

# DH conducts joint operation with Police against waterpipe smoking in no smoking areas

The Tobacco and Alcohol Control Office (TACO) of the Department of Health (DH) yesterday (June 13) evening conducted a joint operation with the Police against illegal waterpipe smoking activities in no smoking areas in Mong Kok and Tsim Sha Tsui.

During the operation, law enforcement officers (including plainclothes officers) issued a total of nine fixed penalty notices (FPNs) to persons illegally smoking waterpipes at two bars. The TACO's investigation is ongoing and prosecution may also be taken against operators of the bars/restaurants who are suspected of contravening the Smoking (Public Health) Ordinance (Cap. 371) (the Ordinance) and the Criminal Procedure Ordinance (Cap. 221) for aiding and abetting smoking offences.

Under the Ordinance, conducting a smoking act in a statutory no smoking area (such as indoor areas of bars or restaurants) is prohibited. Any person doing a smoking act in statutory no smoking areas are liable to a fixed penalty of \$1,500. Moreover, where tobacco products (including waterpipes) are sold, in bars or otherwise, restrictions on the sale and promotion of tobacco products stipulated in the Ordinance apply. Venue managers of statutory no smoking areas are empowered by the Ordinance to request the smoking offender to cease the act; if the offender is not co-operative, he/she may contact the Police for assistance.

Also, under the Criminal Procedure Ordinance, any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence. A spokesman for the DH appeals to operators and venue managers of bars/restaurants not to assist any person in breaching the statutory smoking prohibition, or provide a waterpipe apparatus and tobacco to customers for use.

A DH spokesman stressed that the TACO will follow up and investigate every complaint about illegal smoking, and will conduct inspections and take enforcement actions in the venue concerned. The TACO will also conduct joint inspections and enforcement actions (including plainclothes operations) with other law enforcement agencies from time to time with a view to enhancing the effectiveness of law enforcement. The DH will continue to closely monitor and to take stringent enforcement actions to tackle illegal waterpipe smoking. In the past 12 months, the TACO conducted 25 decoy operations against illegal waterpipe smoking activities in no smoking areas. A total of 77 FPNs were issued against smoking offenders and while 74 summonses were issued to staff members and operators of the bars/restaurants for other related offences.

â€‹The spokesman said that waterpipe is a smoking product and its combustion of fuel (e.g. charcoal) releases high concentrations of carbon

monoxide. Due to deeper inhalation and longer smoking session, waterpipe users usually inhale more toxins than they would when smoking cigarettes. A typical one-hour waterpipe smoking session exposes the user to 100 to 200 times the volume of smoke inhaled from a single conventional cigarette. Besides, sharing the waterpipe apparatus increases the risk of infectious disease transmission such as tuberculosis. For more information on the hazards of waterpipe smoking, please visit [www.livetobaccofree.hk/pdfs/waterpipe\\_leaflet\\_new.pdf](http://www.livetobaccofree.hk/pdfs/waterpipe_leaflet_new.pdf). The spokesman cautions against waterpipe smoking or the use of other smoking products. Smokers should quit smoking as early as possible for their own health and that of others.

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## **Red flags hoisted at some beaches**

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (June 14) that due to big waves, red flags have been hoisted at Hung Shing Yeh Beach and Pui O Beach in Islands District; and Hap Mun Bay Beach in Sai Kung District. Beachgoers are advised not to swim at these beaches.

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## **HAD's Emergency Co-ordination Centre in operation**

Attention duty announcers, radio and TV stations:

Please broadcast the following as soon as possible and repeat it at suitable intervals:

As the Red Rainstorm Warning Signal has been issued, the Home Affairs Department's Emergency Co-ordination Centre is now in operation.

The Home Affairs Department will open temporary shelters for people in need of temporary accommodation.

For details, please contact the centre on 2572 8427.

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## Employers and employees should make work arrangements in times of rainstorm warnings

The Labour Department (LD) today (June 14) reminded employers to make prior work arrangements for employees during and after rainstorm warnings and "extreme conditions" as early as possible, including arrangements on reporting for duty, release from work, resumption of work and remote work (if applicable). These arrangements not only can ensure the safety of employees and smooth operation of organisations, but also are conducive to maintaining good labour-management relations.

"Employers should make prior work arrangements and contingency measures for staff which are reasonably practicable. In drawing up and implementing the work arrangements, employers should give prime consideration to employees' safety and the feasibility of employees travelling to and from their workplaces. Employers should also give consideration as much as possible to the different situations faced by individual employees, such as their place of residence and the road and traffic conditions in the vicinity, and adopt a sympathetic and flexible approach with due regard to their actual difficulties and needs," an LD spokesman said.

To avoid misunderstanding, disputes and confusion, employers should consult and engage employees when drawing up the arrangements and make appropriate updates or amendments based on the experience of each occasion and the needs of both employers and employees as well as the actual situations. The work arrangements should cover the following matters:

- \* arrangements in respect of reporting for duty;
- \* arrangements in respect of early release from work;
- \* arrangements in respect of resumption of work (e.g. the number of hours within which employees should resume duty after the warning concerned is cancelled or "extreme conditions" comes to an end, when safety and traffic conditions allow);
- \* arrangements in respect of remote work such as work from home (if applicable) (e.g. duty and work arrangements during and after rainstorm warnings and "extreme conditions");
- \* arrangements regarding working hours, wages and allowances (e.g. calculation of wages and allowances in respect of reporting for duty and absence); and
- \* special arrangements in respect of staff required to report for duty in times of adverse weather or "extreme conditions".

"Employers should conduct a timely and realistic assessment of whether there is any need for requiring staff to report for duty at workplaces when

rainstorm warning or 'extreme conditions' is in force. In making the assessment, employers should take into account the safety of employees, the business nature, operational needs and urgency of service, with due regard to the manpower requirements, staffing establishment and individual situations of employees, and keep the number of staff at workplaces to the minimum as far as possible," the spokesman added.

If a Red or Black Rainstorm Warning Signal is issued during working hours, employees working indoors should continue to work as usual unless it is dangerous to do so. Supervisors of employees working outdoors or in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty only when weather conditions permit. If the Black Rainstorm Warning Signal is still in force by the end of working hours, employees should stay in a safe place until the heavy rain has passed. A suitable area in the workplace should be made available by employers as temporary shelter for employees.

If the Government makes an "extreme conditions" announcement, apart from those required by employers to report for duty at workplaces, employees are advised to stay in the place they are currently in or in safe places when "extreme conditions" is in force, instead of heading for work. Employees who have already reported for duty at workplaces could continue to work as usual in a safe manner. If the workplaces are in danger, employers should release staff from work early under feasible conditions and in a safe manner or make available a safe place as temporary shelter for employees. If the working time ends while "extreme conditions" is still in force, employers can release employees from workplaces in a safe manner or provide a suitable area as temporary shelter for those still at workplaces.

If it is necessary for employees to report for duty at workplaces under adverse weather or "extreme conditions", employers should discuss and agree with them in advance on the duty arrangements and contingency measures. If public transport services are suspended or limited when the Black Rainstorm Warning Signal or "extreme conditions" is in force, employers should provide safe transport services for employees travelling to and from workplaces, or grant them an extra travelling allowance.

The spokesman reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, Occupational Safety and Health Ordinance, Factories and Industrial Undertakings Ordinance, Employees' Compensation Ordinance and Minimum Wage Ordinance.

"As natural calamities cannot be avoided, for employees who are not able to report for duty or resume work on time due to adverse weather or 'extreme conditions', employers should neither deduct their wages, good attendance bonuses or allowances, nor reduce employees' entitlement to annual leave, statutory holidays or rest days under the Employment Ordinance, or ask for additional hours of work from employees to compensate for the loss of working hours when they are unable to report for duty," he said.

Employers should note that they have an obligation to provide and maintain a safe working environment for their employees under the Occupational Safety and Health Ordinance. If employees are required to work in times of tropical cyclone warnings, rainstorm warnings or "extreme conditions", employers should ensure that the risks at work are reduced as far as reasonably practicable. Moreover, under the Employees' Compensation Ordinance, employers are liable to pay compensation for injuries or deaths incurred when employees are travelling by a direct route from their residence to their workplace, or from their workplace back to their residence after work, four hours before or after working hours on a day when Tropical Cyclone Warning Signal No. 8 or higher, a Red or Black Rainstorm Warning Signal or "extreme conditions" is in force.

The LD has published the "Code of Practice in Times of Adverse Weather and 'Extreme Conditions'", which provides the major principles, reference guidelines and information on relevant legislation on making work arrangements for the reference of employers and employees. The booklet can be obtained from branch offices of the Labour Relations Division or downloaded from the department's webpage ([www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf](http://www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf)).

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## Care centres remain open

Attention duty announcers, radio and TV stations:

Please broadcast the following special announcement immediately, and repeat it at frequent intervals:

"The Social Welfare Department announces that while the Red Rainstorm Warning Signal has been issued, all child care centres, centres providing after school care programmes, elderly services centres and day rehabilitation units including sheltered workshops, integrated vocational rehabilitation services centres, integrated vocational training centres and day activity centres will remain open during their normal operating hours. If necessary, members of the public can contact the centres to make arrangements for the safe return home of their children and family members."