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二零零一年五月十四日 討論文件

立法會衛生事務委員會

二零零一年五月十四日會議

《2001年吸煙(公眾衛生)(修訂)(第2號)條例草案》

引言

1. 本文件旨在匯報羅致光及勞永樂議員提出之《2001年吸煙(公眾衛生)(修訂)(第2號)條例草案》,條例草案全文載於附件A。

目的

2. 本條例草案的目的在於修訂《2001年吸煙(公眾衛生)條例》(第 371 章)及《吸煙(公眾衛生)(公告)令》(第 371 章,附屬法例),藉以在食肆內任何對公眾開放的室內地區實施全面禁止吸煙。

背景

3. 自 1975 年以來,政府已有明確的政策勸阻市民吸煙。現時《吸煙(公眾衛生)條例》第 3 (1C)條規定,所有提供超過二百個室內座位的食肆,除以全高度間隔隔開以作私人活動專用的席位外,其管理人需將不少於三分一的面積劃爲禁止吸煙區,條例於 1999 年 7 月開始實施。

論據

4. 根據香港吸煙與健康委員會於 1999 年 12 月進行的調查,大部份(64%)的被訪市 民認爲現行法例不足夠及未能有效地保障市民在食肆內免受二手煙影響,多數人贊成加 強法例使其包括更多食肆,和增加禁煙區的範圍,69%支持將全部座位定爲禁止吸煙區 ¹,而民主黨於 2000 年 12 月進行的調查更發現,77.5%的被訪者贊成立法禁止在食肆的

^{1 「}市民對飲食店鋪禁止吸煙的意見 2000」,香港吸煙與健康委員會,2000年3月。

所有室內地方吸煙,可見社會對食肆全面禁止吸煙的要求日增。

5. 飲食業人士憂慮全面禁止在食肆吸煙對其生意額及就業情況有損,三藩市大學醫學系格蘭教授(Professor Stanton Glantz)於1994及1997年進行的調查發現,首15個通過禁煙條例的城市,食肆的總數入並無影響²。此外,吸煙與健康委員會1999年的調查發現,如果所有食肆都禁煙,20%受訪者會增加到食肆進食的次數,會減少次數的則只有3%,可見,食肆全面禁煙並不會對飲食業的生意額帶來負面影響。

工作安排

6. 條例草案的具體條文並未進行公眾諮詢,但民主黨及香港吸煙與健康委員會的調查 已顯示大部份市民支持食肆的室內地方全面禁止吸煙。條例草案正申請立法會主席的裁 定。

徵詢意見

7. 請委員就條例案提出意見。

羅致光 勞永樂 二零零一年五月

^{2 「}美國經濟成功證實禁煙條例無損食肆營業額」,香港吸煙與健康委員會,2000年10月。

A BILL

To

Amend the Smoking (Public Health) Ordinance and the Smoking (Public Health) (Notices) Order.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Smoking (Public Health) (Amendment) (No. 2) Ordinance 2001.

2. Interpretation

Section 2 of the Smoking (Public Health) Ordinance (Cap. 371) is amended, in the definition of "no smoking area", by repealing ", (1A) or (1C) and substituting "or (1A)".

3. Prohibition on smoking in certain designated areas

Section 3 is amended -

- (a) in subsection (1B), by repealing "Subject to subsection (1C), the" and substituting "The";
- (b) by repealing subsection (1C).

4. Display of signs outside restaurants

Section 6A is repealed.

5. Offences under Part II

Section 7(4) is repealed.

6. Designated no smoking areas

Schedule 2 is amended -

- (a) in item 4(b), by repealing ", except the restaurant within a department store or a shopping mall";
- (b) by adding -
 - "5. Any indoor area open to the public in a restaurant.".

7. Premises specified under section 3(1B) that may be designated as no smoking area

Item 1 of Schedule 4 is repealed.

Smoking (Public Health) (Notices) Order

8. Restaurant signs

Paragraph 4B of the Smoking (Public Health) (Notice) Order (Cap. 371 sub. leg.) is repealed.

9. Schedule amended

Part V of the Schedule is repealed.

Explanatory Memorandum

The purpose of this Bill is to amend the Smoking (Public Health) Ordinance (Cap.371) ("the Ordinance") and the Smoking (Public Health) (Notices) Order ("the Order") to introduce complete ban on smoking in the indoor areas open to public of restaurants.

- 2. Clause 2 amends the definition of "no smoking area" in section 2 of the Ordinance consequent upon the repeal of section 3(1C) of the Ordinance.
- 3. Clause 3 amends section 3 of the Ordinance and gives the manager of a restaurant the same powers and responsibilities as other managers of designated premises in the prohibition of smoking in those premises.
- 4. Clause 4 repeals section 6A of the Ordinance.
- 5. Clause 5 repeals section 7(4) of the Ordinance consequent upon the repeal of section 3(1C) of the Ordinance.
- 6. Clause 6 amends Schedule 2 to the Ordinance to include indoor areas of restaurants as designated no smoking areas.
- 7. Clause 7 amends Schedule 4 to the Ordinance.

- 8. Clause 8 repeals paragraph 4B of the Order.
- 9. Clause 9 repeals Part V of the Schedule to the Order.