

LEGISLATIVE COUNCIL BRIEF

SMOKING (PUBLIC HEALTH) (AMENDMENT) BILL 2000

1. INTRODUCTION

This paper aims at informing Legislative Council Members of the content of the Smoking (Public Health) (Amendment) Bill 2000 to be introduced by Dr the Hon LEONG Che Hung to the Legislative Council for scrutiny. The text of the Bill is at **Annex A**.

2. OBJECTS OF THE BILL

The objects of the Bill are to amend the Smoking (Public Health) Ordinance (Cap. 371) so as to subject more restaurants to the requirement of designating no-smoking area in the premises and to expand the size of such no-smoking area.

It also seeks to amend the Smoking (Public Health) Regulations and the Smoking (Public Health) (Notices) Order, so as to allow "prescribed health warnings" of cigarette packets and tobacco advertisement being a combination of words, pictures and graphics. Under the current law, the warnings are just words.

3. BACKGROUND AND ARGUMENT

It is Government's declared policy to minimise public's exposure to environmental tobacco smoke to the maximum extent possible. The Government has also stated repeatedly that its policy is to adopt a "step-by-step approach" in formulating and implementing anti-smoking measures.

Under Section 3(1C) of the Smoking (Public Health) Ordinance, the manager of a restaurant which provides indoor seating accommodation for more than 200 persons, excluding the area used exclusively by a private event and separated by full height partition, is required to designate not less than one-third of the accommodation as no-smoking area. This requirement has come into operation in July 1999.

Given the nearly one-year experience of implementing the regulation on designating no-smoking area in restaurants, and the public sentiment yearning for more no-smoking areas in more restaurants as indicated by surveys conducted by the Hong Kong Council on Smoking and Health (COSH) in 1995 and 1999 (**Annex B**), it is time to move another step to tighten up the requirement further.

Economic Considerations

Worries about the effect of tightening no-smoking regulations on restaurant business are not justified, according to surveys by the COSH. Some 20% of respondents would eat out more often if restaurants were smoke-free, whilst only 3% would do so less. If two restaurants offer same type of service, 84% of respondents would choose the one with no-smoking area. (**Annex B**)

Extending the no-smoking requirement would also incur considerable savings in medical cost for restaurant workers, who are now being forced to inhale environmental tobacco smoke. Medical studies in 1999 indicated that about half of non-smoking employees in Hong Kong are affected by passive smoking in workplace. Amongst these suffering non-smoking employees, about 80% (or about 910,000 employees) required extra medical consultation, incurring an annual extra medical burden of \$109 million.

4. THE BILL

Clause 2 amends the requirement that the manager of a restaurant which provides indoor seating accommodation for more than 200 persons, excluding the area used exclusively for a private event and separated by full height partition, must designate not less than one-third of the seating as no smoking area. It proposes stipulating that a restaurant with more than 100 seating accommodation must designate at least half of the seats as no smoking.

Clause 3 provides that the "prescribed form of a health warning" in tobacco advertisements in printed publications may be a combination of words, pictures and graphics. Under the current regulations, the warnings are just words.

Clause 4 provides that the "health warning" on cigarette packets and retail containers may be a combination of words, pictures and graphics. Under the current order, the warnings are just words.

5. FINANCIAL IMPLICATIONS

The President of the Legislative Council has ruled that this Bill does not incur any "charging effect" on the Government. The Government has raised no objection to the ruling.

6. LEGISLATIVE TIME TABLE

Publication of the Bill in the Gazette	9 June 2000
First Reading and Second Reading	14 June 2000
Committee Stage	To be notified
Resumption of Second Reading Debate and Third Reading	To be notified

7. PUBLIC CONSULTATION

No direct consultation on the content of this Bill has been conducted. However, scientific continuous studies of the COSH have indicating increasing support of the general public towards extending no smoking area in restaurants. In its survey in 1995, 37% of the respondents strongly supported, and 47% supported, setting half of the seats in restaurants as no smoking area. In 1999, the corresponding figures have risen to 44% and 50% respectively. (**Annex B**)

8. INQUIRIES

For inquiry about this Bill, please contact the Office of Dr C H LEONG (Tel. : 2524 9596 Fax. : 2840 0748)

*Office of Dr C H Leong,
Member of the HKSAR Legislative Council
8 June 2000*