



中華人民共和國香港特別行政區政府總部衛生福利及食物局
Health, Welfare and Food Bureau
Government Secretariat, Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref.: () in HWF CR 52/581/89

Tel: 2973 8240
Fax: 2840 0467
2869 4376

15 May 2006

Ms Doris Chan
Clerk to Bills Committee
Legislative Council
8 Jackson Road
Central
Hong Kong
(Fax: 2509 9055)

Dear Ms Chan,

Smoking (Public Health) (Amendment) Bill 2005

In the meeting on 12 May 2006, Members of the Bills Committee requested to see submissions from “specified educational establishment” in relation to the proposal of expanding the statutory no smoking areas to their outdoor premises. Please find attached their submissions in the order of dates.

Yours sincerely,

(Miss Christine Au)

for Secretary for Health, Welfare and Food

Submissions from “specified educational establishment”

Vocational Training Council
The University of Hong Kong
Lingnan University
Hong Kong Shue Yan College
The Chinese University of Hong Kong
Hong Kong University of Science & Technology
The Open University of Hong Kong
Caritas Francis Hsu College
The Hong Kong Academy for Performing Arts
The Hong Kong Institute of Education
City University of Hong Kong
The Hong Kong Polytechnic University
Hong Kong Baptist University
Chu Hai College of Higher Education

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Vocational Training Council
VTC Tower
27 Wood Road, Wanchai
Hong Kong

職業訓練局
香港灣仔活道27號
職業訓練局大樓

電話 Telephone No: 2836 1988
傳真 Facsimile No: 2591 4773
本局檔號 Our Reference: (24) in VTC – G 107/10/26
來函檔號 Your Reference: HWF/CR/52/581/89

11 May 2006

Mrs Ingrid Yeung
Health, Welfare and Food Bureau
Mezzanine Floor & 19-21/F
Murray Building
Garden Road
Central Hong Kong

Ingrid,
Dear Mrs Yeung,

Smoking (Public Health) (Amendment) Bill 2005

Thank you for your letters of 1 March and 6 April 2006.

We support your proposal to ban smoking in all areas (both indoor and outdoor) within the boundaries of school premises. We have in fact put in place an internal policy to prohibit smoking in our school premises, including all the campuses, training centres, skills centres and the VTC senior secondary school.

We have no objection if you wish to table our reply at the Bills Committee meeting.

Yours sincerely,


(Carrie Willis)
Executive Director

THE UNIVERSITY OF HONG KONG

香 港



大 學

麥培思副校長
Professor John Malpas
Pro-Vice-Chancellor
Chair of Earth Sciences

香港薄扶林道
Pokfulam Road, Hong Kong
電話 Tel: (852) 2859 2103
圖文傳真 Fax: (852) 2547 0801
電子郵件 Email: jgmalpas@hku.hk

Our Ref.: 1/638/6

May 3, 2006

Mrs. Ingrid Yeung
Health, Welfare and Food Bureau
Government Secretariat
Government of the Hong Kong Special Administrative Region
The People's Republic of China
Mezzanine Floor & 19-21/F, Murray Building
Garden Road
Central
Hong Kong

Dear Mrs. Yeung,

Smoking (Public Health) (Amendment) Bill 2005

Thank you for your letter dated March 1, 2006 inviting the University to provide an institutional view on the proposal made by the Bills Committee of Legco on an expansion of the smoking ban to cover all indoor and outdoor areas of the University. I would also like to refer to another letter dated April 6, 2006 from Ms. Julina Chan of your office.

2. The University has adopted a policy of a smoke-free campus since the year 2001. As there are inevitably a small number of smokers who are users of the campus including staff, students, visitors and staff of contractors who work on the campus, the University has made available a number of designated smoking areas for those who really have to smoke. Such a measure helps to minimize the spread of air contamination and the adverse effect on non-smokers.

3. In response to your letter dated March 1, 2006, the University has conducted an opinion survey on the proposal of the Bills Committee electronically. In our questionnaire, we invited all staff and students to indicate whether they prefer to maintain the University's existing policy with the provision of designated smoking areas or whether they prefer a total smoking ban with designated smoking areas abolished. The result was that out of the 922 replies received, 250 of them prefer to maintain the existing policy while 672 prefer a total ban. The majority of the respondents are in support of a total smoking ban.

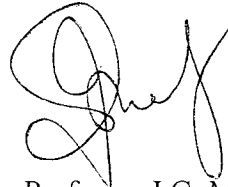
4. There are a number of issues which we would like to raise:
- a) There are certain areas on the campus which are designated for residential purposes e.g. staff quarters and guest house. We would like to know whether such quarters and guest house will be exempted.
 - b) In reality, there are a small number of smokers, including visitors and people from the community, who have to use/visit the campus. If a total smoking ban is made statutory, we would like to receive detailed guidelines from the Government on the implementation. Moreover, the University may require assistance from the Government when it involves law enforcement.
 - c) The University encourages smokers to abandon smoking for health reasons. It also realises that it will take time to educate them and to generate their determination to do so. Therefore a total smoking ban policy, if to be made statutory, should be planned and implemented incrementally over a longer period before it is fully enforced.
 - d) A possible side-effect of a total ban is that smokers will continue to do so in relatively hidden places e.g. their own offices, back staircases etc. Such by-products would bring about air contamination in scattered places which will be even more difficult to control than having clearly designated smoking areas.
 - e) The enforcement of a total ban will be difficult when there are official visitors who are smokers. It will be embarrassing when we advise our visitors not to smoke but cannot provide a venue for them to do so.

5. Regarding Ms. Julina Chan's letter dated April 6, 2006 (which we received on April 18, 2006), the answers to the four questions are shown below:

- (a) HKU's boundary has been quite well defined by the Government as we have developed our campuses; the information however is strictly speaking not accessible to the public.
- (b) The boundaries of student halls and staff quarters which are outside the main campus are also quite well defined.
- (c) HKU supports a smoking ban that is applicable to the campuses and students halls, but not so specifically to staff quarters.
- (d) See 4(a) and 5(c) above.

6. The University supports a smoke-free campus, both from the educational and health points of view. In moving towards a total smoking ban, the University's interim measure of confining smoking to a few designated smoking areas is found to be acceptable in terms of keeping the extent of air contamination under control. I believe that further thought should be given to the planning and enforcement aspects. The University welcomes further guidance from the Bills Committee and would like to be kept informed about the progress of the new proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J.G. Malpas', written in a cursive style.

Professor J.G. Malpas
Pro-Vice-Chancellor

Ref: IV (6) in Adm/500/1

2 May 2006

Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau
Government Secretariat
Mezzanine Floor & 19-21/F, Murray Building
Garden Road, Central
Hong Kong
(Attn: Ms Julina Chan)

By fax and by post
(Fax no. 2840-0467)

Dear Ms Chan,

Smoking (Public Health) (Amendment) Bill 2005

I refer to your letter dated 6 April 2006 raising questions in respect of the above subject. Reference is also made to your previous letter of 1 March 2006 consulting views on the captioned Bill.

Lingnan University agrees that a person should not be exposed to the harmful effects of secondhand smoking. To promote a healthy campus environment for its staff and students, the University has been adopting a smoke-free campus policy since September 2005. To specifically answer the questions raised in your letter, further information is provided as follows:

1. At present all the indoor premises of the University is smoke-free. Smoking is also prohibited in outdoor areas of the University campus except in certain designated areas. The policy is announced to all members of staff and students through email and circulars.
2. The boundary mentioned in (1) above includes all hostels.
3. The University supports a smoke-free campus with the consideration of the needs and rights of smokers in the campus. Consultation will be made among staff and student as to whether the University campus should be completely smoke-free. In the meantime, the management will do more education on the harmful effects of smoking to discourage smoking,

... / P.2

4. Please refer to (1) above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Li Kam-kee', with a stylized flourish at the end.

Li Kam-kee
Director of Administration

Cc President
Chairman, Health & Safety Committee, LU

KKL/MC

Hong Kong Shue Yan College

WAI TSUI CRESCENT, BRAEMAR HILL ROAD
NORTH POINT, HONG KONG
TEL: 2570-7110 (6 LINES)

電話：二五七〇一七一〇（六綫）
寶馬山慧翠道
香港北角
樹仁學院

Mrs. Ingrid Yeung
Secretary for Healthy, welfare and Food
Health, Welfare and Food Bureau
Government Secretariat
Mezzanine Floor & 19-21/F
Murray Building,
Garden Road,
Central,
Hong Kong.

30th April, 2006.

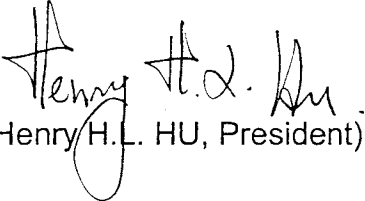
Dear Mrs, Yeung,

Smoking (Public Healthy) (Amendment) Bill 2005

Thank you very much for your letter of 1st March, 2006.

We have no objection on the Bills Committee members' proposals as mentioned in paragraph (3) of your said letter. We think that such measures may be necessary to protect the health of students.

Yours sincerely,


(Henry H.L. HU, President)

Hong Kong Shue Yan College

WAI TSUI CRESCENT, BRAEMAR HILL ROAD
NORTH POINT, HONG KONG
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香港北角
寶馬山慧翠道
電話：二五七〇七一
傳真：二八〇六八〇四四

By Fax and Mail

April 27, 2006

Ms. Julina Chan
Health, Welfare and Food Bureau
Government Secretariat, Government of the
Hong Kong Special Administrative Region
The People's Republic of China
Mezzanine Floor & 19-21/F.
Murray Building
Garden Road
Hong Kong

Dear Ms. Chan,

In reply to your letter dated April 6, 2006, we agree to apply the smoking ban in our students' and staff employees' dormitories.

We have clearly stated "No smoking" in our student resident handbook and all hall rules, so all residents must abide by "No smoking" inside the hall area. At the main entrance of our lift lobby, we have also posted a "No smoking" notice to remind all students that smoking is not allowed in the Hall area.

For the staff dormitory, the rooms are all on "Non-smoking" floors. When staff check-in our staff dormitory, we verbally remind all of them that smoking is not allowed inside our Hall area.

If you have any questions, please do not hesitate to contact the undersigned at 2806-5130.

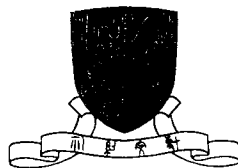
Thank you for your kind attention.

Sincerely,



Jacob Lo
Hall Manager





FAXED
DATE: 29 APR 2006

香港中文大學
THE CHINESE UNIVERSITY OF HONG KONG

劉遵義 Lawrence J. Lau
校長 Vice-Chancellor
經濟學講座教授 Professor of Economics

Your Ref.: HWF/CR/52/581/89

Our Ref.: (06A/jl/0634)

28 April 2006

Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau
Mezzanine Floor & 19-21/F
Murray Building
Garden Road
Central
Hong Kong

(Attention: Ms. Julina Chan)

Dear Ms. Chan,

Smoking (Public Health) (Amendment) Bill 2005

Thank you for your letters of 1 March and 6 April 2006 on the above. I would like to furnish you with our response as follows:-

1. The University has a clear boundary under its land lease. This information is accessible through proper enquiry. Demarcation of boundary will be made known where appropriate.
2. The boundary of the University covers both student and staff residences/dormitories.
3. The University supports a policy on a smoke-free campus and has since March 1996 designated all enclosed public/common areas on the University campus, including all student dormitories as "no Smoking Areas" (Attachment 1). "No Smoking" signs are also placed at prominent public areas, including staff and student canteens, to reinforce the policy.

..../2

Page 2
(06A/jl/0634)

28 April 2006

Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau

(Attention: Ms. Julina Chan)

4. The University has at present no plan to ban smoking in staff residences/
dormitories.

A summary of the views from our Nethersole School of Nursing and School of Public Health on the proposals of the Bills Committee is set out in Attachment 2.

Sincerely yours,



Kenneth Young
Acting Vice-Chancellor

Enc.

Smoke-free Campus

1. Smoking leads to various diseases and is offensive to many non-smokers. It is harmful and even debilitating to some individuals owing to their physical conditions, and there is evidence suggesting that passive smoke inhalation is harmful to non-smokers. The University supports a policy on a smoke-free campus as practicably possible. Achieving and maintaining this objective will require the willingness, understanding and patience of all members of the campus community.
2. The University is among the list of premises specified under the Smoking (Public Health) Ordinance (Cap 371) that may be designated as no-smoking areas. In support of a Smoke-free Campus, the University designates the following locations as "No-Smoking Areas":
 - (a) All lecture halls/theatres/rooms/concert halls
 - (b) University Library System (including the branch libraries)
 - (c) All gymnasias
 - (d) Art Museum
 - (e) University Health Service
 - (f) All University-owned/rented buses
 - (g) All washrooms
 - (h) All canteens (except if there are designated sections for smoking)
 - (i) Information Technology Services Centre
 - (j) All teaching laboratories
 - (k) All lifts
 - (l) Any other public areas as may from time to time be designated as "No-Smoking Areas".
3. Departments/Units may, with staff's consent, exceptionally allow smoking in private offices with individual/separate air conditioners NOT connected to the overall air conditioning system of the whole building. Without this exceptional permission, smoking will not be allowed even in such private offices.
4. Department Chairmen and Unit Heads are requested to promote among their staff, students and visitors the University's "Smoke-free Campus" concept and the smoking control measures, impressing upon them the need for compliance with the above Ordinance and the sanction to be imposed for non-compliance.
5. If there is any query regarding the designation of "No-Smoking Areas", please contact the Estates Management Office for advice.

THE CHINESE UNIVERSITY OF HONG KONG

Smoking (Public Health) (Amendment) Bill 2005

Views of the Nethersole School of Nursing and the School of Public Health

School	Views
The Nethersole School of Nursing	We support the proposed amendment and feel that the ban should also cover outside areas.
School of Public Health	From the public health perspective, we support this move. We are aware from the literature of the harm from passive smoking and also of the success of such initiatives in other parts of the world. Universities have a responsibility to the staff and students who live and work within their environment and also a responsibility to act on scientific evidence. In addition at CUHK, we are currently developing a Healthy University Policy and will support all other measures in the bill proposed to reduce tobacco related harm including the controls on packaging and labeling tobacco products; restrictions on advertising and conferring enforcement powers on managers of statutory smoke free areas.

28 April 2006



Tel No: 2358 6451

26 April 2006

Health, Welfare and Food Bureau
Mezzanine Floor & 19-21/F
Murray Building
Garden Road
Central
Hong Kong

Attn: Mrs Ingrid Yeung/Ms Juliana Chan

Dear Mrs Yeung/Ms Chan,

Smoking (Public Health) (Amendment) Bill 2005

I am writing in response to your letters of March 1, 2006 and April 6, 2006 to our President on the subject issue.

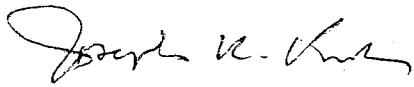
With regard to the issue raised in your first letter, I would like to inform you that since our inception we have designated all indoor locations within our academic building as non-smoking areas. Smoking is only allowed in outdoor areas. In general, our University community support efforts which will further minimize the negative health impact of second-hand smoke. Banning smoking in all indoor and outdoor areas within the University campus is perhaps a good thought. Nevertheless it is something that will be difficult to implement and challenging to enforce as it is rather unrealistic to require smokers to walk several hundred meters or more to go beyond the parameter of our campus boundary in order to smoke.

On the issues raised in your second letter, a clear boundary has been established in that all indoor areas are designated as smoke free. No-smoking signs have been posted in strategic locations to communicate this policy.

Student dormitories are also designated as non-smoking areas. As for staff quarters, our view is that such a decision is best left to individual households.

Please contact me directly if you need further information on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Joseph Kwan". The signature is fluid and cursive, with the first name "Joseph" being more prominent than the last name "Kwan".

Dr Joseph Kwan
Director of Safety & Environmental Protection

JK/vc

校長
梁智仁教授

Prof. John C. Y. Leong
President



香港公開大學
THE OPEN UNIVERSITY
OF HONG KONG

政府創辦 · 財政獨立 Government established · Financially independent

香港九龍何文田牧愛街三十號
30 Good Shepherd Street
Ho Man Tin, Kowloon, Hong Kong
電話 Tel: (852) 2768 6089
傳真 Fax: (852) 2390 6811
電子郵遞 Email: jcyleong@ouhk.edu.hk

26 April 2006 *Rec'd 27/4*

Your Ref: HWF/CR 52/581/89

Secretary for Health, Welfare and Food Bureau
Health, Welfare and Food Bureau
19/F, Murray Building
Garden Road, Central
Hong Kong
(Attention: Ms Julina Chan)

Dear Sir,

Smoking (Public Health) (Amendment) Bill 2005

I refer to your letters dated 1 March and 6 April 2006 soliciting views on the proposal that outdoor areas of universities be made statutory non-smoking in addition to indoor areas. Invitation for views on the proposal was sent to staff members while students' views were collected via the student intranet. The following summarizes the feedbacks received.

Most of the staff feedbacks are supportive of the proposal to enlarge the smoking ban to cover also the outdoor areas of universities. However, some concerns have been expressed over the difficulty of enforcing the legislation on our campus as free access to all outdoor areas is allowed. Out of the 48 responses received from students, 44 were supportive of the proposed prohibition of smoking in both indoor and outdoor campus areas. A summary record of their feedbacks is attached.

As regards your specific questions regarding boundaries, the University has clear boundaries of its premises as given under the land grant or tenancy agreements. There is however no clear indication of the boundaries, particularly in regard to the outdoor areas, for notice of the public. There is no physical wall or fence which can be used for demarcation purposes and it is clearly not convenient to install such demarcations. This is why we have some concerns as to the enforcement of a smoking ban in the outdoor areas.

There are no student or staff dormitories within our campus. Currently, the University enforces a smoke-free policy in all our indoor facilities including a small accommodation facility for visiting scholars.

Finally, we are agreeable to your tabling our views in full in the Bills Committee meeting if deemed necessary. I hope our views are of use to you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John C Y Leong', with a stylized, looped initial 'J' and a trailing flourish.

John C Y Leong
President

Encl.

Smoking (Public Health) (Amendment) Bill 2005
Feedbacks of OUHK Students

A. Total number of replies received: 48

- 44 agreed to ban smoking in both the indoor & outdoor areas
- 4 agreed to ban smoking in the indoor area but disagreed to implementing a smoking ban in outdoor areas

B. Summary of feedbacks received:

- 1) Smoking is hazardous to the health of both smokers and second-hand smokers. Not want to be second-hand smokers and want to have a better living environment. [8]
- 2) Smoking can adversely affect the University image. [5]
- 3) Clear signage should be placed in the outdoor areas, indicating the smoking ban (including smoking and carrying lighted cigarettes). Besides, as some smokers in the campus seem to be the Mainlanders, signage in simplified Chinese characters may be needed. [2]
- 4) Multiple offenders should be fined in the multiple of the suggested penalty of \$5,000 for each offence. [1]
- 5) To effectively enforce the law on smoking ban, authority should be delegated to the security guards other than the police or staff of the Health, Welfare and Food Bureau. [1]
- 6) For places that smoking is allowed, a special tax should be levied to protect people who do not smoke or suffer from diseases as second-hand smokers. [1]
- 7) Comments from smokers: a specific small area for smoking should be established (as in the universities in US), which may have a separate ventilation system (like the smoking rooms in the airport). An absolute ban on smoking covering the outdoor areas as well is hard to accept. [4]

[] no. of students with similar comments



明愛徐誠斌學院
CARITAS FRANCIS HSU COLLEGE
香港明愛 Caritas - Hong Kong

Our Ref: CFHC/CR/06/030

24 April 2006 *sent 27/4*

Secretary for Health, Welfare and Food
Mezzanine Floor & 19-21/F
Murray Building
Garden Road, Central
Hong Kong

Attention: Ms Julina Chan

Dear Ms Chan

Re: Smoking (Public Health) (Amendment) Bill 2005

I would like to refer to your letter dated 6 April 2006 concerning the captioned subject. Please find below our response to the questions:

1. Our College is registered under the Post Secondary Colleges Ordinance (Chapter 320), which does not indicate the campus boundary of the College.
2. Our College does not have student and staff dormitories.
3. We support a smoking ban to be applicable to all areas within the boundary of our College.
4. Since our College does not have student and staff dormitories, we have no comments on this part.

Should you need clarifications, please feel free to contact us at 25214693.

Yours sincerely

P C Liu
College President

Tel 2584 8658
Fax 2584 8739
Email philipsoden.dir@hkapa.edu

Your ref: HWF/CR/52/581/89

March 31, 2006

Mrs Ingrid Yeung
Health, Welfare and Food Bureau
19-21/F, Murray Building
Garden Road
Central
Hong Kong

Dear Mrs Yeung,

Re: Smoking (Public Health) (Amendment) Bill 2005

Thank you for your letter dated 1 March 2006 to the Director of the Academy, Professor Kevin Thompson, on the captioned subject. Professor Thompson has asked me to respond, setting out the Academy's position in respect of the Bills Committee proposal.

When the Smoking (Public Health) (Amendment) Ordinance of 1997 passed into law, managers of certain types of premises set out in Schedule 4 of that Ordinance could designate any part of their premises as a non-smoking area. At that time, the Academy elected to designate all indoor spaces as non-smoking areas, so we are in accord with the Bill as currently drafted.

However, the Bill's Committee's proposal is more far-reaching and would give no choice to the managers of Schedule 4 premises in respect of their outdoor areas. As the Academy Wanchai campus also contains seven licensed places of public entertainment with members of the public attending performances arranged by outside hirers, it is a different situation from that of a purely academic institution. When our Bethanie campus opens later this year, it will contain another public performance venue. We therefore propose the following options for the Committee's consideration:

.../2

- (a) that the designation of outdoor parts of Schedule 4 premises as non-smoking areas be at the discretion of the manager of the premises, in line with the 1997 legislation; or
- (b) that if outdoor areas of Schedule 4 premises in general are to become non-smoking, the managers of those premises be empowered to designate restricted smoking zones within the outdoor areas (as per the current practice at Hong Kong University); and/or
- (c) to prohibit smoking outside within a specified distance (e.g. 5 metres) from an entrance to a designated non-smoking indoor area.

We are agreeable to this reply being circulated to Bills Committee members.

Yours sincerely



Philip Soden
Associate Director (Operations)

cc Director

4



The Hong Kong
Institute of Education
香港教育學院

Estates Office 物業處

Our Ref : EO/HSEH/1/L287/06
Your Ref : HWF/CR/52/581/89

Tel : 2948 6838
Fax : 2948 6121

22 March 2006

Secretary for Health Welfare and Food
Health Welfare and Food Bureau
Government Secretariat
Government of the Hong Kong Special Administrative Region
Mezzanine Floor & 19-21/F
Murray Building
Garden Road
Central, HK

Attn: Mrs Ingrid Yeung

Dear Mrs Yeung,

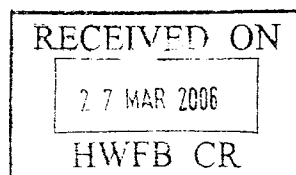
Smoking (Public Health) (Amendment) Bill 2005

Thank you for your letter of 1 March 2006 to our President Professor Paul Morris seeking views from our Institute on the Bills Committee members' proposals. Please note that we have set down as our Institute policy since 1998 that :

- 1) For all indoor areas of the Tai Po campus and Town Centre, smoking shall be strictly prohibited.
- 2) For outdoor areas of the Tai Po campus and Town Centre, smoking shall be discouraged.

We are glad to give our full support to the Bills Committee members' proposals, and strongly agree to make both the outdoor and indoor parts of universities and post-secondary education institutions to be statutory non-smoking areas.

We trust that a non-smoking environment will reduce the risk of fire hazard, help to maintain good air quality and eliminate any possible ambiguity upon the enforcement of the smoking ban throughout the campus.



...../ We are more than

Our Ref : EO/HSEH/1/L287/06
Your Ref : HWF/CR/52/581/89

22 March 2006

We are more than happy for the Government to table our reply in full in the Bills Committee meeting for the information of Bills Committee members. We are looking forward to the endorsement of the Smoking (Public Health) (Amendment) Bill 2005, which we believe will be beneficial to the community at large.

Yours sincerely,



Lam Long Chau
Director of Estates

LCL/mw



香港城市大學
City University
of Hong Kong

香港九龍達之路
Tat Chee Avenue, Kowloon,
Hong Kong

物業及設施管理處
Facilities Management Office



Cert. GB05/66918

Our Ref : FMO/12/5

22 March 2006

Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau
Government Secretariat
Mezzanine Floor & 19-21/F
Murray Building
Garden Road
Central
Hong Kong

Attn : Mrs. Ingrid Yeung

Dear Mrs. Yeung

Smoking (Public Health) (Amendment) Bill 2005

I am asked to give you a reply to the letter you sent to our President, Prof. H K Chang regarding a proposal put forth by the Bills Committee set up by the Legislative Council to scrutinize the above Bill. (Your letter ref. HWF/CR/52/581/89 dated 1 March 2006 refers.)

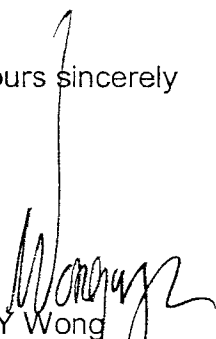
Although the above Bill proposes that only the indoor part of a university be covered by the smoking ban, the Bills Committee, however, suggests that even the outdoor areas of university campuses should be made statutory non-smoking and for this, the Bureau invites views and comments from institutions concerned.

As the University department who is charged with the duty to enforce the non-smoking policy of the university, we have the following opinion :

- 1) Generally, we welcome the suggestion to make both indoor and outdoor areas statutory non-smoking as this would give a clear-cut guideline for enforcement. In fact, our University has adopted a non-smoking policy which basically declares the whole campus (be it indoor or outdoor) a smoke-free zone.
- 2) However, our observation indicates that there is always a small population of staff, students, visitors and workers who have a habit of smoking. Currently, in order to accommodate the need of these individuals, we have designated some locations on campus as Smoking Areas. In the spirit of mutual respect, this arrangement could take care of both the need of the minority group and also those who do not want second-hand smokes.
- 3) To extend the smoking ban to cover all outdoor areas on campus implies that staff and students will have to go outside the campus whenever they want to smoke. Such a requirement would have the following implications :

- 3.1 In the eyes of the public, this is a selfish behaviour of the university because it may cause inconveniences to the general public and to the nearby community;
- 3.2 It may produce a negative image to the university if a group of people gathers and smokes outside the university; and
- 3.3 Universities have much larger outdoor areas than those establishments (e.g. child care centres, kindergartens, primary and secondary schools) as mentioned in the Bill. If those who want to smoke have to walk a long distance to outside of the campus, the chance of choosing to commit an offence will increase.
- 4) Since most of the universities adopt open campus policy, if the smoking ban is extended to cover all outdoor areas on campus and become a statutory requirement, higher chance of disputes and conflicts between university guards and visitors/offenders is expected.
- 5) A compromised approach similar to what we are doing is recommended. That is, the Bill shall be so amended to also make the outdoor areas of universities statutory non-smoking but allow some designated smoking areas with suitable warning signs be created on campus at locations with the least disturbance to the general public and the university community to cater for the needs of the smokers.
- 6) Unless and until the government bans the sale of cigarettes totally, to discourage smoking by enlarging non-smoking areas in university campuses will have to be implemented gradually.

Yours sincerely



K Y Wong
Director of Facilities Management
For and on behalf of
City University of Hong Kong

KYW/qy

c.c. Prof. Y S Wong, Vice-President (Administration), CityU



Mrs Ingrid Yeung
Deputy Secretary
Health, Welfare and Food Bureau
Government Secretariat
Government of the Hong Kong
Special Administrative Region
19/F Murray Building
Garden Road
Central
Hong Kong

21 March 2006

Dear

Ingrid,

Smoking (Public Health) (Amendment) Bill 2005

On behalf of the President, I'm writing to convey the views of our University in response to your letter of 1 March 2006 about the Smoking (Public Health) (Amendment) Bill 2005.

Indoor areas

We strongly support the proposal to enlarge the smoking ban to render all indoor workplaces and indoor public places smoke-free. In fact, PolyU has already designated all its buildings as non-smoking areas over a decade ago.

Outdoor areas

While supporting the move to further reduce the hazard of passive smoking, the University is concerned about the practicality of a total smoking ban on all outdoor areas of the University. Our University is a big community with a large number of students, academic and administrative personnel, as well as visiting scholars and researchers from overseas and the Chinese mainland staying on campus everyday. Hence, it would be extremely difficult, if not impossible, to police the campus to ensure that it is completely smoke-free.

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Dean

Chair Professor of Nursing

Prof. Thomas K.S. Wong

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Received - 23.3.06

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Currently, with the exception of several designated outdoor smoking areas, all other indoor and outdoor areas of PolyU are smoke-free. The designated outdoor smoking areas are all away from major passage ways, building entrances and fresh air intakes. People found smoking in non-designated outdoor areas on campus will be advised by campus security not to do so, or directed to one of the designated smoking areas.

The University will step up the enforcement by announcing the non-smoking policy of PolyU to the University community and posting signage at conspicuous locations of the campus. More security guards would be deployed to station at the main entrances of the University to advise people to stop smoking and direct them to the designated smoking areas if necessary. With more people becoming concerned with the risk of passive smoking, the University hopes to build up a non-smoking culture in the long run.

In conclusion, we consider that the university management should continue to be provided with a certain degree of flexibility to regulate smoking in outdoor areas in order to reach a balance between public health benefits and practicality.

PolyU's reply/position on the Bill can be tabled in full in the Bills Committee meeting for the information of Bills Committee members.

Yours sincerely,



Prof Thomas Wong
Acting Chairman
Health, Safety and Environmental Committee
The Hong Kong Polytechnic University

cc Prof C K Poon, President
Mr Y K Kam, Head(Health, Safety & Environment)



香港浸會大學
HONG KONG BAPTIST UNIVERSITY

From the President and Vice-Chancellor

Prof. Ng Ching-Fai, BSc
BE(Chem), MSc, PhD

校長：吳清輝教授

Ref.: PDO/0603/048
13 March 2006

By fax to 2840 0467

Secretary for Health, Welfare and Food
Health, Welfare and Food Bureau
Murray Building
Garden Road
Hong Kong

(Attn: Mrs. Ingrid Yeung)

Dear Mrs. Yeung,

Smoking (Public Health)(Amendment) Bill 2005

I refer to your letter dated 1 March 2006 on the captioned and write to advise that the University supports the proposal from members of the Bills Committee that in addition to the indoor areas of a local university, the outdoor areas of it should also be made statutory non-smoking areas as well. That said, enforcement of such a law will require the assistance of law enforcement officers. Officers of a university, including but not limited to its contracted security guards, could only advise whoever smokes on campus to stop smoking or leave the campus. We have no objection to having this reply tabled in the Bills Committee meeting.

2. If you need clarification on the subject, please contact the undersigned at 3411 7950.

Yours sincerely,

P.K. Chiu
for President and Vice-Chancellor



珠海學院

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OF HIGHER EDUCATION

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6 March 2006

Mrs Ingrid Yeung
Health, Welfare and Food Bureau
Government Secretariat
Government of the Hong Kong SAR
Mezzanine Floor & 19-21/F
Murray Building, Garden Road
Central, Hong Kong

Dear Mrs Yeung,

Smoking (Public Health)(Amendment) Bill 2005

With reference to your letter of 1 March 2006, I would like to inform you that smoking is strictly forbidden inside our College's building in order to provide smokefree workplaces for all staff and students.

We agree to your proposal that the outdoor area of all education institutions should be made non-smoking zone by law.

With best regards,

Yours sincerely

Chun-nan Chang

Prof. C. N. Chang

President

Received on 8.3.06