

**Subcommittee on
Smoking (Public Health) (Notices) (Amendment) Order 2017**

**Government's Response to the Amendments
Proposed by Hon SHIU Ka-fai**

Our response on the amendments proposed by Hon SHIU Ka-fai is set out as follows.

Coverage of health warnings

2. As stated in our response LC paper No. CB(2)1494/16-17(02), the World Health Organization has appealed to all countries to prepare for the adoption of plain packaging (standardised packaging, i.e., 100% coverage of designated design with health warnings) for tobacco products in 2016¹. More and more countries have adopted or are working to adopt plain packaging². The Hong Kong Government has been adopting a multi-pronged and progressive approach on tobacco control. Our proposal of requiring a health warning to cover 85% of the two largest surfaces of tobacco product packets or retail containers has taken into account the actual local situation, including the public expectation of a more stringent tobacco control measure first introduced in 2007, and the need to update and enlarge the health warning images with a view to sustaining and enhancing their impact. International experience and evidence demonstrate that the effectiveness of graphic health warnings increases with their prominence. In many countries, more smokers reported getting information about the health risks of smoking from health warnings than most other means. Studies carried out after the implementation of graphic health warnings in Brazil, Canada, Singapore and Thailand consistently showed that health warnings significantly increase people's awareness or knowledge of the harm of tobacco use.

¹ According to paragraph 46 of the Guidelines of Article 11 of the World Health Organization Framework Convention on Tobacco Control, "plain packaging" is defined as "measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style".

² Australia has implemented plain packaging since 2012. France, United Kingdom, Hungary, Ireland and New Zealand have also passed relevant legislations.

Amendment related to the use of seal on soft cigarette packet

3. On the design of “soft pack”, at present, there is a requirement that the top side of the health warning shall be no more than 12 millimetres from the top edge of the cigarette packet. In the current amendment exercise, we have proposed to remove this requirement and allow the health warning to be positioned at the lower part of the packet while the space at the top 15% of the surface may accommodate the trademark and brand name. We have also pointed out in our papers CB(2)859/16-17(12)(Revised) and CB(2)1494/16-17(02) and at the Subcommittee meetings on 16 May 2017 and 26 May 2017 that transparent seals are already used on cigarette packets in the market, indicating that the use of transparent seals should not be an insurmountable hurdle. Given the views expressed by members, we have now drawn up a new set of health warning images catering for cigarette packets with seals, with size and positioning restrictions for such seals. Details could be found in the Government’s response to the subcommittee that sets out our proposed amendments to the Amendment Order.

Requirements for cigar boxes

4. The Government is aware that cigar boxes or retail containers come in different shapes and sizes. After duly considered the views expressed by the cigar trade, we have proposed to change the requirement for the health warning to cover 85% of two of the largest surfaces of the cigar boxes or retail containers to 100% on one of the largest surfaces and 70% on another largest surface (except for containers of one cigar). The change would allow the trade to affix the authenticity seals and necessary labels on the side with the health warning covering 70% of the surface, as well as the four lateral surfaces of the box or retail container. Illustrations of the requirement are at [Annex A](#).

5. In Australia, the plain packaging requirement is applicable to cigar boxes or retail containers. There are stringent restrictions on the display of brand names and product names, and the use of logos, brand images and promotional information is restricted or prohibited. The Australian requirements are extracted at [Annex B](#). We consider our proposal of displaying

the health warning covering 100% of one of the largest surfaces of a cigar box or retail containers and 70% of another largest surface appropriate.

Extended adaptation period

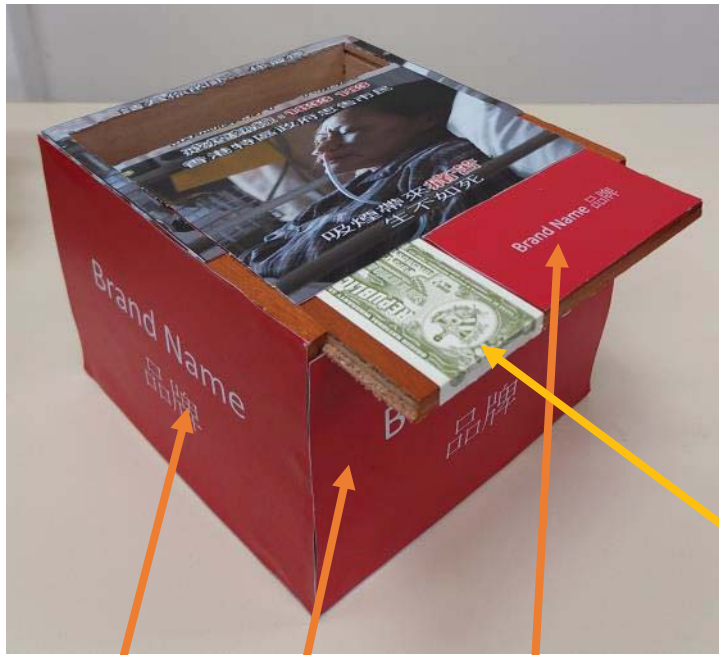
6. As stated in our response LC paper No. CB(2)1494/16-17(02), the Government has already extended the adaptation period from six to 12 months upon gazettal. With amendments being proposed to the Amendment Order, the Government will further extend the adaption period by two months. Details could be found in the Government's response to the subcommittee that sets out our proposed amendments to the Amendment Order.

Food and Health Bureau
Department of Health
June 2017

Illustrations of cigar boxes or retail containers with health warning covering 100% of one of the largest surfaces and 70% of another largest surface

健康忠告覆蓋雪茄盒或零售盛器上其中一個最大表面的100%及
另一個最大表面的70%的示意圖





Seals/
labels
封條/
標籤

Space for seal, trade mark and brand name
給予封條、商標及品牌名稱的空間

Application of plain packaging on cigar box or retail container – Australia 應用於雪茄盒或零售盛器的平裝設計（澳洲）

Source / 資料來源: “Tobacco plain packaging – Your guide”, The Department of Health, Australia, 2014.

Requirements for front surface of the cigar box or retail container 就雪茄盒或零售盛器正面的要求

NOTE:
This image illustrates only one of the available front surface health warning layouts for horizontal cigar retail packaging.

Horizontal cigar retail packaging may also display the health warning on the front surface using this alternative layout:

Graphic	Warning statement

Vertical cigar retail packaging must display the health warning on the front surface using this layout:

Warning statement	
Graphic	

NOTE:
The graphic and warning statement must:

- cover at least 75% of the front surface
- join without space between them

The only exception is for cigar packaging with a front surface area of 250cm² or more, in which case the graphic and warning statement must cover at least 188cm².

BOX FORMAT AND SURFACE (INCLUDING HINGES AND CLASPS):

- colour is Pantone 448C (a drab dark brown)
- matt finish
- no embellishments

BRAND AND VARIANT NAME:

- horizontal
- no larger than maximum sizes
- in Lucida Sans font
- in Pantone Cool Gray 2C colour
- in specified capitalisation

OTHER MARKINGS:

- name and address, country of manufacture, contact number, alphanumeric code
- in Lucida Sans font
- no larger than 10 points in size
- in specified colours

BAR CODE:

- rectangular
- black and white, or Pantone 448C and white

GRAPHIC:

- not distorted
- extends to edges of surface
- includes Quitline logo

WARNING STATEMENT:

- background extends to edges of surface
- text fills background
- in bold upper case Helvetica font
- white text on black background

MEASUREMENT MARK:

- no larger than required size
- in Lucida Sans font
- in Pantone Cool Gray 2C colour

Requirements for back surface of the cigar box or retail container 就雪茄盒或零售盛器背面的要求

NOTE:
This image illustrates the back surface health warning layout for horizontal cigar retail packaging.

Vertical cigar retail packaging must display the health warning on the back surface using this layout:

Warning statement

Explanatory Message

NOTE:
The warning statement and explanatory message must:

- cover at least 75% of the back surface
- join without space between them

The only exception is for cigar packaging with a back surface area of 250cm² or more, in which case the warning statement and explanatory message must cover at least 188cm².

WARNING STATEMENT:

- background extends to edges of surface
- text fills background
- in bold upper case Helvetica font
- white text on red background

EXPLANATORY MESSAGE:

- background extends to edges of surface
- text fills background
- in Helvetica font
- in specified capitalisation and weighting
- white text on black background

BOX FORMAT AND SURFACE (INCLUDING HINGES AND CLASPS):

- colour is Pantone 448C (a drab dark brown)
- matt finish
- no embellishments

BRAND AND VARIANT NAME:

- horizontal
- no larger than maximum sizes
- in Lucida Sans font
- in Pantone Cool Gray 2C colour
- in specified capitalisation

MEASUREMENT MARK:

- no larger than required size
- in Lucida Sans font
- in Pantone Cool Gray 2C colour