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Bills Committee on Smoking (Public Health) (Amendment) Bill 2019
Prof. Dr. Judith Mackay, SBS, OBE, JP
Presentation to Legislative Council
Hong Kong; 25 April 2019

The Boeing 737 Max: The cause of the crashes are still uncertain, and regulatory authorities around the world have rightly applied the precautionary principle, in the interests of public health and life, to halt the use of these planes until the cause and the real dangers are clarified.

No Hong Kong Legislator today, before the evidence becomes available, would either:

- a) risk travelling personally in one of these aircraft, or
- b) authorise the HK airport authorities to allow the 737 Max to operate from HK, and bear the responsibility of another possible crash.

So it is with these new tobacco products.

- a) You have heard a wide variety of opinions voiced here in Legco.
- b) Strict scientific data is only beginning to emerge (remembering that ordinary cigarettes have been on the market for over a century and we are only now uncovering some of the harm they do).

So Legislators in Hong Kong have an opportunity and a real responsibility to apply the same World Health Organization “precautionary principle” to safeguard public health.

1. We don't know what is in the hundreds of different products.
2. We don't yet know if they help smokers quit - or the opposite - encourage them to keep smoking with dual use.
3. There is already a substantial body of evidence that “e-cigarettes increase risk of ever using combustible tobacco cigarettes among youth and young adults.”
4. We don't know their effect here in Asia. The first report in Asia was published only this month on 13,000 students in Taiwan, China – teen

vaping doubled the odds of youth taking up cigarette smoking 2 years later.

5. There is appalling advertising, e.g. from the US – we do not want this in HK.
6. HNB and e-cigarettes are trendy, electronic products with great appeal to youth.
7. They both offer a real risk of ‘renormalising’ smoking, just as HK has so successfully reduced smoking rates.
8. The tobacco industry has told us twice before they have a safe product – filters, and then low tar - which both turned out not to be safe at all.
9. The global trend is for a growing number of high, middle and low-income countries to ban these products.
10. Parents in HK do not want these products on the market - once allowed on the market, there is no turning back.

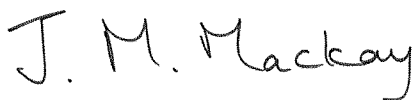
My suggestion is:

1. To ban all these new products, and
2. Review the law in 2 years, when there may be greater evidence on all the uncertainties outlined above.

The issue is not whether e-cigarettes are safer than cigarettes, it’s whether they are actually safe.

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Yours sincerely,



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A few additional comments

A. Some delegates are complaining the government will not meet with them.

This is a highly erroneous suggestion, as many delegates must know. The government is bound by an international United Nations Treaty, the Framework Convention on Tobacco Control. Article 5.3 explicitly states that the tobacco industry must not be involved with the development of tobacco control policy of member states.

B. Some Heat-Not-Burn tobacco companies say they want to get out of the business of selling cigarettes and want a smoke-free future.

1. Yet their CEO has recently claimed they will still be selling cigarettes for at least the next 40 years.
2. Also, the industry actively opposes health laws, e.g. the 85% pack warnings in HK last year; smoke-free areas in the Philippines; and is even launching a new brand in Indonesia called Philip Morris Bold.
3. The companies argue that if they don't sell cigarettes, smokers will buy their competitors' products. Morally this argument is lacking. As if they are saying "If I don't sell stolen property, someone else will."

C. Some argue "If alternative smoking products should be banned, why is the HK government not imposing a total ban on smoking now?"

1. Hong Kong has successfully halved the male smoking rates and kept the female rate low.
2. Hong Kong is following the accepted global approach to set targets by using a multi-pronged approach (plain packaging, raising tax and legal sale age, smoke-free areas, ban on point of sale, etc) to tackle the tobacco epidemic.
3. This is not the time to expose young people to trendy new products.

D. Some have said "A ban would lead to crime and smuggling"

No country should fail to pass necessary laws on criminal activity on the basis that it will require policing.

Hong Kong should not simply abandon good laws and allow, e.g. domestic violence, because they require enforcement.

Tobacco control policy does not lead to illicit trade. For example, even with tax increases, Customs and Excise Department stated to Legco in 2011 that there “**no sign** that the situation in respect of the illicit cigarette market has deteriorated as a result of the increase in tobacco duty rates.”

If, as some Legco members have queried whether there should be a total ban on all tobacco products, then this Bill needs to pass as a first step.

3.<http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>