

Panel on Health Services

**List of follow-up actions arising from the discussion on
"Proposal to amend the health warnings on packets and retail containers
of tobacco products" at the meeting on 17 January 2017**

The Administration was requested to:

- (a) provide local statistics and evidence-based analysis to justify that its proposal to increase the area of the graphic health warnings from covering at least 50% to at least 85% of the two largest surfaces of the packets or the retail containers of cigarettes and relevant tobacco products would be effective in reducing smoking prevalence;
- (b) address the concerns raised by the tobacco industry on the practical implementation issues arising from the proposal of increasing the size of the graphic health warnings, including the authenticity seals of the cigar products would be covered by the graphic health warnings, the limited space left for the sealing of soft pack cigarettes, etc., and the possibility of intensifying the illicit trade in tobacco products;
- (c) consider, having regard to the practices in some countries such as Germany, adjusting the proposal such that the area of the graphic health warnings should cover at least 65% (but not 85%) of the two largest surfaces of the packets or the retail containers of cigarettes and relevant tobacco products;
- (d) provide a response to the suggestion of allowing the tobacco industry to carry out the design work of some graphic health warnings;
- (e) provide a response to the suggestion of adjusting the proposed adaptation period for implementing the legislative proposals from a period of six months to a period of at least 12 months;
- (f) provide a response to the issues raised in the submission dated 10 January 2017 from British American Tobacco Company (Hong Kong) Limited (LC Paper No. CB(2)584/16-17(24)), in particular those relating to (i) the legality of the legislative proposals; (ii) the view that the legislative proposals would constitute a deprivation of the property of the trademark owners; (iii) the formulation of the legislative proposals in the absence of public consultation and regulatory impact assessment; (iv) the arrangement that the legislative proposals would be subject to the negative vetting procedures of the

Legislative Council; and (v) the view that the legislative proposals would violate Hong Kong's international obligations under the World Trade Organization Agreements;

- (g) explain the rationale for maintaining the requirement that packets or retail containers of cigarettes and relevant tobacco products should bear indication of tar and nicotine yields. According to the guidelines published by the World Health Organization for implementing Article 11 of the Framework Convention on Tobacco Control, Parties should not require, among others, quantitative statements on tobacco product packaging and labelling about tobacco constituents and emissions that might imply that one brand was less harmful than another, such as the tar, nicotine and carbon monoxide figures; and
- (h) advise whether it would conduct a public consultation exercise on the legislative proposals.

Council Business Division 2
Legislative Council Secretariat
22 February 2017