

A REVIEW OF THE BAN ON TOBACCO SMOKING IN PUBLIC UNIVERSITIES IN MALAYSIA

By

Imran B. Ismail (2004328305)
Muhd Nabil Fikri B. Mat Aji (200432504)

Submitted in Partial fulfillment of the Requirements
For the Bachelor in Legal Studies (Hons)

**University Technology MARA
Faculty of Law**

APRIL 2007

The student/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

We would like to extend our gratitude to our supervisor, Puan Habibah Kiprawi for her valuable advice on the research. We are also grateful to Puan Norha Abu Hanifah and Puan Nuraisyah Chua Abdullah who guided us from the very early stage of this project. We wish to convey many thanks to En. Armyn Bin Mohd Fahmy for his patience in answering our questions. We would also like to thank the staff and students of Kolej Damansara Utama in allowing us to obtain a different perspective on information available. Lastly we would like to thank those who have helped in completing our research.

ABSTRACT

In Malaysia smoking ban is imposed in all public areas such as hospitals and government departments and public universities. The purpose of this research is to examine the relevant laws on smoking bans in Malaysia with relevance to smoking in public universities. This is due to the fact that despite the ban being in place smokers continue to smoke in these places. Therefore it can be concluded that either the law is not effective because of lack of enforcement or the public is just not aware of the ban.

This research will look upon the law on the ban of smoking in Malaysia and other countries. This research is limited to Institutions of higher learning in the Klang Valley. Regulations made by other universities will also be examined.

It is common knowledge that smoking brings adverse effects to smokers and non smokers. Thus, this is one of the reasons for the ban on smoking in public areas including the public the universities. This research will analyse the ban on smoking and discuss whether the ban has been effective.

Table of Contents

Acknowledgement	ii
Abstract	iii
Contents	iv
Chapter 1: Introduction	
1.1 Introduction	1
1.2 Background	2
1.3 Objectives and scope	6
1.4 Research questions	7
1.5 Significance of the research	8
1.6 Limitations of the research	9
1.7 Research methodology	10
Chapter 2 Literature Review	
2.1 Introduction	11
2.2 Ban of Smoking movements in other countries	12
2.3 Implementation of the ban on smoking in Universities	15
2.4 Medical and Health Aspects of Banning Smoking	17
2.5 Irelands approach on the ban	20
2.6 Conclusion	23
Chapter 3: Laws on Smoking	
3.1 Laws on Smoking	24
3.2 Conclusion	28
Chapter 4: Findings	
4.1 Findings	29
4.2 Conclusion	52
Chapter 5: Conclusions and Recommendation	
5.1 The challenges faced applying the ban	55
5.2 The challenges of Enforcement	58
5.3 Recommendations	59
5.4 Conclusions	63
Bibliography	65
Appendices	69
Appendix 1: Questionnaire	
Appendix 2: Disciplinary Summons	
Appendix 3: Notes by Disciplinary Board	
Appendix 4: Framework Convention on Tobacco Control	

Chapter 1: Introduction

1.1 Introduction:

A typical scene in all public places would show that most Malaysians are keen on smoking. Day by day, smoking has become a cool culture among youth or students in institutions of higher learning. Though there are provisions on the ban of smoking in public areas and universities, it is not known to what extent this ban has been successful.

Malaysia implements a certain form of prevention of smoking in public universities. Generally, there is no conclusive evidence to say that the ban on smoking in public universities is effective.