

AKHBAR : HARIAN METRO

MUKA SURAT : 39

RUANGAN : WM



PENYERAHAN sumbangan kepada Hospital Sultan Ismail.



WUJUD suasana ceria untuk pesakit kanak-kanak.

Taman permainan gembirakan pesakit cilik

Kanak-kanak cenderung untuk bermain kerana dengan cara itulah mereka dapat mengekspresikan perasaan dan kreativiti mereka walaupun ada sesetengahnya terpaksa seluangkan masa di hospital kerana sakit.

Rangkaian makanan segera Marrybrown baru-baru ini bekerjasama dengan Hospital Sultan Ismail, Johor Bahru menerusi pembukaan dan penyerahan MB Playland, taman permainan kanak-kanak yang disokong sepenuhnya oleh syarikat itu untuk hospital berkenaan.

Taman permainan itu juga adalah inisiatif yang disasarkan untuk

menyediakan aktiviti menyeronokkan agar dapat memberikan kesan positif dalam kalangan kanak-kanak dan pada masa sarna menghasilkan suasana positif di persekitaran hospital.

MB Playland yang menandakan permulaan inisiatif tanggungjawab sosial korporat Marrybrown di bawah Marrybrown Charities Association itu antara lain bertujuan membantu mewujudkan masa depan yang lebih baik untuk rakyat negara ini dengan penubuhan persatuan amal menerusi pelbagai acara kebaikan.

Penyerahan disempurnakan Pengarah Projeknya,

Md Taib @ Md Noh Abd Samad; pengurusnya, Datuk Lawrence Liew dan Pengarah Urusan Marrybrown, Datin Nancy Liew kepada Timbalan Pengarah (Medikal 1) Hospital Sultan Ismail, Dr Khairul Rizal Othman serta Timbalan Pengarah (Pengurusan) Muliati Mustafa.

Liew berkata, restoran itu mahu menggalakkan pemikiran positif dan membina keyakinan diri kanak-kanak menerusi kewujudan taman permainan itu bagi menggembirakan mereka yang mendapatkan rawatan di hospital berkenaan.

Katanya, tidak salah untuk kanak-kanak

bermain dan bergembira sambil menunggu rawatan dan hospital itu mempunyai ruang yang sempurna untuk membina kawasan bermain.

"Kami mahu meningkatkan kualiti hidup kanak-kanak kurang bernasib baik, ibu tunggal dan warga emas dengan penyediaan pendidikan dan kebaikan yang tepat untuk keharmonian sosial serta keamanan."

"Bantuan kepada yang memerlukan bukan saja dalam bentuk sumbangan kewangan, malah ia juga boleh diberikan dengan memahami latar belakang mereka, seterusnya membantu walaupun secara kecil-kecilan," katanya.

AKHBAR : SINAR HARIAN

MUKA SURAT : 25

RUANGAN : SKOP

KKM, KPM, Sanofi Pasteur tingkat kerjasama cegah denggi



BARISAN tetamu kenamaan bergambar kenangan bersama para peserta dan tetamu jemputan sempena Majlis Pengiktirafan Dengue Patrol 2019 di ibu negara baru-baru ini.

DEMAM denggi merupakan sejenis penyakit bawaan nyamuk yang menjadi masalah utama kesihatan awam sejak beberapa tahun lalu.

Prihatin dengan pencegahan denggi, program *Dengue Patrol* 2019 melibatkan pelajar dari 131 sekolah rendah dan menengah diadakan.

Program dengan kerjasama Kementerian Kesihatan, Kementerian Pendidikan dan Sanofi Pasteur diperkenalkan pada tahun 2011 nampaknya terus dipertingkatkan.

Timbalan Pengarah (Hal Ehwal Murid), Bahagian Pengurusan Sekolah Harian, Kementerian Pendidikan,

Faridah Yang Razali berkata, pihaknya mengiktiraf usaha semua sekolah dan Ahli Patrol Denggi.

"Dengue Patrol 2019 terus memperkenan kreativiti pelajar untuk mendapat pengiktirafan.

"Saban tahun, kita terus melihat hasil yang membuktikan mesej kesedaran dan kepentingan pencegahan denggi disampaikan dan diperkuatkan," katanya semasa Majlis Pengiktirafan *Dengue Patrol* 2019 di ibu negara baru-baru ini.

Hadir sama Timbalan Ketua Pengarah Kesihatan, Datuk Dr Chong Chee Kheong.

AKHBAR : SINAR HARIAN
MUKA SURAT : 12
RUANGAN : NASIONAL

KRONOLOGI KES CABAR WARTA LARANGAN MEROKOK DI PREMIS MAKAN

11 Oktober 2018

- KKM mengeluarkan arahan larangan merokok di semua restoran dan premis makanan di negara ini berkuat kuasa 1 Januari 2019.

31 Disember 2018

- Tujuh individu memulakan tindakan undang-undang bagi mencabar keputusan kerajaan menguas kuasa larangan merokok di semua premis makan bermula 1 Januari 2019.

29 Januari 2019

- Tujuh individu yang mencabar keputusan KKM yang mewartakan semua tempat makan sebagai tempat larangan merokok bermula 1 Januari lalu dibenarkan untuk memulakan semakan kehakiman.

29 Oktober 2019

- Mahkamah Tinggi Kuala Lumpur menolak permohonan semakan kehakiman tujuh individu terbabit.

Perokok bukan musuh Kementerian Kesihatan

PUTRAJAYA - Kementerian Kesihatan (KKM) tidak pernah menganggap golongan perokok sebagai musuh, biarpun kumpulan itu mengambil tindakan undang-undang untuk mencabar polisi larangan merokok di premis makanan.

Malah, Menterinya, Datuk Seri Dr Dzulkifly Ahmad berkata, KKM sangat mengambil berat dan komited mempertahankan perselisitan yang sihat agar kesihatan setiap lapisan rakyat terbaik.

"Tidak pernah saya atau KKM anggap golongan perokok sebagai musuh," katanya dalam satu kenyataan semalam.

Menurutnya, KKM juga tidak mendiskriminasikan perkhidmatan kesihatan terhadap pesakit daripada golongan perokok atau bukan perokok.

"Terima kasih dan syabas kepada seluruh warga kerja KKM, badan-badan bukan kerajaan serta setiap individu yang terlibat secara langsung atau tidak langsung dalam memban-

tu KKM menjayakan usaha ini. Kesihatan rakyat, tanggungjawab kita bersama," katanya.

Beliau berkata demikian bagi mengulas keputusan Mahkamah Tinggi Kuala Lumpur semalam yang menolak permohonan semakan sekumpulan perokok terhadap polisi larangan tersebut.

Dr Dzulkifly berkata, keputusan mahkamah tersebut menunjukkan secara tidak langsung tindakan KKM telah dilakukan secara terperinci dan berlandaskan peruntukan undang-undang sedia ada.

"Keputusan itu juga memberikan suntik semangat kepada warga KKM khususnya warga Program Kesihatan Awam untuk terus perjuang dan pertahankan polisi ini," katanya.

Tegasnya, tujuan utama penguasaan larangan terbit adalah untuk melindungi orang awam daripada ba-



DR DZULKIFLY

haya asap rokok terutamanya kepada mereka yang terdedah secara pasif.

Beliau berkata, walaupun tiada tempat merokok disediakan di premis makanan, ia tidak bermaksud hak perokok untuk merokok telah disenarai atau terhalas.

"Ini kerana perokok masih boleh merokok di luar kawasan larangan."

"KKM telah menetapkan jarak minimum yang munasabah untuk perokok meneruskan kegiatan mereka tanpa mengganggu kesihatan dan keselesaan orang lain," katanya.

Beliau berkata, pihaknya komited untuk melaksanakan penguasaan sepuhnya larangan merokok di tempat makan awam terbuka mulai 1 Januari 2020.

"Tempoh bagi aktiviti penguasaan pendidikan akan berakhir pada 31 Disember 2019," katanya.

Gagal cabar larangan merokok

Mahkamah Tinggi tolak permohonan tujuh perokok

ROSALWANI CHE SOH @ YUSOFF

KUALA LUMPUR

Mahkamah Tinggi semalam menolak permohonan semakan kehakiman tujuh individu yang membantah keputusan Kementerian Kesihatan (KKM) mewartakan semua premis makan sebagai kawasan larangan merokok sejak awal Januari lalu.

Mereka ialah Mohd Hanizam Yunus, 52; Zulkifli Mohamad, 56; Mohd Laisani Dollah, 46; Mohd Sufian Awdaludin, 35; Ridzuan Muhammad Noor, 52; Mohd Yazid Mohd Yunus, 48, dan Yuri Azhar Abdollah, 39.

Hakim Datuk Seri Mariana Yahya membuat keputusan itu selepas meneliti semua dokumen serta hujah kedua-dua pihak dan pihaknya berpuas hati bahawa tindakan KKM itu tidak melanggar Perkara 5 dan 8 Perlembagaan Persekutuan.

Beliau berkata, dalaan perokok berhubung hak mereka terhalas kerana keputusan KKM mewartakan semua tempat makan sebagai kawasan larangan



Larangan merokok di semua premis makanan dikuat kuasa Kementerian Kesihatan pada 1 Januari 2019.

merokok adalah langsung tidak mempunyai asas.

Beliau berkata, walaupun merokok bukan satu kesalahan jenayah atau diharamkan di Malaysia tetapi tembakau dan rokok terbukti secara kajian saintifik memudaratkan mereka di sekeling yang terdedah dengan asap rokok.

"Responden yang merupakan KKM dan adalah menjadi tanggungjawab mereka untuk melindungi 78 peratus populasi yang terdiri daripada 15 tahun ke atas yang tidak merokok untuk melekatkan udara segar," katanya.

Menurutnya, penggunaan Perkara 5 Perlembagaan Persekutuan berhubung hak asasi yang dijamin tidak boleh disamakan dengan hak merokok.

"Pemohon boleh merokok selagi mana mereka mahu merokok tetapi dengan syarat mereka mesti mematuhi peraturan yang ditetapkan."

"Mereka boleh merokok di mana-mana sahaja mengikut kehendak mereka melainkan tertakluk dengan tempat yang sudah diwaktukan larangan merokok."

"Mereka juga boleh merokok tiga meter dari premis makanan

dan menjadi tanggungjawab mereka untuk memastikan puting rokok dibuang di tempat sepatusnya," katanya.

Merujuk kepada Perkara 8 Perlembagaan Persekutuan berhubung hak sama rata dan hak perlindungan yang dikemukakan oleh pihak pemohon yang mendakwa mereka mempunyai hak yang sama dengan golongan tidak merokok, Mariana berkata, mahkamah percaya pihak responden sudah mengambil kira semua faktor kepentingan awam dan bertindak secara munasabah apabila menetapkan peraturan jarak merokok itu.

"Mahkamah berpendapat pihak pemohon melakukan khilaf apabila mendakwa hak merokok mereka 'terhalas' sama sekali dengan peraturan larangan ini."

"Responden berhujah pihaknya mengambil masa beberapa tahun dan siri perbincangan dengan pihak-pihak turut diadakan."

"Orang awam juga diberi peluang untuk memberi maklum balas berhubung perkara ini (Pelaksanaan larangan merokok) sejak 2012 malah sejak dari mula ia dicadangkan 15 tahun lalu, namun tiada bantahan," katanya.

Mahkamah memutuskan bahawa responden tidak bertentangan dengan Perlembagaan Persekutuan dan bertindak dalam bidang kuasanya.

"Mahkamah dengan ini me-

Pemohon boleh merokok selagi mana mereka mahu merokok tetapi dengan syarat mereka mesti mematuhi peraturan yang ditetapkan."

- Mariana Yahya

nolak permohonan semakan kehakiman pemohon-pemohon dan tiada perintah untuk kos," katanya.

Sementara itu, peguam Mohamed Haniff Khatri Abdulla yang mewakili kesemuah pemohon ketika diutamakan pemberita selepas prosiding berkata, beliau akan memfaillkan rayuan terhadap keputusan itu dalam masa terdekat.

Selain Mohamed Haniff ke-emasuan pemohon turut diwakili peguam Datuk M Riza Hassan manakala KKM diwakili Peguam Kanan Persekutuan Shamsul Bolhassan.

Dalam permohonan kebenaran difaillkan pada 31 Disember tahun lalu, tujuh perokok itu memulakan tindakan undang-undang bagi mencabar keputusan kerajaan menguatkuasakan larang merokok di semua premis makanan.

AKHBAR : THE STAR
MUKA SURAT : 3
RUANGAN : NATION

High Court affirms smoking ban

No rights infringed as judge rejects bid by seven individuals challenging ruling

KUALA LUMPUR: The Health Ministry's smoking ban at food outlets, enforced since Jan 1 this year, stays, rules the High Court.

A bid by seven individuals to challenge the ban failed after the High Court here dismissed their judicial review application.

Justice Datuk Seri Mariana Yahya dismissed their application on grounds that the Health Ministry had acted within its jurisdiction and that the enforcement of the smoking ban did not breach Articles 5 and 8 of the Federal Constitution.

She said the applicants were wrong to say that their rights to smoke cigarettes would be violated with the ban on cigarette smoking.

The applicants are Mohd Hanizam Yunus, 52, Zulkifli Mohamad, 56, Mohd Laisani Dollah, 46, Mohd Sufian Awaludin, 35, Ridzuan Muhammed Noor, 52, Mohd Yazid Mohd Yunus, 48, and Yuri Azhar Abdollah, 39.

They named the Health Ministry as the sole respondent.

In the judgment, Justice Mariana also said that the respondent had taken into account public interest when it set a distance of three



metres away from the food premises for smoking patrons to take a puff.

"They can still smoke outside of the three-metre radius from the dining area and it is the responsibility of the smokers to ensure the cigarette butts are thrown at the place provided."

"Therefore, the claim by the applicants that

their rights have been violated with the smoking ban is baseless," she said.

On the issue that cigarette smokers were not consulted prior to the enforcement of the smoking ban, Mariana said it was the prerogative of the respondent.

She said efforts to enforce the smoking ban at food premises had been carried out by the Health Ministry since 2004 during which discussions with various quarters were held prior to its enforcement this year.

The Health Ministry, she said, also stated in its affidavit that the public was invited to provide feedback on the proposed ban and was given until May 18, 2018, to do so.

"However, none of the applicants gave their feedback or objected to the proposed implementation," she said.

She dismissed the application with no order to cost.

In the application filed on Dec 31, 2018, the seven men claimed that the ban went against the Federal Constitution as smoking was not deemed a criminal activity or banned in the country.

They claimed that smokers had equal rights with non-smokers to visit and spend their

time in food premises for as long as they wished.

They further claimed that the smoking ban ran contrary to the provisions and principles of law and/or went against procedures, as the respondent was never reported to have met smokers or stakeholders to discuss the enforcement of the ban beforehand.

The applicants also claimed that the government did not provide adequate facilities such as smoking areas, nor included provisions under the smoking ban for entrepreneurs to prepare their non-smoking areas.

The Health Ministry had imposed the smoking ban at all restaurants and food premises beginning Jan 1, with a focus on educating the public till June this year.

However, in April, the educational enforcement period was extended until the end of the year.

Meanwhile, lawyer Mohamed Haniff Khatri Abdullah, who represented the seven applicants together with lawyer Datuk M. Reza Hassan, said his clients would file an appeal against the court's decision.

Senior federal counsel Shamsul Bolhassan appeared for the Health Ministry. — Bernama



The ruling stays: A stall owner at the Esplanade in George Town, Penang showing a no-smoking sign at his stall. (Left) A man smoking at a public area near the playground in Rawang. — LIM BENG TATT and FAIHAH GHANI/The Star

KUALA LUMPUR: The Health Ministry applauded the decision of the High Court here which upheld the ministry's smoking ban in food outlets nationwide.

"Alhamdulillah! Smoking ban at eateries stands!" Health Minister Datuk Seri Dr Dzulkefly Ahmad tweeted yesterday.

"Tahniah rakyat Malaysia (Congratulations Malaysians)," he said.

The constitutional challenge was brought by seven smokers who wanted the court to review the ministry's total ban on smoking in food outlets which started on Jan 1 this year.

Dr Dzulkefly said the ministry promised to continue to defend a healthy environment to protect the health of the people.

He thanked the ministry's staff who were consistent in defending the ban on smoking in public eating places and all NGOs that were committed to supporting and defending the policy.

High Court judge Justice Datuk Seri Mariana Yahya ruled that the application by the group did not

Ministry applauds decision as a victory

breach Articles 5 and 8 of the Federal Constitution which provide for the rights of person and equality before the law respectively.

She said that they could still smoke three metres away from food premises and did not deny their freedom of choice.

On Dec 31 last year, seven smokers who called themselves "Smokers Right Club" filed the lawsuit to challenge the smoking ban in all eateries. In January, the group was granted leave to initiate judicial review proceedings to challenge the smoking ban.

NGOs supporting the smoking ban have deemed the court dismissal against the judicial review a win for public health and the majority society, but industry players said that there should be a designated spot for smoking.

Malaysian Council for Tobacco Control (MCTC) president Datuk Dr Lekhraj Rampal said MCTC was

happy with the court's decision.

"This is a win for public health and a win for the health of future generations," he said.

Dr Lekhraj, who is also the Malaysian Medical Association's Action on Smoking and Health Committee chairman, said people's health, the health of the nation and the future generations should be put first.

"We believe the law of the country will prevail regardless of the industry or individuals trying to obstruct the tobacco control policy of the country," he said.

Dr Lekhraj said the government and NGOs must continue to focus on educating and empowering people regardless of income levels on the hazards of smoking tobacco, vaping or using e-cigarettes and shisha.

"We also need the support of MPs who represent the people and who should be concerned about the health of the nation.

"We will support the new Tobacco

Control And Smoking Act that is expected to be tabled in 2020 and we expect the MPs to do the same," he said, adding that if they were not aware of the hazards of smoking on health, they could contact the Health Ministry or MCTC.

"They must not forget the social-economic impact of tobacco use in Malaysia and globally.

"It cannot be measured in dollars and cents only. What happens if a person dies at 40? Who will take care of their children if they die of cancer and heart attack as a result of smoking?" he asked.

Smoke Free Malaysia says the court battle was a fight between seven smokers and the majority society.

"The victory is on the side of the majority. The ban on smoking in food premises will be fully enforced on Jan 1, 2020," it said in a post on change.org.

"Meanwhile, Malaysia Singapore

Coffeeshop Proprietors General Association president Datuk Ho Su Mong said smokers had the right to bring the case to court and the judge had the right to make the judgment, while the Health Ministry had the right to ban smoking to protect non-smokers.

"But the ministry should also look at the human rights of smokers by allocating a designated area for smoking," he said.

He said that smokers standing by the roadside could endanger their lives if there was no proper place to smoke.

"They also tend to throw cigarette butts on the roadside as there are no ashtrays or bins for them to use," he said.

He said the smoking ban also hit the bottom line of retailers' businesses but when asked about the cost of health and medical treatment, he said the government should focus on addressing the high 60% illicit cigarette use instead.

"The government should control illicit cigarettes rather than the legal ones," he said.

AKHBAR : THE STAR
MUKA SURAT : 2
RUANGAN : NATION

Mixed reactions to smoking ban at eateries

GEORGE TOWN: Non-smokers here are rejoicing over the court's decision to dismiss a constitutional challenge against the Health Ministry's ban on smoking in all food outlets in the form of educational enforcement nationwide on Jan 1 this year.

Welcoming the news, company director and ex-smoker MK Muthu Kumar, 50, said people should not smoke in public areas but at designated smoking spots.

"Smokers can puff away at designated smoking zones but not at eateries where other people are enjoying their meals."

"I used to smoke but due to health problems, my doctor advised me to stop smoking."

"I then started by cutting down on smoking and have now completely stopped," he said.

A 26-year-old freelancer, who only wanted to be known as Ng, said he was happy with the ban but hoped that stricter action could be taken.

"As a non-smoker, I get very uncomfortable and annoyed when people smoke at eateries such as at nasi kandar outlets."

"Once, I saw the 'no smoking' sign at a shop but people just ignored it. The shop owner did not even take any action against the smokers."

"I sent a WhatsApp message to the official Malaysia Bebas Asap Rokok number that I saw on the Health Ministry's website but did not get any replies either."

"When I visited the shop again, smokers were still puffing away, so I guess no action was taken," he added.

Meanwhile, storekeeper Farouk Ikmal Badaruddin, 45, called for the ban to be carried out in stages

instead of being implemented immediately.

"I do not think it is a problem for individuals to smoke as some of us smoke to release stress."

"I understand that smokers should not smoke in public areas and at eateries but there should be a designated smoking area for us."

"I have visited Korea and Japan and seen that they have specific areas for smokers to take a puff so that non-smokers are not affected," said the current smoker.

A stall owner, who only wished to be known as Atu, 59, said it was difficult for him to stop customers from smoking.

"Some customers are very fussy and cannot accept being told not to smoke here."

"They told us that this is an open area so they should be allowed to smoke."

"We put up 'no smoking' signs but some customers get angry when we urge them not to smoke," he said when met at his stall at the Esplanade here.

Atu, however, said the number of people smoking at his stall had fallen for the past five months.

"I'm starting to notice that most of the smokers would respect other customers by walking away to smoke," he said, adding that Health Department officers visited the premises a few months ago and issued compounds to those who were found smoking in the area.

Last month, state Health Committee chairman Dr Affif Bahardin launched the Batu Ferringhi tourism area as a smoke-free zone.

He reportedly said the smoke-free zone would begin at the Penang Floating Mosque and end at Bayview Beach Resort along Jalan

Malaysians hailing decision of High Court

PETALING JAYA: Malaysians are hailing the decision by the High Court here to dismiss a constitutional challenge against the Health Ministry's total ban on smoking in all food outlets on Jan 1.

"Alhamdulillah! Smoking ban at eateries stands!" tweeted Health Minister Datuk Seri Dr Dzulkefly Ahmad yesterday morning when informed of the decision.

Based on comments from *The Star's* Facebook page, many Malaysians echoed the Health

Ministry's sentiments on the High Court decision.

"Sound decision, I'm proud that my petition of admission was heard before (High Court judge) YA Mariana," said Facebook user Wilbur Siew.

Facebook user Thomas Tan said: "Well done. This minister is good. He promised to do something and he delivered."

While many were joyous, some Malaysians reminded that the ruling must be enforced.



Rule-abiding: Patrons at a restaurant in Penang enjoying a smoke-free meal. — LIM BENG TATT/The Star

Batu Ferringhi, adding that smokers would not be allowed to take a puff at non-designated smoking areas in hotels, resorts, restaurants, sports and recreation centres, relaxation centres, spas and even on the beach.

Dr Affif said there would also be

designated smoke-free areas in all of the five districts in Penang.

Penang Health Department director Dr Asmayani Khalib was also reported as saying that passive smokers were at risk of diseases such as asthma, ear infections, bronchitis, pneumonia and cancer.

"Bravo! But more enforcement is needed," said Facebook user Tej Fernandez.

"Be strict with the ban. Make sure it is fully enforced," said Silvia Tan.

Some took the time to remind fellow smokers to abide by the law.

"Am a smoker but I try to follow the rules. It's not that hard," said user Encik Hirman.

Yesterday, in dismissing the application for a judicial review by seven Malaysians on the smoking ban in food outlets, High Court judge Datuk

Seri Mariana Yahya ruled that the application by the group did not breach Articles 5 and 8 of the Federal Constitution, which concern the rights of person and equality before the law.

Mariana said the ban, which required smokers to keep a minimum of 3m from a food outlet's tables and chairs, did not deny them their freedom of choice.

She said that smokers still smoked and could enjoy the outlet's food and drinks without discrimination.