



*Smoke-free
Restaurant
Implementation
Guide*



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This publication is available free of charge at the Tobacco Control Resource Centre, Department of Health (Room 1801, 18th Floor, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong), or at the Tobacco Control Office website at www.tco.gov.hk for download.



I love smoke-free Hong Kong!



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1. Introduction

To safeguard employees and customers of the catering and hospitality industries against health damages caused by inhalation of secondhand smoke, the Government proposed to extend the statutory no smoking areas to all restaurants and premises of the hospitality industry under the Smoking (Public Health) (Amendment) Bill 2005 (hereinafter referred to as "Amendment Bill"). For this purpose, we prepared this implementation guide to give managers and staff a better understanding of tobacco control legislations and its implementation, so that they can carry out the smoke-free policy in their restaurants more effectively.

1.1 Secondhand smoke harms the health of employees and customers

Secondhand Smoke = Group A Carcinogen

Secondhand smoke is a mixture of smoke emitted from the burning of tobacco products and smoke exhaled by smokers. It contains over 4,000 hazardous chemicals with over 50¹ of them are cancer causing agents.



¹ U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General - Executive Summary. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006

Secondhand smoke has been categorized as "Group A Carcinogen"². If a worker works in a secondhand smoke laden workplace for a long time, he / she will have higher risk of suffering from lung cancer and heart disease.

Passive smoking and risks for heart disease and cancer in Hong Kong catering workers³

A study reported that the urine cotinine level⁴ of a worker who is exposed to secondhand smoke from customers is two times higher than a worker who has not been exposed to such secondhand smoke. This study indicated that Hong Kong catering workers are seriously affected by secondhand smoke in their workplaces.

2 Office of Health and Environmental Assessment (1992). Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders. Washington D.C.:US Environmental Protection Agency.

3 Anthony J. Hedley, et al. Risks for Heart Disease and Lung Cancer from Passive Smoking by Workers in the Catering Industry; Toxicological Sciences (2006) 90 (2), 539 - 548.

4 "Cotinine": when nicotine in tobacco smoke is absorbed in the blood, it undergoes metabolic breakdown into other compounds, including cotinine which can be measured in saliva, urine and blood. Besides, Cotinine reflects the level of toxic components in the body that can cause heart disease, cancer and respiratory system diseases. Moreover, it is the best available biomarker of secondhand smoking exposure.

While the current number of catering workers in Hong Kong is about 200,000, the study estimated 150 deaths per year on average will be caused by unavoidable exposure to secondhand smoke.



1.2 The Smoking (Public Health)(Amendment) Bill 2005 — A total smoking ban in all restaurants and other premises of the hospitality industry

According to the Smoking (Public Health) Ordinance (Cap.371) which prior to October 2006 (hereinafter referred to as "Ordinance"), restaurants with more than 200 indoor seats shall designate at least one-third of the accommodation as no smoking area.

However, since secondhand smoke can diffuse from smoking area to smoke-free area, this provision fails to provide an effective protection for restaurant customers and employees against the impact of secondhand smoke. Besides, the enforcement of the Ordinance can cause inconvenience to restaurant management and sometimes, it may even provoke conflicts between smokers and non-smokers.

For this purpose, the Government proposed to extend the statutory no smoking area to all restaurants, factory canteens, bars and other premises of the hospitality industry such as indoor space of karaoke lounges* (hereinafter referred to as "restaurants") under the Amendment Bill, regardless of sizes and seating capacities. All these restaurants shall be completely smoke-free to safeguard the health of the employees and customers in the catering industry and the hospitality industry.



* Remarks: All information is subject to the text of the approved version of the Smoking (Public Health) (Amendment) Ordinance 2005.

1.3 Definition of indoor no smoking area

According to the Amendment Bill, "indoor" (室內) means - (a) having a ceiling or roof, or a cover that functions (whether temporarily or permanently) as a ceiling or roof; and (b) enclosed (whether temporarily or permanently) at least up to 50% of the total area on all sides, except for any window or door, or any closable opening that functions as a window or door.*

Illustrated Examples

(1) The following restaurants Picture 1 and Picture 2 are covered with ceilings and more than 50% of the total area on all sides are substantially enclosed (except for the closable openings), hence, they are statutory no smoking areas. (See → ⊗)



Picture 1



Picture 2

* Remarks: All information is subject to the text of the approved version of the Smoking (Public Health) (Amendment) Ordinance 2005.

- (2) The following restaurants Picture 3 and Picture 4 have indoor spaces covered with ceilings and more than 50% of the total area are on all sides, both indoor areas are statutory no smoking areas. (See → ⊘)
- (3) Although both restaurants have outdoor seats with covers (either ceiling or awning), however, as less than 50% of the total area on all sides of the outdoor areas are enclosed, they are **NOT** statutory no smoking areas. (See →)



Picture 3



Picture 4

2. Benefits of Implementing Smoke-free Restaurants

2.1 Smoke-free restaurants safeguard employees' health and safety

Protect employees' health

Employees are the most valuable asset of a company. A smoke-free restaurant safeguards its employees against the impact of secondhand smoke and allows for a clean and healthy environment. This will reduce absenteeism and leads to improved productivity and staff morale.



Reduce the risk of fire

Statistics⁵ showed that in 2005, a total of 2,247 fires were caused by careless handling or disposal of cigarette ends, matches and candles, etc. Implementing a smoke-free restaurant will substantially reduce the risk of fire caused by disposal of cigarette ends.

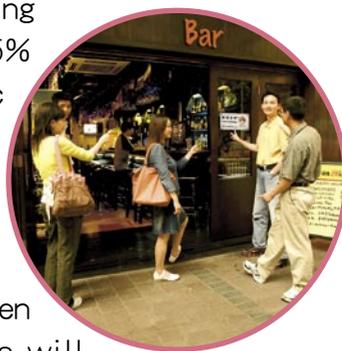


5 Hong Kong Fire Services Department. 2005. URL: http://www.hkfsd.gov.hk/home/eng/source/statistics_eng.html#5 (assessed on 6 March 2006)

2.2 Smoke-free restaurants benefit business operation

Broaden the customer base

In Hong Kong, the non-smoking population accounts for about 85% of the total population⁶. The public generally understand that second-hand smoke is harmful to health. Non-smokers usually avoid smoke-laden restaurants when dining out. If the family members include children and elderly, smoke-free restaurants will definitely be their preference. A survey⁷ reported that Hong Kong people will increase the frequency of dining out as a result of the smoking ban in restaurants. It suggests that smoking ban in restaurants can broaden the customer base and increase business revenue.



Simplify enforcement of smoking ban

Secondhand smoke can spread from smoking areas to non-smoking areas, which can easily leads to complaints from customers. The restaurant staff may also find it difficult regarding law enforcement. After smoking is completely banned in all restaurants, the arrangement of



⁶ The Thematic Household Survey Report No. 16 conducted by the Hong Kong Census and Statistics Department in 2003 showed that the total number of smokers stood at 867,000, accounting for 15.3% of the population aged 15 or above in Hong Kong.

⁷ The impact of smoke-free policies on the patronage of restaurants in Hong Kong, Report No.9 conducted by the Hong Kong Council on Smoking and Health in 2001 estimated that in 1999, 2.96 million people left a restaurant because smoking is allowed. The survey also found that with a total smoking ban in restaurants, even with the most conservative projection, dining out frequency of Hong Kong people will still increase by 455,328 meals per week.

non-smoking seats will be simplified and conflicts among customers can be avoided. This will eventually facilitate the operation of restaurants.

Cutting operation costs

Furnitures in a smoke-free restaurant will suffer from less damages and losses caused by burn resulting from lighted cigarette and can thus reduce cleaning or replacement costs. In addition, deterioration of the air conditioning and ventilation system due to dirt-sucking (such as smoke ash etc.) will be minimized. As such, maintenance cost for equipments and air conditioning systems will be reduced.

Increasing customer flow

Smoke-free restaurant prevents smokers from occupying seats for lengthy smoking and enhance customer flow during busy hours. Business volume will increase correspondingly and so the revenue.



3. Implementing a Smoke-free Restaurant — Advice to Managers

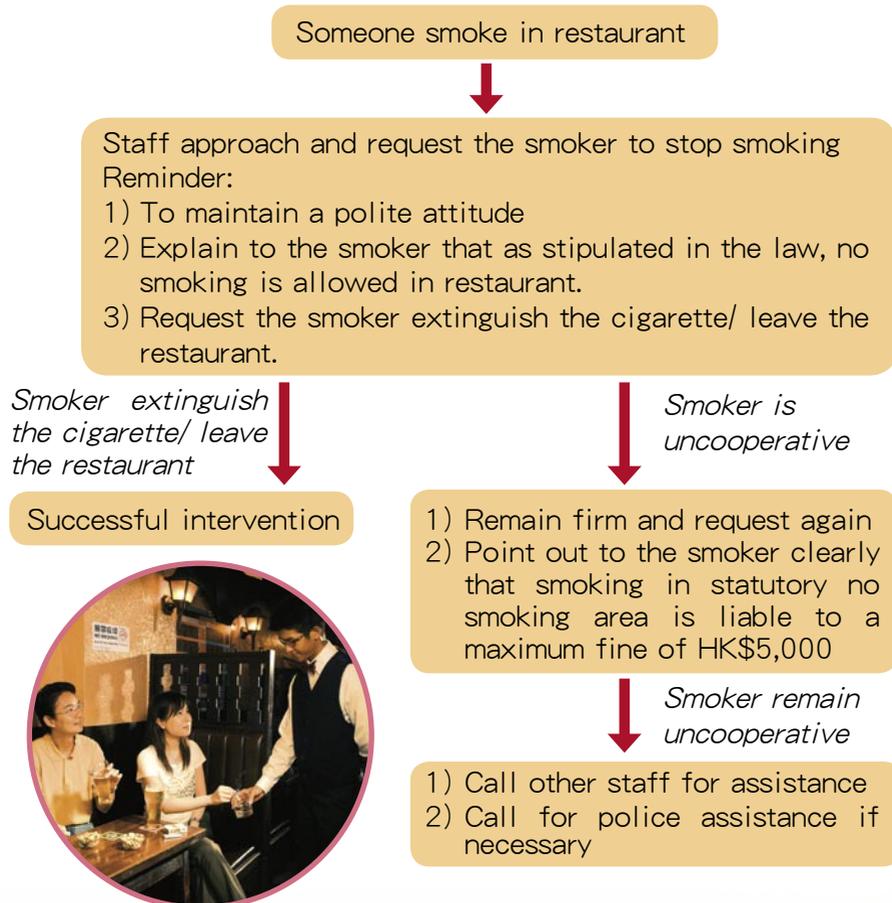
3.1 Understand the authorities and responsibilities empowered by the legislation

Duties and responsibilities of restaurant managers and staff

In order to implement a smoke-free policy in restaurants, the Ordinance empowers restaurant managers with certain authorities and responsibilities. If anyone is found smoking in the restaurant, the manager or staff shall request the smoker to extinguish his / her cigarette, cigar or pipe immediately. If that person refuses to cooperate, the manager may call the police for assistance.



Procedures to handle smoking offences



3.2 Preparation and support

Strengthen the training for employees

Managers should inform all employees that their restaurants have implemented smoke-free policy pursuant to law and emphasis that a smoke-free restaurant allows for a fresh environment for both employees and customers. At the same time, staff training should be provided to make them understand their responsibilities and duties under the Ordinance, and improve their techniques of advising customers. This enable staff to discharge their duties of stopping customers from smoking effectively, thus achieves a smoke-free environment inside their restaurants.



Remove ashtrays from the restaurants

Placing ashtrays in a restaurant can mislead customers that smoking is allowed in the restaurant.

Therefore, managers should remove all ashtrays. If a customer requests for an ashtray, employees should decline politely and explain that the restaurant has carried out smoke-free policy under the law.



Avoid selling tobacco products in the restaurant

Customers may have the impression that smoking is allowed in the restaurant if they find tobacco products being sold in that restaurant. Therefore, such activities should be avoided.



Display no smoking signage

Managers should display sufficient number of no smoking signs in prominent positions in order to remind customers and employees that smoking is prohibited in restaurant premise. This helps managers to enforce the no smoking requirement.

Encourage employees who smoke to quit smoking

Managers should make employees who smoke to understand that the smoke-free policy is for the benefit of their health, not an action to direct against individuals' smoking behaviour. Managers should



encourage their employees to quit smoking and provide appropriate assistance and support, such as offering smoking cessation information and incentives or rewards to employees who have successfully quit smoke.

3.3 Enhancing enforcement skills

Experience suggests that when a manager advises politely and refers to the no smoking signage displayed around, most smokers will cooperate and extinguish the cigarette or leave the non-smoking area to smoke outside as requested.

Managers should remind employees that when advising, they should first explain very clearly to the customer that the indoor area of the restaurant is a statutory no smoking area. The advice should be given in a polite manner with appropriate phrases such as **"excuse me", "please", "thank you" and "I'm afraid"** etc. Usually, smokers will extinguish their cigarette when they are informed of the no smoking requirement.

The following are some suggested phrases on advising:

"Excuse me, sir / madam, by law, smoking is not allowed in the restaurant. Would you please extinguish your cigarette or move outside to smoke?"

"Sir / madam, would you please stop smoking? A smoking ban has come into force in this restaurant. Thank you."

"Sir / madam, secondhand smoke can easily affect other customers in indoor space. Please excuse me and extinguish your cigarette or move outside to smoke."

When giving advice, the manager should pay attention to the customer's mental state such as drunkenness. Do not have any body contact with the smoker or request the smoker to extinguish the cigarette in a commanding tone, such as "hey, put out your cigarette!". This helps to avoid conflicts or quarrels.

Handling problematic case during enforcement

While enforcing the statutory requirements, if the smoker refuses to cooperate after repeated warnings from the manager or authorized employee, or even behaves violently or disrupts the public order, the manager may call the police at once for assistance.



4. Support and Assistance

4.1 The Tobacco Control Office, Department of Health

The Tobacco Control Office under the Department of Health was established in 2001 to promote a smoke-free culture in Hong Kong. We provide education and assistance to managers of public premises for the enforcement of tobacco control legislations.

Anti-smoking activities and talks are conducted to protect the community members against the impact of smoking and secondhand smoke. In order to facilitate the implementation of the smoke-free policy in all restaurants, we provide health talks on tobacco control legislations, health education materials and cessation information, etc. On the other hand, we will enhance the promotion and education among the public in relation to the latest tobacco control legislation.

4.2 Talks on tobacco control legislations

The Tobacco Control Office conducts regular seminars and health talks on tobacco control legislations for the catering and entertainment premises. It aims at enhancing the understanding and implementation skills of managers and staff in relation to the Ordinance, so that they can carry out the smoke-free policy in their restaurants more effectively.

Seminars on tobacco control legislations cover the following areas: smoking prevalence in Hong Kong, an overview of tobacco control legislations, advice to managers concerning the law compliance and enforcement (including the skills to handle smoking offences) and introduction to smoking cessation services, etc. Applications by managers of catering and entertainment premises are welcomed. Please fill in the application form in [Appendix I](#) and send to our Office by post or fax.



4.3 Health education materials

To facilitate restaurant managers to implement no smoking measures, we have prepared a series of no smoking signage, posters, pamphlets, as well as this Implementation Guide and other free materials. Interested parties please send the request to our office by using the application form in Appendix I.



4.4 Smoking cessation services

To encourage and assist employees of the catering industry to quit smoking, the Department of Health has made available a smoking cessation course on Nicotine Replacement Therapy and set up a **cessation hotline** at **1833 183** to provide the public with over the phone cessation counselling service and cessation information including cessation assessment, cessation tips and pharmacotherapy information etc.

Our registered nurses will answer the calls personally in order to understand the patient's situation and provide professional cessation advice. Besides, you can browse the website of the Tobacco Control Office of the Department of Health (www.tco.gov.hk) for the latest smoking cessation information and services.



• Nicotine Replacement Therapy •

Purpose : To help quitters ease the possible discomforts during the early stage of quitting

Therapy : Nicotine replacement therapy including gums, patches and inhalers

Effect : Studies have shown that proper use of nicotine replacement therapy will increase the chance of quitting successfully

Smoking Cessation Clinic of Department of Health (Education and Training Centre in Family Medicine)

Address: 2/F, Ngau Tau Kok Jockey Club Clinic, 60 Ting On Street,
Ngau Tau Kok, Kowloon

(For enquiries or book an appointment, please call the Department of Health Smoking Cessation Hotline at 1833 183.)

Smoking Cessation Services of Hospital Authority

Smoke-free Hotline (Hospital Authority) Tel: 2300 7272

Hong Kong Island

Pamela Youde Nethersole Eastern Hospital Tel: 2921 5085
Sai Ying Pun Jockey Club General Outpatient Clinic Tel: 2922 6159

Kowloon

Ha Kwai Chung General Outpatient Clinic Tel: 2743 6377
Queen Elizabeth Hospital Tel: 2928 6364
Yau Ma Tei General Outpatient Clinic Tel: 2272 2417
Central Kowloon Health Centre Tel: 2762 1456
Our Lady of Maryknoll Hospital Tel: 2927 6101
West Kowloon General Outpatient Clinic Tel: 2928 7157
Tseung Kwan O Jockey Club General Outpatient Clinic Tel: 2927 2084

New Territories

North District Hospital Tel: 2929 1080
Shek Wu Hui Jockey Club Clinic Tel: 2670 0211
Fanling Family Medicine Centre Tel: 2639 4601
Ma On Shan Family Medicine Centre Tel: 2641 9792
Tuen Mun Hospital Tel: 2920 5091
Yuen Long Jockey Club Health Centre Tel: 2476 0221
Yan Oi General Outpatient Clinic
(Education Centre in Family Medicine) Tel: 2920 6148

4.5 Enquiries on tobacco control issues

For enquiries or need any assistance concerning the implementation of smoke free policy, please contact **enquiry hotline of Tobacco Control Office, Department of Health at 2961 8823.**



5. Frequently Asked Questions and Answers

Is smoking allowed in the outdoor space of a restaurant?

Pursuant to the provisions of the Ordinance, only the indoor area of the restaurant is designated as statutory smoke-free area. Indoor area means “a place having a ceiling or roof, or a cover that functions as a ceiling or roof and enclosed at least up to 50% of the total area on all sides, except for any window



or door, or any closable opening that functions as a window or door”. You can also designate an outdoor space of your restaurant as a smoke-free area provided that proper signage is displayed to let customers understand clearly if they are within a smoke-free area.

How should restaurant staff deal with smoking customers?

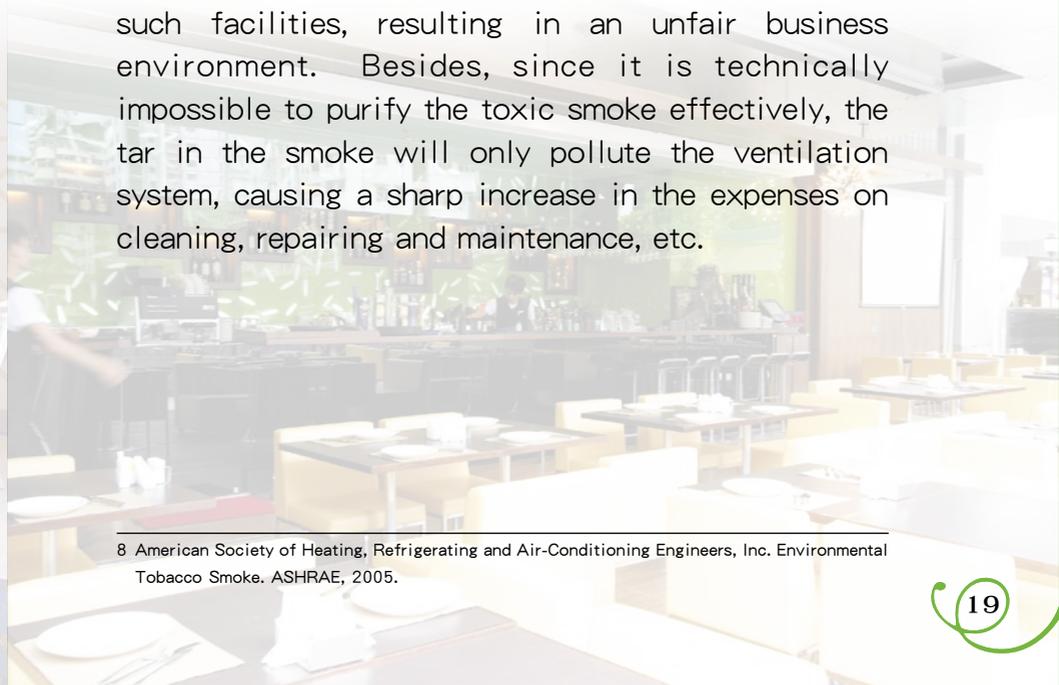
You can explain to the customer politely that the restaurant has implemented smoke-free policy and request him / her to extinguish the cigarette or to smoke outside the restaurant. Previous experience tells that majority of customers will cooperate upon receiving the advice. If the customer is uncooperative, stand firm to explain and give advice once more. At the same time, you may ask your colleagues or supervisor for assistance. If your repeated requests are still in vain, you may give a verbal warning indicating that the smoking offence is subject to maximum penalty

of HK\$5,000 and requests the smoker to leave the smoke-free area of the restaurant. If the manner of the smoker turns worse, you should ask your colleagues or supervisor for assistance and then warn the offender. Call police for assistance. Step back and keep away from the smoker to avoid conflicts before police arrival.

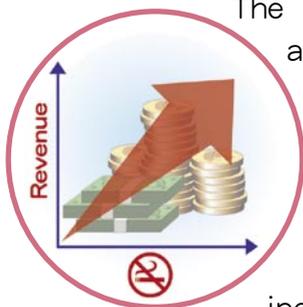
Why is it impracticable for restaurants to set up smoking rooms with independent ventilation systems?

A study conducted by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.⁸ found that independent ventilation system installed in a smoking room failed to stop secondhand smoke from diffusing. So far, no ventilation system is able to guarantee the absolute removal of toxic substances released by tobacco smoke, or complete exhaustion of secondhand smoke in indoor space. In short, setting up smoking rooms with independent ventilation systems will only increase the operating cost of the industry. Smaller enterprises may not be able to afford the installation and maintenance expenses of such facilities, resulting in an unfair business environment. Besides, since it is technically impossible to purify the toxic smoke effectively, the tar in the smoke will only pollute the ventilation system, causing a sharp increase in the expenses on cleaning, repairing and maintenance, etc.

⁸ American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. Environmental Tobacco Smoke. ASHRAE, 2005.



Will business be affected as a result of the smoking ban?



The American Legacy Foundation⁹ has analyzed the effect on business as indicated by sales tax data after a complete smoking ban is implemented in restaurants. The findings indicated that there is no impact on the income of the catering industry in 81 American regions where the aforementioned policy is enacted. In fact, the example of New York City showed that the business tax receipts in restaurants and bars were up 8.7% after a year of the smoke-free policy came into effect in 2003. Hence, smoking ban in restaurants will not have negative impact on business.¹⁰

Is indoor areas smoking ban an international trend?

By now, most developed countries including Ireland, Italy, New York and California of the United States, Sweden and New Zealand have imposed a smoking ban in indoor public places to protect public health. Being an international metropolis, Hong Kong



should move with the times and implement an effective smoke-free policy. A smoking ban in all restaurants will not only protect the health of Hong Kong people, but also build up Hong Kong's reputation as a gourmet paradise for tourists over the world.

9 American Legacy Foundation. New York's Fun Factor Not Lost Because of Smoking Ban. 2003. URL: <http://a-smoke-free-new-york-works.org/releases.asp> (accessed on 5 January 2006).

10 New York City Department of Finance, New York City Department of Health & Mental Hygiene, New York City Department of Small Business Services and New York City Economic Development Corporation. The State of Smoke-free New York City. A One-year Review. New York. March 2004.

6. Your support is crucial for the implementation of smoke-free restaurants!

In Hong Kong, over 85% of the population are non-smokers and the percentage of smokers has been falling gradually over years. It is no doubt that implementing no smoking measures in restaurants is a welcomed trend. A smoke-free restaurant protects the health of employees and customers. It can also increase the customer flow and broaden the customer base, resulting in improved business volume and staff productivity.



The successful and sustaining implementation of smoking ban requires concerted efforts from all sectors. Given the latest legislative amendment, the Government will enhance the promotion of no smoking measures among the public. Most importantly, the industry and the community should join hands in developing Hong Kong into a smoke-free and healthy city.

*"To Promote a
Smoke-free Culture
in Hong Kong"*

Contact the Tobacco Control Office

Enquiries and Complaints Hotline: 2961 8823

Cessation Hotline: 1833 183

Fax: 2575 8944

Address: 18/F and 25/F,
WuChung House,
213 Queen's Road East,
Wanchai, Hong Kong

Website: www.tco.gov.hk

