



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our ref.: FH CR 52/581/89

Tel.: 3509 8913

Your ref.: CB2/SS/3/15

Fax: 2840 0467

15 February 2016

Ms Maisie LAM
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms Lam,

**Subcommittee on Smoking (Public Health) Ordinance
(Amendment of Schedule 2) Order 2015**

Please find attached the Government's response and supplementary information in relations to the concerns raised by members at the meeting on 25 January 2016 and the site visit on 1 February 2016.

Yours sincerely,

(Ms Wendy AU)
for Secretary for Food and Health

Encl.

c.c.
Director of Health (Attn.: Dr LEE Pui Man)

**Subcommittee on
Smoking (Public Health) (Amendment of Schedule 2) Order 2015**

The Government's Response to the Issues Raised by the Subcommittee

In pursuant to the discussion at the Subcommittee meeting on 25 January 2016 and the site visit on 1 February 2016, the Government's response in relations to the concerns of Subcommittee members is set out in the pursuing paragraphs.

Review and Way Forward on the Expansion of No-smoking Areas (NSAs)

2. As stated in our written response (CB(2)719/15-16(02)), the designation of bus interchanges (BIs) in tunnel portal areas as NSAs is an initial step for testing the feasibility of expanding NSAs to other public facilities. We will review the implementation of this initiative after 12 months and consider the timing to further expand NSAs to other facilities or areas, such as other bus stops.

3. In the meantime, we have been receiving suggestions of designating more transport facilities as NSAs, e.g., the Tuen Mun Road interchange facilities, and we shall continue to examine the feasibility of such proposals.

Areas where Smoking is not prohibited

4. In view of the concerns expressed by members at the previous meetings on whether smokers are given space for smoking, we have presented in the supplementary illustration the locations where smoking is not prohibited in the bus interchanges under this amendment exercise vide CB(2)739/15-16(01) on 25 January 2016. Members also provided suggestions on setting up areas where smoking is not prohibited during the site visit and we have studied the viability of such proposals in detail.

(a) Shing Mun Tunnels Bus Interchange

We understand from the Transport Department (TD) that the Shing Mun Tunnels Bus Interchange is undergoing shelter extension,

which will be completed by the first quarter of 2016, with a view to catering for the increasing volume of commuters during peak hours. At present, both the Tsuen Wan- and Shatin-bound sides are very narrow. During the site visit, members suggested designating the edge of the bus interchange, which is also the top of a slope, as an area that smoking is not prohibited. The said slope is currently covered with grown trees and vegetation (see photo 1-3 at Annex). The top of the slope is very close to the queuing area. The required alteration works to the slope surface would affect the stability of the slope. Members also suggested removing or relocating the existing railings and beam barriers so as to make available spaces for the smokers. According to TD, the railings and beam barriers are put in place to prevent the vehicles from falling from the slopes and the locations of such facilities have undergone detailed study and calculations. For the sake of road safety, it is considered highly undesirable to remove or relocate the railings and beam barriers for establishing areas where smoking is not prohibited.

As for the suggestion of designating the area behind the existing panels as an area where smoking is not prohibited, our preliminary view is that it is not feasible. The panels are located only 1 metre from the queuing area, and many passengers would pass by the area for bus transfer. Despite the presence of the panels, second-hand smoke will inevitably affect the commuters in queue and passing by, particularly when smokers gather up in the area. From 2011 to 2015, the Tobacco Control Office has received 72 complaints on smoking concerning the Shing Mun Tunnels Bus Interchange.

The Shing Mun Tunnels Bus Interchange is very busy during the rush hours, and the photos taken during rush hours are attached at Annex (photo 4).

(b) Cross-Harbour Tunnel Bus Interchange

As per members' suggestions, we have studied the proposal of (i) designating the flower bed along the edge of the low ramps of the NSAs at the Kowloon-bound as area where smoking is not

prohibited; and (ii) curtail the NSAs to allow more space around and under the stairs adjoining the elevated walkway for smoking. The said locations are marked up on the site plan at Annex.

For (i), given the volume of commuters passing by for interchanging, this proposal may not be sufficient to protect non-smokers from second-hand smoke. According to TD, the flower bed, located right at an intersection where two busy roads turn steeply and merge, is meant to serve as a safety buffer for passengers at the bus interchange. The proposal of converting the flower bed into an area with no restriction on smoking is not feasible from a safety angle.

For (ii), as illustrated in the previous supplementary materials as well as those at the Annex, the queue of commuters extends from the ground level bus stations to the elevated walkways during peak hours. From our observations, passengers alighting would also pass through the area under or near the elevated walkway. We also understand that TD is preparing for a series of projects in the adjoining facilities of the Cross Harbour Tunnel Bus Interchange, including installing barrier-free access facilities, with a view to facilitating the access to public walkways by the public. The passenger flow in the concerned area may increase. Moreover, designating the area under the stairs or in vicinity of the elevated walkways as an area with no restriction on smoking may affect passengers queuing up on the stairs.

5. Evidence to substantiate the effectiveness of smoking room in separating smokers and non-smokers and protecting non-smokers outside the room from exposure to second-hand smoke is still lacking in the international community and some overseas jurisdictions do not allow such practice. Besides, it would be impossible to prevent the smoke from leaking out when people move in and out of the smoking room and the smoke released from the ventilation outlet of the smoking room from flowing towards the queuing area. Therefore, setting up of smoking room in the statutory NSAs is not feasible. We also consider that the provision of such facilities might in turn encourage people to smoke, which is contrary to our policy objective of discouraging smoking.

6. Moreover, members also enquired about the type of litter bins to be placed in the BIs. We will arrange to place the appropriate litter bins and cigarette butt containers after taking the actual circumstances of the areas where smoking is not prohibited into account.

7. As illustrated above, the two BIs concerned are very crowded with very limited space. We have taken into account the actual situation in the drafting process, and endeavoured to balance the interests of different stakeholders and provide areas with no smoking restriction where circumstances permit. We would keep in view of the actual situation and review the implementation of the proposed smoking ban in 12 months and consider the improvement measures needed.

Food and Health Bureau
Department of Health
February 2016

Subcommittee of the Smoking (Public Health)
(Amendment of Schedule 2) Order 2015
《2015年吸煙(公眾衛生)條例(修訂附表2)令》
小組委員會

於2016年2月1日就位於隧道入口範圍內的
巴士轉乘處指定為禁煙區作實地視察的補充資料
Supplementary Information for the site visit on the
designation of statutory no smoking areas at bus interchanges
located at tunnel portal areas on 1 February 2016

Shing Mun Tunnels Bus Interchange
城門隧道巴士轉乘處



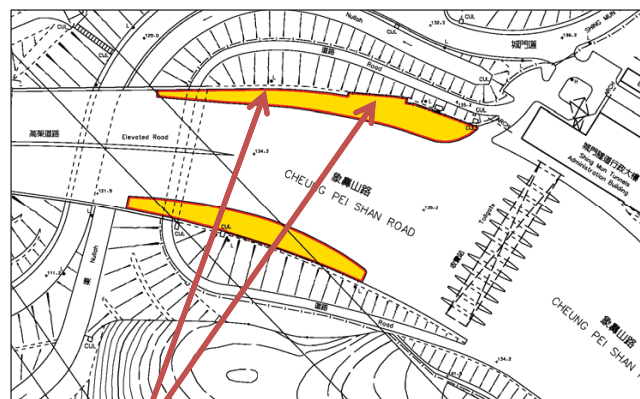
Photo 1 / 圖1



Photo 2 / 圖2



Photo 3 /
圖3



Top of slope is covered with
grown trees and vegetation
斜坡部分現時有樹木及
其他植物所覆蓋

Proposed area with no smoking restriction
委員建議的無禁煙限制區域



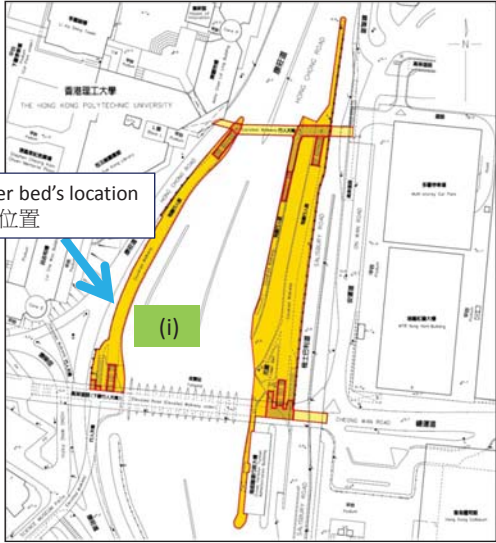
Photo 4 / 圖4

Cross Harbour Tunnel Bus Interchange Location (i)

海底隧道巴士轉乘處 (位置(i))



 No smoking area
禁煙區



Flower bed's location
花圃位置

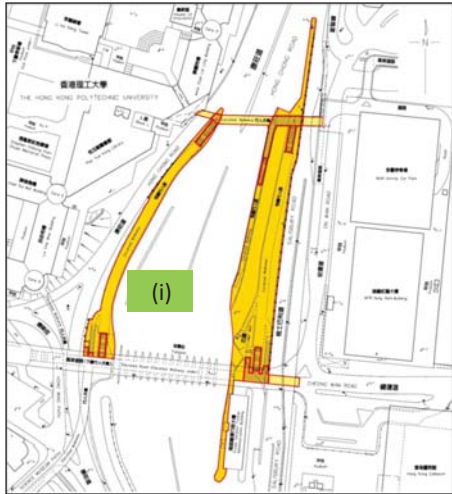
The flower bed, located right at an intersection where two busy roads turn steeply and merge, is meant to serve as a safety buffer for passengers at the bus interchange.
花圃位處於兩條繁忙的行车路的急速轉彎的交匯處，其設置的目的是為巴士轉乘處候車乘客提供安全的阻隔

Cross Harbour Tunnel Bus Interchange Location (i)

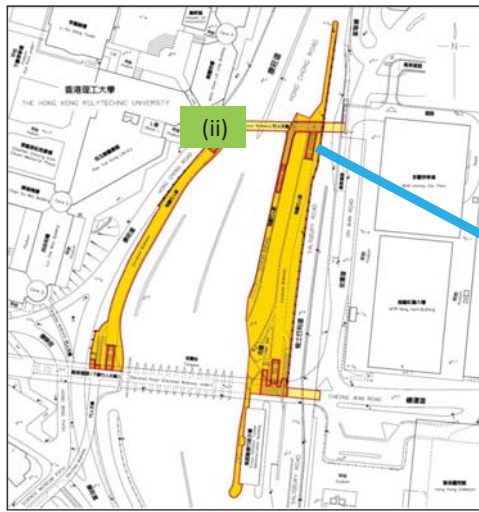
海底隧道巴士轉乘處 (位置(i))



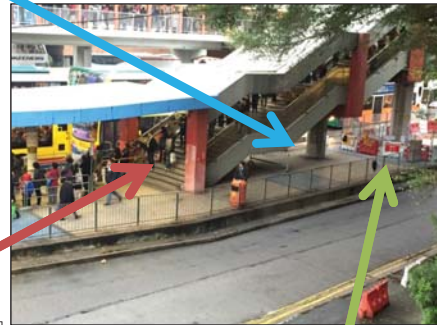
3m / 3米



Cross Harbour Tunnel Bus Interchange Location (ii) 海底隧道巴士轉乘處 (位置(ii))



排隊的乘客
Passengers queuing for bus



運輸署工程位置
Location of works by Transport Department