

# 香港控煙法例及工作的演變

1982 - 2000

## 1982年實施《吸煙(公眾衛生)條例》

### 禁止吸煙區

公共升降機、陸上公共交通工具下層(1983年)、電影院、劇院、音樂廳、遊戲機中心和所有公共交通工具(1992年)禁止吸煙，並應以指定方式展示「禁止吸煙」標誌(1992年)。

禁煙區後來於1998年擴大至公眾場所室內地方，包括超級市場、銀行、百貨公司和購物商場。食肆、教育院校和機場則可指定全部或部分地方為禁煙區。及至1999年，設有超過200個座位的食肆須劃定最少三分之一的面積為禁煙區。

### 售煙予未成年人士

禁止出售煙草予18歲以下人士(1994年)。煙草產品零售須展示標誌，表示禁止將煙草產品售予或給予18歲以下人士(1995年)。

### 執法

根據條例賦予警方和海關執法的權力。

### 煙草稅

- 增加煙草稅300% (1983-84年)
- 增加23.5% (1985年)
- 增加25% (1990年)
- 增加100% (1991年)
- 增加9.5% (1993年，跟隨通脹)
- 增加8% (1995年)
- 增加9% (1996年)
- 增加6% (1997年，跟隨通脹)
- 增加6% (1998年，跟隨通脹)

### 焦油量

售賣香煙的最高焦油含量限制設定為20毫克(1993年)，後來調定至17毫克(1999年)。

## 2001

### 衛生署成立控煙辦公室負責協調控煙法例的執行、公眾宣傳教育及戒煙服務

## 2001-2004

### 法例

就《吸煙(公眾衛生)條例》的建議修訂發出諮詢文件

### 煙草稅

增加5%

### 宣傳教育及戒煙服務

設立衛生署戒煙熱線；

開設衛生署戒煙診所；

為禁煙場地管理人提供無煙工作坊；

舉辦健康講座和展覽宣揚吸煙禍害；

製作健康教育素材，向公眾推廣無煙文化；

## 2005

### 政策

中國成為世界衛生組織《煙草控制框架公約》的締約國

### 法例

向立法會提交

《2005年吸煙(公眾衛生)(修訂)條例》

## 2006

### 政策

《煙草控制框架》公約正式在中國生效，而適用範圍亦延伸至香港

### 法例

立法會通過《2006年吸煙(公眾衛生)(修訂)條例》

### 執法

根據條例委任和賦予控煙辦控煙督察巡視和執法的權力

## 2008

### 戒煙服務

成立煙草成癮國際治理諮詢小組及煙草成癮本地治理諮詢小組。

## 2009

### 執法

根據《定額罰款(吸煙罪行)條例》(第600章)實施吸煙罪行定額罰款制度。根據《吸煙(公眾衛生)條例》(第371章)賦予康樂及文化事務署、食物環境衛生署及房屋署指定主任巡視和執法的權力。

### 擴大禁煙區至

當時尚獲豁免的六類合資格場所，即酒吧、會所、夜總會、浴室、按摩院和麻將天九館及有蓋公共運輸交匯處及有上蓋建築物的巴士總站。

### 煙草稅

增加50%，使煙稅佔煙包價格60%。

### 煙草廣告

禁止小販攤檔展示煙草廣告

### 宣傳教育及戒煙服務

舉辦國際煙草成癮治理研討會；

舉辦煙草依賴治療專家培訓課程；

加強戒煙熱線服務；

設立網上戒煙服務；

推出社區戒煙服務 — 東華三院戒煙綜合服務中心；

推行針對女性及長者的健康教育及宣傳計劃。



### 健康忠告

印刷刊物中的煙草廣告(1982年)、煙包及零售盛器(1983年)須以中、英文列明焦油含量類別。

電台、印刷刊物及展示的煙草廣告(1982年)、霓虹招牌(1983年)、煙包及零售盛器(1983年)、煙草生產商、分銷商及銷售商的雨傘及商用車輛(1984年)、大型廣告牌及受贊助的電視節目廣告(1985年)須以中、英文展示健康忠告。於1987年，電視、電影院及旁白更採用統一的健康忠告。所有煙草廣告的健康忠告及焦油含量類別必須以白底黑字印刷(1996年)。

1994年首次具體列明煙包上指定形式的健康忠告及焦油含量類別應佔印刷面積的百分比、於煙包的位置及變更的頻率。有關規定於1995年擴大至所有煙草產品。除非焦油量低於9毫克，否則禁止使用暗示低焦油含量的字眼(1999年)。由2000年起，煙包須載有六款新健康忠告，並以白底黑字標示焦油和尼古丁含量。

### 煙草產品廣告

煙草產品的電視(1988年)及電台(1989年)廣告和贊助均不能於下午4時至晚上10時30分播放。及後更全面禁止電視及電台(1990年)、電影院(1992年)、互聯網(1998年)以及所有展示廣告和印刷媒體(1999年)播放煙草產品和贊助廣告。持牌小販和小型煙草零售場所則可獲豁免。

禁止以下推廣煙草產品的宣傳策略

售賣煙草產品時附送禮品；售賣其他非煙草產品時附送煙草產品；向任何人士提供煙草產品作廣告用途，或透過自動售賣機宣傳和銷售煙草產品(1998年)。

### 宣傳教育

成立香港吸煙與健康委員會，提供有關吸煙及健康的資訊及公眾教育(1987年)。

## 2007

### 擴大禁煙區至

所有食肆、工作間、卡拉OK和街市的室內地方；

以下地方的室內及室外區域 —

- 幼兒中心、學校及指明教育機構(包括專上學院及大學)；
- 醫院、留產所、安老院、治療中心及任何共用宿舍；
- 公眾遊樂場地、泳灘、公眾泳池、體育場及
- 自動扶手电梯。

### 煙草廣告

禁止在聘用兩名或以下僱員的零售店展示煙草廣告

### 健康忠告

就煙草產品實施圖像健康忠告和包裝規限 —

- 煙包和零售盛器必須輪流展示六個新健康忠告圖像，以及列明焦油及尼古丁含量；
- 健康忠告必須以白底黑字印於煙盒上方；
- 有關資料須以一面中文及一面英文的方式展示於煙包兩個最大的表面，並佔該表面面積最少50%；
- 煙草產品的任何包裝不得有任何字眼、描述、商標、比喻或任何其他標誌，令人產生煙草產品對健康的損害比實際輕微的錯覺。

### 查詢熱線

設立舉報違例吸煙的投訴及查詢熱線

## 2010

### 宣傳教育及戒煙服務

香港醫學專科學院連同15個分科學院的醫護人士簽署「控煙約章」；推出社區戒煙服務 — 博愛醫院針灸戒煙服務先導計劃；舉辦煙草依賴治療專家導師培訓課程

### 煙草稅

取消入境旅客在入境關卡可攜帶免稅煙草產品的優惠。

### 擴大禁煙區至

露天公共運輸交匯處及巴士總站

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攜手共創無煙香港



# EVOLUTION OF TOBACCO CONTROL LEGISLATION AND WORK IN HONG KONG

## 1982 - 2000

### 1982 ENACTMENT OF THE SMOKING (PUBLIC HEALTH) ORDINANCE

#### SMOKING WAS BANNED

Smoking was banned in public lifts, lower deck of public transport land vehicles (1983), cinemas, theatres, concert halls, amusement game centres and all public transport carriers (1992). "No smoking" signs should be displayed in a prescribed manner (1992). Smoking ban was further extended to public indoor areas including supermarkets, banks, department stores and shopping malls (1998). Restaurants, educational institutes and the airport were allowed to designate whole or part of their premises as no smoking areas (1998). Later in 1999, restaurants providing more than 200 seats were required to designate not less than 1/3 of the area as statutory no smoking areas.

#### SALES OF TOBACCO TO MINOR

Sale of tobacco to people under age 18 was prohibited (1994) and tobacco product retailers were required to display a sign informing the public that selling or giving tobacco products to persons under 18 was prohibited (1995).

#### ENFORCEMENT

The Police and Customs and Excise Department were vested with enforcement authority under the Ordinance.

#### TOBACCO TAX WAS INCREASED

• By 300%	(1983-84)
• By 23.5%	(1985)
• By 25%	(1990)
• By 100%	(1991)
• By 9.5%	(1993 on par with inflation)
• By 8%	(1995)
• By 9%	(1996)
• By 6%	(1997 on par with inflation)
• By 6%	(1998 on par with inflation)

#### TAR YIELD

The maximum level of tar content in cigarette allowed for sale was set at 20mg (1993) and subsequently lowered further to 17mg (1999).

#### HEALTH WARNINGS

Tar group designation was required for cigarette advertisements in printed publications (1982) and on packets of cigarettes/retail containers in English and Chinese (1983).

Health warnings in English and Chinese were required for cigarette advertisements for radio, printed publications, displayed cigarette advertisements (1982), neon signs (1983), on packets of cigarettes/retail containers in English and Chinese (1983), umbrellas and commercial vehicle of cigarette manufacturer, distributor, dealer (1984), billboards and advertisements for bona fide television programme sponsorship (1985). Health warnings were standardised for television, cinema and voiceover in 1987. Health warnings and tar group designation in all tobacco advertisements must be presented in black upon a white background (1996).

Prescribed forms of health warnings and tar group designations were first required in 1994 with specifications on the percentage of printing areas, position on packages of cigarette products and their frequency of change. Such requirements were extended to all tobacco products in 1995. Wordings suggestive of low tar yield were prohibited unless the cigarette brand has a tar yield not more than 9mg (1999). In 2000, cigarette packets must carry, in rotation, 6 "new" health warnings, the indication of tar and nicotine yield. Health warning must be on the top of pack, black lettering on white background.

#### TOBACCO ADVERTISEMENT

Cigarette advertising and sponsorship was banned on TV (1988) and Radio (1989) from 4pm to 10:30pm. There was then a total ban on advertising of tobacco products and sponsorship on TV and Radio (1990), cinema (1992), internet (1998), and then to all display advertisement and printed media (1999) except for licensed hawkers and small tobacco retail premises.

The following marketing strategies promoting cigarette use were prohibited-

attachment of gifts to which tobacco products are sold; attachment of tobacco products to other non-tobacco products sold; giving of tobacco products to any person for the purpose of advertisement or promotion and sale of tobacco products through vending machines (1998).

#### HEALTH PROMOTION

The Hong Kong Council on Smoking and Health was established to inform and educate the public on smoking and health matters (1987).

## 2001

### ESTABLISHMENT OF THE TOBACCO CONTROL OFFICE IN THE DEPARTMENT OF HEALTH (DH) TO CO-ORDINATE THE IMPLEMENTATION OF THE TOBACCO CONTROL LEGISLATION, PUBLIC EDUCATION & PUBLICITY AND SMOKING CESSATION SERVICES

#### 2001-2004 LEGISLATION

A Consultation Document was issued on the Proposed Legislative Amendments to the Smoking (Public Health) Ordinance.

#### TOBACCO TAX

Increased by 5%

#### HEALTH PROMOTION AND SMOKING CESSATION SERVICES

Establishment of DH Smoking Cessation Hotline;

Setup of DH Smoking Cessation clinics;

Provision of smoke-free workshops to venue managers of no smoking areas;

Organization of health talks and roving exhibitions on hazards of smoking in schools, housing estates and malls;

Promotion of smoke-free culture to the public through production of health education materials.

#### 2005 POLICY

Ratification to the Framework Convention on Tobacco Control (FCTC) of the World Health Organization (WHO) by China

#### LEGISLATION

Introduction of the Smoking (Public Health) (Amendment) Bill 2005 into the Legislative Council

#### 2006 POLICY

WHO FCTC came into effect in China and its application extended to Hong Kong

#### LEGISLATION

Enactment of the Smoking (Public Health) (Amendment) Ordinance 2006 by the Legislative Council.

#### ENFORCEMENT

Appointed and vested Tobacco Control Inspectors with inspection and enforcement authority under the Ordinance.

## 2007

#### EXTENSION OF SMOKING BAN TO

Indoor restaurants, workplaces, karaoke establishments and markets;

Both indoor and outdoor perimeters of -

- Child care centres, schools and specified educational establishments including post-secondary colleges and universities;

- hospitals, maternity homes, residential care homes, treatment centres and any communal quarters;

- public pleasure grounds (parks), bathing beaches, public swimming pools, stadiums and

- escalators.

#### TOBACCO ADVERTISEMENT

Tobacco advertisement was banned at retail dealers with two employees or less.

#### HEALTH WARNINGS

New graphic warning and packaging restrictions on tobacco products came into effect -

- cigarette packets and retail containers must carry, in rotation, 6 new pictorial health warnings, the indication of tar and nicotine yields.

- health warning must be on the top of pack, black lettering on white background.

- the panel must be in Chinese on one surface and English on the other, displayed on the 2 largest surfaces of the cigarette packet and occupy not less than 50% of such a surface.

- any packaging of the tobacco products should not bear any term, description, trademark, figurative or any other sign that is likely to create an erroneous impression that the product is less harmful to health

#### ENQUIRY HOTLINE

Setup of the Complaint & Enquiry Hotline Service for reporting smoking violations.

## 2008

#### SMOKING CESSATION SERVICES

Establishment of International & Local Advisory Panels on Nicotine Dependence Management.

## 2009

#### ENFORCEMENT

Implementation of the fixed penalty system according to the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) for smoking violations.

Vested specified officers of the Leisure and Cultural Services Department, the Food and Environmental Hygiene Department, and the Housing Department with inspection and enforcement authority under the Smoking (Public Health) Ordinance (Cap. 371).

#### EXTENSION OF SMOKING BAN TO

6 types of qualified establishments: bars, mahjong rooms, nightclubs, bathrooms, massage establishments, mahjong-tin kau premises hitherto exempted from the ban, and

covered public transport interchanges and bus termini with suprastructures.

#### TOBACCO TAX

Increased by 50%, contributed to 60% of selling price of cigarette packs.

#### TOBACCO ADVERTISEMENT

Withdrawal of the exemption clause for displaying tobacco advertisement by licensed hawker stalls

#### HEALTH PROMOTION & SMOKING CESSATION SERVICES

Organization of International Symposium on Management of Tobacco Dependence;

Co-organization of training courses on Nicotine Dependence Management with Mayo Clinic and Tung Wah Group of Hospitals;

Enhancement of DH Smoking Cessation Hotline;

Setup of online quitting service;

Development of community-based cessation services -Tung Wah Group of Hospitals Integrated Smoking Cessation Centre;

Launched Health Education and Publicity Programmes targeting women and elderly;

## 2010

#### HEALTH PROMOTION AND SMOKING CESSATION SERVICES

Signage of the Charter for Promoting Management of Tobacco Dependence by committed healthcare professionals represented by the Hong Kong Academy of Medicine and 15 Colleges.

Development of community-based cessation services - Pok Oi Hospital Smoking Cessation Pilot Programme by Acupuncture.

Organization of Train-New-Trainer Workshop on Tobacco Dependence Treatment.

#### TOBACCO TAX

Abolishment of the duty-free concessions on tobacco products for incoming passengers at border entry

#### EXTENSION OF SMOKING BAN TO

Open-air public transport interchanges and bus terminal

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## MOVING TOWARDS SMOKE - FREE HONG KONG