

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

**Administration's response to issues raised
at the Bills Committee meeting
on 23 May 2008**

TCO Hotline

PURPOSE

This paper sets out the Administration's response to issues raised by the Bills Committee at its meeting on 23 May 2008.

BACKGROUND

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

Whether the Tobacco Control Office (TCO) would operate a separate hotline on its own to enable referral of complaints about smoking in statutory no-smoking venues managed by the Housing Department (HD), Leisure and cultural Services Department (LCSD) and Food and environmental Hygiene Department (FEHD) to be made to these departments immediately, which would in turn enable immediate action to be taken.

ADMINISTRATION'S RESPONSE

Immediate Referrals

3. At present, the Government Integrated Call Centre (ICC) refers a complaint directly to the tobacco control inspector in charge of the district right after the call. However, as the smoking act only lasts a few minutes and given the vast expanse of statutory no-smoking areas, it is not possible for TCO officers to respond immediately to the complaint. For the future, for a complaint relating to a venue managed by staff of HD, LCSD or FEHD who are authorized to issue fixed penalty notices (authorized staff), we are exploring the feasibility of ICC referring a complaint to TCO and to the relevant department's venue manager, instead of referring it to TCO alone, immediately after the complaint call has been received.

Taking Immediate Action on receipt of a complaint referred by ICC

4. We have explored with HD, LCSD and FEHD whether it would be possible for authorized staff to take immediate action upon receipt of a

complaint referred by the ICC. The total time needed for the staff receiving the call to take down the details of the case, to find out the telephone number of the relevant management office and to communicate the details of the complaint to an authorized staff of the management office will exceed the time needed for a smoker to finish smoking a cigarette, discounting the time needed for authorized staff to reach the scene, which differs according to the distance between the scene and the management office, and assuming that the authorized staff do not have to attend to other management duties that call for a higher priority. As such, it is not possible for the authorized staff to take immediate action in these cases.

5. Furthermore, it should also be noted that for some venues, such as public pleasure grounds, sitting-out areas and hawker bazaars, there is no management office manned by staff. The management staff of these venues conduct inspection of the venues from time to time but are not stationed in a management office. For some other venues, such as some public markets, some public pleasure grounds and some public housing estates, the management has been outsourced. The management staff are employed by the contractor and are not authorized staff. The nearest office where authorized staff are stationed may be the relevant district office of the department managing the venue. The relevant district office will be some distance away from the venue.

6. We have consulted the enforcement agencies of Scotland, England and Wales where a fixed penalty system is in place to deal with smoking offence. Their enforcement strategy is very similar to that adopted by the TCO and their enforcement officers do not usually respond immediately upon receiving complaints from the public. Complaints are usually followed up at a later date.

7. However, this does not mean that venue management staff would not take any action pursuant to receipt of complaints. Authorized staff will conduct unannounced inspection of the venues mentioned in the complaints. This will be particularly useful in the case of HD, LSCD and FEHD as the users of most of their venues are frequent users. The authorized staff also conduct regular inspection as part of their management duty. They will pay particular attention to spots that have featured in complaints in regular inspections.

8. Although it is not realistic to expect or require authorized staff to take immediate action upon receipt of referral of complaints from the ICC, we believe that after the implementation of the fixed penalty system, members of the public should be encouraged and facilitated to launch their complaints with the management offices of the venues direct. HD, FEHD and LCSD will display the telephone numbers of their venue management offices on the no-smoking notices put up in their venues. For some of their venues, this has already been done. This will leave the ICC more time to handle more complaints about smoking in other venues so that a lesser number of callers will

have to be put on a queue to wait for a Customer Service Officer (CSO) to answer the call.

Advantages of the ICC operating the TCO Hotline

9. The ICC began handling telephone calls to the TCO hotline on 1 February, 2007. CSOs now answer calls round-the-clock. There is now on average 12 CSOs manning the TCO hotline from 9 am to 10 p.m. and 4 such officers from 10 pm onwards. The performance target is to answer 80% of calls within 12 seconds. If a CSO is not immediately available, the call will be put on a queue, or the caller may leave a voice message. ICC will reply to the callers who have left a voice message within 3 hours. All complaints received are referred to the inspector in charge of the district right after the calls. The TCO will then arrange unannounced inspections to follow up on the complaints.

10. The ICC has the latest telephone and information technology support system as well as a team of well-trained staff with the know-how to handle telephone complaints effectively. Experience indicated that the ICC has handled complaint calls to the TCO hotline with greater efficiency and cost effectiveness than the TCO itself. Up to April 2008, ICC has received over 28,000 calls at the TCO hotline. About 80 % of the enquiries were resolved at the first contact. Complaints were also effectively transferred for follow up action by the TCO inspectors. With a dedicated team of CSOs handling the telephone complaints, more TCO officers can be deployed to carry out duties to do with tobacco control, including law enforcement, public education, provision of smoking cessation services and related administrative work.

11. In view of the expertise and experience of the dedicated team of CSOs in handling telephone complaints and enquiries and the availability of telecommunications system support at the ICC, the Administration is of the view that there are advantages for the TCO to continue to use the services of the ICC in handling the TCO hotline. This is especially true after the smoking ban is further expanded and the fixed penalty system is introduced. The TCO will continue to work closely with ICC to monitor the performance level and explore the option of increasing the number of designated CSOs if the demand so justifies.