

## **Information Paper**

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

#### **Designation of Bus Interchanges at Tunnel Portal Areas as Statutory No Smoking Areas**

#### **Purpose**

The Government proposes to designate eight bus interchanges located within the tunnel portal areas of eight 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. Over the past decades, we have adopted a progressive and multi-pronged approach comprising legislation, publicity, education, enforcement, smoking cessation and taxation.

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.

4. In the past few years, the Government has received public complaints and suggestions about the nuisance of second-hand smoke to passengers who are non-smokers at bus interchanges especially those located at tunnel portal areas. There are much larger passenger flow and longer waiting time for interchange onto another bus route during rush hours at these areas. Under such circumstances, non-smokers waiting and queuing for change of bus at bus interchanges are unable to take any effective measures against second-hand smoking.

5. Having regard to the complaints received, we propose to amend Part 1 Schedule 2 of the Ordinance so as to designate these bus interchanges as NSA -

- (a) Cross-Harbour Tunnel;
- (b) Lion Rock Tunnel;
- (c) Shing Mun Tunnels;
- (d) Eastern Harbour Crossing;
- (e) Western Harbour Crossing;
- (f) Tate's Cairn Tunnel;
- (g) Tai Lam Tunnel; and
- (h) Tsing Sha Highway between Sha Tin Heights Tunnel and Eagle's Nest Tunnel.

6. After the amendment order comes into effect, it will allow the Tobacco Control Office (TCO) under the Department of Health to undertake enforcement actions at these locations after the amendment order comes into effect. After these bus interchanges become statutory NSAs, 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**

7. Subject to amendments to the list of "Designated No Smoking Areas" in Part 1 of Schedule 2 to the Ordinance, the statutory smoking ban will come into effect in January 2016. To facilitate implementation of the smoking ban in these areas, 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, 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 to remind the public of the smoking ban. In addition, a set of television and radio Announcement in the Public Interest will be produced to publicise the extension of smoking ban. Besides, all formal plans will be deposited in the Land Registry and posted on the website of TCO for public reference.

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

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

Food and Health Bureau

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