



13 June 2018

Prof Sophia CHAN Siu-chee, JP
Secretary for Food and Health
Food and Health Bureau
18/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Prof Chan,

**Nip in the Bud
Total Ban on E-cigarettes and New Tobacco Products Promptly**

The proposal to ban e-cigarettes was submitted to the Legislative Council in May 2015. After 3 years, the proposal has yet to be enacted in Hong Kong. A similar proposal banning the sale and promotion of e-cigarettes in Macau was also made in 2015, and already implemented as legislation in January 2018. Since 2015, the tobacco industry developed similar/new forms of tobacco smoking, such as heat-not-burn (HNB) tobacco products, to induce people to start smoking. These products constitute an enormous and imminent threat to public health. The Government should now enact the proposal to ban e-cigarettes and all new tobacco products as soon as possible in order to prevent their rapid growth in usage.

No Conclusive Evidence on Risk Reduction

The tobacco industry claims that e-cigarettes and HNB tobacco products are less harmful and release less toxicants than traditional cigarettes. Such promotional claims/tactics are designed to attract smokers and non-smokers to try them, and to reduce public awareness of the harms and effects of the products. To date no e-cigarette or HNB tobacco product has been registered in any country as a harm reduction product and no manufacturer is legally allowed to make this claim.

According to World Health Organization (WHO), there is no evidence to demonstrate e-cigarettes and HNB tobacco products are any less harmful than traditional cigarettes, and that the reduced exposure to the chemicals released by e-cigarettes and HNB tobacco translates to a reduced risk in humans, in addition to the potential health effects of secondhand smoke. Tobacco is inherently toxic and contains carcinogens and toxins even in its natural form, making all forms of tobacco use harmful. Just last week, the first report surfaced directly linked e-cigarette use with chronic obstructive pulmonary disease (COPD).

In 2015, Hong Kong Baptist University conducted a laboratory test on e-cigarettes in Hong Kong, the results of which confirmed that e-cigarettes contained varying to elevated levels of polycyclic aromatic hydrocarbons (PAHs) and polybrominated diphenyl ethers (PBDEs); elevated levels of formaldehyde; low levels of nicotine; and moderate levels of heavy metals and many other chemical compounds.

Tobacco leaves are the key ingredient of heat-not-burn tobacco products, and could therefore pose the same addictiveness and health risks to humans. Most of the current research on heat-not-burn tobacco products are carried out by the tobacco industry, leaving the validity and credibility of the results in doubt. A detailed investigation report by REUTERS showed that third party laboratory test reports used by the industry to produce heat-not-burn tobacco products were manifestly lacking in ability and truth. Despite the limited empirical studies towards HNB tobacco products at present, European research has found that HNB tobacco products contain chemicals commonly found in traditional cigarettes, including nicotine, volatile organic compound (VOC), carbon monoxide (CO), formaldehyde, aldehydes and PAHs.

Not a Legitimate Tool for Smoking Cessation

There is no robust proof to support the claim that e-cigarettes and HNB tobacco products can help addicts quit smoking. WHO does not recognize either product as a legitimate tool for smoking cessation and advises smokers not to use them to quit smoking, given that the scientific evidence regarding the effectiveness of e-cigarettes as a smoking cessation aid is scant and of low certainty. It remains unknown whether such products aid smokers to quit. There is still no independent peer reviewed evidence to show that e-cigarettes are any better than nicotine replacement therapy (NRT) products which are approved as cessation aids. However, research has found that most e-cigarette users did not quit smoking completely. A study in the US found that about three-quarters of e-cigarette users were dual users, which means they were concurrently smoking e-cigarettes and traditional cigarettes. Information of the US Centers for Disease Control and Prevention showed that the level of dual use of e-cigarettes and traditional cigarettes in the US stood at about 60% of all e-cigarette users in 2015.

One should note that there is little difference between smoking a traditional cigarette and using a HNB tobacco product, with smokers still running the risk of addiction to tobacco use and the subsequent dangers to health. In an independent study conducted in Switzerland, the amount of nicotine in HNB tobacco products was similar to traditional cigarettes, while a recent research study conducted in Korea found that nicotine and tar levels in HNB tobacco products were even higher. Smokers will still be addicted to nicotine, hence tobacco use, which poses immense risks to health.

Gateway to Smoking in Youth and Children

Although the tobacco industry claims to encourage smokers to switch from traditional cigarette to e-cigarettes and HNB tobacco products, their marketing strategy also targets the youth and non-smokers. Both e-cigarettes and HNB tobacco products are marketed as trendy products with novel design and up to 7,000 flavours. The industry has emphasized that the products are healthier, less harmful and have even adopted a different name from traditional cigarettes in order to downplay the health risks of using e-cigarettes and other new forms of tobacco products.

The growing number of youngsters using e-cigarettes in the past few years is alarming. According to surveys conducted by the US Centers for Disease Control and Prevention, e-cigarette use among secondary school students in the US in 2015 was about 10 times more than in 2011. Numerous US and overseas research revealed that e-cigarette use is associated with a gateway to future smoking. The Secondary School-based Survey on Smoking conducted by the School of Public Health, The University of Hong Kong in 2012-2013 also found that e-cigarette users were more likely to have an intention to smoke, more nicotine dependent and less likely to quit, and more likely to have respiratory symptoms.

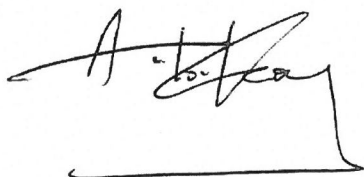
Stringent Measures to Protect Public Health

The tobacco industry has launched their HNB tobacco products in over 30 countries/regions while e-cigarettes are available in most markets in the world. Stringent regulations have been imposed in most countries, and despite a number of countries regulating them as traditional cigarettes, some jurisdictions have already enacted a ban (e.g. Singapore and Macau). In total, at least 16 countries/regions have already banned e-cigarettes completely.


Hong Kong successfully banned smokeless tobacco in the 1980s thereby curbed its epidemic and avoided related health risks (e.g. oral and nasal cancers) in Hong Kong. Following this example, the Government and the legislators should have a forward-looking vision and strong will to place public health at the utmost important priority. To do so, a total ban on all new forms of tobacco products should be imposed until such time as they can be proven to be harm elimination, not unproven harm reduction gizmos intended to keep people addicted to nicotine.

We strongly urge the Government to impose a total ban on e-cigarettes and all forms of new tobacco products, including heat-not-burn tobacco products, in order to nip them in the bud, to prevent this new gateway to smoking, and avoid the massive current and future health risks posed by the tobacco epidemic.

Yours sincerely,

Handwritten signature of Antonio Kwong in black ink, featuring a stylized 'A' and 'K'.

Antonio KWONG, MH
Chairman

Handwritten signature of Vienna Lai in black ink, featuring a large, flowing 'V' and 'L'.

Vienna LAI, MPH
Executive Director

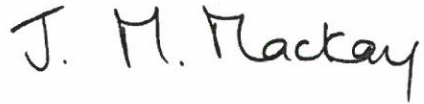
Enclosure: Factsheet on e-cigarettes
Fact sheet on Heat-not-burn tobacco products

Copy to: Chief Executive, HKSAR
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Co-signatories to this letter:

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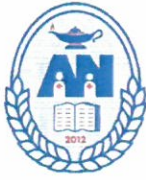
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A handwritten signature in black ink, appearing to read 'Joyce Tang'.

Dr Joyce TANG

Medical Director, United Christian Nethersole Community Health Service

A handwritten signature in black ink, appearing to read 'Daniel M. Amos'.

Daniel Miles Amos, PhD

Tobacco Prevention and Control Researcher

Senior Fulbright Scholar, Hong Kong

No Harmless Tobacco
Banning Heat-not-Burn Tobacco Products As Soon As Possible

What is heat-not-burn (HNB) tobacco products

- Heat-not-burn (HNB) tobacco is a kind of tobacco products. Aerosol containing nicotine and other chemicals for users to consume is generated through an electronic device by heating up (rather than combusting) a tobacco stick with high temperature of about 350°C.
- Same as traditional cigarettes, tobacco is the main ingredient of HNB tobacco products. As such, these products contain nicotine and could be addictive.
- Since HNB tobacco is a tobacco product, selling to minors is an offense. Related legislation should be complied on sale and use.
- HNB tobacco products are being marketed as trendy and less harmful. Tobacco industry uses different names from traditional cigarettes to reduce public's awareness on their harms and attract youngsters to use.



Different types of heat-not-burn tobacco products. The major components include a heating device, a cigarette stick (tobacco capsule) and/ or a charger.

Health risks

- Tobacco companies claim that HNB tobacco products release less toxins and are less harmful than traditional cigarettes. COSH believes such claim is a promotion tactic, which aims to downplay the health risks associated with smoking.
- DO NOT try HNB tobacco products. The long-term health effects of any tobacco products should not be underestimated, despite the limited empirical studies towards HNB tobacco products at present stage.
- According to World Health Organization (WHO), all forms of tobacco use are harmful, including HNB tobacco products. Tobacco is inherently toxic and contains carcinogens even in its natural form.

- Some of the toxins and carcinogens do not have a safety level and harm human's health.
- Currently, there is insufficient evidence to suggest that reduced exposure to these chemicals translates to reduced risk in humans, as well as on the potential health effects of secondhand smoke from HNB tobacco products.
- A European research found that HNB tobacco contain chemicals commonly found in traditional cigarettes, including nicotine, volatile organic compound (VOC), carbon monoxide (CO) and carcinogenic polycyclic aromatic hydrocarbons (PAHs).

Situation in Hong Kong

- According to the Thematic Household Survey Report No.64 published by Census and Statistics Department, there were about 5,700 daily smokers who consumed electronic smoking devices in 2017 (including e-cigarettes and HNB tobacco products), accounting to 0.9% of the daily smokers in Hong Kong.
- According to Smoking (Public Health) Ordinance (Cap 371), tobacco smoking (including HNB tobacco products) in statutory no-smoking areas is prohibited. Offenders are liable for a fixed penalty of HK\$1,500.
- In accordance with Dutiable Commodities Ordinance (Cap 109), all tobacco products are dutiable commodities. It is obliged to apply for license and permit from the Customs & Excise Department, alongside with all relevant taxes paid, before selling tobacco products in Hong Kong.

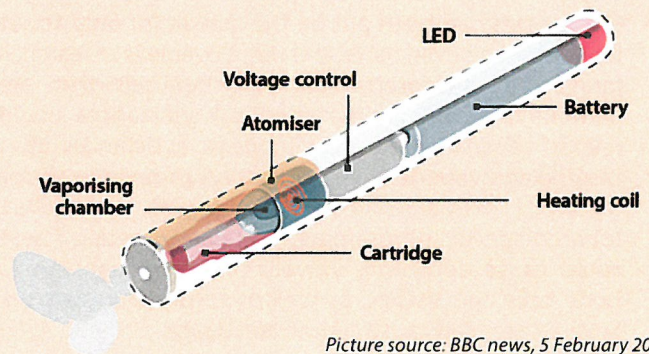
Regulations in other countries

- Regulations towards HNB tobacco products vary among countries. A number of countries regulate as tobacco products under the framework of existing tobacco control legislations.
- Some countries and regions (e.g. Singapore and Macau) implement a ban on the sale and promotion of HNB tobacco products.
- WHO recommends that HNB tobacco products should be subject to the policy and regulatory measures applied to all other tobacco products.
- To prevent the use of HNB tobacco products and the potential health risks associated with their secondhand smoke, as well as to prevent HNB products from being a gateway to youth smoking, COSH suggests to implement a ban on HNB tobacco products as soon as possible.

Fact Sheet on Electronic Cigarettes

What is Electronic Cigarettes?

- Electronic Cigarettes (also known as electronic nicotine delivery systems (ENDS) or electronic non-nicotine delivery systems (ENNDS)), are devices that do not burn or use tobacco but instead vaporize a solution the user then inhales.
- The device contains an electronic vaporization system, rechargeable battery, voltage control and cartridge of liquid being vaporized.
- The design of e-cigarettes is generally similar to traditional cigarettes. Some are produced in the form of everyday items such as pens, USB memory sticks or other shapes that are not easily to be noticed.
- With almost 8,000 different flavours like fruits, soft drinks, chocolate, mint and other bizarre flavours, e-cigarettes are marketed as healthy and trendy products, which pander to the curiosity of teenagers.



Picture source: BBC news, 5 February 2015

Misleading advertising targeted at youth

- The marketing strategy of e-cigarettes targets at youth and non-smokers. E-cigarettes can easily be found in shopping mall, boutiques, consignment stores and fashion stores, as well as online platforms like social media, group purchase website and online specialty store. The price of e-cigarettes is affordable, ranging from tens of dollars to several hundred dollars and can be used repeatedly which induces teenagers to try.
- According to the Thematic Household Survey Report No. 59, the prevalence of ever e-cigarette use among primary school students and secondary school students were 2.6% and 9.0% respectively.
- The rapidly ascending number of youngsters using e-cigarettes in the past few years is alarming. According to a survey conducted by the US Centers for Disease Control and Prevention, e-cigarette use among secondary school students in the United States in 2015 was about 10 times more than in 2011. The rate of e-cigarette use among high school students was increased from 1.5% to 16% during this period.
- Most e-cigarettes do not provide details of their ingredients but are marketed as non-addictive, safe and harmless, an aid for smoking cessation, accredited and environmentally friendly which mislead consumers about their safety and effectiveness and attract youngsters to use.

Safety in doubt, not a tool for quitting smoking

- Generally, no information and label on the ingredients of e-cigarettes is provided. The chemicals contained and produced during heating are unknown. This brings risk to the health of users. The safety of e-cigarettes device was questionable. Damage and accidents due to e-cigarette explosion are frequently reported in the media.
- There is insufficient scientific evidence so far to support the claim that e-cigarettes can help quit smoking. On the other hand, there are foreign researches showing that smokers using e-cigarettes to quit smoking will cause dual use of nicotine. World Health Organization ("WHO") does not recognize e-cigarette as a legitimate tool for smoking cessation and expresses concerns over the growing trend of e-cigarette use.

Gateway to youth smoking, increase smokers' dependency on nicotine

- Many e-cigarettes resemble traditional tobacco products and the manufacturers emphasized e-cigarettes as an "experience like cigarette smoking". The advertising and marketing strategies are similar to those of traditional cigarettes. These could renormalize smoking behaviour and serve as a gateway to youth smoking.

- A follow-up study in the United States found that students who had used e-cigarettes were more likely to initiate the use of combustible tobacco products after 6 months and 12 months, including cigarettes, cigars and hookah.
- The Secondary School Smoking Survey 2012/13 conducted by the School of Public Health of The University of Hong Kong found that e-cigarette users were more likely to smoke cigarettes, had higher dependence of nicotine, less possibility to quit smoking and more likely to have respiratory symptoms such as cough and phlegm.

Containing harmful substances that cause health risks

- E-cigarettes had been put on the market for only about ten years. However, more and more overseas researches found that e-cigarettes contain chemicals that are harmful to health. Some chemical substances could release other toxic and carcinogenic substances after heating and vaporization, eg nicotine, propylene glycol, glycerol, formaldehyde, acetaldehyde, additives, tobacco-specific nitrosamines and heavy metals. These could cause addiction, unwell, coughing, damage to body cells and tissues, as well as respiratory diseases. Severe cases can cause cancer and death.
- COSH commissioned Hong Kong Baptist University to carry out laboratory test on e-cigarettes sold in Hong Kong and found several harmful chemicals:

Harmful chemicals found in e-cigarettes

Polycyclic Aromatic Hydrocarbons (PAHs)
Carcinogen

Poly-Brominated Diphenyl Ethers (PBDEs)
Flame retardant used in electric products, which can affect thyroid secretion, reproductive system and fetal development

Formaldehyde
Carcinogen, result in respiratory symptoms, and eye, nose, and throat irritation.

Glycerin
Cause cancer when heated to high temperature

Trace of nicotine
Highly addictive



With almost 8,000 different flavours, e-cigarettes target youth and non-smokers.

Ban on e-cigarettes promptly to protect public health

- Due to the potential health risks of e-cigarettes and its impact on tobacco control, WHO urges countries to consider regulating and prohibiting e-cigarettes. Currently, at least 16 countries, including Singapore, Thailand and Brazil, have imposed a complete ban on cigarettes, which is a global trend.
- COSH's survey in 2016 showed that about 2.6% of the respondents had ever used e-cigarettes. E-cigarettes are yet prevailing in Hong Kong. However, around one-third of respondents who had tried e-cigarettes were aged 15-29, which was significantly higher than the other age groups.
- While more studies on the harmful effects of e-cigarettes may take decades, e-cigarettes should be prohibited to minimize potential health risks to the public. Hong Kong had banned smokeless tobacco product in the 1980s to nip in the bud and safeguard public health. In countries where use of smokeless tobacco is popular, their governments encounter great difficulties in regulating them effectively.
- Hong Kong Government has submitted proposals to the Legislative Council in May 2015 to strengthen tobacco control measures, including the total ban on e-cigarettes and enlarging the size of pictorial health warnings to at least 85% of the cigarette pack area. COSH advocates the Government and Legislative Council to enact the legislation as soon as possible in order to prevent the public, especially the youth, from picking up e-cigarette use and the smoking habit.

