



Dear Legco Panel on Health Services

25th July 2014

Whilst the rest of the world progresses against smoking, Hong Kong goes backwards.
Herewith find self explanatory information from the world press.

In Hong Kong there still remains the major deliberate Liberal party enforced legislation blunder which puts the onus on the smoker and not the premises' licensee to prevent smoking in a workplace.

The threat of losing their liquor licenses would force bar and restaurant owners to enforce the law. A simple paragraph added to the liquor licence / club licence by the Liquor Licensing Board could instigate this process. If the smokers cannot go out to bars and smoke they will quit. Many Hong Kong bars actually encourage smoking and provide ash trays as they commit no offence by doing so. An upcoming peer reviewed study from HKU will show how much smoking actually costs Hong Kong society.

Hong Kong smoking statistics' Thematic Survey are padded by the ultra low level of female smokers here and the fact that the surveys deliberately do not ask the interviewee whether they have purchased illicit cigarettes.

Think on this: 23% of the nigh 7,000 deaths per year here from smoking related diseases are from passive smoking, yet our tobacco excise taxation levels are way behind places like Singapore, Australia, New Zealand, Ireland, UK, Scotland, New York etc thus allowing our children access to lifetime nicotine addiction.

Your sincerely,

James Middleton

Chairman

<http://www.smh.com.au/federal-politics/political-news/plunge-in-smoking-attributed-to-plain-packaging-20140716-ztqht.html>

smh.com.au
The Sydney Morning Herald

Plunge in smoking attributed to plain packaging

Harriet Alexander

Published: July 17, 2014 - 5:45AM

A dramatic decline in smoking rates has coincided with the introduction of plain-packaging laws. The daily smoking rate plunged from 15.1 per cent to 12.8 per cent between 2010 and 2013, according to the largest and longest-running national survey on drug statistics. Most people are now 16 before they smoke their first full cigarette, up from 14 in 2010, and 95 per cent of 12 to 17-year-olds have never smoked.

8/F Eastwood Centre - 5, A Kung Ngam Village Road - Shaukeiwan, Hong Kong
Tel: 25799398 26930177 Fax: 25659537 26027159 Website: www.cleartheair.org.hk
chair@cleartheair.org.hk



Public health experts say the findings of the National Drugs Strategy Household Survey vindicate plain-packaging laws, which tobacco companies recently claimed to have boosted cigarette sales by leading to a price war. "It's almost like finding a vaccine that works very well against lung cancer," said Simon Chapman, a professor in public health at the University of Sydney.

"It's that big. This will give enormous momentum to the international push for plain packaging right around the world." **India and France are considering plain packaging laws. Ireland, New Zealand and Britain have legislation before their parliaments.**

The survey of nearly 24,000 Australians was conducted between July and December 2013, before the new 12.5 per cent tobacco tax. "We know that that tax has a lot of influence over consumption so it's really important that the data was collected before that," Professor Chapman said. "The only thing that happened in the 12 months before that was the introduction of plain packaging laws."

Geoff Neideck of the Australian Institute of Health and Welfare, which conducts the survey every two to three years, said the results were continued a longer trend, which has seen smoking rates halved since 1991. The plain-packaging laws should be seen in the context of changing attitudes and cultural practices, he said.

Sixteen-year-old Gabe Hutcheon said on Wednesday he had no desire to try smoking.

"My granddad died from it, so I'll go my whole life without smoking," he said. "It's expensive, but I don't care about that. All the ads show what it can do." The price of the average packet of cigarettes has been in a steep upward trajectory since 2000.

Gemma Jones, 16, agreed, although she doubted whether the plain packaging was a deterrent. "If people want to smoke they will do it," she said. **"It's stupid, smells like shit and it kills people."**

The president of the Australian Council on Smoking and Health, Mike Daube, said they were the best results he had seen in his 40-year career in health policy.

The National Preventative Health Taskforce in 2009 set a target of 10 per cent adult prevalence by 2018. "I think we are now going to beat that, and once we're below 10 per cent I think we will see an even faster decline as smoking essentially becomes an abnormal behaviour," Professor Daube said. He attributed the figures to effective media campaigns, tax increases and bipartisan political approach to reducing smoking, as well as the plain packaging laws. "The plain packaging has been a crucial factor in the last two to three years," he said.

- with Eryk Bagshaw

This story was found at:

<http://www.smh.com.au/federal-politics/political-news/plunge-in-smoking-attributed-to-plain-packaging-20140716-ztqht.html>

<http://uk.reuters.com/article/2014/07/24/us-safrica-tobacco-idUKKBN0FT1QI20140724>

8/F Eastwood Centre - 5, A Kung Ngam Village Road - Shaukeiwan, Hong Kong
Tel: 25799398 26930177 Fax: 25659537 26027159 Website: www.cleartheair.org.hk
chair@cleartheair.org.hk



South Africa plans plain cigarette packaging by 2015: minister

Thu, Jul 24 2014

By Wendell Roelf

CAPE TOWN (Reuters) - South Africa aims to force cigarette companies to sell products in plain packets by next year, despite an ongoing World Trade Organisation (WTO) investigation into Australia's ban on tobacco branding, the health minister said on Thursday.

South Africa, New Zealand, France, India and Britain are all considering adopting standardized packaging on tobacco products but the African country hadn't previously given a time frame.

Opponents of the law, who say it is heavy-handed and an invitation to counterfeiters, had hoped other countries would hold off from following Australia's example pending a WTO case addressing complaints by tobacco-producing countries.

"I am not even sure we can wait for that WTO decision. We can start making preparations now," South African Health Minister Aaron Motsoaledi told Reuters.

"I want it as soon as possible but realistically and most probably it would be next year," said Motsoaledi, a former smoker who quit in his final year of medical studies more than three decades ago.

Since late 2012, tobacco products in Australia can only be sold in drab, olive-colored packets that look more like military or prison issue, with brands printed in small fonts.

The WTO put together a panel on May 5 to judge on a dispute between Australia and tobacco lobbies who say the legislation is a barrier to trade and restricts intellectual property.

The panel has six months to make its ruling but the dispute could drag on for many more months or even years if countries appeal or disagree over the level of compliance.

As well as its huge importance for the global tobacco industry, the case could have implications in other sectors, as some public health advocates see potential for plain packaging laws to extend into areas such as alcohol and unhealthy foods.

South Africa already has bold health warnings on packaging and has banned smoking in many public places but health experts want tougher restrictions, including a ban on puffing in cars when traveling with children under the age of 12 years.

"We are losing gains we've made in the last decade and it is imperative we implement plain packaging," said Priscilla Reddy, a professor at the Human Sciences Research Council in Cape Town.

"It is the only and obvious route to better public health, particularly among youth," Reddy added.

The World Health Organisation estimates that in 2012 tobacco killed six million people worldwide, 600,000 of whom were non-smokers killed by inhaling smoke passively.

Motsoaledi said he expected a fight from the tobacco industry but remained undaunted.

"They are going to be very vocal and kick dust and we are prepared to fight," he said.

(Editing by [Joe Brock](#))

<http://www.smh.com.au/national/australia-wins-first-battle-in-plain-packaging-trade-dispute-20140702-zst8d.html>

smh.com.au
The Sydney Morning Herald

Australia wins first battle in plain packaging trade dispute

8/F Eastwood Centre - 5, A Kung Ngam Village Road - Shaukeiwan, Hong Kong
Tel: 25799398 26930177 Fax: 25659537 26027159 Website: www.cleartheair.org.hk
chair@cleartheair.org.hk



Amy Corderoy Published: July 3, 2014 - 10:53AM

Australia has had a victory in the first step of the plain packaging challenge being played out in an international investment tribunal.

The Permanent Court of Arbitration has ordered that Australia will be allowed to challenge Philip Morris Asia's right to contest our plain packaging laws, on the grounds that the company only bought shares in its Australian arm so that it could launch the case.

If Australia wins, it could see the legal challenge wrap up far earlier than expected, at far less cost, as well being a blow to corporations that engage in "treaty shopping", or buying shares in countries to use trade treaties to their advantage.

Jonathan Liberman, the director of the McCabe Centre for Law and Cancer, said the tribunal had essentially decided to agree to the request to split the case in two because they had accepted that Australia's objections were, on the face of it, "serious and substantial".

Australia believes the fact that Philip Morris Asia only acquired its shares in the Australian company 10 months after the government had announced it would implement plain packaging means it does not rightly fall under a trade agreement we have with Hong Kong.

"The Australian Government argues that an investor cannot buy into a dispute by making an investment at the time when a dispute is either existing or highly probable," Mr Liberman [wrote in an update on the case.](#)

In addition, the government believes Philip Morris Asia made "false and misleading" claims when it applied to buy Philip Morris Australia and filled in a statutory notice explaining why it was intending to do so.

"It argues that the true purpose of Philip Morris Asia's investment was to place [it] in a position where it could bring the claim once the legislation had been enacted," he said.

It was on these two objections that the tribunal decided to split the case, hearing them before any full case was to proceed.

"The fact that they have decided they were worth hearing first means they think they have a substantial chance of success," Mr Liberman said. "If Australia wins on these grounds, it will set an important precedent. It would send a clear message that this kind of 'treaty-shopping' behaviour should not be allowed."

Professor of health policy at Curtin University Mike Daube said if Australia won, even on jurisdictional grounds, it would inspire confidence in other countries.

"It is clearly in the industry's interests to keep dragging this process on, because the longer it's going on, the longer they can say it is under review," he said, adding the company had tried to have [all the hearings held in secret.](#)



"We've already had the High Court victory, and as soon as a big international decision goes that will send out a pretty big signal."

Chris Argent, a spokesman for Philip Morris, said it would be inappropriate to respond to Australia's allegations outside of the tribunal.

But he said the plain packaging laws entailed the destruction of brands.

"Building a brand is a long-term, significant investment that international law protects from arbitrary government action of exactly the sort at the heart of our claim," he said. "The forced removal of our brands and trademarks by the Australian Government is a clear violation of the terms of the bilateral investment treaty between Australia and Hong Kong, and we believe we have a very strong case for actual damages that may amount to billions of Australian dollars."

"The transfer of ownership of the Australian operation to PM Asia occurred long before plain packaging was adopted."

This story was found at:

<http://www.smh.com.au/national/australia-wins-first-battle-in-plain-packaging-trade-dispute-20140702-zst8d.html>

<http://www.abc.net.au/news/2014-07-15/plain-packaging-leaves-smokers-with-bad-taste/5597860>

Plain packaging leaves smokers with bad taste

Posted Tue 15 Jul 2014, 12:40pm AEST



Photo: Long-term smokers have told Newcastle researchers all cigarettes now taste the same since the introduction of plain packaging (News Online Brisbane)

A study by Newcastle medical researchers has found since the introduction of plain packaged cigarettes, many smokers are unable to identify the different brands. The study took place before and after plain packaging was introduced and involved long-term smokers in the Hunter region.

The University of Newcastle study found the introduction of plain packaged cigarettes impacted smokers' perception of how they taste. Research associate Ashleigh Guillaumier says many smokers said all cigarettes now taste the same, showing the power branding has had on consumers.

8/F Eastwood Centre - 5, A Kung Ngam Village Road - Shaukeiwan, Hong Kong
Tel: 25799398 26930177 Fax: 25659537 26027159 Website: www.cleartheair.org.hk
chair@cleartheair.org.hk



"After plain packs hit the shelves they were saying that they'd noticed a deterioration in both the taste and the quality of their cigarettes," he said. "I think this study really shows the power of the branding and that's one of the reasons why the tobacco industry fought so hard against the introduction of plain packs in Australia."

<http://www.abc.net.au/news/2014-06-30/an-who-to-launch-pacific-anti-smoking-campaign/5560166>

World Health Organisation says Pacific considering cigarette plain packaging

Updated Mon 30 Jun 2014, 6:49pm AEST



Photo: A number of countries across the Pacific are considering plain packaging of cigarettes (AAP)

Related Story: Indonesia not butting out of cigarette warning labels

Related Story: Pacific women smoking at rates as high as men

Related Story: Fiji public smoking ban comes into force

Related Story: Solomon Islands to crack down on tobacco sales

The World Health Organisation says a number of countries across the Pacific are considering following in Australia's footsteps and introducing plain packaging of cigarettes.

The WHO is set to join governments across the region in a major drive to make the Pacific tobacco free within 10 years. The WHO Pacific coordinator of non-communicable diseases, Dr Temo Waqanivalu, says the project will be launched in Honiara in two weeks and plain packaging is among the tactics being considered.

"The actual measure itself is something that's greatly supported and there are a few countries that are ahead of the game, (they) are actually talking of moving there now," Dr Waqanivalu told Radio Australia's [Pacific Beat](#). "They've done the graphic warnings on the packets so the next step after that is to actually move towards plain packaging."

Dr Waqanivalu says increasing the tax on cigarettes and cracking down on the tobacco black market are the keys to reduce smoking. "If those two happen, well then especially the young smokers, the youth, they're the first ones who actually going to begin to quit," he said.

"Economic ministers should really think seriously about assisting... part of that is facilitating increased taxation on tobacco cigarettes." The WHO says Cook Islands has been a leader on reducing smoking, having significantly increased the price of cigarettes with plans for further rises.

"Cook Islands is really exemplary of what we are trying to promote across the Pacific and they've done exceptionally well." But Dr Waqanivalu says the tobacco industry is fighting back. "We know the tobacco industry is always at work," he said. "We see them influencing ministries of health." Dr Waqanivalu says the WHO's plans also involve setting up services to help people quit.



<http://www1.umn.edu/perio/tobacco/nicaddct.html>

Nicotine combines with a number of neurotransmitters in the brain and may contribute to the following effects:

Dopamine:	Pleasure, suppress appetite	Norepinephrine:	Arousal, suppress appetite
Acetylcholine:	Arousal, cognitive enhancement	Vasopressin:	Memory improvement
Serotonin:	Mood modulation, suppress appetite	Beta-endorphin:	Reduce anxiety / tension

Tobacco is as addictive as heroin (as a mood & behavior altering agent).

- **Nicotine is:**
 - **1000 X more potent than alcohol**
 - **10-100 X more potent than barbiturates**
 - **5-10 X more potent than cocaine or morphine**
- A 1-2 pack per day smoker takes 200-400 hits daily for years. This constant intake of a fast acting drug (which affects mood, concentration & performance).. eventually produces dependence.

Pressures to relapse are both **behaviorally** & **pharmacologically** triggered.

Quitting involves a significantly serious psychological loss... a serious life style change.