

To: "'PID'" <pid@legco.gov.hk>

From: "James Middleton" < >

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Subject: RE: 2013 Policy Address Public health WISH LIST

Panel on Health Services members pls

Hong Kong Policy Address 2013
To The Chief Executive Hong Kong SAR Government
policyaddressbudget@fstb.gov.hk
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ASIAN CONSULTANCY ON TOBACCO CONTROL
亞洲反吸煙諮詢所



**SUGGESTED TOBACCO CONTROL MEASURES
FOR INCLUSION IN POLICY ADDRESS**

Goals and targets: 5% smoking prevalence rate before 2022

This will only be achieved by comprehensive measures, including

- a) a significant increase in tax; and
- b) more assistance with quitting.

In light of Hong Kong's obligations as a Party to the WHO Framework Convention on Tobacco Control, the Protocol on Illicit Trade, and the FCTC Guidelines on the topics below:

1. Tobacco tax: Recommend:

1. Increase in tobacco excise tax to at least 80% of retail price. This is proven to prevent youth smoking, reduce adult smoking, and thus prevent premature deaths, and reduce healthcare costs.
2. A sound and planned 5 year tobacco tax policy plan, taking inflation into account.

3. A much more robust tax policy set in stone as has been the case elsewhere, noting that cigarettes in Hong Kong are considerably cheaper than in Singapore, Australia, New Zealand, Ireland, UK, Denmark, Finland, France and New York.

2. Illicit trade: Recommend:

1. Introduction of a track-and-trace system in Hong Kong, eg SIPCA.
2. Increased mandatory minimum sentences for smuggling, treating it as a serious crime that is addicting and subsequently killing Hong Kong's youth. (OSCO Ordinance)
3. Introduction of a mandatory minimum fine of HK\$10,000 for possession of illegal duty-not-paid (DNP) cigarettes by smokers and traders, and for purchasing products without a tracking sticker.
4. Licencing of all cigarette exporters, manufacturers and distributors, Duty Free shops - and require detailed records of their activities and supply chain tracking and tracing.
5. Customs and Excise Department exercise much stricter controls over the sale of Duty Free, independent of the franchised retailers (many "duty free" cigarettes are finding their way into the marketplace)

3. Smoke-free areas: Recommend:

1. That all public areas are tobacco-free, including outdoor areas of restaurant and pubs whether roofed, 50% enclosed or otherwise. The intention of the law is primarily to protect the staff (as well as the customers).
2. A simple addition to Condition 7 of Liquor Licences in Hong Kong (see Appendix) to place the onus on licensees to prevent smoking in their premises. For example, add to the current condition: 7. "The licensee shall not permit any person to occupy or use any portion of the premises for any immoral or illegal purpose" : "which should include the carrying or use of any lit tobacco or shisha product." Failure to enforce the law by all licensees should lead to a loss of their licences and being barred from any subsequent renewal at that premise or elsewhere. Note that at present many licensees allow or encourage smoking (without penalty) to steal customers from premises that obey the law.
3. Increase Department of Health Tobacco Control Office (TCO) staffing for enforcement of smoke-free areas (the office is seriously understaffed in comparison with, e.g. Macau). The TCO need to be able to patrol areas as a preventative measure rather than as now, where sometimes raids occur days after reporting, when the offenders are no longer present.

4. Ban on smoking in vehicles where children under the age of 18 are present.

4. Packaging: Recommend:

1. Changing the pictorial packet warnings every 1-2 years; HK is long overdue a change in the pictorial health warnings (since the current warnings in 2007). Note there is no cost to government.
2. Placing responsibility for this and for future changes of warnings with the Dept of Health, not the Legislative Council. The policy decision has already been made.
3. Introducing plain packaging (as in Australia) within the next 2 years.

5. Retailers: Recommend:

1. A ban on counter display of all tobacco products in shops and stalls, and these products moved to under the counter.
2. Licencing all retailers who wish to sell cigarettes; they should first be warned, and then lose their licence, if found selling illegal cigarettes.
3. Make it an offence to buy for and/or supply youth. Introduce loss of licence and punitive mandatory fines for selling any tobacco product to under-aged Hong Kong youth. Amend privacy laws to allow licensed tobacco retailers to verify the identity and age of youth buyers.

6. Quitting: Recommend:

1. Increase quitting facilities and assistance and make these free to anyone who wants to quit. These premises must be open before and after normal work hours and in accessible locations transport wise.

7. Tobacco industry and its supporters: Recommend:

1. Investigate tobacco industry funding and connections of, and with, :
 - a) political parties – currently not required to divulge funding sources and
 - b) Libertarian AND front organisations, especially those with charitable status.
2. Revoke the charity status of such front organisations as they are being used to benefit Big Tobacco rather than beneficial to the public of Hong Kong.

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APPENDIX

Liquor Licensing Hong Kong

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Annex VI

Licensing Conditions for Liquor Licence

1. No disorder shall be permitted on the premises.
2. No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
3. No games of chance shall be played on the premises.
4. The licensee shall personally supervise the premises.
5. The licensee shall display a warning notice at a conspicuous place inside the premises containing the words “NO LIQUOR FOR PERSON UNDER THE AGE OF 18”. In the said notice, the size of each Chinese character shall not be less than 3 cm (height) x 3 cm (width) and the size of each English letter shall not be less than 2 cm (height) x 2 cm (width).
6. The licensee shall exhibit and keep exhibited a notice denoting its licensed status provided by the Board at the main entrance of the premises.
7. The licensee shall not permit any person to occupy or use any portion of the premises for any immoral or illegal purpose.
8. The licensee shall not permit any common prostitutes or reputed thieves to assemble or remain on the premises.
9. The licensee shall not permit drunkenness, or violence, quarrel or other disorderly conduct on the premises and shall not permit persons of known bad character to assemble and remain on the premises.
10. The name of any liquor for which a standard of quality is prescribed by regulations shall be clearly marked on the container in or from which the liquor is supplied to any customers.
11. No bar business shall be operated on the premises, except with the permission of the Board endorsed herein.
12. No dancing shall be permitted on the premises, except with the permission of the Board endorsed herein.
13. Toilets shall be maintained in a state of cleanliness and good repair for the use of customers.

Annex VI(a)

Additional Licensing Conditions for Liquor Licence

- (a) Liquor selling hours : from a.m./p.m. to a.m./p.m.
- (b) Endorsement of dancing/bar/hotel on the licence.

- (c) Not more than persons, including staff, shall be permitted on the premises at any one time.
- (d) The hours of duty of the licensee : from a.m./p.m. to a.m./p.m.

Licensing Conditions for Club Liquor Licence

1. No disorder shall be permitted on the club premises.
2. No person shall be allowed to become drunk on the club premises, nor shall liquor be supplied to any person who is drunk.
3. The licensee shall personally supervise the club premises.
4. The licensee shall display a warning notice at a conspicuous place inside the club premises containing the words "NO LIQUOR FOR PERSON UNDER AGE 18". In the said notice, the size of each Chinese character shall not be less than 3 cm (height) x 3 cm (width) and the size of each English letter shall not be less than 2 cm (height) x 2 cm (width).
5. The licensee shall exhibit and keep exhibited a notice denoting its licensed status provided by the Board at the main entrance of the club premises.
6. The licensee shall not permit any person to occupy or use any portion of the club premises for any immoral or illegal purpose.
7. The licensee shall not permit any common prostitutes or reputed thieves to assemble or remain on the club premises.
8. The licensee shall not permit drunkenness, or violence, quarrel or other disorderly conduct on the club premises and shall not permit persons of known bad character to assemble and remain on the club premises.
9. Toilets shall be maintained in a state of cleanliness and good repair for the use of members.

www.fehd.gov.hk/english/licensing/ll-cll-appguide.doc *note club liquor licence is condition 6 versus 7 for normal liquor licence*