



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

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Ms Maisie LAM
Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Lam,

**Draft amendments to Smoking (Public Health) (Amendment) Bill
2019 proposed by Hon Shiu Ka-fai**

I refer to your letter dated 18 December 2019. With regard to the draft amendments to the Smoking (Public Health) (Amendment) Bill 2019 (“the Bill”) proposed by Hon Shiu Ka-fai (LC Paper No. CB(2)418/19-20(01)) (“the Proposal”), our response is set out as follows.

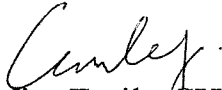
2. We note Hon Shiu’s proposal to exclude heat-not-burn (“HNB”) products from the definition of alternative smoking products (“ASPs”) in draft Schedule 7 to the Bill. For the protection of public health, we still believe that a full ban covering HNB products is the most effective measure to prevent emerging ASPs from establishing themselves in Hong Kong. We do not agree to the creation of a new category of “novel tobacco products” to formally regularise HNB products in exchange for a ban on electronic cigarettes (“e-cigarettes”).

3. All tobacco products are definitely harmful to health and highly addictive. They should not be legally marketed as consumer products by modern-day safety and ethical standards if not for their historical entrenchment. It is the Government's policy to progressively step up control measures on all tobacco products in pursuit of the ultimate goal of eliminating tobacco use in Hong Kong. Indeed, as HNB products are designed and aggressively marketed to appeal to the younger generation, rapid uptake of these products among youth has been observed in Japan and Korea upon their introduction in the market. There are also population data indicating that a great majority of HNB product users are dual-users of conventional cigarettes, rather than switching from or quitting conventional cigarettes. In view of the potential population and health impacts, the draft amendments, if carried forward, will seriously undermine public health and our ongoing efforts on tobacco control.

4. The proposed ban is well justified by scientific evidence and is best for the protection of public health in Hong Kong. In fact, various surveys by the Hong Kong Council on Smoking and Health, academics, and parent-teacher groups have shown strong support to banning both e-cigarettes and HNB products from medical and health care professionals, parents, teachers, youth and the general public. Therefore, the Administration has great difficulty agreeing to the proposal to exclude HNB products from the ban under the Amendment Bill.

5. We understand that some Members still have query over the evidence on the health risks of HNB products. The Administration will continue to explain the justifications for the proposed ban and the evidence, as we have been doing so since introduction of the Amendment Bill. We have to insist on a precautionary approach to impose a full ban in order to prevent the introduction of a new class of addictive and harmful tobacco products for safeguarding public health.

Yours sincerely,


(Miss Emily CHAN)

for Secretary for Food and Health