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Panel on Health Services

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 12 April 2010**

Designation of statutory no smoking areas at public transport interchanges

Purpose

This paper gives an account of the past discussions by the Panel on Health Services (the Panel) on the designation of statutory no smoking areas (NSAs) at public transport interchanges (PTIs).

Background

2. The Smoking (Public Health) (Amendment) Bill 2005 (the Amendment Bill), passed by the Legislative Council (LegCo) in October 2006, significantly expanded the statutory NSAs to cover all indoor workplaces and public places, schools, hospitals, universities, and certain outdoor areas such as public parks, swimming pools, bathing beaches and stadia under the management of the Leisure and Cultural Services Department. Section 3 (1AB) of the Smoking (Public Health) Ordinance (Cap. 371) empowers the Director of Health to, by notice published in Gazette, designate as an NSA the whole or a part of -

- (a) any area that consists of the termini of two or more modes of public transport and is used for effecting and facilitating interchange between them; or
- (b) any bus terminus of more than one specified route as defined in section 2 of the Public Bus Services Ordinance (Cap. 230).

These areas are generally referred to as public transport interchanges and bus termini (or PTIs for short).

3. During the resumption of Second Reading debate on the Amendment Bill, the Administration undertook to introduce a fixed penalty system (FPS) after the enactment of the Smoking (Public Health) (Amendment) Ordinance 2006 and to

designate NSAs at PTIs. The Fixed Penalty (Smoking Offences) Bill was passed by LegCo in July 2008.

Past discussions

4. On 20 April 2009, the Administration briefed the Panel of its plan to designate NSAs at 48 covered PTIs as the first phase on 1 September 2009, the same target date for implementing the FPS for smoking offences. Subject to satisfactory implementation of the smoking ban in the first phase of PTIs designated as NSAs, the Administration would proceed to prepare for the designation of some 120 open-air potential PTIs in subsequent phases. Preparation for the next phase of designation would start in the beginning of 2010 for the designation to take effect within 2010.

5. Members expressed support for the proposal, and urged the Administration to expedite the designation of NSAs at PTIs to better protect public health.

6. On the details of and timetable for the preparation of designating 48 covered NSAs at PTIs, the Administration advised in writing to the Panel on 4 June 2009 that the production of plans and the relevant topographical survey service were contracted out in late 2008 and completed in May 2009. The Administration was seeking the views of the respective District Councils on the designation of NSAs in the 48 PTIs. The necessary notice for the designation was expected to be published in the Gazette by end June 2009 and tabled at LegCo within the 2008-2009 legislative session. As far as publicity was concerned, relevant venue managers and property owners had been informed of the impending new measure and their support solicited. The Director of Health was preparing for the related publicity activities which would be launched about one month before the implementation on 1 September 2009. Tobacco Control Officers would also take steps to ensure that no-smoking banners and signs were displayed at conspicuous locations within NSAs of the PTIs to remind public of the smoking ban.

7. The Smoking (Public Health) (Designation of No Smoking Areas) Notice designating the 48 covered PTIs as NSAs came into operation on 1 September 2009, the same date for implementing the FPS for smoking offences.

Latest development

8. At the special meeting of the Panel on 16 October 2009 at which a briefing was conducted by the Secretary for Food and Health on the 2009-2010 Policy Agenda, members were advised that the Administration planned to extend the smoking ban to open-air PTIs in 2010 should the implementation of the smoking ban at the 48 covered PTIs prove to be satisfactory.

Relevant papers

9. Members are invited to access LegCo website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meeting.

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