

**Bills Committee on
Fixed Penalty (Smoking Offences) Bill**

**Administration's response to issues raised
at the meeting with deputations
on 3 May 2008**

PURPOSE

This paper sets out the Administration's response to issues raised by the Bills Committee at its meeting with deputations on 3 May 2008.

BACKGROUND

2. At the above meeting, the Administration was requested to provide a response in writing to each of the following suggestions raised by members.

(a) information on smoking cessation services to be issued together with the issuing of fixed penalty notices (FPNs) for smoking offences by authorised enforcement officers and encouraging persons who could not afford to pay the fixed penalty for smoking offences and repeated offenders to undergo smoking cessation counselling;

ADMINISTRATION'S RESPONSE

3. We welcome these two constructive proposals to encourage cessation and we would positively consider the appropriate administrative arrangements to bring the message across.

(b) performance pledge on the time within which police officers would arrive at the scene upon request for assistance by other authorized enforcement officers to be laid down;

ADMINISTRATION'S RESPONSE

4. The Police strive to respond to all genuine emergency 999 calls within an average response time of 9 minutes in Hong Kong and Kowloon; and 15 minutes in the New Territories. The Police would respond to calls for assistance from other authorized enforcement officers or members of the public in relation to smoking offences in the same manner.

(c) Tobacco Control Office to better respond to smoking complaints lodged by managers of statutory no-smoking areas;

ADMINISTRATION'S RESPONSE

5. The Tobacco Control Office (TCO) follows up on all smoking complaints by inspecting all venues concerned. Since the act of smoking only lasts for a few minutes, no matter how large the TCO establishment is, it is unrealistic to expect inspectors to arrive at the smoking scene within the short duration of the smoking

offences being committed. Experience indicates that it is strategically more effective for the TCO to make unannounced inspections and targeted enforcement actions against black-spots to achieve the best deterrent effect. This has been practised in the past months and has worked smoothly and achieved good results.

6. For effective handling of smoking complaints and expeditious removal of the source of second-hand smoke, the Smoking (Public Health) Ordinance empowers managers of statutory no-smoking areas to request a smoker to extinguish his lighted cigarette; and if the smokers refuse, to request him to provide his name, address and proof of identity, or to leave the no-smoking area. If the smokers refuse, managers could remove him/her from the statutory no-smoking areas if necessary. The Police will respond to the following enforcement scenarios:

- when a smoker refuses or cannot produce his proof of identity, upon request by a venue manager; or
- when there is a commission of criminal offence(s); or
- when there is public disorder.

7. To facilitate smooth implementation of the smoking ban in statutory no-smoking areas, TCO has conducted over 140 seminars for venue managers of various sectors with over 6,000 participants since October 2006. TCO has also conducted over 16,000 inspections of statutory no-smoking areas to follow-up on smoking complaints and issued over 5,900 summonses.

8. The Administration was also requested to provide the following information in writing -

(a) the number of departures and turnover rate of TCO staff holding the post of Tobacco Control Inspectors (TCIs) in the past three years, and the reasons for their departures.

ADMINISTRATION’S RESPONSE

9. As reported by the inspectors who resigned, the main reason for their departure is the securing of a new job.

	Total Number of Inspectors	Number of Inspectors’ Departure	Turnover
2006-07	62	10	16.1%
2007-08	97	23	23.7%
2008-09	75	5	6.7%