

First conviction for aiding and abetting smoking offences

A bar was convicted and fined \$2,000 at the Eastern Magistrates' Courts on March 2 for aiding and abetting two customers to smoke a waterpipe in a statutory no-smoking area. A 21-year-old staff member involved in the case was fined \$1,500 for conviction of the same offence earlier by the court on February 2. This is the first convicted case for aiding and abetting smoking offences.

During a covert operation mounted by the Tobacco and Alcohol Control Office (TACO) of the Department of Health (DH) at a bar in Central on June 23, 2020, the bar and the staff were found providing waterpipe apparatus and tobacco to customers for consumption in the bar where smoking was prohibited. The two customers who smoked the waterpipe at the time were each fined \$1,500 for the smoking offence.

A spokesman for the DH urged venue managers of no-smoking areas to refrain from assisting any person in breaching the smoking ban.

"Smoking is prohibited in all indoor areas of public places, including bars and food premises. Any person smoking in statutory no-smoking areas is liable to a fixed penalty of \$1,500. Under section 89 of 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," the spokesman said.

"Venue managers of no-smoking areas are empowered by law to stop smoking offences. They have a duty to protect their staff and customers from the hazards of secondhand tobacco smoke. The TACO will take enforcement action against any person who aids and abets a smoking offence," the spokesman reiterated.