

For discussion on
24 April 2018

Legislative Council Panel on Health Services

Smoking Ban at Bus Interchanges Leading to Expressways or Tunnels

PURPOSE

Eight of the 11 bus interchanges (“BIs”) leading to expressways or tunnels have been designated as no smoking areas (“NSAs”). This note explains the Government’s plan to further designate the remaining three.

BACKGROUND

2. The Government’s tobacco control policy seeks to safeguard public health by discouraging smoking, containing the proliferation of tobacco use and minimising the impact of passive smoking on the public. Our multi-pronged approach, comprising legislation, enforcement, publicity, education, smoking cessation services and taxation, has gradually reduced the smoking prevalence rate from 23.3% in 1982 to 10.0% in 2017.

3. The Smoking (Public Health) Ordinance, Cap. 371, and its subsidiary legislation provide a legislative framework for restricting the use, sale and promotion of tobacco products. Under Cap. 371, any person who smokes or carries a lighted cigarette, cigar or pipe in areas designated as NSAs (in contravention of Section 3) or in public transport carriers (in contravention of Section 4) commits an offence. Schedule 2 to the Ordinance specifies a number of designated NSAs and exempt areas. Smoking at public transport facilities (“PTFs”)¹ as defined in Section 3(1)(1AB) of Cap. 371 and specified under the Smoking (Public Health) (Designation of No Smoking Areas) Notice (Cap. 371 sub. leg. D) is also prohibited.

4. Unlike the PTFs specified, BIs had not been designated as NSAs prior to the enactment of the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015 which covered eight BIs. Just as at PTFs,

¹ According to Section 3(1)(1AB) of Cap. 371, The Director of Health may, by notice published in the Gazette, designate as a no smoking area the whole or a part of –

- (a) any area that consists of the termini of 2 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).

non-smokers waiting and queuing for changing buses at BIs would not be able to take effective measures against second-hand smoke if smoking is allowed. To protect the health of passengers, we extended the smoking ban to BIs at tunnel portal areas in March 2016.

REVIEW ON DESIGNATION OF EIGHT BIs AS NSAs

5. Over the past decades, we have been progressively stepping up tobacco control on all fronts having regard to the expectation and acceptance of our community. The Tobacco Control Office (“TCO”) of the Department of Health has been receiving suggestions to impose the smoking ban at BIs. On 31 March 2016, we extended the smoking ban to the following eight BIs at tunnel portal areas –

- (a) Cross-Harbour Tunnel Bus Interchange;
- (b) Lion Rock Tunnel Bus Interchange;
- (c) Shing Mun Tunnels Bus Interchange;
- (d) Eastern Harbour Crossing Bus Interchange;
- (e) Western Harbour Crossing Bus Interchange;
- (f) Tate’s Cairn Tunnel Bus Interchange;
- (g) Tai Lam Tunnel Bus Interchange; and
- (h) Tsing Sha Highway Bus Interchange.

6. To facilitate the implementation of smoking ban at these BIs, TCO had arranged the following –

- (a) displaying signs, publicity materials, plans and other demarcations including markings on the ground as appropriate to indicate the boundaries of the NSA at each BI;
- (b) deploying smoke-free ambassadors to distribute publicity materials and broadcasting a new set of television and radio Announcement in the Public Interest before the statutory smoking ban takes effect;
- (c) displaying no-smoking signs at conspicuous locations within the NSAs of the BIs to remind the public of the smoking ban; and
- (d) depositing and posting all plans of the NSAs of the related BIs at the Land Registry and on TCO’s website for inspection by the public.

7. The Administration had pledged, before extension of the ban in March 2016, to review the implementation of this initiative after 12 months and consider the timing to further extend NSAs to other PTFs. In this connection, a survey, conducted by TCO, was carried out during April to May 2017 to

evaluate the designation of NSAs at the eight BIs at tunnel portal areas. Persons aged 15 years and above who speak Cantonese and Putonghua were interviewed through telephone and face-to-face interviews based on a structured and anonymous questionnaire. Face-to-face interviews were conducted at the eight designated NSAs, where respondents were selected randomly at pre-determined fixed time intervals. A total of 1 059 and 311 persons were successfully enumerated for the telephone and face-to-face interviews with an overall response rate of 70.4% and 75.5% respectively. 13.5% of the respondents were current smokers and 12.5% were ex-smokers.

Awareness about NSAs in BIs

8. Overall, 49.8% of the respondents were aware that BIs at tunnel portal areas had been designated as NSAs. When examined by the interview mode, 47.2% of the respondents in telephone interviews and 68.2% of those in face-to-face interviews were aware of such. Respondents who were current smokers (79.0%) showed a significantly higher awareness of the smoking ban than never (46.8%) and ex-smokers (53.2%).

Support for current NSAs and extension of NSAs

9. 93.2% of all respondents² agreed that the designation of BIs at tunnel portal areas as NSAs could protect them from the harmful effects of second-hand smoke. 42.1% of all respondents³ agreed that enforcement of the smoking ban at the eight BIs was adequate.

10. 93.8% of all respondents⁴ supported further expansion of NSAs to include additional areas such as other BIs and bus stops. Almost all of the respondents who were never (98.3%) and ex-smokers (94.7%) supported the suggestion, while 66.5% of the respondents who were current smokers supported such measure.

Support for designating the whole area of BIs at tunnel portal areas as NSAs

11. 87.5% of respondents⁵ of face-to-face interviews conducted at all eight BIs supported the designation of the whole area of the respective BIs at tunnel portal areas as NSAs. 96.8% and 100% of the respondents who were never and

² Excluding 12 respondents who declared “no comment / refused to answer”.

³ Excluding 286 respondents who declared “don’t know, never / seldom use tunnel portal areas” or “no comment / refused to answer”.

⁴ Excluding 10 respondents who declared “no comment / refused to answer”.

⁵ Excluding 6 respondents who declared “no comment / refused to answer”.

ex-smokers supported such a measure as well as 53.0% of the respondents who were current smokers.

ENFORCEMENT ACTION

12. TCO has put in place a designated team to conduct inspections at the eight BIs at tunnel portal areas since 2016. Apart from handling complaints, the team will also arrange proactive inspections at these locations to enhance the deterrent effect. In general, enforcement actions have been smooth and welcomed by the public though with room for strengthening. Details of the enforcement action are set out in the table below.

	2016	2017
Complaint	797	352
Inspection	637	1 088
Fixed Penalty Notice / Summons	657	1 020

WAY FORWARD

13. The extension of the smoking ban to the eight BIs located at tunnel portal areas was an initial step for testing the feasibility of expanding NSAs to other public facilities. The support from the vast majority of the respondents reinforces the suggestions to further extend the smoking ban at public facilities that we have received from time to time. We thus propose to extend the smoking ban to the remaining BIs that lead to expressways or tunnels. Details are set out in the paragraphs below.

LEGISLATIVE PROPOSAL ON SMOKING BAN AT BIs LEADING TO EXPRESSWAYS OR TUNNELS

14. According to the Transport Department, there are 11 BIs that lead to expressways or tunnels, of which eight have been designated as NSAs since 2016. There are three additional BIs, namely –

- (a) Tuen Mun Road Bus Interchange;
- (b) Lantau Toll Plaza Bus Interchange; and
- (c) Aberdeen Tunnel Bus Interchange.

There are about 26 to 71 bus routes at each of these three BIs for passenger interchange.

15. To enhance the protection of passengers from the harmful effects of second-hand smoke, we will proceed to amend Schedule 2 of Cap. 371 to extend the smoking ban to the three BIs. Similar to the previous amendment exercise, TCO will undertake enforcement actions at these locations against smoking offenders after the amendment order comes into effect.

16. Each NSA will cover the boarding areas and some adjoining waiting areas. We will consult the relevant District Councils in the next few weeks to solicit their views, including the boundary of the proposed NSA. We aim to submit the legislative amendments to LegCo in this legislative session.

17. With public support for the smoking ban at BIs leading to tunnels or expressways, we will in future initiate similar legislative amendment exercise to designate NSAs at new BIs when they come into operation. The next ones would be the BIs under construction/to be constructed at Fanling Highway.

ADVICE SOUGHT

18. Members are invited to note the review on the designation of the eight BIs at tunnel portal areas as NSAs and advise on the proposal to extend the smoking ban to the remaining BIs that lead to expressways or tunnels.

Food and Health Bureau
Department of Health
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