

WOMEN'S COMMISSION
Consultation Document on
Proposed Legislative Amendments to Smoking (Public Health) Ordinance

INTRODUCTION

This paper: -

- (a) informs Members of Government's policy on and efforts in tobacco control;
- (b) presents for Members' information the gist of the proposals set out in the Consultation Document on the Proposed Legislative Amendments to Smoking (Public Health) Ordinance (the Ordinance); and
- (c) invites Members' views on the proposed legislative amendments.

TOBACCO CONTROL AND SMOKING IN HONG KONG

Government's Tobacco Control Policy

2. The Government's tobacco control policy is, through a step-by-step approach, to discourage smoking, contain the proliferation of tobacco use and protect the public from passive smoking to the maximum possible extent.

Government's Multi-pronged Approach for Tobacco Control

3. In order to achieve the above tobacco control policy objectives, the Government has adopted a multi-pronged approach, comprising legislation, taxation, publicity, education and law enforcement.

(a) Legislation

4. The Smoking (Public Health) Ordinance, first enacted in 1982, has provided Hong Kong with a legislative framework for tobacco control. It restricts the use, sale and promotion of tobacco products. It is subjected to regular review, having regard to the latest international trends in tobacco control and the changing domestic circumstances. The latest amendment exercise took place in 1997. At present, legislative amendments to the

Ordinance have been proposed to further tighten up tobacco control.

(b) Taxation

5. Studies have shown that increasing tobacco tax is an effective way of reducing the number of smokers and tobacco consumption. The Government has in this year increased the tobacco duty by 5%. At present, for a packet of cigarettes, the tobacco duty is about half of its retail price.

(c) Publicity and Education

6. Education and publicity are important means for tobacco control. In light of this, the Department of Health has been organizing educational and publicity programs such as health talks, roving exhibitions, etc. to discourage smoking and convey to the public the hazards of smoking.

7. Furthermore, the Government has been collaborating with non-governmental organizations, such as the Hong Kong Council on Smoking and Health (COSH) in the promotion of the anti-smoking message. COSH is a subvented statutory body to disseminate information on tobacco dependence and its adverse effects, and to advance the education of the public concerning the harmful effects of smoking. Many innovative programs, such as the No-smoking day in the Workplace, the Smoke-free Living Carnival, etc, were devised for the promotion of smoke-free culture.

8. In response to the call of the World Health Organisation for concerted efforts to counteract the rising trend of women smoking in Asia, COSH convened in March 2000 the first Women's Action Group on Tobacco Control in Hong Kong. The Action Group organized the Great Search for Smoke-free OL Competition in May 2001 to promote the message of prevention of passive smoking in the workplace targeting the female working population. Besides, they have been planning a series of educational and promotional programmes for the forthcoming years to discourage women smoking in Hong Kong. Some of their preliminary plans are to produce an anti-smoking API targeting at young women, and invite overseas speakers to conduct smoking prevention training seminars targeting women leaders so as to equip them with the skills necessary for their future conducting of health talks.

(d) Law Enforcement

9. Regarding the enforcement of the Ordinance, several government departments including the Police, the Customs and Excise Department, the Food and Environmental Hygiene Department and the Marine Department have assisted in this respect.

10. In order to bring about more effective enforcement of the law, the Tobacco Control Office was set up under the Department of Health in February

2001 as a designated enforcement agency to oversee the overall implementation of the Ordinance, and to coordinate the enforcement efforts among parties concerned. Their main duties include educating and assisting managers and staff of no-smoking areas to comply with the legislation, screening for illegal tobacco advertisements, inspecting tobacco retail outlets for improper health warnings on tobacco products and conducting anti-smoking health education.

Smoking in Hong Kong

11. According to the findings of the Thematic Household Survey conducted by the Census and Statistics Department in 2000, Hong Kong's smoking prevalence rate in 2000 for population aged 15 or above was 14.4%, which is among the lowest in the world. Despite the decrease in the number of smokers over the years, there is an increasing trend of women smoking in Hong Kong. The percentage of female smokers increased by about 20% in the past two years, from 2.9% in 1998 to 3.5% in 2000. The situation is particularly more serious among young women than mature women. The percentage doubled from 1.3% in 1998 to 2.6% in 2000 for the female age group between 15 to 19 years old. Besides, about 65% of the female smokers started smoking before the age of 20. In view of the situation that a large proportion of the female smokers started smoking when they were young, it is important for us to protect the women, particularly the younger women, from taking up the habit of smoking.

PROPOSED LEGISLATIVE AMENDMENTS TO THE ORDINANCE

12. In line with the Government's step-by-step approach in tobacco control and in the light of the operating experience of the existing Ordinance, the Health and Welfare Bureau has recently proposed a host of legislative amendments to the Ordinance. The Consultation Document, setting out the details of the proposals, was released on 21 June 2001 for a three-month public consultation until 15 September 2001. A copy of the Consultation Document is at Annex for Members' reference. The objectives of the proposed amendments and the gist of the legislative proposals are set out in the ensuing paragraphs.

The Objectives

13. The objectives of the proposals are to protect members of the public, particularly non-smokers, against passive smoking in public indoor premises, to further control the advertisement and promotion of tobacco products in public places, and to bring about more effective enforcement of the Ordinance.

Proposed Amendments

(a) Expansion of Statutory No Smoking Areas

14. To further protect the public from exposure to passive smoking in public indoor premises, we propose to: -

- prohibit smoking in all restaurants, with a grace period of 6 to 12 months prior to implementation. The smoking ban will also cover bars and karaokes, with consideration of granting a longer grace period if deemed necessary;
- prohibit smoking in both indoor and outdoor areas of all kindergartens, primary and secondary schools, and in indoor premises of universities and tertiary institutions;
- prohibit smoking in all indoor workplaces, except certain licensed premises including bathhouses, nightclubs and mahjong places. Consideration will be given to granting a longer grace period to businesses that have genuine difficulty in complying with the smoking ban requirement.

(b) Further Control on Tobacco Advertisement and Promotion

15. To further restrict the promotion of tobacco products in public, and to close the loopholes in the existing legislation, we propose to: -

- revoke the current exemption on the display of tobacco advertisement at licensed hawker stalls and retail outlets employing not more than 2 employees;
- prescribe the sizes of price board and price marker to 1,500 cm² and 50 cm² respectively, and the font size of words printed on them;
- prohibit the sale of a tobacco product in association with any other merchandise, regardless of whether it is charged or not;
- prohibit the brand name of any tobacco product, and any words in association with “tobacco” to be used in any sponsored event, irrespective of whether it is used in association with a non-tobacco product. The appearance of such brand name is only allowed if it is clearly stipulated to be a non-tobacco merchandise.

(c) Health Warning on Tobacco Products

16. To enhance the visual impact of health warnings on tobacco products, we propose to: -

- introduce health warnings with pictorial and graphic contents.

(d) More Effective Law Enforcement

17. To bring about more effective enforcement of the Ordinance, we propose to: -

- authorise officers of the Tobacco Control Office (TCO) to initiate prosecuting action against the offences including failure to display no smoking signs in no smoking areas, and illegal advertisement, sale and promotion of tobacco products;
- authorise managers of no smoking areas such as restaurants and shopping malls, school principals and employers of indoor workplaces to enforce the smoking ban in their premises.

WAY FORWARD

18. While we are consulting the public on the proposed legislative amendments, a Regulatory Impact Assessment is to be conducted to assess the economic impact of the proposals on the affected sectors. Subject to the views and feedback collected, we shall refine the proposals as appropriate, and initiate the legislative amendments in the 2001/02 legislative year.

ADVICE SOUGHT

19. Members are invited to: -

- (a) note the existing tobacco efforts by Government;
- (b) give views and comments on the proposed legislative amendments set out in the consultation document; and
- (c) contribute ideas on how to promote anti-smoking among women in Hong Kong.
