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**Attachments:**

2014 HK Policy Address Submission Health All Final.pdf

**Hong Kong Policy Address and the Budget 2014**  
**To The Chief Executive Hong Kong SAR Government**  
[policyaddressbudget@fstb.gov.hk](mailto:policyaddressbudget@fstb.gov.hk)  
**Date: 6 December 2013**

***HEALTH GROUPS CALL FOR DOUBLING OF TOBACCO TAX***



Hong Kong Council  
on Smoking and Health



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**ASIAN CONSULTANCY ON TOBACCO CONTROL**

亞洲反吸煙諮詢所

As in many previous years, the health community in Hong Kong is making a submission on tobacco, which is currently killing 6-7,000 Hong Kong citizens every year, more than one in two smokers. The Hong Kong Government has successfully implemented many measures on tobacco over 30 years, but almost none in recent years.

**1. Set goals and targets for tobacco prevalence:**

1.1. Goal of 5% smoking prevalence rate by 2022

This will only be achieved by comprehensive measures, including

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

1.2 Interim goal to <10% by 2016 latest, preferably within 1-2 years.

1.3 This would give a year-by-year road map for the implementation of various tobacco control measures, and enable tobacco control to proceed at an orderly, planned pace, rather than ad hoc.

1.4 Other goals and targets can be set, eg various elements of tobacco control action

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:

- Tobacco tax
- Illicit trade
- Smoke-free areas
- Packaging
- Retailers
- Cessation
- Tobacco industry
- Review of Public Health Ordinance

## **2. Tobacco tax: Recommend:**

**2.1 Double tobacco tax.** This is proven to prevent youth smoking, reduce adult smoking, and thus prevent premature deaths, and reduce healthcare costs. The prevalence of smoking will go down to single digits within 1-2 years. HK has about 650,000 smokers. A reduction by one percentage point means a reduction of 6,500 smokers. As smoking kills at least 1 out of 2 smokers, 3,250 lives will be saved. As smoking can kill up to 2 out of 3 smokers, 4,330 lives will be saved. Increasing tax is a most effective life saving public health measure.

2.2. A sound and planned 5 year tobacco tax policy plan, taking inflation into account.  
(This recommendation was also made last year)

2.3. Note that cigarettes in Hong Kong are considerably cheaper than in Singapore, Australia, New Zealand, Ireland, UK, Denmark, Finland, France and New York.

2.4. With rapid inflation in HK in recent years and the near future, the effect of tax increase on reducing cigarette consumption in 2011 has been diminishing rapidly. If there is no further tax increase, consumption and smoking prevalence will/would rebound upwards.

2.5 Allocate extra tax revenue to support tobacco control measures (the FS has said he did not wish for extra money from the increased tax), including more services and incentives (including monetary) for smoking cessation (money back to benefit smokers), to fight smuggling, and to have more public education campaigns.

## **3. Illicit trade: Recommend:**

3.1 Introduction of a track-and-trace system in Hong Kong, eg SIPCA.  
(This recommendation was also made last year)

3.2 Increased mandatory minimum sentences for smuggling, treating it as a serious crime that is addicting and subsequently killing Hong Kong's youth. (OSCO Ordinance)

(This recommendation was also made last year)

3.3 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.

(This recommendation was also made last year)

3.4 Licencing of all cigarette exporters, manufacturers and distributors, Duty Free shops -- and require detailed records of their activities and supply chain tracking and tracing.

(This recommendation was also made last year)

3.5 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)

(This recommendation was also made last year)

3.6 Under Article 5.3 of the WHO FCTC, cancel any informer reward scheme currently in place with the Customs and Excise department funded by tobacco organisations or their fronts.

#### **4. Smoke-free areas: Recommend:**

4.1 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).

(This recommendation was also made last year)

4.2 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.

(This recommendation was also made last year)

4.3 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.

(This recommendation was also made last year)

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

(This recommendation was also made last year)

4.5 Ban smoking within 15 meters of entrances, exits and windows of licensed premises, apartments, office blocks, residential buildings. Licensed premises especially have mandatory Fire Services air intakes above their entrance doors that take the 2<sup>nd</sup> hand smoke deep inside the premises.

4.6 Ban smoking in all areas which have a covered roof – this is exactly similar to escalators which are open on both sides and both ends – a perfect example of this is the covered walkway outside the arrival area at HK Airport where emerging persons are subjected to second-hand smoke in a covered area.

## **5. Packaging: Recommend:**

5.1 Change 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.

(This recommendation was also made last year)

5.2 Add the “Quit” cessation hotline on the cigarette pack

5.3 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.

(This recommendation was also made last year)

5.4 Introducing plain packaging (as in Australia) within the next one year.

(This recommendation was also made last year)

## **6. Retailers: Recommend:**

6.1 A ban on counter display of all tobacco products in shops and stalls, and these products moved to under the counter.

(This recommendation was also made last year)

6.2 Licencing all retailers who wish to sell cigarettes; they should first be warned, and then lose their licence, if found selling illegal cigarettes.

(This recommendation was also made last year)

6.3 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.

(This recommendation was also made last year)

## **7. Cessation: Recommend:**

7.1 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.

7.2 Increase resources for non-government and not-for-profit organizations to deliver outreaching free cessation services (targeting employees, old-aged smokers, youth smokers etc)

7.3 Increase resources for the territory publicity and campaigns to promote quitting, including quit and win campaigns with incentives to attract more smokers, especially from lower income groups to join and quit.

7.4 Increase resources for research and evaluation so as to develop more effective interventions to help smokers quit.

## **8. Tobacco industry and its supporters: Recommend:**

8.1 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.

(This recommendation was also made last year)

8.2 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.

(This recommendation was also made last year)

8.3 Under Article 5.3 of the WHO FCTC, forbid MPF Trustees from investing in tobacco related funds and divest immediately. 89% of HK people do not smoke and would be astounded to learn their retirement funds are being unethically invested in tobacco stocks, landmines , armaments or the like. Ban tobacco-related companies from the HK Stock Exchange.

## **9. Review the Smoking (Public Health) Ordinance**

9.1 Note this was last amended in 2006, eight years before the forthcoming Policy Address. There are many items that need updating, such as banning display, plain packaging like

Australia has introduced, expanding smokefree areas, raising the minimum age for purchasing tobacco products (including E-cigarettes, shisha, etc) from 18 to 21.

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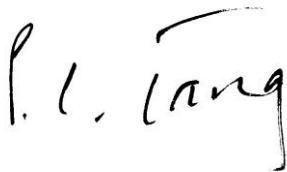
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A handwritten signature in black ink that reads "Homer Tso". The signature is written in a cursive style with a large, sweeping initial 'H'.

Dr. Homer W. K. Tso, SBS, BBS, JP, DDS  
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## APPENDIX

### Liquor Licensing Hong Kong

VI	Liquor Licence – Licensing Conditions	35 - 36
VII.	Club Liquor Licence – Licensing Conditions	37 - 38

#### 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.

**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.