

## **District Council Information Paper**

### **Smoking (Public Health) Ordinance (Cap. 371)**

#### **Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2014**

### **Purpose**

The Administration has proposed to amend the Smoking (Public Health) (Designation of No Smoking Areas) Notice (Cap. 371D) to revise the extent of seven public transport facilities (PTFs) designated as no smoking areas (NSAs). This paper briefs Members on the details of the amendments.

### **Background**

2. To protect public health, it is established policy of the Government to discourage smoking, contain the proliferation of tobacco use and protect the public from passive smoking as far as possible. Over the past three decades, we have adopted a progressive and multi-pronged approach comprising legislation, publicity, education, enforcement, smoking cessation and taxation to step up tobacco control, having regard to the expectations and acceptance of the community.

3. The Smoking (Public Health) Ordinance (Cap. 371) and its subsidiary legislation provide a legislative framework for restricting the use, sale and promotion of tobacco products. Under Cap. 371, any person who smokes or carries a lighted cigarette, cigar or pipe in areas designated as NSAs (in contravention of section 3) or in public transport carriers (in contravention of section 4) commits an offence. Schedule 2 to the Ordinance specifies a number of designated NSAs and exempt areas. Section 3 (1AB) of Cap.371 empowers the Director of Health (DoH) to, by notice published in Gazette, designate as a NSA the whole or a part of –

(a) any area that consists of the termini of two or more modes of public transport and is used for effecting and facilitating interchange between them; or

(b) any bus terminus of more than one specified route as defined in section 2 of the Public Bus Services Ordinance (Cap. 230).

4. Since 1 September 2009, the Administration has designated NSAs in PTFs by phases for those areas identified as fulfilling the criteria as set out in section 3(1AB) of Cap. 371. At present, a total of 239 PTFs (including 50 PTFs with superstructures, 55 indoor PTFs and 134 open-air PTFs) are designated as NSAs.

### **Amending the NSAs of the PTFs**

5. Subsequent to the last designation exercise, site visit and consultation with the Transport Department (TD) revealed that seven out of 239 PTF had changes in physical features and settings on the ground since last designation exercise. It is proposed to make appropriate amendments to the layout of these PTFs which have been listed in Cap.371D, so as to set out the revised boundary of the NSAs. No new PTF was included in the current exercise. Details of these seven PTFs are listed at **Annex 1**.

6. The scope of NSAs to be designated will cover the boarding and waiting areas of the PTFs, as well as the areas that passengers will pass by in the course of accessing and interchanging between different modes of public transport. As the physical conditions of each PTF vary, the exact scope of NSA in each PTF will be delineated by reference to a gazette plan (a sample is attached at **Annex 2**). The area in a PTF proposed to be designated as NSA is the area shown coloured orange and edged red on the plan signed by the DoH and deposited in the Land Registry.

### **Implementation and Publicity**

7. According to the Administration's plan, the updated NSAs at these PTFs will take effect on 31 December 2014. All plans of the NSAs of the PTFs have been deposited in the Land Registry for public inspection. They will also be posted on the website of the Tobacco Control Office (TCO) before the designation takes effect.

8. To facilitate implementation of the smoking ban at the PTFs, the TCO will arrange to display signs, publicity materials, and other demarcations including markings on the ground as appropriate to indicate clearly and visibly to the public the boundaries of the NSA in each PTF, having regard to their respective physical settings. The plans showing the boundaries of the NSAs will be posted at prominent positions

such as the main entrances and exits. TCO will also display no-smoking signs at conspicuous locations within the NSAs of the PTFs to remind the public of the smoking ban. TCO will liaise with the relevant transport operators and the venue or facility managers if applicable to facilitate the implementation of smoking ban at those PTFs.

9. The TCO will continue to maintain close liaison with TD and other relevant government departments to conduct site inspections. It will also update regularly the designated NSAs set out in Cap. 371D and review the boundaries of the NSAs in the PTFs as and when necessary.

10. Members are invited to note the content of this paper.

Department of Health  
October 2014

## Annex 1

### **PTFs with boundaries of NSAs proposed to be updated**

<b>No.</b>	<b>Region</b>	<b>District</b>	<b>English Name</b>	<b>Chinese Name</b>
1	HK	Eastern	Heng Fa Chuen Public Transport Interchange, Chai Wan	柴灣杏花邨公共運輸交匯處
2	NT	Sai Kung	Tseung Kwan O Industrial Estate Public Transport Interchange	將軍澳工業邨公共運輸交匯處
3	NT	Yuen Long	Lok Ma Chau Spur Line Public Transport Interchange	落馬洲支線公共運輸交匯處
4	NT	Kwai Tsing	Tsing Yi Public Pier Public Transport Interchange	青衣公眾碼頭公共運輸交匯處
5	NT	Sha Tin	Chevalier Garden Public Transport Interchange, Ma On Shan	馬鞍山富安花園公共運輸交匯處
6	NT	Sha Tin	Kwong Yuen Public Transport Interchange, Sha Tin	沙田廣源公共運輸交匯處
7	NT	Sha Tin	Sha Tin Wai Bus Terminus, Sha Tin	沙田沙田圍巴士總站

