

12 April, 2019

Subcommittee on Issues Relating to the Support for
Cancer Patients
Legislative Council Complex
1 Legislative Council Road Hong Kong

By email

CC: Panel on Health Services

**Re: call for submissions on overall strategy for prevention
and treatment of cancer.**

“What is certain is that sustained progress in tobacco control is essential if we are
to continue to make progress against cancer.”^[4]

Dear honourable members,

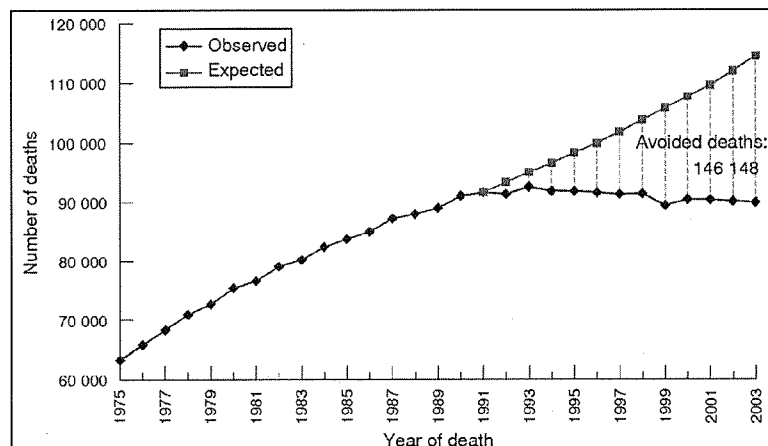
1. Hong Kong officials rightly claim success in the war against smoking, touting a smoking prevalence of around 10%. However, while the government is to be commended for its efforts, Hong Kong’s “low” smoking prevalence hides deep inequalities: among males 30-39 the prevalence is 19.2% and for **males aged 40-49 more than one in four smoke, 26.2%**^[1]; amongst people with jobs the prevalence is 13.1% and from our own research into construction worker smoking prevalence, we see a cancer time-bomb amongst blue-collar workers exposed to high smoking and secondhand smoke (SHS) rates.

2. According to the World Health Organization (WHO), “The tobacco epidemic is one of the biggest public health threats the world has ever faced, killing more than 7 million people a year. More than 6 million of those deaths are the result of direct tobacco use while around 890,000 are the result of non-smokers being exposed to SHS.”^[2]

3. In the UK, Cancer Research estimates a “smoke-free” Britain could reduce cancer cases by 33,500^[3].

4. In the US, researchers estimate **146,148 male deaths were avoided due to tobacco control efforts** since the 1950s (see graph, right)^[4]. These researchers warn: “What is certain is that sustained progress in tobacco control is essential if we are to continue to make progress against cancer.”

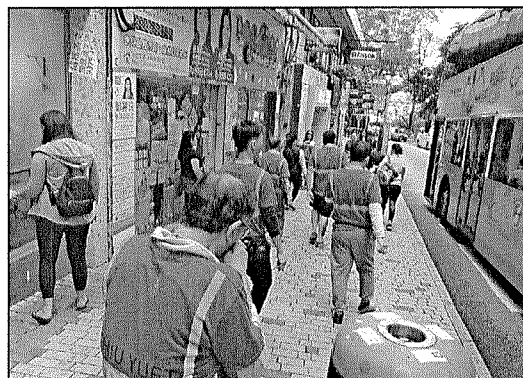
5. Therefore, any discussion of cancer prevention must have a strong focus on reducing cigarette smoking and exposure to secondhand and thirdhand smoke.



6. We applaud the government's proposed and prudent e-cigarette ban, which will help prevent young people becoming attracted to nicotine products. We also note the tobacco industry claims these products offer a "quitting solution" to cigarette smokers. While these claims are un-proven and uncertain, in the absence of these potential quitting aids, **the government MUST ensure that alternative strategies and policies are aggressively developed to further reduce smoking rates.** Smoking prevalence will not magically decline just because the government has taken an aggressive stance against several classes of newer nicotine products.

7. In Hong Kong, from a cancer prevention point of view, we see it essential to focus on **protecting the "forgotten" blue-collar workers** who, it appears from our research, suffer a very high smoking prevalence and unhealthy lifestyles; and also protecting the population from the dangers of secondhand/thirdhand smoke.

8. We outline our policy suggestions for accelerating the decline of cigarette smoking, focussing on the smokers who are invisible in Hong Kong's low overall cigarette smoking prevalence figure of 10%; and protecting the general population from harmful and anti-social illegal smokers.



Break time: four out of five (80%) of these decorating firm contractors working at Ying Wa Girls School are smoking.

A. Structural and institutional issues

9. Illegal smoking is a big part of the tobacco problem in Hong Kong: in some areas (eg restaurants and bars in outlying islands; along the Central ferry piers, or in major parks such as Kowloon Park), cigarettes are smoked freely as if we do not have any smoking legislation covering these areas. Not only does smoking continue to be normalised in bars, restaurants, public spaces, **affecting cancer rates for decades to come;** but the population in these areas is **exposed to cancer-causing secondhand smoke.**

10. In February 2018, the Ombudsman wrote^[5]:

"We consider it imperative for the Government to maintain a higher level of coordination in the efforts of tobacco control, so as to provide all relevant enforcement departments with clearer directions and objectives. FHB, as the bureau responsible for tobacco control policy, should play a more active role. Instead of passively relying on individual departments to take enforcement actions within their own ambit, FHB should pro-actively coordinate and support the tobacco control measures of all enforcement departments, and discuss with them how to effectively allocate resources for combating smoking offences."

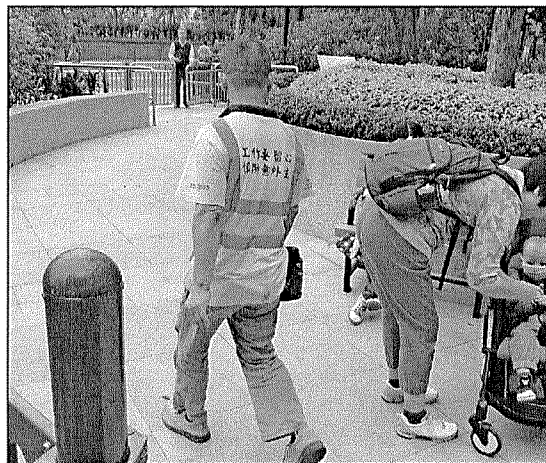
11. We consider this a warning TACO and FHB have subsequently ignored.

12. **We propose the government tackle illegal smoking more effectively with the following structural policies:**

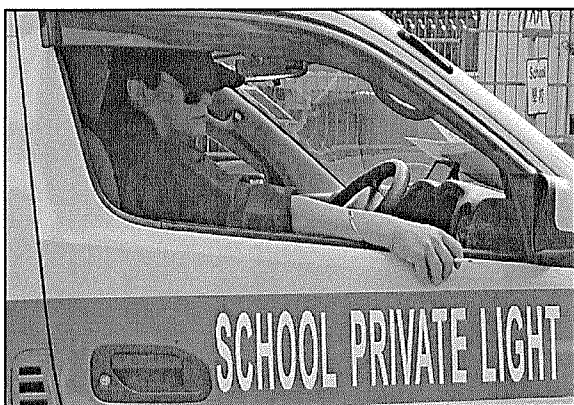
- **Disband the Department of Health's ineffective Tobacco and Alcohol Control Office** and move its impact centre to the police. The Department of Health has no business or experience running enforcement operations, as seen by the February 2018 Ombudsman Report and our own direct investigations into its ineffectiveness. Matters have not improved since the Ombudsman Report, and the additional of alcohol duties to TACO cannot have helped its efficacy. **The police have the**



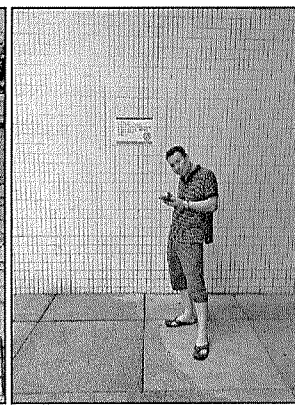
An FEHD contractor cleans cigarette butts from a designated non-smoking area on a Sunday morning, 2019. On Saturday night, the area is lawless with regards to tobacco. Hundreds of complaints to LCSD, FEHD and TACO about this exact location have yielded zero improvement in the situation.



Construction worker smoking in the children's playground, Caine Road, 2019. Hundreds of complaints to LCSD, FEHD, TACO, China Resources, Ying Wa Girls' School District Councillors, have failed to stamp out this harmful, illegal and anti-social practice.



School bus driver smoking illegally in the school bus, April 2019, creating dangerous thirdhand smoke for children and demonstrating a lack of respect for the tobacco laws: smoking and illegal smoking are thus normalised, with obvious implications for future cancer rates.



Illegal smoking is rife in many areas: left, Central Ferry Piers, 2019, where smokers continue as if there is no law. Right, City One Sha Tin, 2017, where smoking is still common in non-smoking outdoor areas and indoors in bathrooms and public toilets, despite many complaints to LCSD, Fortune City One management and TACO.

training, the authority and the presence to do a better job. At present, the police will not handle illegal smoking cases, even when the illegal smoker is right in front of them - they will refer to TACO or 1823. Police are better suited and equipped for prosecutorial role in enforcing smoking laws and should handle these situations. Just as illegal gambling is handled within the police, with dedicated expertise and daily advice to front-line police, tobacco control can be effectively managed by this specialist police unit.

- **Abolish LCSD's and FEHD's powers to prosecute illegal smokers** (between the two they only bring around two dozen cases a year).
- **Instead, make venue owners (including LCSD and FEHD) responsible for illegal smoking in their venues.** Turn the ineffective hunters into the hunted. This will immediately improve the illegal smoking situation, as has been seen in Singapore. In Singapore, "Management or operators who failed to carry out their statutory duties to ensure smoking prohibition is observed within their premises or vehicles may be liable to a fine up to SG\$1,000 for first conviction and fine up to SG\$2,000

for second or subsequent conviction”^[6]. This is in-line with the Ombudsman recommendation from its February 2018 report:

“The laws of many developed countries (such as the UK, Canada, Australia, New Zealand and Singapore) contain relevant provisions imposing penalties on venue managers who allow offenders to smoke in no-smoking areas. However, there is no such provision in the current legislation in Hong Kong. In fact, from the complaints handled by this Office, we note that the smokers in many cases were employees of an organization. Those employees, who stay at the workplaces for prolonged hours, pose more serious hazards to the health of their colleagues. Being their employers or supervisors, the venue managers surely have the ability and responsibility to prevent illegal smoking of their own employees and protect the other staff from exposure to secondhand smoke. In our view, the Government should actively consider amending the legislation to compel adherence to tobacco control provisions on the part of venue managers.”

- Use appropriate talent from disbanded TACO to create a new **Alcohol and Smoking Knowledge Centre (ASK Centre)** under FHB (within DH or Gov Laboratory) - for original and meta-research into cigarette smoking, secondhand/thirdhand smoke, social and effective quitting policies including alternative **non-nicotine quitting concepts such as Allen Carr Easyway**. ASK Centre to have formal and effective liaison with police, COSH and other public health bodies.
- Hong Kong has no detailed data on smoking prevalence by occupation or social status. **A more comprehensive and open-source smoking prevalence survey** would help identify those sectors where cigarette smoking is still *de rigueur* and help the city tackle this more effectively. Through the ASK Centre, the government can implement an annual smoking prevalence study, to include demographic, geographic and occupational data, and help anti-tobacco campaigners concentrate on the areas most needed.

B. Protecting workers from workplace smoke

13. Hundreds of thousands of Hong Kong delivery workers are failed by the lack of a law against smoking in commercial vehicles. While overall cigarette smoking prevalence is low, our observations show a very high prevalence amongst delivery drivers, as high as 30% of van drivers passing **actually smoking at that time**, which translates into a huge overall daily cigarette smoking prevalence. This not only impacts those smokers, but their passengers/co-workers.

14. Secondhand smoke (SHS) contains a complex mixture of pollutants that includes toxic and irritant compounds, as well as carcinogens^[7, 8]. SHS has been classified by the International Agency for Research on Cancer (IARC) as a type I carcinogen in humans^[7].

15. Research shows secondhand smoker concentration can be extremely high in closed vehicles. The US EPA reports that “the concentration of breathable particles (from secondhand smoke) in a closed motor vehicle is more than 133 times higher than the current average annual EPA standard.”^[9] Canadian research found that a single cigarette smoked in a stationary car with its windows closed can produce a level of secondhand smoke 11 times higher than the level found in an average bar where smoking is permitted. In a moving car, the level of secondhand smoke produced by a single cigarette can be as high as seven times the average level of a smoky bar.^[10]

16. Even if the smoker has the window open, a US study examined 100 different air change rate measurements in four vehicles. Results showed that under all ventilation circumstances, even with windows open and the fan on high, SHS concentrations in a vehicle were greater than in any other small enclosed place^[11].

17. Our own observations show a high prevalence of smoking by commercial vehicle drivers, particularly when making stops (eg delivery stops). Aside from the impact of SHS, non-smokers may feel pressure to join in the smoking, or, given the high SHS they are smoking, feel they may as well smoke. Younger unskilled staff joining a firm as a minimum-wage delivery assistant may soon adopt the habit of their senior co-workers.

18. There are around 119,000 registered commercial vehicles (LGVs, MGVs and HGVs) in Hong Kong, representing a large number of “workplaces” which are entirely unprotected under Hong Kong law. On average, 48 hours of drivers’ and 39 hours of delivery staff’s time were deployed in a week for each goods vehicle^[12].



Delivery driver smoking, March 2019. In fact, all four out of four (100%) workers on that Kowloon Dairy truck lit up cigarettes at the delivery stop.

19. We propose the government:

- Add commercial vehicles into smoke-free legislation; and to make it an offence to smoke in a commercial vehicle, in its cabin, its cargo area or tail-lift. We also propose the Singapore concept of “fine the owners not the smokers” be applied such that delivery firms are responsible for the safety of their workers and their workers observing this law.
- Include commercial vehicles into the Environmental Protection Department’s “Indoor Air Quality” campaigns, such that workers who work in vehicles are as protected as office workers.

C. Lobbying for “basic” tobacco control tools

20. It is well noted by many campaigners that Hong Kong is lax in its application of policy tools such as

- tax;
- plain packaging;
- raising the smoking age to 21; and
- banning smoking from around building entrances and ventilation intakes,

21. For example, in January 2019, Hong Kong’s Council on Smoking and Health (COSH) together with 75 health professional signatories sent a letter to the government calling for a 100% increase in cigarette duty^[13] this was ignored, with no tax increase for the fourth year running. How can we say we are effectively fighting cancer if we fail to implement the most basic anti-tobacco policies such as tax?

22. In February 2019, COSH said it was “extremely disappointed with the decision of the Financial Secretary not to raise the tobacco tax in The 2019-20 Budget”. Mr Antonio Kwong, COSH Chairman emphasized, “Increasing

tobacco tax is a fundamental and effective policy to further lower smoking prevalence. Tobacco tax has been frozen in the past four consecutive years and seven of the last 10 years. Continuously freezing the tax will further weaken the price effect on reducing demand for tobacco.”^[14]

23. We urge the government to listen to these experts on these basic policy matters;

24. and to discuss our policy suggestions outlined above, such that we may continue to combat cancer effectively in the decades ahead.

Signed

Blue Skies China

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