



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 /H /30B/17 05

Tel no: 2973 8240

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31 October 2005

The Hon. Wong Ting-kwong, BBS  
Room 423, West Wing  
Central Government Offices  
Central  
Hong Kong

Dear Hon. Wong,

**Smoking (Public Health) Amendment Bill 2005 (“the Bill”)**

I am authorized to reply to your earlier letter to the Health, Welfare and Food Bureau.

To deal with complaints related to smoking and to remove nuisance brought by secondhand smoking as quickly as possible, the existing Smoking (Public Health) Ordinance has authorized managers of statutory no smoking areas to take immediate action upon discovering or being informed that any person is smoking in these areas, such as requiring the person to extinguish the lighted cigarette. The manager is also required to place in a prominent position in each no smoking area a sufficient number of signs in English and Chinese to indicate that smoking is prohibited in the area. In this regard, the existing legislation has been working well.

The Bill only seeks to extend such powers to managers of the new statutory no smoking areas, similar to the existing practice. As long as the premises in question have displayed the no smoking signs in compliance with the legislative requirements, the manager of the no smoking area shall not be held responsible even if any person is found smoking in that area. If the manager wishes to require the smoker to extinguish his cigarette, he is also empowered to do so.

I wish to reiterate here that the Bill has not introduced any fundamental changes to the relationship between employers and employees. The rights and responsibilities of both parties are still based on the relevant legislation such as the Employment Ordinance (Cap.57) and individual contracts. The employment issues you have raised in your letter also apply to other instructions given by supervisors to their subordinates. Furthermore, the background, details and process are different with each case. Therefore, we could not make one simple conclusion for them all.

To facilitate managers to exercise tobacco control within their no smoking areas, the Department of Health will organize talks and issue guidelines, as well as pay visits to various no smoking areas to have a better understanding of their actual environment and needs.

Thank you very much for your concern about the Bill.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Christine Au".

(Christine Au)

for Secretary for Health, Welfare and Food