines for offences of smoking in statutory no-smoking areas and public transport carriers.

I would like to express the views of the TAHK as follows: -

We believe any smoking control regulation should be balanced and accommodate both smokers and non-smokers. Such a regulation should also take into consideration the cost, benefit and impact it will have on all stakeholders in the society. This includes the enforceability of the regulation. In our view, effective law enforcement is one of the critical elements of a sensible piece of regulation.

Previous reports on incidences of conflicts between smokers and non-smokers are good examples indicating that enforcement concerns are likely to jeopardize social harmony. Such negative effects should be prevented, as it would not only hinder the government's credibility, but also undermine the public's confidence in the regulatory bodies.

We also believe that tobacco control education continues to be the best way to ensure full compliance with the legislation. All stakeholders, including the government, the tobacco industry, retail and hospitality sectors, smokers and non-smokers etc., should identify key issues surrounding public place smoking. Through information sharing, smokers would be properly educated about the legislation.

With clarity and better understanding of the regulatory requirements, smokers would be well informed of where smoking is prohibited; meanwhile, the public would also be provided with a common platform to help remind smoking offenders on compliance with the legislation.

In our view, effective tobacco regulation requires co-operation between the government, the industry and the community. Regulations should be periodically reviewed to ensure that they are achieving their stated goals and that where they are not, they should be revised.

As a responsible stakeholder, we look forward to an environment that respects the rights of both smokers and non-smokers to ensure that Hong Kong remains a harmonious society as stated in the Chief Executive's 2007-2008 Policy Address.

Sincerely,

Deanna Cheung
Executive Secretary