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Governor Leads Country with Pioneering Secondhand Smoke Prevention Ordinance

— Challenges faced by Kanagawa Prefecture, Japan —

Hiroshi UEDA

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1. Introduction

Leadership is one of the major subjects in human sciences. The topic appears in thousands of books, articles, presentations, and media papers. Leadership can be conceptualized and measured in a variety of different ways in different settings. Some argue for separating leadership into two broad categories: leadership emergence and leadership effectiveness (Hogan, et al., 1994). In contrast to perceiving the emergence of a leader, leadership effectiveness refers to a leader's performance in influencing and guiding the activities of leader's unit toward achievement of its goals (Stogdill, 1950).

An ordinance to reduce exposure to secondhand smoke (SHS) was implemented in 2010 in Kanagawa Prefecture, the first attempt by any government to ban smoking in indoor public spaces in Japan. Kanagawa is the second largest prefecture by population, home to approximately nine million people (Ministry of Internal Affairs and Communications, 2009). The prefecture in Japan is the largest sub-national unit, and therefore prefectural government affects a large number of residents. Local authorities, including prefectures, are not merely service providers. They also regulate certain activities in their geographical area with lawmaking. The primary methods of local lawmaking are local ordinance (*jorei*) and local regulation (*kisoku*). Ordinances, similar to statutes in the national system, are passed by the assembly and may impose limited criminal penalties for violations. Regulations, similar to Cabinet orders in the national system, are passed by the executive unilaterally, but superseded by any conflicting ordinances, and may only impose a fine.

This document explores the efforts to develop an ordinance to prevent SHS in public spaces by the Governor of Kanagawa Prefecture, Japan, with special focus on learning from the experience of Kanagawa Prefecture as the first sub-national government to try to introduce a broad indoor smoking ban in Japan; examining how the ordinance was developed with the leadership of the Governor; grasping the involvement/interaction of stakeholders around the Governor; and assessing the applicability of the experience to other governments. The

information sources about the development of the ordinance in Kanagawa include newspapers, internet news articles, the official website of the Kanagawa prefectural government and grey literature. Personal communications with stakeholders including researchers/academics, government officers and assembly members were also collected. All information was then sorted chronologically by event.

2. Tobacco Issues in Japan and Kanagawa

Japan has a high smoking prevalence for a developed country, and is renowned for its history of weak anti-tobacco legislation. Its prevalence rates were 37% for men and 9% for women in 2008 (Ministry of Health, Labour and Welfare, 2009). The Japanese government has long held a key stake in the tobacco industry, with a monopoly over the tobacco industry from 1898 as a strong source of revenue for state development and military operations. Later incorporated in 1949 as the Japan Tobacco and Salt Public Corporation, Japan Tobacco was a state monopoly until 1985, when it became a public company. Approximately two-thirds of the company's stock was owned by the Ministry of Finance (MOF) of Japan until June 2004, and the Japanese government still owns slightly more than 50% of the stock of the Japan Tobacco (JT) Inc. The Ministry of Finance still retains major decision-making power regarding the language of tobacco package health warnings.

As the first international health law, the Framework Convention on Tobacco Control (FCTC) of World Health Organization (WHO) entered into force on February 27th, 2005. Its smoke-free policies that include legislative and other relevant measures to prevent harmful exposure to SHS are an integral part of the Framework. The government of Japan ratified the WHO's FCTC in 2004. Prior to the ratification of the FCTC, the Ministry of Health, Labor and Welfare (MHLW), Japan, introduced Healthy Japan 21 as part of a national health promotion program in 2000. The Healthy Japan 21 strategy addresses the tobacco issue, with the objectives of increasing the number of people who have sufficient knowledge of tobacco-related health problems, reducing smoking at an early age, separation of smoking and non-smoking areas in public places, and providing tobacco control programs. To this end, the Health Promotion Law went into effect on May 1st, 2003, which urges the development of measures against SHS.

Kanagawa Prefecture, as well as others, was interested in these national-level approaches and developed their own objectives and approaches based on the guidance of Healthy Japan 21. Kanagawa Prefecture introduced the Kanagawa Healthy Plan 2001–2010, which was later revised in 2008 to extend to 2013. One of the ten lifestyle changes it proposes is quitting smoking. The plan was to promote three issues: reduction of smoking among under-aged to zero; prefecture-wide support for smoking cessation; and smoke separation indoors (Kanagawa

prefectural government, 2008).

National tobacco policy can affect local tobacco-related policies in the area of health. In the meantime, tax from tobacco is a revenue source for local governments. Therefore, tackling the tobacco issue can be double-edged sword for the national and local government relationship as well as intersectoral relationships within the government.

3. Reasons for Ordinance: Leader's Concerns at the Beginning

Governor Matsuzawa's strong concern about the effects of secondhand smoke was reflected in his second-term work plan in 2007. Development of an ordinance to prevent SHS exposure in public facilities was listed as one of the planning activities for 2007–2011. The aim was to minimize the effects of SHS on health, secure comfortable environments in public spaces, and contribute to the ten-year action plan against cancer.

In his August 2008 discussion paper, Matsuzawa stated four major reasons for introducing such an ordinance (Matsuzawa, 2008). The first was to prevent the scientifically-proven harm of SHS. Major public concern and perceptions about smoking have focused on smokers' behavioral issues such as "manners" or "etiquette", a perspective actively promoted by Japan Tobacco since the 1970s. However, he knew that SHS was not just a courtesy issue but was in fact a risk for health. Around the same time, Kanagawa was promoting a ten-year strategy against cancer, designed in 2005, and tobacco control is considered the most important issue for cancer prevention. The prefecture also passed an ordinance to overcome cancer in March 2008, making the tobacco issue difficult to avoid in health policy.

The second major reason for devising an ordinance was the Governor's observation of the slow development of state anti-smoking policies due to contradictory relationships within the national government. Tobacco issues in Japan are addressed through two ministries in a vertically-segmented administrative system: the MOF and the MHLW. The Tobacco Industries Act was enacted in 1984 to support the development of tobacco industries and to secure constant tobacco tax revenue and "sound development" of the national economy. In Japan, a great amount of tobacco tax flows to national revenue annually. The tobacco revenue directly affects central government finances. Therefore, the MOF has been fearful of tobacco control efforts. The Ministry is concerned about protecting tax income as the biggest shareholder of Japan Tobacco (JT) under the Tobacco Tax Law and the Tobacco Industries Act. At the same time, the MHLW is concerned mainly about protecting health and health expenditure due to tobacco-related diseases. The influence of the MOF has meant that the MHLW's assertions are frequently contradicted (Oshima, 2004). Therefore, little favorable progress had been seen by the national government in spite of the FCTC guidelines.

The third major reason for the ordinance was Matsuzawa's strong concern for public health in view of the FCTC. Kanagawa Prefecture planned to take initial responsibility by introducing an ordinance to meet the FCTC guidelines. Such an effort would be recognized by people nationally, he believed, leading to development of a national law to prevent SHS exposure. Kanagawa had previously initiated a number of ordinances leading to national action in other areas. Based on this experience, the Governor believed that the prefecture could take a leading role on the issue of SHS prevention in the hope of engendering a national movement.

The fourth reason was Governor's intention to send a global message about SHS prevention, which he felt would help in maintaining a positive image for Kanagawa, boosting its profile as an advanced urban area for international exchange, economic development and tourism. Given its proximity to Tokyo, Kanagawa Prefecture has many major offices of international businesses and organizations. The prefecture also boasts well-known tourist destinations such as Yokohama and Kamakura.

4. Development and Implementation – Efforts and Challenges

Development of an ordinance to prevent secondhand smoke in public facilities was not based on a simple procedure but strategically conducted with the Governor's leadership and guidance. The following is a summarized chronological description of notable events/activities and milestones based mainly on a variety of reports of the Kanagawa prefectural government (Kanagawa prefectural government, 2009). Key announcements regarding the ordinance are indicated in bold in subtitles in this section.

4.1. Surveys of residents and facility managers

The Governor made efforts to explore Kanagawa residents' awareness and concerns about the SHS issue. In October and November 2007, an awareness survey of 5,000 randomly selected residents of Kanagawa was conducted and analyzed by the Health Promotion Division, Public Health and Welfare Department. Awareness of SHS, smoking status, and the need for measures against SHS were assessed. Of 2,534 (51%) valid responses, it was found that 72% of the people knew the meaning of SHS. Approximately 80% of people felt annoyed when they encountered SHS. Many saw no progress on addressing smoke at restaurants (49%), amusement facilities (42%), or stations and bus terminals (32%). Regulation of smoke in public facilities such as government buildings and other public offices was supported by 89% of people. There was higher support for smoking bans in hospitals and clinics (86%), schools (82%), and stations and bus terminals (74%) than for restaurants (56%), hotels and Japanese inns (49%), and amusement facilities such as pachinko pinball and game parlors (32%).

The Governor also assessed existing measures to prevent SHS exposure. During the period, Kanagawa's Health Promotion Division conducted a survey of 3,000 facilities targeted for SHS countermeasures under the Health Promotion Law of 2003. Awareness of SHS, implementation status, effects and implementation schedule were assessed. Of 1,700 (57%) valid responses, it was found that the SHS issue was better known by facility managers than the general public. The knowledge rates of SHS were 69% of restaurant facility managers, 74% of hotel and Japanese inn managers, 78% of amusement facility managers, 95% of schools, 98% of theaters, 99% of managers of government and other public facilities, and 100% of department store managers. Smoking was forbidden in 94% of public meeting facilities, 82% of hospitals and clinics, 79% of schools, but just 17% of restaurants, 7% of amusement facilities, and 3% of hotels and Japanese inns. Complete smoking bans existed in 58% of schools, 27% of hospital and clinics, 5% of restaurants, 2% of amusement facilities, and 1% of hotels and Japanese inns. Each category might have established smoking rooms, non-smoking hours, or other smoking restriction measures. Respondents preferred smoking regulations rather than promotion of SHS prevention for schools, sport facilities, hospitals and clinics, banking facilities, hotels, supermarkets and retail shops, restaurants, and amusement facilities. On the other hand, for facilities already restricting smoking such as government buildings, museums, galleries and theaters, managers saw education as more effective.

4.2. *Direct communication with Kanagawa residents*

The Governor organized town meetings on the theme of "Health through an ordinance to ban smoking in public facilities: sending a message from Kanagawa with advanced local rule" between October and December 2007. Eight meetings were organized with a total of 1,449 participants to provide an opportunity to learn about SHS and to communicate directly with the Governor. Each town meeting consisted of (a) a presentation on how tobacco harms health, (b) an explanation of a proposing ordinance by the Governor, (c) exchange of views between residents and the Governor, and (d) a summary of the discussion. For the introduction, five issues were emphasized: (1) health effects, (2) the global tobacco situation with the introduction of WHO's FCTC, World No Tobacco Day and the situation in other countries such as USA, France, UK, Germany, Thailand, and Singapore; (3) the situation in Japan concerning the Health Promotion Law and recent moves toward smoke-free bus and train stations, restaurants and shopping centers, and (4) the current situation in Kanagawa Prefecture regarding smoking in government offices, taxis and restaurants, and the strategy against cancer, anti-smoking health promotion among minors and pregnant women, prevention of tobacco sales to minors, and consultations for those wishing to quit smoking, and (5) the importance of prevention of exposure to SHS.

4.3. Establishment of an expert opinion group – an exploratory committee

For the purpose of obtaining a wide range of opinions and suggestions, the Exploratory Committee for Development of an Ordinance on Prevention of Exposure to Secondhand Smoke in Public Facilities was established in November 2007. A total of 11 committee members including four scholars in healthcare, public health, law, and society, three related organizations in the area of healthcare and business, two representatives from municipality health departments, and two resident representatives. The Committee met six times from November 2007 to September 2009 and was open to the general public. At the first meeting, the SHS situation current measures, and the background of developing the ordinance were explained to the members. The second meeting, held in December 2007, looked at the effect of SHS on health and the measures against SHS taken in different countries. The scope of indoor smoking bans and possible methods of control were discussed for Kanagawa. The third meeting presented overseas jurisdictions banning SHS by law. Different ways to prevent SHS were discussed, touching on duty, effectiveness, responsibility of residents and local governments. At the fourth meeting in April 2008, relevant issues for ordinance formulation and the basic concept of an ordinance were covered. At the fifth meeting in June 2008, the discussion revolved around ordinance formulation. At the sixth meeting in September 2008, outcomes from the resident survey and the meetings with restaurant owners and accommodation managers in June and July 2008 were reported. The content of the ordinance framework was also explained.

4.4. Meeting with facility managers

In February 2008, a strategy session between the Governor and 71 facility managers from associations of hospitals, medical facilities, schools, child-care facilities, museums, taxi companies, restaurants, and small businesses was held. With rising public awareness of SHS issues, many of the participants supported development of the ordinance and accepted the case for penalties. Some wanted a comprehensive approach including bans on smoking outside of facilities and inside homes for families with small children. The taxi association reported its achievement of making 14,000 taxis smoke-free in 2007 as the first prefecture-wide SHS prevention practice in the nation. In terms of a complete indoor smoking ban, there were concerns about the difficulty of prompt implementation under the circumstances.

4.5. Discussions with tobacco industry and retailers

A discussion session with tobacco retailers was conducted in March 2008, including the chair of the tobacco cooperative joint association and 13 regional heads. Most of the retailers argued that smoking was an etiquette issue and expressed anxiety about the negative impact of an ordinance on their business. They expressed concerns about the protection of their customers as

well as their businesses. The Governor emphasized the importance of protecting health from SHS and that there was no difference between public and private facilities in this regard. No business could be secure of its eternal prosperity, and the prefecture supported changes of occupation. The Governor mentioned the need to develop an ordinance that would be supported by the majority of people.

Later, a discussion session about the ordinance was held with cigarette manufacturers, including representatives from JT, Philip Morris International Japan, the Tobacco Institute of Japan, and the tobacco industry labor union. The main assertions from the participants were about protection of the rights of smokers and damage to business. JT pointed out the FCTC's lack of legal binding force. In his reply, the Governor noted that its ordinance would not necessarily damage business, citing cases of improved turnover following bans on smoking on premises in Kanagawa. It was pointed out that for policy-makers, it made sense to curb health expenditure by protecting public health rather than focusing on tax revenue. He stressed that the ordinance was not about omitting smokers from society but protecting people from the risk of SHS.

4.6. Announcement of a basic concept on banning smoking in public facilities (April 15th, 2008)

The Kanagawa prefectural government officially announced a basic concept on prevention of exposure of SHS in public facilities. The four-page document included a brief explanation of the purpose, definition, responsibilities of interested parties and facility managers, control subjects, necessary enforcement policy, promotion and implementation, and a plan for developing the ordinance. It noted the Health Promotion Law of 2003 and the national government vision of separation of smoking areas. It also included governmental announcements and preventive guidelines for SHS from the Ministry of Health, Labour and Welfare. After the announcement, Matsuzawa allowed time for discussion of the ordinance.

4.7. Soliciting public opinion

After the announcement of basic concept of banning smoking in public facilities, public comments were collected through mail, facsimile and e-mail for one month from April and May 2008, and 3,702 opinions were received from 1,782 people. Excluding those who did not report their smoking status, the ratio of smokers and non-smokers was approximately 45% smokers and 55% non-smokers – smokers were more likely to make a submission. The majority of opinions were about the facilities targeted for SHS bans. While there was strong support and even an expectation of stricter regulations than the proposed concept to ban SHS and to expand this to outdoor public spaces, loose regulations were supported for amusement parlors, private hotel rooms and Japanese inns. The Public Health and Welfare Department later categorized and replied to these comments and opinions.

4.8. Learning from overseas experiences – site visits

During the public opinions collection period, the Governor made an on-site inspection tours to Hong Kong in April and Ireland in August 2008. The Hong Kong Legislative Council enacted the Amended Smoking Bill 2005 in October 2006 to expand statutory no-smoking areas to all indoor workplaces and public places. Ireland introduced a comprehensive smoke-free law in March 2004. It covers all indoor workplaces, including bars and restaurants, to protect workers and the public from the serious health effects of SHS. Matsuzawa spoke not only with authorities in those countries, but also with customer service people in restaurants, transportation, and other business sites.

4.9. Exchange of opinions with service providers

A forum was set up for three different groups of restaurant owners and accommodation managers in June and July 2008. A total of 57 participants shared their views and concerns with the Governor. The background of the ordinance was continuously explained and several concerns from accommodation managers were expressed, including confusion among smoking guests, a different style of dining in Japan as compared with the West, allowance of smoke separation and financial support by the prefecture, and the prefecture's approach to the national government to expand SHS measures to the whole of Japan. The prefecture replied that they were trying to avoid harm to business while promoting restriction of SHS exposure, preferably a complete smoking ban for the sake of health and reducing expenditure. They mentioned the unsatisfactory actions of the national government, the potential for an increase in guests who dislike smoking, consideration of all customers, and the cases of other countries. They asked the restaurant owners and accommodation managers to support and understand the necessity of the ordinance.

4.10. Discussions with tobacco industry

Governor's discussion with a board member and director of public relations of Philip Morris International Japan was conducted in July 2008. At the meeting, the company shared information on SHS prevention measures overseas, including the UK, Italy, France and Spain. It was proposed that facility managers be allowed to select among smoking, non-smoking or separation of those areas by indicating it at the entrance of those facilities.

4.11. Local site visits

In the search for the best form of ordinance, the Governor visited a variety of businesses including coffee shops, pubs, pachinko pinball parlors, Japanese-style inns, hotels, and restaurants in July and August 2008. He had an opportunity to learn about existing SHS prevention measures such as a smoking booth next to a party hall and controls on the flow of cigarette smoke, and to talk directly with managers of those businesses.

4.12. Announcement of a framework of the ordinance on prevention of exposure to secondhand smoke in public facilities (September 11th, 2008)

In September, Kanagawa Prefecture publicly announced the framework of its ordinance. The title had been changed from the last announcement by indicating the “prevention of exposure to secondhand smoking” instead of a “ban on smoking.” In this 14-page framework document, the essence of the ordinance was described. It included tentative ordinance name, purpose, definitions, responsibilities, categorized control subjects, nature of the controls, provisions for effectiveness, public announcement of violators, necessary enforcement of policy, policy implementation process, as well as management, follow up and revision. The framework had been changed to allow restaurants and some other facilities to select the option of separation of smoking and non-smoking spaces.

4.13. Public comments on the ordinance framework

Public comments were again collected for six weeks in September and October 2008. A total of 3,844 opinions were obtained from 2,971 people. As before, smokers slightly outnumbered non-smokers in responding. Three major concerns about the framework were the purpose, the facilities subject to control, and the content of the ordinance. The majority of submissions about facilities concerned restaurants, but there were also concerns about pachinko pinball parlors and bars. Thirty local governments gave their views, supporting the purpose of the ordinance overall. Detailed suggestions included giving the ordinance wide publicity and allowing a “get-acquainted” period.

Views and opinions of businesses and others were heard through Governor’s meetings with five different groups in September and October 2008. The first group consisted of 110 representatives of employer organizations and facility managers. The second was 22 industrial business representatives. The third group consisted of 22 members of a labor association. The fourth group consisted of representatives from 21 labor-related groups. The fifth group consisted of 56 academics from junior colleges, universities and graduate schools. Some participants asked for details of the SHS prevention measures and criteria. Different facility users’ views (such as owners, managers, workers and customers or teachers and students and their parents) were considered. In addition to those opinions, concerns about tobacco taxes and addressing SHS prevention at prefecture rather than national level were shared.

4.14. Surveys among Kanagawa residents and businesses

In October 2008, residents were surveyed on the ordinance framework by the Health Promotion Division. A total of 331 responses were obtained from 400 (200 each for men and women) people designated for the survey. Approximately 90% of the respondents were

non-smokers. Secondhand smoke was well-known among respondents (93%) and there was awareness of its health effects among 98% of them. Although 28% knew of the announced framework, 36% answered that they were unaware of the announcement. About 66% responded that the framework would be appropriate, and the same proportion considered that the ordinance would be a first step to protecting health. On the other hand, 17% reported that it was not satisfactory, due to the insufficient scope of targeted facilities, and allowance of separated smoking spaces or booths. Others argued that tobacco smoke was a manners or taste issue, and that there would be negative impacts on business.

Another survey was conducted among 600 managers of restaurants of under 100 square meters (33% response rate), while interviews were conducted with 105 restaurants located around the prefecture boundary. The managers of 194 accommodations are surveyed (43% response rate) with 26 interviews. Both groups were asked about preventing SHS and the impact they expected on their business from the ordinance. In a prefecture-wide survey, 41% of restaurant and accommodation managers reported that many customers were smokers. Around 83% of managers reported that no SHS prevention measures had been taken in response to the Health Promotion Law. Only 11% reported a completely smoke-free environment in their facility. Among the 33 smoke-free facilities, 64% of managers reported no negative consequences from their SHS prevention measures while 27% reported negative effects. Regarding the ordinance, 46% of managers preferred being allowed to select either smoke separation or a complete smoke-free environment. Approximately 25% of managers accepted implementing an ordinance. Their major fear was losing business and none of them expected positive business effects. They expected some financial support from the government for the implementation of SHS prevention measures. This expectation was higher among those around the prefectural boundary (52%) than prefecture-wide respondents (39%).

4.15. Local site visits

The Governor continued to make site visits to restaurants and bars in Kanagawa. An owner of six smoke-free restaurants reported that they had banned smoking for employees' health and to serve the real taste of the food without smoke. As a result, along with the societal change for non-smoking environments, more young women with small children were coming to the restaurants and therefore no harm was done to business. Some customers were also in favor of an ordinance so they could enjoy their restaurant meals more. Another restaurant owner reported that half of the customers would be smokers but that his restaurant would be smoke-free if the ordinance was implemented. A bar owner also reported no trouble with his smoke-free environment due to being able to offer a better flavor and taste of beer.

4.16. Exchange of international views

In the meantime, the Governor welcomed a group led by Dr Douglas Bettcher, Director, Tobacco Free Initiative (TFI), WHO in December 2008. By sharing overseas SHS prevention experiences, Matsuzawa heard about the importance of attaining completely smoke-free environments. There was understanding of Kanagawa's gradual approach: his initiative was expected to prove the first step toward anti-SHS measures prevailing all over Japan.

4.17. Announcement of a draft ordinance on prevention of exposure to secondhand smoke in public facilities (December 8th, 2008) and a revised draft ordinance (January 13th, 2009)

Three months after the announcement of the framework, a draft ordinance was announced. The major change was to allow some small-size restaurants and other businesses three years to take action on SHS, with the choice of selecting a smoke-free environment or separation.

4.18. Communications and discussions with residents and businesses

The Governor organized a town meeting with 1,061 participants in January 2009, inviting six panelists of a smoke-free restaurant owner, a National Cancer Center Tobacco Control Policy Project leader, representatives from the Recreation Hall Cooperative Association, eating and drinking establishments, lifestyle and health associations, a Japanese inn, and a pediatrician. Three panelists – the anti-smoking restaurant owner, the tobacco policy expert and the physician – were supportive of the draft ordinance and even revealed some regret about its toned-down content. They pointed out that there would be some non-smokers who wished to be customers. Others points were that the SHS issue was not a prefectural but a national issue, the financial burden of installing a smoking room, and global economic recession. At the town meeting, the Governor properly handled questions from the audience. He clarified that the ordinance would not exclude smokers from society.

Discussions were held with a board member of Philip Morris International Japan in and the president of Japan Tobacco in February 2009. Philip Morris supported the draft ordinance for three major reasons: (1) its careful consideration of the social situation of Japan and different criteria based on facility features and size; (2) its requirement that smoking policy be displayed at the entrance of a facility; and (3) its proper preparation period before the implementation and allowance for revision by reflecting the opinions from stakeholders after implementation. On the other hand, although the president of the JT commended the toned-down draft to a certain extent, he was concerned about the implementation of separation. He stated that his major concern was business damage due to the ordinance but promised to support the Kanagawa Prefecture in developing a smoke separation policy.

4.19. *Communications with health associations and businesses*

There were discussions and petitions from health associations and businesses in February 2009. A group of five healthcare organizations visited Kanagawa prefectural office to submit their petition. Representatives from Kanagawa Medical Association, Kanagawa Dental Association, Kanagawa Pharmaceutical Association, Kanagawa Hospital Association, and Kanagawa Nursing Association met the Governor. Some health associations were concerned about the dilution of the ordinance proposal while supporting the Governor's initiative. Discussion also took place with the Japan Hotel Association Branch Division, Chamber of Commerce and Industry Federation, Employer's Association, the Shopping Street Federation, the Federation of Small Business Association, and the local Japan Trade Union Confederation (*Rengo*). Petitions by several interest groups were submitted with a brief exchange of views with the Governor.

4.20. *Announcement of proposed ordinance (February 10th, 2009)*

After announcing the proposed ordinance in February, some major issues of national concern emerged, and there was discussion with assembly members at the general prefectural assembly.

4.21. *Call for a national support to develop a legal system*

Kanagawa made a request at national level to develop a legal framework for preventive measures against SHS to the Policy Research Councils of two major political parties, the Liberal Democratic Party and the Democratic Party of Japan as well as to the MHLW.

4.22. *Proposal of an amendment by assembly members and compromise*

During the general prefectural assembly period, an amendment to the ordinance was proposed by assembly members, to exempt significantly more restaurants and amusement halls, postpone penalty application for three years, and to exempt hotels and Japanese inns from the target facilities. The Governor was strongly opposed to the proposal, which would significantly weaken the ordinance, already a watered-down version of the original. Due to the opposing stances on SHS prevention between the Governor and some prefectural assembly members, the prefectural assembly Permanent Working Group on Welfare argued fruitlessly for a whole day during the general assembly period. As a result, both the Governor and some prefectural assembly members who proposed an amended ordinance compromised at the end by accepting the somewhat intermediate proposals of both. Consequently, a compromised ordinance was passed by the Permanent Working Group on Welfare, and then passed at the plenary session of the prefectural assembly in March.

4.23. *Announcement of the ordinance (March 24th, 2009)*

After the ordinance was passed, the Kanagawa Prefectural Government Ordinance on

Prevention of Exposure to Secondhand Smoke in Public Facilities was officially announced. This announcement was widely covered by television, radio, internet, and the prefectural government bulletin.

5. After the Announcement

In March 2009, an official opinion document requesting improved and strengthened SHS prevention legislation was submitted by the Governor to the Prime Minister, the Minister of Internal Affairs and Communications, and the Minister of Health, Labour and Welfare, Japan. The document questioned the delay in SHS prevention measures since the implementation of Health Promotion Law in May 2003 and FCTC ratification in March 2004. Immediate measures against SHS at the national level were requested.

The ordinance took effect on April 1st, 2010 for facilities in the first category described by the ordinance (mainly public buildings) and will be in effect on April 1, 2011 for those that fall into the second category (mainly restaurants and entertainment facilities). In the meantime, the Governor established a Tobacco Control Unit under the Health Promotion Division of the Public Health and Welfare Department in April 2010. The Tobacco Control Unit works on developing detailed rules and regulations for the ordinance. They will develop a guideline of reexamination of the ordinance to review its implementation status every three years.

The ordinance also impacted on the leaders' summit of eight prefectures and cities in the Tokyo area in 2009. Representatives from the prefectural governments of Tokyo, Kanagawa, Chiba, and Saitama, and prefectural-level municipal governments of Yokohama, Kawasaki, Chiba, and Saitama requested that the MHLW, Japan take a lead in developing an effective legal system for SHS preventive measures (Tokyo Metropolitan Government, 2009).

6. The Governor's Performance – How His Leadership Can Be Viewed

As an elected representative and political leader, the primary duty of a governor is to make decisions on behalf of the region and its residents. A number of striking aspects of Governor's leadership were seen through the process of ordinance development.

Although the ordinance itself can be seen as the product of the public health concerns of health professionals, specialists, assembly members, and the general public, the initiating party was Governor Matsuzawa. The Governor was motivated by his beliefs and a willingness to address the SHS issue as a public duty as the leader of the prefecture.

The Governor's passion for public health is a major driving force in his leadership. If a leader lacks conviction in what he does, subordinates may not follow. The passion allows the leader to

guide a government during difficult times and to guide officials to success (Sukin, 2009). Therefore, as a salient public health concern, the Governor felt obliged to tackle the issue head on.

The conviction can be fostered and maintained by continuous public support. The Governor really took action on the SHS issue in his second term. In his first gubernatorial election in 2003, Matsuzawa announced his candidacy while he was a House of Representatives member and was elected with just 31% of votes among seven candidates. For his second-term in 2007, he gained 61% of votes among three candidates (Japan Internet News Co. Ltd., 2003 & 2007). This means that he had a better chance to perform effective work on tough issues during the second term of his governorship.

Vision and direction are also an essential aspect in leadership (Melcher, 1977). A clear vision allows the relevant participants for policy development to move forward to an objective as a team. It drives the goal-setting in government, and the clear understanding of vision allows team members to stay focused and to protect against the influence of outsiders (Sukin, 2009).

Clear vision enabled the Governor to set milestones toward his ultimate goal. There were a number of public announcements during the ordinance-making process. Those indicated how the proposed ordinance had been revised and modified through the whole policy development process. In the case of Kanagawa, the concept of the ordinance was first raised for public awareness and initial discussion. Gradually a more concrete idea was revealed. Although compromises were seen in the content of the ordinance during its development, the progressive and incremental approach may have enabled the Governor to achieve his minimum objective of passing the ordinance at the prefectural assembly.

Continuous learning with critical thinking is an essential aspect for the successful leader (Sukin, 2009). At the initial stage of addressing the SHS issue, the Governor had already acquired a fair amount of knowledge as evidenced by his background discussion paper. Beyond his organization, he gained more knowledge through interactions with professionals, socioeconomic experts, exploratory committee members, and further through overseas site visits and discussion with international experts.

Openness is a significant aspect in relation to leadership, with open individuals more likely to emerge as effective leaders (Judge, et al., 2002). Furthermore, conscientiousness is correlated to overall job performance (Barrick & Mount, 1991), leader effectiveness (Stogdill, 1974; Judge, et al., 2002), and persistence (Goldberg, 1990). Participation is considered an aspect of leadership (Melcher, 1977). During the ordinance development process, the Governor organized town meetings and symposiums, welcomed a variety of groups of stakeholders, and visited a variety of businesses sites and listened to people working there and their customers. In addition to survey outcomes, most of Matsuzawa's communications and interactions with stakeholders were reported and made available through the prefecture website and offices. Short meetings

with stakeholders and their appeals were well covered by the media (via television, radio, newspaper and internet news) and thus widely available to the public. The activities of the Governor were kept transparent and discussed deeply not only within Kanagawa but also across Japan.

On the other hand, it is argued that openness correlates with divergent thinking (McCrae, 1987). The Governor has taken the initiative on communicating with a variety of stakeholders, explaining the ordinance and its purpose. The views of stakeholders were not always favorable to the proposed ordinance. There were considerable misunderstandings about the purpose and nature of the ordinance among citizens and businesses. The main message of the ordinance was not accepted by opposing stakeholders at the beginning of the process. Many business stakeholders had concerns not supported by evidence. The supporting evidence for the development of the ordinance was not enough to convince opposing businesses. It may be noted that agreeableness is positively related to leadership effectiveness (Stogdill, 1974). As a result, the proposed ordinance was weakened at each update.

7. Conclusion

Kanagawa Prefecture, because of its sub-national political level, has a vertical relationship with the national government and municipal governments. It has a horizontal relationship with other 46 prefectural governments. Sub-national government leaders are increasingly interested in sharing ideas and experiences about better local governance and learning from each other around the world (Campbell & Fuhr, 2004). Therefore, the case of Kanagawa provides fruitful learning about tackling secondhand smoke to other governments within the country as well as a learning opportunity to governments outside Japan.

The leadership aspects discussed in this study are not unique but the combination of those aspects produced a pioneering ordinance for Japan. The experience of Kanagawa Prefecture is anticipated to trigger efforts to achieve more smoke-free environments among other prefectures, cities and perhaps even the national government. However, the process may not necessarily be dominated by the strong leadership seen in Kanagawa.

Conventional views of organizational leadership have generally assumed that leaders have a significant and possibly crucial impact on the performance of the organizations they head, but this individualist view has been increasingly questioned by contextualists, who emphasize the constraints that are placed on leaders by situational factors (Hall, 1977; Pfeffer and Salancik, 1978). The necessity of the modification of a proposed ordinance would be influenced by situational factors.

Kanagawa's case is a good example of a top-down approach by the initiation of the leader. However, the public policy outcome may be somewhat weakened despite the leader's initial

goal-setting. At this moment, the impact of the ordinance cannot be examined since it is still in the early stages of implementation. The implementation status of the ordinance will be reviewed every three years, providing an opportunity to return to the Governor's original objective with more evidence. In the meantime, some byproducts of the development of the ordinance are increased awareness among the media and the residents of Kanagawa and Japan of the prefecture's SHS prevention measures. Kanagawa's case may not necessarily reveal a unique leadership performance, but the political success against SHS is indeed unique among the prefectures in Japan. In this regard, the leadership of Governor Matsuzawa and his achievement should be duly recognized.

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8. Appendices

Followings are unofficial translations of the Health Promotion Law and the Kanagawa Prefectural Government Ordinance on Prevention of Exposure to Secondhand Smoke in Public Facilities.

Appendix-1. Health Promotion Law, Japan (implemented on May 1st, 2003)

The Law established targets to help prevent lifestyle-related diseases. Prevention of secondhand smoking was integral. In its Article 25, it reads:

Section 2 Protection from Secondhand Smoking

Persons in charge of management at facilities used by large numbers of people, such as schools, gymnasiums, hospitals, theaters, viewing stands, assembly halls, exhibition halls, department stores, offices, public facilities, and eating and drinking places shall endeavor to take necessary measures to protect users of these facilities from being exposed to second-hand smoking (secondhand smoking refers to being forced to inhale other people's cigarette smoke in an indoor or equivalent environment).

Source: Ministry of Health, Labour and Welfare, Japan. (2003), *Kenkouzoshinbo* (Health Promotion Law) (in Japanese) Retrieved from <http://law.e-gov.go.jp/htmldata/H14/H14HO103.html>

Appendix-2. Kanagawa Prefectural Government Ordinance on Prevention of Exposure to Secondhand Smoke in Public Facilities (implemented on April 1st, 2010)

The final ordinance was publicly announced through the Kanagawa Prefectural Government Bulletin on 31st March 2009. It is called, "Kanagawa Prefectural Government Ordinance on Prevention of Exposure to Secondhand Smoke in Public Facilities". The ordinance designates

two categories, banning smoking in all schools and government offices, except in designated smoking areas. On the other hand, it requires restaurants, hotels and amusement places to choose to either become non-smoking establishments or to create separate smoking spaces. Penalties would go into force one year after the ordinance takes effect (April, 2010) for the first category and two years later for the second category. The ordinance would be reviewed every three years.

Summary of the ordinance

The Kanagawa Prefectural Government Ordinance on Prevention of Exposure to Secondhand Smoke in Public Facilities is intended to protect citizens from the harmful effects of SHS by clarifying the duty of all citizens, caretakers, employers and prefectural government of Kanagawa to prevent secondhand smoke; establishing smoke-free environments and promoting an environment where citizens can avoid SHS if they wish to; and protecting minors from the harm of SHS.

The ordinance classifies public facilities into two categories, with some exemptions. For the first category, a smoking ban is imposed. Smoking is prohibited indoors and a sign must be displayed at the entrance informing customers that it is a non-smoking facility. This category includes schools, hospitals, clinics and pharmacies, theaters, viewing places, meeting halls, shrines, temples, churches, exhibition halls, gymnasiums and outdoor sports arenas, public bathhouses, department stores and shopping centers, banks and other financial institutions, business offices for mail, telecommunication, water, electricity and gas, public transportation and its facilities such as railway stations and bus terminals, libraries, museums, zoos, botanical gardens, playgrounds, nursing homes, nurseries, and social welfare facilities, central and local government offices, and the entrances, corridors, stairs, elevators, and toilets of facilities in the second category.

For the second category, facility managers must choose between prohibition of smoking or separation of facilities for smokers and non-smokers. The category includes restaurants, cabarets, coffee shops, night clubs, waiting rooms, hotels and Japanese inns, amusement halls, karaoke boxes, dance halls, mah-jong game parlors, pachinko pinball parlors, outside ticket booths for horse and boat race courses, travel agencies, real estate offices, law offices, cleaning stores, pawn shops, and other service facilities such as barber shops and beauty parlors. When a facility manager chooses separation, they cannot let minors enter the smoking area. The facility manager bears the duty to remove ashtrays and other smoking accessories from the non-smoking area.

Exempt are amusement halls and other establishments under the regulation of the adult entertainment business. Restaurants with an area of less than 100 square meters without kitchen and hotels and inns with a floor area of less than 700 square meters are exempted but advised to consider secondhand smoke prevention measures. Operators of these small-scale facilities are only required to "make efforts" to establish separate smoking and non-smoking areas.

Penalties will be imposed on first-category facilities immediately after the ordinance comes into force and for secondcategory places a year later. In the case of violation, the ordinance sets fines of 20,000 yen for facility operators and 2,000 yen for smokers.

The ordinance took effect on April 1st, 2010 for those that fall into the first category, and it will go into force on April 1st, 2011 for those that fall into the second category. The ordinance is to be reviewed every three years after implementation.

Source: Kanagawa prefectural government, Japan (2009), *Kanagawaken koho* (The Bulletin of Kanagawa Prefectural Government) Retrieved from http://www.pref.kanagawa.jp/osirase/15/1383/tobacco/pdf/ken_koho.pdf

Governor Leads Country with Pioneering Secondhand Smoke Prevention Ordinance

— Challenges faced by Kanagawa Prefecture, Japan —

Hiroshi UEDA

Leadership is a major subject in human sciences. Japan has a high smoking prevalence and weak anti-tobacco legislation history for a developed country; however, in April 2010, an ordinance to reduce exposure to secondhand smoke (SHS) was implemented at the initiative of Governor Matsuzawa in Kanagawa Prefecture. It was the first attempt by any authority in the country to ban smoking in indoor public spaces.

This paper explores the efforts and challenges faced by the Governor of Kanagawa Prefecture in developing an ordinance to prevent SHS in public spaces, with special attention on how the ordinance was formulated with his leadership, and his involvement interaction with the stakeholders. It also assesses the applicability of the experience to other governments.

The development of the SHS ordinance was strategically conducted with Matsuzawa's leadership and guidance. Indeed, a number of striking aspects of leadership were observed through the process: passion, public support, clear vision and direction, and openness with good communication with stakeholders. Furthermore, a transparency in the Governor's activities, communications, and objectives was observed.

The aspects of leadership discussed in this document are not unique, but the combination of the traits resulted in a pioneering ordinance for Japan. The public policy outcome may be somewhat weaker than the leader's original goal of smoke-free indoor spaces through interaction and communication with opposing interest groups, and the current ordinance has scope for incremental progress. Nevertheless, the case of Kanagawa provides fruitful lessons about tackling secondhand smoke exposure to other governments within the country and beyond.