

**Bills Committee on
Smoking (Public Health) (Amendment) Bill 2005**

**Administration's latest proposal for
designating "no smoking areas" in public pleasure grounds**

Purpose

This paper sets out the Administration's latest proposal under the Smoking (Public Health) Amendment Bill 2005 ("the Bill") with regard to defining "no smoking areas" in public pleasure grounds as listed in Schedule 4 to the Public Health and Municipal Service Ordinance (Cap.132).

Background

2. In earlier meetings with the Bills Committee, some members suggested that all public pleasure grounds as listed in Cap.132 - including parks, sitting out areas, sports grounds and playgrounds - should be designated as "no smoking areas" under the Bill. The Administration subsequently submitted a CSA to the Bills Committee.

Latest proposal

3. Since then, the Administration has received different views on the proposed CSA. Some suggested that due consideration should be given to the many types of users of these public pleasure grounds and the overall readiness of the community in terms of such a ban in parks and gardens.

4. Currently, public pleasure grounds, (apart from bathing beaches) comprise a large variety of facilities including active sports facilities and passive amenities, such as sitting out areas and rest gardens, etc. We note that some of these facilities are popular amongst the elderly, including regular smokers. An across-the-board smoking prohibition in all public pleasure grounds may force these people to smoke on crowded pavements or at home – the only other places where smoking is not prohibited. This is undesirable. Adding the number of smokers on the streets would worsen the air quality and increases the harm for people like street vendors or even passers-by. Compelling smokers to smoke at home would harm the health of the smokers' family members. In order to balance the varying needs of users, we propose that the smoking ban should not be applied to a number of "smoking areas" to be designated by the Director of Leisure and Cultural Services (DLCS) under section 107 of the Public Health and Municipal

Services Ordinance (Cap. 132) for the convenience of habitual smokers. The DLCS intends to consult the relevant District Councils (DCs) in the process of designation because in line with the Government's plan, DCs will participate in the management of these public pleasure grounds in the future and that DCs are most familiar with the needs of the local community in terms of the use of parks and gardens in the district.

5. As a matter of principle, in considering the designation of smoking areas, DLCS will be mindful that the "smoking areas" should not be inside or near the following areas -

- (a) any sports facility and active recreation facility (see Annex) including children's playground / play area;
- (b) any barbecue area/ picnic area;
- (c) any spectator stand;
- (d) any area with precious wood or ecological protection value;
- (e) any aviary or cages for animals; and
- (f) any road safety town.

The Leisure and Cultural Services Department will take appropriate measures (such as by displaying notices and demarcating the smoking areas with clear indication) to effectively draw to the attention of users of the location and extent of the designated smoking areas within public pleasure grounds.

6. In large parks, e.g. Victoria Park and Kowloon Park, we propose to designate no more than 1% of the area as smoking area. These locations will be far away from any children area or areas with active sport elements, etc. The number and locations of these smoking areas will be determined on a case-by-case basis, having regard to the configuration and layout of facilities in individual venue. The actual designation will be made after consulting District Councils.

Advice sought

7. The Bills Committee is invited to take note of the Administration's proposed committee stage amendment (CSA) to item 14 of Part 1 in Schedule 2 to the Bill.

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"Any sports facility and active recreation facility" refers to -

- any amphitheatre/ designated performing area,
- any archery field,
- any area for playing table tennis,
- any camp site,
- any children's playground and play area,
- any climbing wall area,
- any community garden,
- any cycling track/ area,
- any fitness corner and trail, jogging trail, pebble walking trail and walking tile,
- any golf facility,
- any holiday camp,
- any horse riding school,
- any pitch (natural and artificial turf pitch and hard/ sand/ synthetic surfaced pitch) (any pitch includes all pitches for ball games such as soccer pitch, basketball courts, tennis courts, hockey grounds, etc.),
- any roller skating /skateboard area,
- any rope course area,
- any sports ground,
- any tai-chi area,
- any water sports centre, and
- any kite-flying area;
- any model car circuit;
- any model boat pool.