

立法會
Legislative Council

LC Paper No. CB(2)373/15-16

(These minutes have been
seen by the Administration)

Ref : CB2/PL/HS

Panel on Health Services

**Minutes of special meeting
held on Monday, 6 July 2015, at 11:00 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN (Chairman)
Hon Albert HO Chun-yan
Hon Vincent FANG Kang, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon CHAN Kin-por, BBS, JP
Hon CHEUNG Kwok-che
Hon Albert CHAN Wai-yip
Hon YIU Si-wing
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon POON Siu-ping, BBS, MH
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon Paul TSE Wai-chun, JP
Hon KWOK Wai-keung
- Members absent** : Dr Hon LEUNG Ka-lau (Deputy Chairman)
Dr Hon Elizabeth QUAT, JP
- Public Officers attending** : Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Ms Wendy AU Wan-sze
Principal Assistant Secretary for Food and Health (Health)
Special Duties 1
Food and Health Bureau

Dr Christine WONG Wang
Head (Tobacco Control Office)
Department of Health

Attendance : Session One
by invitation

The Joint Council of Parent-Teacher Associations of The Shatin District

Mr CHAN Pui-yeung
President

H.K. Chiuchow Chamber of Commerce

Mr LO Wing-shun
Director

Mr Derek CHEUNG Yee-tak

Quit-Winners Club Ltd.

Mr Patrick WONG Lung-tak
Chairman

The Hong Kong Association of Property Management Companies

Dr Johnnie CHAN Chi-kau
Chairman, Education & Training Committee

Insurance Training Board of the Vocational Training Council

Mrs Agnes KOON WOO Kam-oi
Chairman

Hong Kong Disaster Medicine Association

Mr Stephen MA Chak-wa
Executive Committee Member

Phoenix Charitable Foundation Ltd.

Mr AU YEUNG Yiu-chung
Committee Member

Hong Kong Lee Clansmen's Association

Mr LEE Kwok-kwan
Chairman

Miss Jacqueline CHUNG, Wan Chai District Council Member

Christian Family Service Centre

Miss WONG Wah-shun
Senior Service Manager

The Hong Kong Island Federation Volunteers Group

Miss Kally CHAN Hau-li
Vice President

The Society of Rehabilitation and Crime Prevention, Hong Kong

Ms LEE Koon-mei
Senior Manager, Community Education & Volunteer Service

Hong Kong Commerce and Industry Associations Limited

Mr LO Kam-yam
Chairman

Hong Kong Tsuen Wan Industries and Commerce Association

Mr Pius IU Wai-hing
Director

Sai Kung District Industries and Commerce Association Ltd.

Mr NGAI Chi-wai
Chairman

Eastern District Industries and Commerce Association Ltd.

Mr Wilson WONG
Deputy Chairman

The Association of Industries and Commerce of N.E. New Territories Ltd.

Mr PANG Wah-hung
President

The Association of Industries and Commerce of Yaumatei Tsimshatsui Mongkok Ltd.

Mr WONG Tat-keung
Chairman

Clansmen Hong Kong General Tai Shan Woman Association

Ms Angela YU
President

Asian Vape Association

Mr Navin Lalji
Chairman

The Hong Kong Institute of Family Education

Mr YU Wing-fai
Director

Mr CHAN Yui-hang

Session Two

Community Drug Advisory Council

Mr MOK Wai-ho
Education Officer

Dr CHU Kwok-lan

Hong Kong Smoker's Rights Concern Group

Mr Aming Aberdeen
Deputy Convenor

Mr LO Pui-wah

Federation of PTA of Hong Kong Eastern District

Mr JAO Ming
Chairman

HK Men's Health Society

Dr LAM Bing
Specialist in Respiratory Medicine

SUTL Corporation (Hong Kong) Ltd.

Mr NG Fuk-yu
General Trade Sales Manager

Life Education Activity Programme

Ms Joyce LIU
Education Manager

Cigartime Limited

Mr CHUNG Kwai-hoi
Director

Wanchai and Central & Western District Industries and
Commerce Association

Dr Alan CHOW
Vice Chairman

Hong Kong Women Teachers' Organization

Ms Pauline CHOW Lo-sai
Chairperson

Hong Kong Education Policy Concern Organization

Mr WONG Pak-huen
Committee Member

Coalition on Tobacco Affairs

Mr Wilson SIT
Chairman

Hong Kong Federation of Tobacco Industries Limited

Mr Carson K S LAM
Secretary-General

Hong Kong and Kowloon Tobacco Trade Workers General Union

Ms CHAN Lai-sheung
理事長

Hong Kong Newspaper Hawker Association

Mr LAM Cheung-foo
Vice Chairman

Coalition of Hong Kong Newspaper and Magazine Merchants

Ms NG Lai-kuen
Vice Chairman

Philip Morris Asia Limited

Mr Alfonso Javier
General Manager, Hong Kong and Macau

Professor Kevin K TSUI

Professor TSANG Kwok-ping

Tobacco Association of Hong Kong

Ms Christine HU
Chairman

Association of Hong Kong Nursing Staff

Mr PANG Chak-hau
Vice-Chairman

Golden Bauhinia Women Entrepreneur Association

Ms Gigi PANG Che-kwan
Chairman

Ms Yolanda NG, Wan Chai District Council Member

Hong Kong College of Mental Health Nursing

Ms LEE Wai-fun
Council Member

Factasia

Mr John Boley
Co-founder

Mr Michael MAK Kwok-fung

Nicoventures Holdings Ltd.

Mr Allan LEUNG Chun-yue
Partner of Hogan Lovells on behalf of Nicoventures Holdings Ltd.

Momentum 107

Mr Raymond HO Man-kit
Convenor

Hong Kong Association of Youth Development

Ms Lisa LAU Man-man
Vice Chairman

The Federation of Medical Societies of Hong Kong

Dr Jane CHAN Chun-kwong
Executive Committee Member

The Hong Kong Tuberculosis, Chest & Heart Diseases
Association

Mr Steve Y F LAN
Board Chairman

The Lok Sin Tong Benevolent Society, Kowloon

Ms LAU Oi-sze
Chief Executive

Mr LIN Kam-cheung

Patients and Medical Professionals Rights Association

Dr Jeffrey PONG Chiu-fai
Chairman

Session Three

Democratic Alliance for the Betterment and Progress of Hong Kong

Mr YIP Man-pan
Deputy Spokesperson of Health Services

Hong Kong Council on Smoking and Health

Mr Antonio KWONG
Chairman

School of Nursing, The University of Hong Kong

Dr William LI
Associate Professor

Youth Quitline, The University of Hong Kong

Dr Kelvin WANG
Assistant Professor

Women Quit, The University of Hong Kong

Miss Christina LAM
Project Co-ordinator

The Lion Rock Institute

Mr Laurence PAK
Director of Operations

The Hong Kong Adventist Hospital

Mr Aaron LIU
Director of Lifestyle Management Center

Tobacco Vapor Electronic Cigarette Association

Mr Raymund Story
Founder

The Pacific Cigar Company Limited

Mr WONG Chun-kwong
Regional Director

Mr Eric Piras

Tsuen Wan Safe and Healthy Community Steering Committee

Mr LAU Kwong-wah
Vice-chairman

School of Public Health, The University of Hong Kong

Professor LAM Tai-hing
Chair Professor of Community Medicine cum Sir Robert
Kotewall Professor in Public Health

Centre for Health Education and Health Promotion,
The Chinese University of Hong Kong

Professor Albert LEE
Director

Bluebell Cigars (Asia) Limited

Mr Uris S K CHAN
Director, Hong Kong and Macau

The Hong Kong Medical Association

Dr Louis SHIH Tai-cho
President

Ms Joyce TANG Shao-fen

Mr Francis YAU Yiu-tong

Mr Benny PANG Chu-hang

Ms Sharmila Gurung

Mr Ramon LEE Sze-ho

Ms Scarlett PONG Oi-lan, Sha Tin District Council Member

I Smoke Alliance

Miss LEE Mer
Convenor

Hong Kong College of Community Medicine

Dr Thomas TSANG
Vice President

Mr Jeffrey Owen Herbert

Yan Chai Hospital

Ms Vanessa LAM Wai-shan
Chairlady

The Provisional Hong Kong Academy of Nursing Limited

Dr Esther WONG Yee-hing
Chair, Promotion & Public Relations Committee

The New Voice Club of Hong Kong

Mr TANG Wing Ming
Ex-Co Member

Lingnan Dr. Chung Wing Kwong Memorial Secondary School

Ms CHU Pui-lui
Principal

Richform Holdings Limited

Mr Terence LAU
Business Sustainability Manager

Mr LAU Chun-yin

Miss LI Ching-man

Mr LING Wing-ki

Hong Kong Association of the Deaf

Mr WONG Lai-chiu
Deaf Right

JC School of Public Health and Primary Care, The Chinese
University of Hong Kong

Professor Samuel WONG Yeung-shan
Head, Division of Family Medicine and Primary Healthcare

Sik Sik Yuen

Dr CHAN Tung
Chairman

British American Tobacco Co. (Hong Kong) Ltd.

Mr Dominic Geiser
Partner of Herbert Smith Freehills on behalf of British
American Tobacco Co. (Hong Kong) Ltd.

CTBAT International Co. Limited

Ms YU Man-lai
Senior Associate of Herbert Smith Freehills on behalf of
CTBAT International Co. Limited

Auxiliary Medical Service Officers' Club Executive Committee

Mr Vitus LEUNG Wing-hang
Chairman

Dr Eugene CHAN

Mr Simon LEE

Japan Tobacco Inc.

Mr Kazuhito Yamashita
Executive Vice President / Head of China Division

Japan Tobacco (Hong Kong) Limited

Mr Anthony Francis NEOH SC
Representative

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Ms Janet SHUM
Senior Council Secretary (2) 5

Ms Priscilla LAU
Council Secretary (2) 5

Ms Michelle LEE
Legislative Assistant (2) 5

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I. Legislative proposals to strengthen tobacco control

[LC Paper Nos. CB(2)1456/14-15(07) and CB(2)1808/14-15(01) to (02)]

Presentation of views by deputations

The Chairman reminded the organizations and individuals attending the meeting that they were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. At the invitation of the Chairman, a total of 100 organizations and individuals presented their views on the legislative proposals to strengthen tobacco control. A summary of their views is in the **Appendix**. Members also noted the 54 written submissions from organizations and individuals not attending the meeting.

2. Members noted the background brief on the subject prepared by the Legislative Council ("LegCo") Secretariat (LC Paper No. CB(2)1808/14-15(02)).

Discussion

Tobacco control policy

3. Mr Albert CHAN considered it unfair for the Administration to impose stringent regulatory control on smoking consumption but not on alcohol consumption and air pollution which, in his view, had more serious long-term

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effects on health. He pointed out that the measure of increasing tobacco duty rates had adversely affected those elderly smokers who could hardly quit smoking, and the livelihood of licensed newspaper stall hawkers. Mr WONG Ting-kwong asked whether the policy objective of the Administration was to stifle the development of the tobacco industry in Hong Kong. He opined that if this was the ultimate policy objective, the Administration should carefully assess its impact on the workforce associated with the industry. Dr Helena WONG considered it unrealistic for the Administration to set a goal of establishing a smoke-free Hong Kong.

4. Dr Fernando CHEUNG said that the Labour Party supported the implementation of enhanced tobacco control measures. Mr Albert HO opined that in considering the enhancements to tobacco control measures with a view to further lowering the smoking prevalence rate in Hong Kong, it was necessary to consider where the line should be drawn. At the invitation of Mr Albert HO, Professor LAM Tai-hing of the School of Public Health of the University of Hong Kong ("HKU") said that it was a global trend to implement more stringent tobacco control measures in order to safeguard public health. Taking into account that it took 30 years for the local smoking prevalence rate to gradually reduce from 23.3% in 1982 to 10.7% in 2012, it would take considerable time to further lower the smoking prevalence rate by another 50%. Hence, the tobacco control efforts of the Administration should be geared towards lowering smoking prevalence to single digit in the first instance. In his view, the measures proposed by Administration were mild. Miss WONG Wah-shum of Christian Family Service Centre said that while there was a need to take into consideration the livelihood of the stakeholders, it was incumbent upon the Administration to implement enhanced measures on tobacco control in view of the high social cost arising from tobacco consumption. Dr Louis SHIH of the Hong Kong Medical Association pointed out that the economy as a whole had to bear the smokers' medical costs arising from tobacco consumption, as around 90% of inpatient services were provided by the heavily subsidized public healthcare system.

5. Under Secretary for Food and Health ("USFH") advised that it was the Government's policy to safeguard public health by discouraging smoking, containing the proliferation of tobacco use and minimizing the impact of passive smoking on the public. Mr WONG Ting-kwong remarked that an effective tobacco control policy should aim at reducing the uptake of smoking on the one hand, and strengthening the smoking cessation services through revenue from tobacco duty on the other hand. USFH advised that at present, free or low cost smoking cessation services were provided by public clinics under the Department of Health ("DH") and the Hospital Authority, as well as community-based cessation programmes operated by non-governmental organizations.

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Legislative proposal concerning health warnings on tobacco products

6. Mr Vincent FANG pointed out that smoking prevalence in Hong Kong, which stood at 10.7% in 2012, was already very low. There was no doubt that smokers were well aware of the health risks of smoking. However, many smokers who had smoked for years could not or chose not to give up smoking regardless of the various tobacco control measures (including graphic health warnings) put in place by the Administration. Noting that only three countries (viz. Thailand, Nepal, and Pakistan) had increased the size of health warnings to cover at least 85% of the two largest surfaces of cigarette packets, he sought the justification for the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and/or retail container of cigarettes, cigar, pipe tobacco or cigarette tobacco. Dr Helena WONG and Mr Albert HO raised a similar question. Dr Helena WONG said that in the absence of an analysis to ascertain the effectiveness of increasing the size of health warning labels in reducing smoking prevalence, she had reservation about the proposal at this stage.

7. Mr Paul TSE noted from the joint submission of Professor Kevin TSUI and Professor TSANG Kwok-ping (LC Paper No. CB(2)1808/14-15(43)) that the relationship between the past increase in the size of the graphic health warning and the drop in smoking prevalence in Hong Kong was not statistically significant. He considered that while there was no doubt that smoking was hazardous to health, any additional tobacco control efforts should only be introduced if there was supporting evidence that the proposed measures could effectively lower the smoking prevalence rate.

8. USFH advised that the proposal would enhance the awareness of the health hazards of smoking among existing smokers and potential smokers, so as to encourage cessation and to discourage uptake. According to the World Health Organization ("WHO"), evidence had indicated that the effectiveness of health warnings and messages increased with their prominence. For example, the smoking prevalence in Australia, which had implemented plain packaging since December 2012, had dropped from 15.1% in 2010 to 12.8% in 2013. In Canada where graphic health warnings were implemented since 2001, the smoking rate of persons aged 15 and above dropped from 24% in 2000 to 15% in 2013. The reduction in smoking prevalence was more significant for those aged from 15 to 19 (i.e. from 25% in 2000 to 11% in 2013). A research published in July 2015 indicated that with the introduction of graphic health warnings in Thailand since 2005, the percentage of people who intended to quit smoking had surged from 44.6% to 58.2% and the relapse rate had dropped from 20% to 5.9%. It was hoped that smoking

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prevalence in Hong Kong could be lowered to single digit in the not-too-far away future.

9. Expressing support for the Administration's proposal, Mr KWOK Wai-keung was concerned about the implementation of the proposal on packets and retail containers which were square-shaped or in the form of a drum. Head (Tobacco Control Office), DH ("H(TCO), DH") advised that the guidelines concerning the forms of the health warnings would be made available in order to facilitate the industry to understand the relevant requirements.

10. Mr Paul TSE expressed concern that the proposal might breach the right to property and freedom of expression under the Basic Law. In addition, with the limited space of the two largest surfaces of the packet or retail container left for trade marks and branding, the proposal might aggravate the problem of counterfeit and illicit tobacco products. Mr Albert HO was also concerned about whether there was adequate space available for branding.

11. USFH responded that apart from the 15% remaining areas of the two largest surfaces, space was also available on the other surfaces of the packet or retail container for trade marks and branding. At the invitation of the Chairman, Mr WONG Chun-kwong of the Pacific Cigar Company Limited said that with the implementation of the legislative proposal, the local cigar importers would have to cover most of the original packaging of the retail containers of cigar imported from Cuba with the prescribed graphic health warnings. This would give rise to the problem of counterfeit cigar products as consumers could hardly identify the authenticity of the products. Given the size of the retail containers of cigar, he considered that a graphic health warning covering 50% of the two largest surfaces of the containers would be suffice to communicate the hazards of smoking clearly.

12. Mr CHEUNG Kwok-che sought the views of members of the tobacco industry on whether they would agree to increase the coverage area of graphic health warnings to a percentage less than 85% of the two largest surfaces of the packets and retail containers, and if so, the transitional period required by the tobacco manufacturers to change the packaging of their products.

13. Mr Anthony Francis NEOH, SC representing the Japan Tobacco (Hong Kong) Limited remarked that in case of legal proceedings, the issue at stake was more related to the justifications for increasing the size of graphic health warnings. For the experience of Australia as cited by the Administration, it should be noted that the smoking prevalence rate had been decreasing prior to the introduction of plain packaging. This apart, smoking prevalence in Thailand had increased even with the introduction of graphic health warning.

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Mr Jeffrey Owen Herbert said that the Administration should carefully study the issue, as the proposal of increasing the size of graphic health warnings would make tobacco products easier to counterfeit and further aggregate the problem of illicit cigarettes. A case in point was Australia whereby illicit tobacco market had grown to 14.5% of total consumption in 2014 following the implementation of plain packaging. Mr Simon LEE cautioned that a study conducted in 2013 revealed that the threatening information shown on graphic health warnings could cause people to engage in health-defeating behaviour. Pointing out that harmful substances in food products and pollutants in air also had negative impact on health, Miss LEE Mer of I Smoke Alliance considered it not appropriate to use graphic images depicting the health hazards of smoking.

14. Mr Antonio KWONG of the Hong Kong Council on Smoking and Health said that with the implementation of plain packaging in Australia in December 2012, the number of cigarette sticks consumed per week for smokers aged 12 and above had decreased from 111 in 2010 to 96 in 2013. Another study published in April 2015 revealed that the percentage of people who made quit attempts had increased from 20% before plain packaging was introduced to 25% within the first year of implementation of plain packaging. In addition, plain packaging had reduced the appeal of smoking, particularly among adolescents.

15. USFH responded that there were a number of studies and evidence from overseas experience showing that larger graphic health warnings on packets and retail containers could effectively increasing public awareness of the health effects of tobacco use and reducing tobacco consumption. It was recommended under the WHO Framework Convention on Tobacco Control ("WHO FCTC") that Parties to the Convention should implement larger, rotating health warnings on all tobacco product packaging and labeling in order to maintain saliency and enhance impact. Given that the existing batch of health warnings on packet or retail container of cigarettes and relevant tobacco products had been used for eight years since 2007, the Administration considered it high time to change the prescribed forms of the health warnings.

16. Mr CHEUNG Kwok-che called on the Administration to communicate with the tobacco industry, in particular the cigar traders, before introducing the relevant legislative proposal into LegCo.

17. USFH advised that it was stated under Article 5.3 of WHO FCTC that in setting and implementing public health policies with respect to tobacco control, Parties to the Convention should act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law. Following the briefing to members of the Panel in

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May 2015 on the legislative proposals, the Administration had consulted the District Councils and all of them were in support of the proposals. The Administration would follow up with the industry on the technical issues concerned. There was room for discussion on the commencement of the relevant subsidiary legislation which would be a date to be appointed by the Secretary for Food and Health by notice published in the Gazette.

Legislative proposal to regulate electronic cigarettes

18. Mr CHEUNG Kwok-che sought clarification about whether, and if so, when the Administration would introduce regulatory control on electronic cigarettes ("e-cigarettes"). In his view, the Administration should introduce administrative measures and step up publicity on the potential harmful effects of e-cigarettes prior to the introduction of the relevant legislative proposal. Mr Paul TSE opined that there was little controversy over regulating e-cigarettes. Mr KWOK Wai-keung remarked that there might be an argument that a full prohibition of the sale of e-cigarettes might deprive the choices of smokers. Mr Vincent FANG considered that the regulation of e-cigarettes should be confined to those which contained nicotine. Dr Helena WONG held the view that in the first instance, the sale of e-cigarettes with nicotine to persons under the age of 18 years should be prohibited. The Administration should also strengthen enforcement actions against unregistered e-cigarettes with nicotine. Subject to the availability of scientific proof, the import, sale and distribution of e-cigarettes which contained harmful constituents, such as formaldehyde-releasing agents, should be banned. Mr Albert HO expressed a similar view.

19. USFH advised that the Administration proposed to prohibit the import, manufacture, sale, distribution and advertising of e-cigarettes in the longer term. In the meantime, a new Announcement of Public Interest on the potential harmful effects of e-cigarettes would be launched in due course. H(TCO), DH supplemented that under section 3 of the Smoking (Public Health) Ordinance (Cap. 371), no person shall smoke or carry a lighted cigarette, cigar or pipe in a no-smoking area, and "smoke" is defined as "inhaling and expelling the smoke of tobacco or other substance". As such, any person who smoked (including e-cigarettes) in a statutory no smoking area ("NSA") constituted an offence and would be subject to a fixed penalty of \$1,500. Three fixed penalty notices ("FPNs") and summonses had so far been issued by the Tobacco Control Office ("TCO") in this regard.

20. Mr Albert HO cast doubt as to whether e-cigarettes without any harmful constituents should be subject to regulation. Mr Anthony Francis NEOH, SC representing the Japan Tobacco (Hong Kong) Limited said that

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what should be regarded as e-cigarette was a complex issue. The trade was willing to discuss the issue with the Administration.

21. Mr CHEUNG Kwok-che and Mr POON Siu-ping respectively invited deputations' views on interim measures to suppress the number of people using e-cigarettes given the lead time for introducing legislative proposal to regulate e-cigarettes, and the effectiveness of existing publicity campaigns and public education relating to tobacco control.

22. Mr Navin Lalji of Asian Vape Association and Mr YU Wing-fai of The Hong Kong Institute of Family Education considered that the Administration should, in the first instance, amend the Smoking (Public Health) Ordinance to include e-cigarettes in the provision prohibiting the selling or giving of tobacco products to any person under the age of 18 years. Expressing a similar view, Mr Pius IU of Hong Kong Tsuen Wan Industries and Commerce Association pointed out that e-cigarettes were originally targeted at smokers to help them to quit smoking. Mrs Agnes KOON of the Insurance Training Board of Vocational Training Council said that the Administration should step up public education on the harmful constituents of e-cigarettes. Miss Jacqueline CHUNG was of the view that apart from public education, efforts should be made to disseminate the message about the harmful effects of e-cigarettes through school health talks. Mr YU Wing-fai of The Hong Kong Institute of Family Education said that promotion of the above message could be included in the ongoing healthy schools projects. Dr Johnnie CHAN of the Hong Kong Association of Property Management Companies opined that District Councils could help to raise the community's awareness about the harmful effects of e-cigarettes and the fact that any person who smoked e-cigarette in a statutory NSA (such as shopping mall) would constitute an offence through their ongoing promotion efforts of healthy cities.

23. Mr CHEUNG Kwok-che considered that any public education efforts in this regard should be based on scientific evidence about the adverse health effects of the constituents of e-cigarettes. In the absence of well-established scientific evidence and corresponding regulatory measures to restrict the sale of e-cigarettes to persons under the age of 18 years, any publicity efforts on the hazards arising from the use of e-cigarettes might have the counter effect of promoting this new product which was not widely known by the youths. Mr CHAN Pui-yeung of the Joint Council of Parent-Teacher Associations of the Shatin District and Ms LEE Koon-mei of The Society of Rehabilitation and Crime Prevention, Hong Kong echoed similar view. They urged the Administration to conduct a study in this regard.

24. USFH responded that according to the report on electronic nicotine delivery systems (of which e-cigarettes were the most common prototype)

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prepared by WHO for the sixth session of Conference of the Parties to WHO FCTC held in October 2014, the main constituents of the solution included nicotine, propylene glycol, and possibly glycerol and flavouring agents. There was evidence that e-cigarette aerosol was not merely "water vapour" as was often claimed in the marketing of these products. Formaldehyde-releasing agents, which would cause cancer, could be formed during vaporization of e-cigarette liquid. Harmful health risks to users of e-cigarettes included, among others, respiratory diseases, cancers and potential adverse effect on pregnancy and brain development. It should also be noted that while there were claims that e-cigarettes could help smokers to quit, such evidence was considered limited and inconclusive up to now. In the event that there was such scientific proof later on that e-cigarettes might be used for smoking cessation purpose, the Administration could consider regulating it as pharmaceutical product for such purpose. In the meantime, there was concern that e-cigarettes might bring renormalization effect by making e-cigarettes (smoking-like behaviour) attractive and perpetuate the smoking problems. Mr KWOK Wai-keung, Dr Helena WONG and Dr Fernando CHEUNG maintained the view that the Administration should conduct laboratory analysis of the constituents and health effects of the e-cigarettes available locally in order to justify the legislative proposal.

25. As regards the publicity and public education on the potential harms from e-cigarettes, USFH said that the Administration would be mindful of the need to ensure that the public, in particular the youths, would clearly understand the health hazards of e-cigarettes. H(TCO), DH supplemented that starting from 2015, the health hazards of e-cigarettes would be covered, among others, in the school health talks on tobacco control for primary and secondary students.

26. Noting that the 2012-2013 school-based survey on smoking conducted by HKU indicated that about 1% of secondary school students had used e-cigarette, Dr Fernando CHEUNG sought elaboration from Professor LAM Tai-hing on a comparison of the local and overseas situations. Professor LAM Tai-hing of the School of Public Health of HKU said that while the current number of smokers using e-cigarettes in Hong Kong was not yet significant, experience of the United States suggested that the uptake rate might change very quickly and that once it was taken root would be very difficult to reverse the trend.

Legislative proposal concerning designation of the bus interchanges at tunnel portal areas as NSAs

27. Mr Vincent FANG and Mr Paul TSE remarked that there was no controversy in the community over the proposal of designating the eight bus

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interchanges located within the tunnel portal areas as NSAs. Mr KWOK Wai-keung expressed support for the legislative proposal. Expressing support for the proposal, Dr Helena WONG suggested that smoking ban should be extended to cover the queuing areas of all bus stops and minibus stops to provide further protection against secondhand smoking in public places. USFH responded that the Administration would take a progressive approach in this regard.

28. Mr POON Siu-ping sought information about the breakdown of the 7 834 FPNs issued by TCO for smoking offences in 2014 by gender and age group. Head (TCO), DH advised that 6 657 (or 85%) and 1 177 (or 15%) of the 7 834 FPNs issued in 2014 were to males and females respectively. Among these FPNs, 455, 1 695, 1 722, 1 489, 1 498 and 975 were issued to persons in the age groups of 15 to 19, 20 to 29, 30 to 39, 40 to 49, 50 to 59, and 60 or above respectively.

Conclusion

29. In closing, the Chairman concluded that members of the Panel raised no controversial view over the legislative proposal concerning designating bus interchange facilities located at the tunnel portal areas as statutory NSAs, and noted that the Administration would further examine the various issues involved in regulating e-cigarettes. Members, however, had different views over the legislative proposal concerning health warnings on tobacco products. The Chairman suggested and members agreed that the Administration should revert to the Panel on how it would take forward the legislative proposals after communicating with the tobacco industry and the relevant stakeholders having regard to their concerns over the legislative proposals.

II. Any other business

30. There being no other business, the meeting ended at 7:06 pm.

Panel on Health Services

**Special meeting on Monday, 6 July 2015, at 11:00 am
in Conference Room 1 of the Legislative Council Complex**

**Summary of views and concerns expressed by organizations/individuals on the
legislative proposals to strengthen tobacco control**

No.	Name of deputation/individual	Submission / Major views and concerns
<i>Session One</i>		
1.	The Joint Council of Parent-Teacher Associations of The Shatin District	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(55)
2.	H.K. Chiuchow Chamber of Commerce	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(56)
3.	Mr Derek CHEUNG Yee-tak	<ul style="list-style-type: none"> • Expressed support for Administration's proposal to strengthen the existing legislative framework and prohibit the import, manufacture, sale, distribution and advertising of electronic cigarettes ("e-cigarettes").
4.	Quit-Winners Club Ltd.	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(58)
5.	The Hong Kong Association of Property Management Companies	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(61)(Revised)
6.	Insurance Training Board of the Vocational Training Council	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(62)
7.	Hong Kong Disaster Medicine Association	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(63)
8.	Phoenix Charitable Foundation Ltd.	<ul style="list-style-type: none"> • LC Paper No. CB(2)1841/14-15(04)
9.	Hong Kong Lee Clansmen's Association	<ul style="list-style-type: none"> • LC Paper No. CB(2)1841/14-15(05)
10.	Miss Jacqueline CHUNG, Wan Chai District Council Member	<ul style="list-style-type: none"> • Expressed support for the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. • Expressed support for the Administration's proposal to designate eight bus interchanges located within the tunnel portal areas as no smoking areas ("NSAs"). • Expressed support for enhancing regulation over e-cigarettes.
11.	Christian Family Service Centre	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(64)

No.	Name of deputation/individual	Submission / Major views and concerns
12.	The Hong Kong Island Federation Volunteers Group	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(65)
13.	The Society of Rehabilitation and Crime Prevention, Hong Kong	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(06)
14.	Hong Kong Commerce and Industry Associations Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
15.	Hong Kong Tsuen Wan Industries and Commerce Association	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
16.	Sai Kung District Industries and Commerce Association Ltd.	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
17.	Eastern District Industries and Commerce Association Ltd.	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
18.	The Association of Industries and Commerce of N.E. New Territories Ltd.	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
19.	The Association of Industries and Commerce of Yaumatei Tsimshatsui Mongkok Ltd.	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
20.	Clansmen Hong Kong General Tai Shan Woman Association	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(07)
21.	Asian Vape Association	<ul style="list-style-type: none"> LC Paper No. CB(2)1835/14-15(02)
22.	The Hong Kong Institute of Family Education	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(67)
23.	Mr CHAN Yui-hang	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(57)
<i>Session Two</i>		
24.	Community Drug Advisory Council	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(32)
25.	Dr CHU Kwok-lan	<ul style="list-style-type: none"> Objected to the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. Expressed strong reservation on the Administration's tobacco control policy.
26.	Hong Kong Smoker's Rights Concern Group	<ul style="list-style-type: none"> Objected to the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products.

No.	Name of deputation/individual	Submission / Major views and concerns
		<ul style="list-style-type: none"> Expressed strong reservation on the Administration's tobacco control policy.
27.	Mr LO Pui-wah	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(34)
28.	Federation of PTA of Hong Kong Eastern District	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(35)
29.	HK Men's Health Society	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(36)
30.	SUTL Corporation (Hong Kong) Ltd.	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(37)
31.	Life Education Activity Programme	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(38)
32.	Cigartime Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(39)
33.	Wanchai and Central & Western District Industries and Commerce Association	<ul style="list-style-type: none"> LC Paper No. CB(2)1841/14-15(01)
34.	Hong Kong Women Teachers' Organization	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(41)
35.	Hong Kong Education Policy Concern Organization	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(42)
36.	Coalition on Tobacco Affairs	<ul style="list-style-type: none"> LC Paper No. CB(2)1846/14-15(01)
37.	Hong Kong Federation of Tobacco Industries Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)1846/14-15(01)
38.	Hong Kong and Kowloon Tobacco Trade Workers General Union	<ul style="list-style-type: none"> LC Paper No. CB(2)1846/14-15(02)
39.	Hong Kong Newspaper Hawker Association	<ul style="list-style-type: none"> LC Paper No. CB(2)1846/14-15(03)
40.	Coalition of Hong Kong Newspaper and Magazine Merchants	<ul style="list-style-type: none"> Objected to the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. The Administration should step up public education on the health effects of smoking.
41.	Philip Morris Asia Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)1862/14-15(01)
42.	Professor Kevin K TSUI	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(43) LC Paper No. CB(2)1862/14-15(02)

No.	Name of deputation/individual	Submission / Major views and concerns
43.	Professor TSANG Kwok-ping	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(43) • LC Paper No. CB(2)1862/14-15(02)
44.	Tobacco Association of Hong Kong	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(44)(Revised)
45.	Association of Hong Kong Nursing Staff	<ul style="list-style-type: none"> • LC Paper No. CB(2)1862/14-15(03)
46.	Golden Bauhinia Women Entrepreneur Association	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(45)
47.	Ms Yolanda NG, Wan Chai District Council Member	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(46)
48.	Hong Kong College of Mental Health Nursing	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(47)
49.	Factasia	<ul style="list-style-type: none"> • LC Paper No. CB(2)1862/14-15(04)
50.	Mr Michael MAK Kwok-fung	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(48)
51.	Nicoventures Holdings Ltd.	<ul style="list-style-type: none"> • LC Paper No. CB(2)1835/14-15(01)
52.	Momentum 107	<ul style="list-style-type: none"> • LC Paper No. CB(2)1841/14-15(03)
53.	Hong Kong Association of Youth Development	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(49)
54.	Mr LIN Kam-cheung	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(53)
55.	The Lok Sin Tong Benevolent Society, Kowloon	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(52)
56.	The Hong Kong Tuberculosis, Chest & Heart Diseases Association	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(51)
57.	The Federation of Medical Societies of Hong Kong	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(50)
58.	Patients and Medical Professionals Rights Association	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(54)
<i>Session Three</i>		
59.	Democratic Alliance for the Betterment and Progress of Hong Kong	<ul style="list-style-type: none"> • Expressed support for stepping up regulation over e-cigarettes. • The Administration should enhance public education on the health effect and hazards arising from the use of e-cigarettes, especially among students and youngsters.
60.	Hong Kong Council on Smoking and Health	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(03) • LC Paper No. CB(2)1862/14-15(05)

No.	Name of deputation/individual	Submission / Major views and concerns
61.	School of Nursing, The University of Hong Kong	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(04)
62.	Youth Quitline, The University of Hong Kong	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(05)
63.	Women Quit, The University of Hong Kong	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(06)
64.	The Lion Rock Institute	<ul style="list-style-type: none"> Objected to the regulation of e-cigarettes. The Administration should consider reducing the tobacco duty.
65.	The Hong Kong Adventist Hospital	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(07)
66.	Tobacco Vapor Electronic Cigarette Association	<ul style="list-style-type: none"> Objected to the regulation of e-cigarettes.
67.	The Pacific Cigar Company Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(08)
68.	Mr Eric Piras	<ul style="list-style-type: none"> LC Paper No. CB(2)1862/14-15(06)
69.	Tsuen Wan Safe and Healthy Community Steering Committee	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(09)
70.	School of Public Health, The University of Hong Kong	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(10)
71.	Centre for Health Education and Health Promotion, The Chinese University of Hong Kong	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(11)
72.	Bluebell Cigars (Asia) Limited	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(12)
73.	The Hong Kong Medical Association	<ul style="list-style-type: none"> LC Paper No. CB(2)1808/14-15(13)
74.	Ms Joyce TANG Shao-fen	<ul style="list-style-type: none"> Expressed support for the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. Expressed support for the Administration's proposal to designate eight bus interchanges located within the tunnel portal areas as NSAs. Expressed support for enhancing regulation over e-cigarettes.
75.	Mr Francis YAU Yiu-tong	<ul style="list-style-type: none"> Expressed support for strengthening the tobacco control measures.

No.	Name of deputation/individual	Submission / Major views and concerns
76.	Mr Benny PANG Chu-hang	<ul style="list-style-type: none"> • Expressed support for the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. • Expressed support for the Administration's proposal to designate eight bus interchanges located within the tunnel portal areas as NSAs.
77.	Ms Sharmila Gurung	<ul style="list-style-type: none"> • Expressed support for the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. • Consideration should be given to including health warnings targeting at female smokers. • The Administration should step up public education on the health effect of smoking among ethnic minorities in Hong Kong and enhance their awareness on the availability of smoking cessation services.
78.	Mr Ramon LEE Sze-ho	<ul style="list-style-type: none"> • Expressed support for the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products. • Expressed support for the Administration's proposal to designate eight bus interchanges located within the tunnel portal areas as NSAs. • Expressed support for enhancing regulation over e-cigarettes.
79.	Ms Scarlett PONG Oi-lan, Sha Tin District Council Member	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(14) (Revised)
80.	I Smoke Alliance	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(15)
81.	Hong Kong College of Community Medicine	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(89)
82.	Mr Jeffrey Owen Herbert	<ul style="list-style-type: none"> • LC Paper No. CB(2)1862/14-15(07)
83.	The Provisional Hong Kong Academy of Nursing Limited	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(18)
84.	Yan Chai Hospital	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(17)
85.	The New Voice Club of Hong Kong	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(19)
86.	Lingnan Dr. Chung Wing Kwong Memorial Secondary School	<ul style="list-style-type: none"> • LC Paper No. CB(2)1808/14-15(20)

No.	Name of deputation/individual	Submission / Major views and concerns
87.	Richform Holdings Limited	• LC Paper No. CB(2)1808/14-15(21)
88.	Mr LAU Chun-yin	• LC Paper No. CB(2)1808/14-15(22)
89.	Miss LI Ching-man	• LC Paper No. CB(2)1808/14-15(23)
90.	Mr LING Wing-ki	• LC Paper No. CB(2)1808/14-15(24)
91.	Sik Sik Yuen	• LC Paper No. CB(2)1808/14-15(27)
92.	JC School of Public Health and Primary Care, The Chinese University of Hong Kong	• LC Paper No. CB(2)1808/14-15(26)
93.	Hong Kong Association of the Deaf	• LC Paper No. CB(2)1808/14-15(25)
94.	British American Tobacco Co. (Hong Kong) Ltd.	• LC Paper No. CB(2)1808/14-15(28) • LC Paper No. CB(2)1951/14-15(01)
95.	CTBAT International Co. Limited	• LC Paper No. CB(2)1808/14-15(29)
96.	Auxiliary Medical Service Officers' Club Executive Committee	• LC Paper No. CB(2)1808/14-15(30)
97.	Dr Eugene CHAN	• LC Paper No. CB(2)1808/14-15(31)
98.	Japan Tobacco Inc.	• Objected to the Administration's proposal to increase the coverage area of the graphic health warning from 50% to at least 85% of the two largest surfaces of the packet and of the retail container of cigarettes and related tobacco products.
99.	Japan Tobacco (Hong Kong) Limited	• LC Paper No. CB(2)1808/14-15(40)
100.	Mr Simon LEE	• LC Paper No. CB(2)1862/14-15(08)