

Bars/restaurant premises convicted for aiding and abetting smoking offences

Operators and their associated staff of five bars/restaurant premises were mentioned at the Kowloon City Magistrates' Courts today (December 1) for aiding and abetting another person of waterpipe smoking in a no-smoking area, displaying smoking product advertisement related to waterpipe, or failing to display prescribed signs or notices as stipulated in relevant ordinances. Three bars/restaurant premises were convicted and the fine for each bar/restaurant premises ranged from \$6,000 to \$15,600. The case of the remaining two bars/restaurant premises was adjourned.

The Tobacco and Alcohol Control Office (TACO) of the Department of Health (DH) conducted a joint operation with the Police against illegal waterpipe smoking activities in no-smoking areas in Tsim Sha Tsui in May this year. During the operation, a total of 19 fixed penalty notices were issued to persons illegally smoking waterpipes at five bars/restaurant premises. Prosecutions were also made against operators and their associated staff of the bars/restaurant premises who contravened the relevant ordinances and regulations.

In accordance with the Smoking (Public Health) Ordinance (Cap. 371) (the Ordinance) and the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600), any person who conducts a smoking act in a statutory no smoking area commits an offence and is liable to a fixed penalty of \$1,500. In addition, under the Criminal Procedure Ordinance (Cap. 221), 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 urged venue managers of no smoking areas to refrain from assisting any person in breaching the smoking ban.

Moreover, the Ordinance also prohibits any person from displaying or distributing smoking product advertisement. Any person who offers for sale, or promotes the sale, purchase, smoking or use of, conventional smoking products, or sells or supplies intoxicating liquor in a face-to-face distribution at a place in the course of business, shall comply with the requirement of displaying relevant prescribed signs or notices, as stipulated in the Ordinance and the Dutiable Commodities (Liquor) Regulations (Cap. 109B).

The 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 venues concerned. It will also conduct joint inspections and enforcement actions 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 against illegal waterpipe smoking.

Due to deeper inhalations and a longer smoking session, waterpipe users

usually inhale more toxins than they would when smoking cigarettes. For more information on the hazards of waterpipe smoking, please visit 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.