

District Council Information Paper

Smoking (Public Health) Ordinance (Cap. 371)

Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2017

Purpose

The Administration has proposed to amend the Smoking (Public Health) (Designation of No Smoking Areas) Notice (Cap. 371D) to update the list of 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 the 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 the Ordinance 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 243 PTFs (including 50 PTFs with superstructures, 59 indoor PTFs and 134 open-air PTFs) are designated as NSAs. The Tobacco Control Office (TCO) has been conducting site visit regularly with the view to updating the list of PTFs in the aforementioned subsidiary legislation in accordance to the actual situation.

Adding/Amending the NSAs of the PTFs

5. Subsequent to the last designation exercise in 2014, site visit and consultation with the Transport Department (TD) revealed that eight PTFs were found to meet criteria specified in section 3(1AB) of Cap. 371, changes in location, physical features and settings on the ground necessitate amendments to the extent of NSAs designated in ten PTFs which have been listed in the Schedule to Cap. 371D. In addition, nine PTFs with designated NSAs, which have been listed in the Schedule to Cap. 371D, were no longer meeting the criteria owing to changes in transport arrangement. In view of the above, the Government proposes to designate eight new PTFs as NSAs, amend the extent of ten NSAs already designated in PTFs, and remove nine PTFs from the Schedule to Cap. 371D. These affected PTFs are set out in detail at **Annex 1**.

6. The scope of NSAs to be designated as NSAs 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.

Implementation and Publicity

7. According to the Administration's plan, the updated NSAs at these PTFs will take effect on 31 July 2017. All plans of the NSAs of the PTFs will have been deposited in the Land Registry for public inspection upon gazettal of the Amendment

Order. They will also be posted on the website of the TCO of the Department of Health after the Amendment order was passed and 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. The TCO will also display no-smoking signs at conspicuous locations within the NSAs of the PTFs to remind the public of the smoking ban. The 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 regularly. 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
March 2017

Annex 1

PTFs proposed to be designated as NSAs

| No. | Region | District | English Name | Chinese Name |
|------------|---------------|-----------------|---|---------------------|
| 1 | HK | Wanchai | Hong Kong Convention and Exhibition Centre Extension Bus Terminus, Wan Chai | 灣仔香港會議展覽中心新翼巴士總站 |
| 2 | Kln | Kwun Tong | Lei Yue Mun Estate Public Transport Interchange, Kwun Tong | 觀塘鯉魚門邨公共運輸交匯處 |
| 3 | Kln | Kwun Tong | On Tat Estate Bus Terminus, Kwun Tong | 觀塘安達邨巴士總站 |
| 4 | Kln | Kwun Tong | Yue Man Square Temporary Bus Terminus, Kwun Tong | 觀塘裕民坊臨時巴士總站 |
| 5 | NT | Sha Tin | City One Bus Terminus, Sha Tin | 沙田第一城巴士總站 |
| 6 | NT | Sha Tin | Shui Chuen O Public Transport Interchange, Sha Tin | 沙田水泉澳公共運輸交匯處 |
| 7 | NT | Tai Po | Pak Shek Kok Fo Shing Road Public Transport Interchange, Tai Po | 大埔白石角科城路公共運輸交匯處 |
| 8 | NT | Yuen Long | Hung Fuk Estate Public Transport Interchange, Hung Shui Kiu | 洪水橋洪福邨公共運輸交匯處 |

Note:

HK – Hong Kong

Kln – Kowloon

NT – New Territories

PTFs with boundaries of NSAs proposed to be amended

| No. | Region | District | English Name | Chinese Name |
|------------|---------------|-----------------|--|---------------------|
| 1 | HK | Wanchai | Happy Valley (Lower) (Wong Nai Chung Road) Bus Terminus | 跑馬地(下)(黃泥涌道)巴士總站 |
| 2 | Kln | Kwun Tong | Shun Lee Estate Bus Terminus, Kwun Tong | 觀塘順利邨巴士總站 |
| 3 | Kln | Wong Tai Sin | Choi Wan Bus Terminus, Ngau Chi Wan | 牛池灣彩雲巴士總站 |
| 4 | Kln | Yau Tsim Mong | Hung Hom Station Public Transport Interchange | 紅磡車站公共運輸交匯處 |
| 5 | NT | Kwai Tsing | Shek Lei (Lei Pui Street) Public Transport Interchange, Kwai Chung | 葵涌石籬(梨貝街)公共運輸交匯處 |
| 6 | NT | Sha Tin | Mei Lam Bus Terminus, Tai Wai | 大圍美林巴士總站 |
| 7 | NT | Sha Tin | Sun Tin Wai Bus Terminus, Sha Tin | 沙田新田圍巴士總站 |
| 8 | NT | Tai Po | Wan Tau Tong Public Transport Interchange, Tai Po | 大埔運頭塘公共運輸交匯處 |
| 9 | NT | Yuen Long | Long Ping Station (North) Public Transport Interchange, Yuen Long | 元朗朗屏站(北)公共運輸交匯處 |
| 10 | NT | Yuen Long | Yuen Long Station (North) Public Transport Interchange | 元朗站(北)公共運輸交匯處 |

PTFs proposed to be removed

| No. | Region | District | English Name | Chinese Name |
|------------|---------------|-----------------|--|---------------------|
| 1 | HK | Eastern | North Point Ferry Pier Bus Terminus | 北角碼頭巴士總站 |
| 2 | HK | Wanchai | Wan Chai Ferry Pier Public Transport Interchange | 灣仔碼頭公共運輸交匯處 |
| 3 | Kln | Kwun Tong | Yan Oi Court Public Transport Interchange, Kwun Tong | 觀塘仁愛圍公共運輸交匯處 |
| 4 | Kln | Sham Shui Po | Pak Tin Public Transport Interchange, Shek Kip Mei | 石硤尾白田公共運輸交匯處 |
| 5 | Kln | Sham Shui Po | Sham Shui Po (Tonkin Street West) Bus Terminus | 深水埗(東京街西)巴士總站 |
| 6 | NT | Islands | Tung Chung Town Centre Bus Terminus | 東涌市中心巴士總站 |
| 7 | NT | North | Tai Ping Bus Terminus, Sheung Shui | 上水太平巴士總站 |
| 8 | NT | Tsuen Wan | Bellagio Public Transport Interchange, Tsuen Wan | 荃灣碧堤半島公共運輸交匯處 |
| 9 | NT | Yuen Long | Tin Shui Wai Station Public Transport Interchange | 天水圍站公共運輸交匯處 |

