

**Bills Committee on Smoking (Public Health) (Amendment) Bill 2019**

**List of follow-up actions arising from the discussion  
at the meeting on 4 May 2020**

The Administration's response on the items raised by Members is set out as follows.

**Electronic cigarettes**

2. Under the Pharmacy and Poisons Ordinance (Cap. 138), electronic cigarettes ("e-cigarettes") containing nicotine (except tobacco<sup>1</sup>) are Part 1 poison and fall within the definition of "pharmaceutical products". "Pharmaceutical products" shall fulfil the criteria of safety, quality and efficacy, and be registered with the Pharmacy and Poisons Board of Hong Kong before they can be legally sold in Hong Kong. In addition, Part 1 poison can only be legally possessed or sold by certain licensed or registered persons, including licensed wholesale dealers and authorised sellers of poisons in accordance with Cap. 138. Illegal sale and possession of Part 1 poison or unregistered pharmaceutical products are criminal offences. Besides, import and export of e-cigarettes containing nicotine must be covered by licence issued by the Department of Health ("DH") under the Import and Export Ordinance (Cap. 60). So far, no e-cigarettes containing nicotine are registered as "pharmaceutical products" in Hong Kong.

3. Enforcement figures on e-cigarettes containing nicotine by the Drug Office of DH between 2017 and 2019 are as follows:

	2017	2018	2019
Number of enquiries about e-cigarette products	68	70	72
Number of complaints	20	6	42

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<sup>1</sup> "Tobacco" is included in Schedule 2 (Group II Division B) to Cap. 138A Pharmacy and Poisons Regulations. Regulation 8 of Cap. 138A provides that nothing in the Ordinance shall apply to any of the articles or substances specified in Schedule 2 (Group II Division B).

Number of convicted case	1	4	0
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4. Enforcement figures on e-cigarettes containing nicotine by the Customs and Excise Department (“C&ED”) between 2017 and 2019 are as follows:

	2017	2018	2019
Number of cases	14	25	53
Total value (\$ million) <sup>2</sup>	0.1	1.3	21

### **Heated tobacco products**

5. Heated tobacco products (“HTPs”) are tobacco products. Under the Smoking (Public Health) Ordinance (Cap. 371), the sale, distribution, coverage of prescribed health warnings, and advertisement and promotion of any tobacco products in Hong Kong are strictly regulated. Besides, pursuant to the Dutiable Commodities Ordinance (Cap. 109), tobacco is a dutiable commodity. Generally, any person who imports, exports, manufactures or stores dutiable goods is required to apply for an appropriate type of licence and permit from C&ED.

6. Enforcement figures on HTPs by C&ED between 2017 and 2019 are as follows:

	2017	2018	2019
Number of cases	130	971	639
Quantity (million sticks)	0.74	8	6

<sup>2</sup> Since the e-cigarette products containing nicotine seized by C&ED are of different types and in different units of measurement, only the total values instead of the quantities of seizures could be provided.

## **Surveys on public views regarding the proposed ban on alternative smoking products**

7. The Hong Kong Council on Smoking and Health (“COSH”) commissioned the School of Nursing of the University of Hong Kong to conduct the Tobacco Control Policy-related Survey annually. The survey showed that about 60% of the respondents supported the ban on e-cigarettes and HTPs<sup>3</sup>. In July 2018, COSH, in collaboration with various medical associations, tobacco control organisations, academia and non-government organisations, also launched the “Support to enact a total ban on e-cigarettes and other new tobacco products” signature campaign to gather public support for a total ban of these smoking products. According to COSH’s submission (LC Paper No. CB(2)1175/18-19(43)) to the Bills Committee, over 75,000 signatures from citizens, companies and organisations were collected as at April 2019.

8. From June to July 2018, Lok Sin Tong Benevolent Society Kowloon distributed questionnaires to students of age from 9 to 22, teachers, social workers and parents to collect their views on banning e-cigarettes and other new smoking products. Among 1 131 youth interviewees, around 80% supported banning of e-cigarettes and other new smoking products<sup>4</sup>.

9. In March 2019, the Committee on Home-School Co-operation (“CHS”) and Parent-Teacher Associations distributed questionnaires to secondary and primary schools, and kindergartens in 18 districts to collect parents’ views on banning e-cigarettes and other new smoking products. Among 9 083 interviewees, about 75% supported a ban on e-cigarettes and other new smoking products. Among parents who were smokers, about 60% supported the ban. Details of the survey are provided in the submission from CHS to the Bills Committee (LC Paper No. CB(2)1175/18-19(76)).

**Food and Health Bureau**

**Department of Health**

**Customs and Excise Department**

**May 2020**

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<sup>3</sup> Press release by COSH at <https://www.smokefree.hk/en/content/web.do?page=news20190523>

<sup>4</sup> Press release by Lok Sin Tong Benevolent Society Kowloon at <https://loksintong.org/press-release/detail?id=728>.