

District Council Information Paper

Smoking (Public Health) Ordinance (Cap. 371)

**Smoking (Public Health) (Designation of No Smoking Areas)
(Amendment) Notice 2020**

Purpose

The Government has proposed to amend the Schedule to 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 years, 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 expectation 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 an 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 Government 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. There are currently over 240 PTFs designated as NSAs. The Tobacco and Alcohol Control Office (TACO) has been conducting site visit regularly with a view to updating the list of PTFs in the aforementioned subsidiary legislation in accordance with the actual situation.

Adding/Amending the NSAs of the PTFs

5. Subsequent to the last designation exercise in 2019, site visit and consultation with the Transport Department (TD) revealed that five PTFs were found to meet the 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 six PTFs which have been listed in the Schedule to Cap. 371D. In addition, one PTF with designated NSA, which has been listed in the Schedule to Cap. 371D, no longer meets the criteria owing to changes in transport arrangement. In view of the above, the Government proposes to designate the five new PTFs as NSAs, amend the extent of the six NSAs already designated in PTFs, and remove the one PTF from the Schedule to Cap. 371D. These affected PTFs are set out at **Annex 1**.

6. The area to be designated as NSA will cover the boarding and waiting areas of the PTF, 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 area of NSA in each PTF will be delineated in a gazette plan signed by the DoH. The area in a PTF proposed to be designated as NSA is shown coloured orange and edged red on the plan. The plan(s) of the concerned PTF(s) in your district are at **Annex 2**.

Implementation and Publicity

7. According to the Government's plan, the updated NSAs at these PTFs will take effect on 31 December 2020. 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 TACO of the Department of Health after the Amendment order is passed and before the designation takes effect.

8. To facilitate implementation of the smoking ban at the PTFs, the TACO 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 the respective physical settings. The plans showing the boundaries of the NSAs will be posted at prominent positions such as main entrances and exits. The TACO will liaise with the relevant transport operators and the venue or facility managers where applicable to facilitate implementation of the smoking ban at those PTFs.

9. The TACO will continue to maintain close liaison with TD and other relevant government departments to conduct site inspection regularly. It will 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
August 2020

Annex 1

PTFs proposed to be designated as NSAs

No.	Region	District	English Name	Chinese Name
1	NT	Kwai Tsing	Container Port Road Public Transport Interchange, Kwai Chung	葵涌貨櫃碼頭路公共運輸交匯處
2	NT	Tsuen Wan	Sea Crest Villa Bus Terminus, Tsing Lung Tau	青龍頭浪翠園巴士總站
3	NT	Sha Tin	Yuen Chau Kok Bus Terminus, Sha Tin	沙田圓洲角巴士總站
4	NT	Tai Po	Chuen On Road Bus Terminus, Tai Po	大埔全安路巴士總站
5	NT	Yuen Long	Tin Shui Wai Station Public Transport Interchange	天水圍站公共運輸交匯處

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	NT	Kwai Tsing	Kwai Fong Station Bus Terminus	葵芳站巴士總站
2	NT	Tsuen Wan	Tsuen King Circuit(Allway Gardens) Bus Terminus, Tsuen Wan	荃灣荃景圍(荃威花園)巴士總站
3	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
4	NT	Sha Tin	Kwong Yuen Public Transport Interchange, Sha Tin	沙田廣源公共運輸交匯處
5	NT	Sha Tin	Sha Tin Station Public Transport Interchange	沙田站公共運輸交匯處
6	NT	Islands	Tai O Bus Terminus, Lantau Island	大嶼山大澳巴士總站

PTF proposed to be removed

No.	Region	District	English Name	Chinese Name
1	Kln	Kowloon City	Hung Hom Ferry Pier Public Transport Interchange	紅磡碼頭公共運輸交匯處



 禁止吸煙區 (只限地面)
No Smoking Area (Ground Level Only)

底圖由地政總署測繪處提供
Base map from Survey and Mapping Office, Lands Department
底圖之圖例可參閱圖則編號 DH/TCOL-001V1
Legend of base map refers Plan No.

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《吸煙(公眾衛生)條例》(第371章)

Smoking (Public Health) Ordinance (Cap. 371)

指定禁止吸煙區 - 大嶼山大澳巴士總站

Designated No Smoking Area - Tai O Bus Terminus, Lantau Island

衛生署署長 陳漢儀

Director of Health Dr. CHAN Han-yea, Constance

/ / 2020



圖則編號 DH/TCO/O-152V3
Plan No.

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