

Smoking ban extended to three bus interchanges leading to expressways or tunnels

The Tobacco Control Office (TCO) of the Department of Health today (August 30) reminded the public that the smoking ban will be extended to cover three additional bus interchanges (BIs) leading to expressways or tunnels with the commencement of the Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018 tomorrow (August 31). The three new statutory no-smoking areas (NSAs) are:

1. Aberdeen Tunnel Bus Interchange;
2. Lantau Toll Plaza Bus Interchange; and
3. Tuen Mun Road Bus Interchange.

"The extension is aimed at further protecting the public from the harm of second-hand smoke," a spokesman for the TCO said.

Since March 31, 2016, the following eight BIs at tunnel portal areas have been designated as statutory NSAs:

1. Lion Rock Tunnel Bus Interchange;
2. Cross-Harbour Tunnel Bus Interchange;
3. Eastern Harbour Crossing Bus Interchange;
4. Shing Mun Tunnels Bus Interchange;
5. Tate's Cairn Tunnel Bus Interchange;
6. Western Harbour Crossing Bus Interchange;
7. Tai Lam Tunnel Bus Interchange; and
8. Tsing Sha Highway Bus Interchange.

"Enforcement at the designated NSAs has been largely smooth and the public has welcomed the smoking ban in these areas. To further protect the health of individuals, the Government decided to extend the smoking ban to the three additional BIs under the Order.

"With the commencement of the Order, the smoking ban covers all 11 BIs that lead to expressways or tunnels throughout the territory," the spokesman said.

No-smoking signs and layout plans have been put up, and demarcation lines have been displayed to indicate clearly the boundaries with regard to the respective physical settings at the new statutory NSAs to remind the public of the smoke-free requirements. Publicity activities have also been launched to promote public awareness and compliance.

The plans showing the boundaries of the NSAs are also available in the Land Registry, and have been uploaded to the TCO's website

(www.tco.gov.hk/english/legislation/legislation_bi.html) for public inspection.

Any person who smokes or carries a lighted cigarette, cigar or pipe in a designated NSA or in public transport will be liable for a fixed penalty of \$1,500. Tobacco Control Inspectors will prosecute smoking offenders without prior warning.

"We appeal to smokers to quit smoking as early as possible for their own health and that of the others. They are encouraged to call the DH's Integrated Smoking Cessation Hotline on 1833 183. The hotline is operated by registered nurses, providing professional counselling services on smoking cessation," the spokesman said.

Public consultation on proposed code of practice on third party funding of arbitration and mediation starts today

The Department of Justice (DoJ) today (August 30) launched a two-month public consultation to seek views on the draft Code of Practice for Third Party Funding of Arbitration and Mediation (Code).

A spokesman for the DoJ said, "The draft Code sets out the practices and standards with which third party funders of arbitration under the Arbitration Ordinance (Cap 609) and mediation under the Mediation Ordinance (Cap 620) are ordinarily expected to comply in carrying on activities in connection with third party funding of arbitration and mediation in Hong Kong."

The provisions in relation to third party funding of arbitration and mediation were enacted by the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Ordinance 2017 (Amendment Ordinance).

The Amendment Ordinance is largely based on the recommendations made by the Law Reform Commission of Hong Kong in the Report of Third Party Funding of Arbitration and published in October 2016. Amongst other things, the Amendment Ordinance provides for an authorised body to be appointed and for the authorised body to issue the Code pursuant to Part 10A of the Arbitration Ordinance and section 7A of the Mediation Ordinance to issue the Code. On May 18, 2018, the Secretary for Justice was appointed as the authorised body under section 98X(2) of the Arbitration Ordinance.

Before issuing the Code, the authorised body is required to consult members of the public. The Amendment Ordinance will be brought into operation after the Code is issued by the authorised body.

Pursuant to section 98X(1) of the Arbitration Ordinance, Mr Anthony Chow, Mr Robert Y H Pang, SC, and Mr Victor Dawes, SC, were appointed as members of an advisory body on August 24, 2018. The advisory body will be responsible for monitoring and reviewing the operation of the provisions on third party funding of arbitration and mediation, including the implementation of the Code.

The spokesman added, "It is expected that the advisory body would issue a report reviewing the operation of the Code after it has been in operation for three years and make recommendations on the way forward."

The draft Code is now available on the DoJ website (www.doj.gov.hk/eng/public/pdf/2018/tpfcode_e.pdf). The consultation will end on October 30, 2018.

Members of the public are invited to submit their comments on the draft Code to the Legal Policy Division of the Department of Justice by mail to 5/F, East Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong, or by email to tpfcode@doj.gov.hk.

[Office of The Ombudsman press conference \(with photos\)](#)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Connie Lau, held a press conference this morning (August 30) to announce the results of two direct investigations, namely "Food and Environmental Hygiene Department's Rental Management of Market Stalls" and "Food and Environmental Hygiene Department's Regulation of Market Stalls". The reports are available on the Office of The Ombudsman's website: ofomb.ombudsman.hk/abc/en-us/news.





[Public consultation begins on new legislation for regulating mercury, mercury compounds and mercury-added products](#)

The Environment Bureau today (August 30) released a consultation document setting out the proposed scope and approach of the new legislation for regulating mercury, mercury compounds and mercury-added products in the Hong Kong Special Administrative Region (HKSAR). The proposed legislation will allow the HKSAR to effectively fulfil its obligations under the Minamata Convention on Mercury. The consultation will end on October 5 this year.

Mercury is a naturally occurring toxic heavy metal. It has wide usage in

various products and industrial processes, posing a global threat to human health and the environment. The Convention is an international treaty aiming to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. The Convention entered into force in the People's Republic of China, including the HKSAR, on August 16, 2017. To effectively implement the Convention in the HKSAR, it is necessary to introduce the proposed legislation.

The proposed legislation will restrict the import and export of mercury; prohibit the manufacture, import, export, sale and supply of specified mercury-added products; prohibit the use of mercury or mercury compounds in specified manufacturing processes; and control the storage of mercury and mercury compounds. Exemption quantities for mercury or mercury compounds to be used for laboratory-scale research or as a reference standard are proposed in the consultation document, together with the proposed penalty levels for offences under the various provisions of the new legislation.

"The proposed legislation will enable the HKSAR to effectively discharge its obligations under the Convention, ensuring that the environment and the health of the public are better protected from hazards arising from mercury and its compounds," a spokesman for the Environmental Protection Department (EPD) said.

The consultation document can be viewed or downloaded from the EPD's website (www.epd.gov.hk). Members of the public may also obtain a copy of the document during office hours at the following address:

Cross-Boundary and International Group
Environmental Protection Department
33/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong

The EPD has arranged two consultation forums on September 19 and 27 to explain to stakeholders and the public the provisions of the new legislation in more detail. Details of the consultation forums can be found on the EPD's website and members of the public can register for attending the forums by returning the reply slip.

The Government welcomes public views, which must be submitted to the EPD as detailed in the consultation document within the consultation period, on the new legislation.

[Illegal worker jailed](#)

A Bangladeshi illegal worker holding a recognisance form was jailed at Shatin Magistrates' Courts yesterday (August 29).

Immigration Department (ImmD) investigators received a referral from the

Hong Kong Police Force to further investigate an illegal employment case in August. Enforcement officers arrested a female Bangladeshi worker, aged 32, while she was working as a cleaning worker in Tuen Mun. Upon identity checking, she was found to be a holder of a recognisance form issued by ImmD, which prohibits her from taking employment, and further investigation revealed that she was a non-refoulement claimant. The investigation of an employer who was suspected of employing the illegal worker is ongoing.

The illegal worker was charged at Shatin Magistrates' Courts yesterday with taking employment after landing in Hong Kong unlawfully and remaining in Hong Kong without the authority of the Director of Immigration or while being a person in respect of whom a removal order or deportation order was in force. She pleaded guilty to the charge and was sentenced to 15 months' imprisonment.

The ImmD spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase, and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting

services. The ImmD calls on TIP victims to report crimes to the relevant departments.