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More bite needed to enforce smoking ban in public places

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PETALING JAYA: The lack of enforcement of the smoking ban in public places, especially at eateries, in some areas has led to customers lighting up at these premises.

The Tobacco Products Control Regulations 2004, enacted under Section 36 of the Food Act 1983, declared all food and beverage outlets to be non-smoking areas.

Federation of Malaysian Consumers Association (Fomca) chief executive officer Saravanan Thambirajah said enforcement seems to be stronger in urban regions than in rural ones.

He said consistent enforcement on the smoking ban is required to ensure complete compliance.

"There are limited enforcement officers, which makes it difficult to monitor all eateries effectively," he said.

To enhance enforcement, the government should consider increasing the number of health inspectors and provide them with adequate training and resources, Saravanan added.



Low compliance: Despite the 'No Smoking' sign, many restaurant owners or their workers hesitate to enforce the rule for fear of confronting aggressive smokers.

"Implementing stricter penalties and running continuous public education campaigns to shift cultural perceptions of smoking are also vital."

Fomca backs the implementation of sanctions, not only on smokers who violate the ban, but also on eateries that fail to enforce it.

"Publicly listing non-compliant eateries could also serve as a

deterrent against non-compliance," said Saravanan.

Consumers Association of Penang (CAP) president Mohideen Abdul Kader said that smoking prohibition is not strictly enforced at restaurants.

"Nobody seems to notice the board that reads 'No Smoking'. Many restaurant owners lack the courage to warn smokers.

"They may advise against

smoking to one individual, but if there are more than two smokers, they are afraid to speak up because they worry for their safety," he said.

Mohideen said some smokers tend to be aggressive, and if there is misunderstanding at their premises over the right to smoke, they may lose customers.

"To resolve this, more enforcement officers must visit eateries. There is a need to extend power to the police and Rela (Malaysia Volunteers Corps Department) to also issue compounds," said Mohideen.

More signage and pictures related to the risks of smoking must be put up near restaurants.

"The images have to depict the effects on non-smokers or second-hand smokers who sit near smokers. Pictures are more powerful than words," he added.

The Malaysian Muslim Restaurant Owners Association (Presma) supports the move to enforce no-smoking in eateries.

"Some customers acted aggressively and even threatened to splash hot beverages on our workers' faces when they were told not to smoke," said Presma

president Datuk Jawahar Ali Taib Khan.

"When enforcement officers make their rounds, they issue one compound to the smoker and one compound to the restaurant owner, which is not fair.

"The offence is committed by someone else but we have to bear the brunt of it," said Jawahar, adding that early education on the ban on smoking at eateries and other public places is required and this should be done from primary school.

Regulation 11 of the Control of Tobacco Product Regulations 2004 stipulates that anyone found guilty of smoking at undesignated zones may be subject to fines of up to RM10,000 or up to two years' jail.

For the offence of failing to put up no-smoking signage, owners of eateries face a maximum fine of RM3,000 or six months in jail. For failing to ensure that customers do not smoke at eateries, the fine is RM5,000 or up to six months' jail.

The use of traditional cigarettes, vapes, shisha, cigars and other new smoking products is also prohibited under this law.