

DH conducts enforcement operation against waterpipe smoking in no smoking areas (with photos)

The Tobacco and Alcohol Control Office (TACO) of the Department of Health (DH) conducted an enforcement operation against illegal waterpipe smoking activities in no smoking areas in Wan Chai during the evening of July 6.

During the operation, officers from TACO (including plainclothes officers) issued a total of six fixed penalty notices (FPNs) to persons illegally smoking waterpipes at one bar. TACO officers also found that the bar was suspected of displaying smoking product advertisements and selling smoking products without displaying health warnings as required by law. TACO's investigation is ongoing and prosecution may be taken against operators of bars/restaurants suspected of violating the provisions of the Smoking (Public Health) Ordinance (Cap. 371) (the Ordinance) regarding the advertising of smoking products, and aiding and abetting smoking offences under the Criminal Procedure Ordinance (Cap. 221). TACO will also refer the case involving the sale of smoking products without displaying the required health warnings to the Hong Kong Customs and Excise Department for follow-up.

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 smoking products (including waterpipes) are sold, in bars or otherwise, the restrictions on the promotion and sale of smoking products stipulated in the Ordinance apply. Offenders are liable on summary conviction to a maximum fine of \$50,000. 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 prohibitions, or provide a waterpipe apparatus and tobacco for customers to use.

The DH spokesman stressed that TACO will follow up and investigate every complaint about illegal smoking, and will conduct inspections and take enforcement action in the venue concerned. 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

take stringent enforcement actions to tackle illegal waterpipe smoking. In the past 12 months, TACO conducted 68 operations against illegal waterpipe smoking activities in no smoking areas. A total of 130 FPNs were issued against smoking offenders, while 74 summonses were issued to staff members and operators of the bars/restaurants for other related offences.

The spokesman said that a waterpipe is a smoking product, and its combustion of fuel (e.g. charcoal) releases high concentrations of carbon monoxide. Due to deeper inhalation and a 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. Moreover, sharing a waterpipe apparatus increases the risk of infectious disease transmission such as tuberculosis. Furthermore, the areas in bars/restaurants where waterpipes are handled or kept have been found to be unhygienic during previous enforcement operations. 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. For more information on the hazards of waterpipe smoking, please visit www.livetobaccofree.hk/pdfs/waterpipe_leaflet_new.pdf.

