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Subject: smoking in bars and restaurants

History: ➤ This message has been forwarded.

I have been in contact with the Tobacco Control Office for a long time now and am getting nowhere. I am now appealing to you to have smoking in Hong Kong's bars and restaurants stopped.

The problems are several, and serious.

1. I am being forced nearly every time I go out to bars and restaurants to inhale secondary smoke.

This can cause 'many fatal diseases such as heart diseases and cancer' as it says on the website of the Tobacco Control Office. I hold them responsible for my constantly and regularly inhaling smoke. The smokers care not, and neither does the staff of the relevant premises - they either insult me for mentioning it, or insist no one is breaking the law. Is this what you want?

For the TCO to think that education of managers is going to solve the problem is naive at the very best. They don't care about health, they care about profit, some of which comes from turning a blind eye to smoking violations.

2. That the TCO is toothless in controlling this is alarming and embarrassing for Hong Kong. Other countries are doing better and we should be at least equalling the best of them.

a. Both in writing and on a visit to the TCO I have been told that the inspections of smoking in bars and restaurants are mainly follow ups from complaints from the public. Such complaints do not reflect the enormity of the problem of smoking. Most of the public will not complain.

b. Then, for example, I have been told the number of visits inspectors make, yet I can see during a walk along streets of bars that there is roughly 85% violation of the rules. Every night. There is a disconnect here. I should not be more informed about smoking violations than the TCO. I've been asked to name the bars - I've refused as this is not my job. And nor do I want to focus on the one bar or restaurant I happen to have been in on a given night. The list is endless.

c. I was also told that the inspectors mainly go out 9 - 12 or in the afternoons, during office hours. Night time inspections 'depend on workloads'. I therefore assume that as they must be busy during normal work days that they rarely go

out? Most bars and restaurants are peopled after normal working hours and that, logically, is when the smoking happens.

What the TCO is doing is therefore not effective from the timing aspect alone. Once again, it is therefore ineffective and a waste of taxpayers' money.

d. I've been told that after a complaint about a named bar the TCO have asked the bar's manager to display the no smoking signs the TCO state should be displayed prominently. This has never been implemented, nor followed up by the TCO. It is rare to see such signs in any bars or restaurants. This request of the TCO is completely ineffective therefore. It's time to reevaluate (which I've done for you), and to take alternative action. I cannot do that.

3. There seems to be no measure of effectiveness of the TCO. Were this to be otherwise, the alarming level of smoking in public places would not be as it is now. I know of other people who have been writing to the TCO over many months since last year and the situation has been getting worse in our opinion. This may need to be looked at if Hong Kong is serious about its claims to:

'promote smoke-free culture and enhance compliance to the Smoking Ordinance'

This clearly is not happening. Does this need to be looked at and remedied with some urgency?

4. From my own, and friends', replies from the TCO I am dismayed and alarmed about the apparently deliberate refusal (this is my considered opinion, due to its regularity) to address our points made. Of course I have kept copies and can back this statement up.

What is alarming is that if our points are not being addressed (and even ignored - one friend's letter didn't even get a reply), I can now only assume this is in an effort to deflect from the ineffectiveness, maybe even disinterest, of the TCO. The most important thing is that if the points are not being seen or accepted, they are not being worked on by the TCO. This is one of the reasons I am now appealing to you. My concerns have not been adequately taken on board, and therefore not worked on.

In total, I see the TCO as a department who are only paying lip service to trying to stop smoking in bars and restaurants - and other places, though these are not my immediate concern.

For example, it is curious to me that there are many open air places, such as the waterfront by the ferry piers, bus stops, the podium around the IFC, where smoking is not allowed and signs are obvious. Smoking is prolific and largely un-policed. While I would be happy to see a completely smoke-free Hong Kong, by and large the smoking by secondary smoke inhalation rarely affects the public in these open air spaces.

5. The current law, Cap. 371, is either outdated, irrelevant or ineffective and needs to be changed. This as said is partly due to the current law being ignored and no government department being able to stop violations.

a) Due to HK's climate, many bars and restaurants have terraces, perfect in this climate.

Smoking takes place on the terraces, legally. Yet there can be diners there. This is appalling but allowed in law. It is unjustifiable, surely. To allow smoking ANYWHERE there are people eating or drinking in public is a disgrace and dangerous to health. Yet our laws permit this.

b) Many bars and restaurants have open frontages. Even IF smokers are smoking legally - e.g. on the pavement right outside the open frontage, the smoke automatically goes indoors. This forces everyone inside, staff and public, to inhale secondary smoke. This is a regular occurrence in the many bars and restaurants with this design of frontage.

I have done everything I can to help the situation and have drawn blanks. I have:

- spoken to offenders myself but meet with extreme aggression
- spoken to bar staff but meet with denial there is any violation of the law
- spoken to managers and meet with either of the two responses above
- written to the TCO several times but meet with denials or unsatisfactory answers (Rita Lam)
- visited the TCO recently and spoken to an inspector about my concerns and he has written a report apparently. Rita Lam seems to have written me the follow up letter to that, (the purpose was not explicit) but once again, it did not reflect what my concerns were, nor the conversation I had with the officer
- offered a TCO inspector to accompany him on a walk around examples of bars and restaurants where I know smoking is almost non-stop in the evenings so that he can at least see the start of the problem in HK. The department is clearly ignorant about it. He turned down the offer.
- written here to you in the hopes that action can be taken to remedy what is a wholly unacceptable state of smoking affairs in Hong Kong.

Possible short-term solutions, practical or not, may be to

1. Introduce fines for owners of bars and restaurants found to be in violation of the smoking bans. This is in line with the law in Singapore.
2. Have these fines substantially more than they are at the moment to further

encourage compliance.

3. Have all inspections at sensible times - i.e. from 5 pm at the earliest and on to the close of business. (Smokers will not stop voluntarily.)

4. Increase the amount of inspections and not just after a complaint. We all know these are few.

5. Find a way of measuring the TCO's effectiveness. Or consider closing them down. My perception as said is that they are toothless.

My carefully considered overarching solution however would be at the very least to come in line with other forward-thinking countries (e.g. Singapore or Australia) and

- ban ALL smoking in public places
- or at the very least ban smoking anywhere food and drink is being served, indoors or outdoors and
- ban smoking within e.g. 5 metres of entrances and exits of buildings. This would possibly reduce the amount of smoke entering bars and restaurants from smokers on the pavement, should you wish for this to continue

The current situation is so extreme and unarguable, if you really care about the health of Hong Kong citizens and our visitors, have no delay due to e.g. a public consultation paper and change the law with immediate effect.

I thank you in advance for all appropriate action you take.

Lorna Robertson