

Information Paper

Smoking (Public Health) Ordinance (Cap. 371)

Designation of Bus Interchange Facilities Leading to Expressways or Tunnels as Statutory No Smoking Areas

Purpose

The Government proposes to designate three bus interchange facilities (“BIs”) leading to expressways or tunnels in Hong Kong as statutory no smoking areas (“NSAs”). This paper briefs Members on the proposal.

Background

2. To protect public health, the Government’s tobacco control policy seeks to discourage smoking, contain the proliferation of tobacco use and protect the public from passive smoking as far as possible. Our multi-pronged approach, comprising legislation, enforcement, publicity, education, smoking cessation services and taxation, has gradually reduced the smoking prevalence rate from 23.3% in 1982 to 10.0% in 2017.

3. The Smoking (Public Health) Ordinance (Cap. 371) (“the Ordinance”) and its subsidiary legislation provide a legislative framework for restricting the use, sale and promotion of tobacco products, including smoking ban in certain areas and facilities like public transport carriers and public transport interchanges. Under the Ordinance, any person who smokes or carries a lighted cigarette, cigar or pipe in areas designated as NSAs (*section 3*) or in public transport carriers (*section 4*) commits an offence. Schedule 2 to the Ordinance specifies a number of designated NSAs and exempt areas.

4. The Government has expanded the NSAs in phases over the past few years. The Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2015 designated eight BIs at tunnel portal areas as NSAs with effect from 31 March 2016. Enforcement has been largely smooth and the smoking ban was generally welcomed by the public. A survey was conducted in April / May 2017 by the

Department of Health to examine the level of awareness and support of the smoking ban at the eight BIs. The survey revealed that almost all respondents (93.2%)¹ agreed that the current smoking ban at BIs could protect them from being harmed by second-hand smoke. The vast majority (93.8%)² supported a suggestion on further extension of the smoking ban to other public facilities, including other BIs and bus stops.

5. According to the Transport Department, there are 11 bus interchanges leading to expressways or tunnels (Annex), of which eight have already been designated as NSAs. The remaining three, namely Tuen Mun Road Bus Interchange, Lantau Toll Plaza Bus Interchange and Aberdeen Tunnel Bus Interchange, each provides 26 to 71 bus routes for passenger interchange.

6. To enhance protection of the public from the harmful effects of second-hand smoke, we propose to extend the smoking ban to these three bus interchange facilities. Similar to the previous amendment exercise, TCO will undertake enforcement actions at these locations against smoking offenders after the amendment order comes into effect.

7. After the enactment of the smoking ban at these three BIs, any person who smokes or carries a lighted cigarette, cigar or pipe within these areas will be liable to a fixed penalty of \$ 1,500 under the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600).

Implementation and Publicity

8. The statutory smoking ban will come into effect on 31 August 2018. To facilitate implementation, 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 NSAs, 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. Besides, all formal plans will be deposited in the Land Registry and posted on the website of TCO for public reference.

¹ Excluding 12 respondents who declared “no comment / refused to answer”.

² Excluding 10 respondents who declared “no comment / refused to answer”.

9. TCO will continue to maintain close liaison with the expressway operator and relevant Government departments such as the Transport Department and Highways Department to facilitate implementation of the smoking ban at these bus interchanges.

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

Food and Health Bureau

Department of Health

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Bus interchange facilities leading to expressways or tunnels

- Cross-Harbour Tunnel Bus Interchange*
- Lion Rock Tunnel Bus Interchange*
- Shing Mun Tunnel Bus Interchange*
- Eastern Harbour Crossing Bus Interchange*
- Western Harbour Crossing Bus Interchange*
- Tate's Cairn Tunnel Bus Interchange*
- Tai Lam Tunnel Bus Interchange*
- Tsing Sha Highway Bus Interchange*
- Tuen Mun Road Bus Interchange
- Lantau Toll Plaza Bus Interchange
- Aberdeen Tunnel Bus Interchange

* The facility has been designated as statutory NSA