



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref. : FHB/H/30B/12
Your Ref. : CB2/PL/HS

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9th August 2018

Miss Kay CHU
Clerk to Panel on Health Services
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss CHU,

Letter from the Hon SHIU Ka-fai

Thank you for your letter to the Food and Health Bureau dated 12 July 2018.

The Government's tobacco control policy seeks to safeguard public health by discouraging smoking, containing the proliferation of tobacco use and minimising the impact of passive smoking on the public. Our multi-pronged approach to strengthening tobacco control, which includes legislation, enforcement, publicity, education, smoking cessation services and taxation, has gradually reduced the smoking prevalence rate in Hong Kong from 23.3% in early 1982 to 10.0% in 2017.

Electronic cigarettes (e-cigarettes) and heat-not-burn (HNB) products both produce second-hand smoke. Nicotine-containing e-cigarettes and HNB products emit addictive nicotine aerosol for smokers to inhale. Same as conventional cigarettes, HNB products consist of tobacco and, when heated, produce smoke that contains tar, nicotine and other harmful substances.

Although e-cigarettes do not contain tobacco, the test results of many academic studies on e-cigarettes show that e-cigarette aerosol contains harmful and carcinogenic substances.

The Government conducted tests on e-cigarettes purchased from the market with reference to the e-cigarette testing methods used by the Centers for Disease Control and Prevention of the United States of America. The test results showed that a number of the samples contained formaldehyde. In 2015, the Hong Kong Baptist University also conducted tests on e-cigarette aerosol and detected the presence of formaldehyde and heavy metals in their samples. Overseas studies were also carried out to analyse the constituents of the e-liquid and aerosol of e-cigarettes. In sum, the test results have shown that e-cigarette aerosol is not merely harmless water vapour but contains harmful substances. E-cigarette flavourings that are edible may not be safe to inhale through the airway. The World Health Organisation (WHO) has pointed out in its report that there are still not enough studies to assess the health effects of flavourings in e-liquid. Many such flavourings can irritate the respiratory system, and most flavourings, especially the sweet ones, may be harmful to health if taken over a long period of time.

In the absence of support by clinical and epidemiological studies, e-cigarettes should definitely not be regarded as healthier products even though their aerosol may contain fewer harmful substances when compared with the smoke released from conventional tobacco products. In addition, from the perspective of public health management, to assess the harmful effects of e-cigarettes, comparison should be made against not using e-cigarettes or any tobacco products, but not against the use of conventional cigarettes.

In May 2017, the Department of Health sent seven samples of HNB products from the tobacco industry to the Government Laboratory for testing through the Customs and Excise Department. International standards (i.e. ISO) similar to those used in the tests of conventional cigarettes were adopted for testing of nicotine and tar. The test results showed that all the samples contained tobacco, and the levels of nicotine and tar found therein were comparable to those of some cigarettes sold in Hong Kong. Nicotine is addictive and can cause blood vessels to narrow, while tar is a carcinogen and can irritate airways. The test results have indicated that same as conventional cigarettes, HNB products contain harmful substances and are hazardous to health. The WHO has indeed stated that all forms of tobacco use, including the use of HNB products, are harmful.

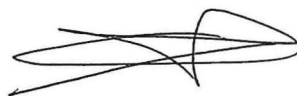
Regarding the regulation and classification of e-cigarettes and HNB products, different countries have their own legislation and definition. We will work out a regulatory model that is most suitable for Hong Kong. We will also study overseas and local scientific evidence and consider the following factors in deciding whether the scientific evidence should be relied upon: whether it is

published by an independent and reputable organisation; the scale and quality of research; whether conflicts of interests are involved, etc.

At a meeting of the Subcommittee on the Smoking (Public Health) (Notices) (Amendment) Order 2017 held last year¹, Members and the tobacco trade noted that according to the WHO guidelines for implementing Article 11 of the Framework Convention on Tobacco Control, Parties should not require, among other things, quantitative statements on tobacco product packaging and labelling about tobacco constituents and emissions, such as the tar, nicotine and carbon monoxide figures. Some Members of the Subcommittee and the trade considered that the Government should follow the WHO guidelines in this regard. Given that it will involve amendments to the principal Ordinance, we propose to replace the requirement to display the numerical yields of tar and nicotine on packages and retail containers with the display of descriptive information about the presence of these chemicals when Cap. 371 is amended. This is to inform the public of the presence of tar and nicotine in relevant products. Subject to the passage of the amendments to the Ordinance, a transitional period will be provided for the trade to comply with the requirements.

Having considered the WHO's recommendations and studies on the health effects of e-cigarettes and other new tobacco products, and having reviewed the existing regulatory regime for tobacco products, we propose to enhance the regulatory regime to safeguard public health. We echo the WHO's view that e-cigarettes and other new tobacco products contain and emit harmful substances that can affect health. Scientists have not yet set the safe tolerance limits for smoke constituents. We are concerned about the adverse health effects of new tobacco products on adolescents and the possible gateway effect. At the same time, new tobacco products may also renormalise the smoking imagery, thereby increasing the acceptance of smoking in general. We are now formulating details of the legislative proposal and will keep in view the latest scientific evidence. Views on the regulation of e-cigarettes and other new tobacco products from all sectors of the community are welcome.

Yours sincerely,



(Carol WONG)
for Secretary for Food and Health

¹ https://www.legco.gov.hk/yr16-17/english/hc/sub_leg/sc54/papers/sc5420170509cb2-1340-3-e.pdf