

District Council 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 has proposed to designate three bus interchange facilities (BIs) leading to expressways or tunnels in Hong Kong as statutory no smoking areas (NSAs), and amend the NSA boundary of two BIs which are already designated as NSAs under Schedule 2 to the Smoking (Public Health) Ordinance (Cap. 371). This paper briefs Members on the amendment exercise.

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 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) ("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 bus interchanges and adjoining facilities. Under the Ordinance, 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.

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. In 2018, the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018 further designated three BIs leading to expressways or tunnels. Enforcement has been largely smooth and the smoking ban is generally welcomed by the public.

5. According to the Transport Department (TD), there are 14 BIs leading to expressways or tunnels (**Annex**), of which 11 have already been designated as NSAs. The remaining three, namely Tuen Mun-Chek Lap Kok Tunnel Bus Interchange, Fanling Highway Bus Interchange and Tseung Kwan O Tunnel Bus Interchange, each provides 6 to 30 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 BIs. In addition, to reflect the changes in physical features and settings on the ground, and respond to public opinions to enhance effectiveness of the smoking ban, we propose to amend the NSA boundaries of two BIs which are already designated as NSAs. Similar to the previous amendment exercise, the Tobacco and Alcohol Control Office (TACO) of the Department of Health will undertake enforcement actions at these locations against smoking offenders after the Amendment Order comes into effect.

Implementation and Publicity

7. According to the Government's plan, the updated NSAs at these BIs will come into effect on 31 December 2021. To facilitate implementation, 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 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 plans of the NSAs of the BIs will be deposited in the Land Registry and posted on the website of TACO for public inspection upon gazettal of the Amendment Order.

8. TACO will continue to maintain close liaison with the corresponding expressway operator and relevant Government departments such as TD and the Highways Department to facilitate implementation of the smoking ban at these BIs.

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

Food and Health Bureau
Department of Health
July 2021