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**To:** "panel\_hs@legco.gov.hk" <panel\_hs@legco.gov.hk>  
**Cc:** Judith Mackay [REDACTED], Judith Mackay  
[REDACTED], Lawrence CHU  
[REDACTED]

**Date:** Monday, January 02, 2017 01:05PM  
**Subject:** Fw d:

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----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Sun, Jan 1, 2017 at 3:44 PM  
**Subject:** Fwd:  
**To:** อ.ประกิต [REDACTED]

Dear Member of Panel on Health Services.

In support of Hong Kong government's proposed 85% GHW legislation, I would like to forward my correspondent with Lawrence Chu of COSH, relating to argument from tobacco industries and my responses.

I hope it will answer some of the questions raised by the industry. You can include this document in official record, including disclose to the public if you so wish.

Cordially,  
PRAKIT VATHESATOGKIT, MD, FRCP  
Advisor to the Bureau of Tobacco Control, MOH, RTG

Dear Prof Vathesatogkit,

Greetings from Lawrence CHU of Hong Kong Council on Smoking and Health (COSH). The Hong Kong government recently proposed to implement larger health warnings of at least 85%. It is opposed, as usual, by the tobacco industry and queried by many legislators. We would like to look for the experience and show them the successful example of Thailand. I am writing to seek your kind assistance to share the following findings, if there is any:

1. effectiveness of larger warnings of 85% in encouraging smoking cessation/reduction
2. effectiveness in smoking prevention, esp youth
3. effectiveness in increasing knowledge on health risks of smoking
4. impact on illicit cigarettes, business to newspaper stalls and time/ability to recognize cigarette packs

5. any litigation/confrontation about the right to intellectual property and trademark

I should be grateful if you can also share any other survey findings that demonstrate the importance and effectiveness of the 85% health warnings. It will be highly appreciated if the information can be shared by this week (3 July 2015).

Thanks & regards,

Lawrence

Dear Lawrence

The implementation of 85%GHW in Thailand become effective on September 24, 2014.

The evaluation of the effect is under way at present.

I can answer question # 4 that there has been no evidence and there is no report of increase illicit trade, there is no problem with retailer complaint in selling cigarettes.

On question # 5 litigation by 3 multinational tobacco companies are still in Thai Administrative Court.

I would like to let you know the circumstances when we decide to go for 85 % GHW regulation in early 2013. First, Uruguay has implemented 80% GHW in 2010. The industry took the case to Uruguay court and lost. Second, Australia implemented 82.5% GHW with plain packaging in 2012 and the industries also lost the court case in Australian court. Australia also require 10 % of the pack surface for printing of fire safety from cigarette butt, so it can be argued that Australia's GHW was 87.5%.

Based on the developement in Uruguay and Australia, our minister decided to go for 85% GHW.

We follow FCTC Article 11 Guidelines recommendation, which said the effectiveness of health warning increases with size, Parties should aim for the biggest health warning size possible. Since Uruguay's case was not taken to WTO, and Australia's case was taken to WTO for plain packaging, we believed that if we go for 85% GHW, the industries may take us to court, but we should win just like Uruguay and Australia in domestic court. It's unlikely that our case will be taken to WTO, since Uruguay was not taken to WTO on 80% GHW, implemented since 2010.

We received many valuable advices fro Jonathan Liberman and Rob Cunningham, whom I cc this email with.

Recently there is a report from Uruguay showing the effectiveness of their 80% GHW.

There are many publications related to the increase effectiveness of health warning with size.

I am on vacation, but will be happy to answer any query you may have. Don't be intimidated by the tobacco industry .

Best

Prakit

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Dear Prof Vathesatogkit,

It's been almost a year since the Hong Kong government proposed to follow Thailand to increase

the coverage of pictorial health warnings to 85% of cigarette packs. The legislation was discussed again in the Legislative Council meeting last week and was opposed by most of the members. I would like to seek your kind help on the clarifying the followings

which pointed out by some legislators:

1.

Whether the strip seal could cover the warnings. If so, any limitation and regulation on the strip seal?

2.

Smoking prevalence of Thailand increased after the implementation of pictorial health warnings?

In the APACT meeting conducted in Beijing in September 2016, a lot of presentation shows the achievements of Thailand, e.g. impact on children and youth and knowledge on health risks. I am wondering how can we get more findings on these surveys, including the one attached.

Look forward to your positive reply. The Legislative Council will discuss the bill is mid-January 2017 and further. The successful experience in Thailand would definitely

help to speed up the process in Hong Kong.

May I also take this opportunity to wish you a happy and prosperous

year in 2017.

Thanks & regards

Lawrence

Dear Lawrence

To answer your question

1. The strip seal cannot cover the warning. The regulation indicates the size of the warning, so it has to be at least that size, otherwise the product cannot be sold in the Thai market. The regulation does not prohibit the placement of a tax stamp that may cover part of the warning. This has to be a compromise with MOF's regulation, which requires specifying the tax stamp to be put at the top of the pack.

In practice, tobacco companies will submit

their 85% GHW artwork on a cigarette pack to MOH for approval, before actual production. Otherwise, if the warning is not in compliance with MOH regulation, the product cannot be sold.

2. It is not true that Thailand's smoking increased after the implementation of 85% GHW.

The national survey was conducted in

March-May 2014, when the warning was still 55%. The smoking prevalence was 20.7%.

The 85% warning went into effect in the last week of September, and allowed old products to be sold until the end of December 2014. So the 85% GHW was on the market 100% starting in January 2015.

National survey was conducted from April-June 2015, the smoking prevalence was 19.9%. So it is totally not true that smoking prevalence increased.

I hope this helps

Prakit