

Professor Albert Lee 李大拔教授

MB BS(Lond)DCH (Ireland) MD(CUHK) MPH M.Res&Porf Study in Ed (Bristol) IOM(USA)FRCP(London &Irel) FRACGP(Aus) FFPH(UK)
FHKAM(FamMed)ACI Arb

Clinical Professor in Public Health and Primary Care and Director of Centre for Health Education and Health Promotion, Faculty of
Medicine, the Chinese University of Hong Kong
4th Floor, Lek Yuen Health Centre, Shatin, NT

http://www.cuhk.edu.hk/med/hep/prof_alee/biography.html Email: alee@cuhk.edu.hk Tel: (852) 26933670 Fax: (852) 2694004

Chairperson of Panel on Health Services

Attn: Clerk to Panel on Health Services

Legislative Council Secretariat

Legislative Council Complex

1 Legislative Council Road Central

Hong Kong

Fax No.: 2185 7845

E-mail Address: panel_hs@legco.gov.hk

Dear Chairperson,

Ref: Tobacco Control Measures: LC Paper No. CB(2) 1456/14-15(07)

I am submitting my views on Legislative proposals to strengthen tobacco control and has expressed my interest to make an oral presentation in upcoming special meeting on 6 July 2015.

For making future legislative proposals to strengthen tobacco, we need to seriously taking into account of strong evidence of detrimental effect of tobacco on society, legislative measures as effective public interventions on tobacco control, and the civil justice in safeguarding the health and well-being for an equitable society.

There is now strong evidence beyond doubt that tobacco is accounting for substantial mortality and health burden and also detrimental to economic growth. Numerous recent studies have been conducted and just want to highlight a few recent reviews on significance of strict tobacco control on well-being of our citizens and growth of our society.

- In a systematic analysis of population health data published by Lancet, a leading Medical Journal in 2006 (Lopez et al. *Lancet* 2006; 367:1747-57), it reported that an estimated 45% of global mortality and 36% of global disease burden were attributable to the joint hazardous effects of the 19 risk factor studies and smoking being one leading risk factor. Smoking ranked number 2 in terms of mortality and number 4 in terms of disability (disabilities – adjusted life years DALYs, quantifying burden of disease). High income countries and Asia Pacific region are no exception.
- Prompted by the 20th Anniversary of the 1993 World Development Report (WDR), Lancet Commission revisited the case for investment in health and developed a new investment frame work to achieve dramatic health gains by 2035 (Jamison et al. *Lancet* 2013; 382:1898-1955). The report has highlighted the enormous pay off from investing health quoting reductions in mortality accounting for about 11% of recent economic growth in low income and middle income countries.
- WDR correctly predicted that the global burden of diseases from non-communicable disease (NCDs), particularly heart disease and cancers caused by TOBACCO, would rise rapidly. That report was strongly influenced by earlier work on China pointing particularly to the increasing significance of smoking and high blood pressure.

- Smokers in USA lose at least 10 years of life expectancy compared with non-smokers, but those stopping smoking by 40 years of age avoid about 90% of the excess risk of continuing to smoke.

Smoking accounts for significant mortality worldwide and strict tobacco control would significantly reduce mortality and disability hence improves economic growth.

The report has also highlighted the effectiveness of public health intervention to curb tobacco use requiring legislative measures such as tobacco duty and ban on advertisement, which have been shown to be effective and life-saving.

- A 50% price increase in cigarettes from tax increase in China would prevent 20 million deaths and in India, it would prevent 4 million deaths annually. Taxation is a powerful lever to reduce risks from exposure on consumption of unhealthy products.
- Ban on advertising on tobacco, designation of smoke free public places are important element to reduce risks from tobacco. Empowerment of consumers with better information can improve peoples' knowledge about the health consequences of their choices.

Size and number of the health warnings must step up as the proposed amendment of the Smoking (Public Health) (Notices) Order. Why?

- Who are smokers more likely NOT trying to quit? A study has shown that apart from those do not want to quit, those with friends or family members not trying to get them to quit and those not receiving helpful advice. (Sharma and Sztkowski. *BMC Public Health* 2014; 14:346)

The harmful effect of tobacco would go deep into the mind of our citizens with increase size and number of health warnings. Not only smokers would receive more helpful advice, they are more likely to have more family members and friends urging them to quit.

With the increase in media reports and rapid diffusion of the Internet, the skills in finding and utilizing health information (health literacy) are becoming important in maintaining and promoting health. In a Japanese study, it has shown that people with higher health literacy tended to be a never smoker (Ishikawa et al. *Health Promotion International* 2008; 23(3): 269-274). Higher understanding and personalised health information such as large size of graphic warning and explicit health warnings are very much needed to improve the health literacy of citizens on detrimental effect of smoking. One needs to move further from information giving to empower our population with high level of health literacy on important health issues such as smoking.

Study in Thailand has shown that pictorial images enhance the effectiveness of health warning labels by increasing the overall salience of warnings, including making them more salient to other smokers and stimulating greater cognitive and behavioral responses that are predictive of cessation activity (Youg et al. *Nicotine Tobacco Res* 2013; doi: 10.1093/ntr/nts241). On 8 March 2013 Thailand's Minister of Health, Dr Pradith Sinthawanarong, signed new regulations that require graphic health warnings to cover at least 85% of both sides of cigarette packages.

In August 2013, a large of international health promotion experts during the Global Conference of International Union for Health Promotion and Education in Thailand, signed petition to support the Thailand government's new regulation which was under legal challenge of tobacco industry at that time. I signed the petition as well as many renowned world researchers and professionals in the field of public health and health promotion.

The Supreme Administrative Court of Thailand approved a new regulation requiring packs of cigarettes sold in the Southeast Asian country to be 85 percent covered with graphic health warnings in June 2014. I would also like to highlight the importance of public health protection of citizens as fundamental human rights with reference to International Covenant of Civil and Political Rights (ICCPR) and other cases from Australia and Norway.

The article 18 of ICCPR has highlighted the importance of protection of health equivocal to freedom of religions and beliefs. The article 19 paragraph 3 (b) again highlights the importance of restricting the receipt and imparting information for protection of national security, public order, or of public health or morale. The importance and significance of public health is at the same level as national security and public order.

Article 18

*Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to **protect public safety, order, health, or morals** or the fundamental rights and freedoms of others.*

Article 19

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

*(b) For the **protection of national security or of public order (ordre public), or of public health** or morals.*

JT International SA v. Commonwealth of Australia [2012]

*"In a consolidation of two cases where large tobacco companies challenged the constitutionality of the Australian Commonwealth's **Tobacco Plain Packaging Act**, the majority of the High Court found for the Commonwealth, upholding the constitutional validity of the Act.*

The Act specifies all of the physical features of tobacco products, including their dimensions, their colour and finish, and the permitted use of trademarks and other marks. In particular, the Act requires uniform "plain" packaging for all tobacco products, consisting of graphic health warnings on at least 75% of the front of the pack and 90% on the back of the pack, with the brand name only to appear in a specified dimension and font, against a specifically chosen drab brown background.

The majority of the Court (French CJ, Gummow, Hayne, Bell, Crennan and Kiefel JJ) held that, although the Government had "taken" the property of the tobacco companies, there had been no "acquisition" because neither the Government nor any third party acquired any benefit as a result. (The tobacco companies argued unsuccessfully that the Government had acquired a benefit because it had acquired the use of space on the pack dedicated to public health warnings; or, alternatively, that it had acquired "control" of the pack.)

It was unnecessary for the Court to consider the wider arguments justifying the legislation on public health grounds.”

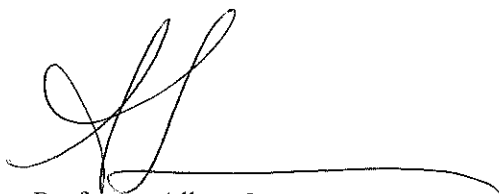
A case was brought to Norwegian Court in 2010 challenging legislation banning display of tobacco products in stores. The Court upheld the Article 13 of Framework Convention on Tobacco Control.

An equitable society should address the needs of the citizens and uphold the civil justice and rights. The evidence from scientific and legal perspectives has clearly indicated the needs for strong legislative proposal on tobacco control to protect health and safety of our citizens. The proposed measures to change the prescribed form of health warning, designation of bus interchange facilities as non-smoking area and regulation of electronic cigarettes are keys to minimise the proven detrimental effect of tobacco to our society.

We owe our duties to future generation if you do not excise our wisdoms to curb the harmful products that are proven to be detrimental to health and development of the society.

Thank you for the kind consideration!

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Lee', written over a horizontal line.

Professor Albert Lee
(Professor and Centre Director)