



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: FH CR 1/3231/19

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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 the Smoking (Public Health) (Amendment) Bill 2019
to be proposed by Hon SHIU Ka-fai

I refer to your letter dated 13 July 2021. 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)1232/20-21(01)) (“the Proposal”), our response is set out as follows.

2. The Administration has thoroughly studied the Proposal of excluding heated tobacco products (“HTPs”) from the definition of alternative smoking products in Schedule 7 as set out in the Bill. The Administration maintains that a full ban of electronic cigarettes (“e-cigarettes”), HTPs and herbal cigarettes is the most effective means of control to prevent these harmful smoking products from taking root and creating a new generation of smokers especially among the youth in Hong Kong. Hence, we do not agree to the exclusion of HTPs from the proposed ban in return for subjecting HTPs to regulations on par with that of conventional tobacco products under the Smoking (Public Health) Ordinance (Cap. 371).

3. All tobacco products, including HTPs, are definitely harmful to health and highly addictive. Blocking the entry of any new class of tobacco products into the local market is an essential step for achieving the Government’s ultimate goal of eliminating tobacco

use in Hong Kong. To date, there is no evidence to support the claim made by the tobacco industry that HTPs are less harmful than conventional cigarettes. HTPs are aggressively marketed to non-smokers and especially young people. The World Health Organization (“WHO”) in the latest WHO Report on the Global Tobacco Epidemic 2021 points out that the tobacco industry is employing the same marketing tactics it used with conventional products to promote its new tools, such as nicotine-containing electronic cigarettes and HTPs, to hook another generation on nicotine. The Proposal, if carried forward, will seriously jeopardize our tobacco control efforts.

4. HTP devices have the capability to collect data on users' smoking patterns and preferences and allow the tobacco companies to directly communicate with individual users. These functions will greatly undermine the existing tobacco control measures and assist the tobacco industry to develop more addictive and attractive products. The development of tobacco products has always outpaced the research capability of the scientific community to fully evaluate their risks, and the regulatory challenge brought by a highly heterogeneous class of products coupled with digital technology is graver than ever. In the absence of a complete ban of HTPs, regulations currently applicable to conventional smoking products will not be sufficient to regulate HTPs or to catch up with their rapid technological development, and the Government will have to deploy an enormous amount of manpower and other resources to constantly review HTP regulations in an attempt to keep up with the development of HTPs. There are no known benefits to the society from these new products that could justify such use of public resources.

5. The proposed ban serves to protect public health in Hong Kong and has received strong support from healthcare professionals, educators, parents, patients groups, and the community. Recent press conferences and surveys by the Hong Kong Council on Smoking and Health (“COSH”), academics, and parent-teacher groups have reaffirmed such public support towards the banning of e-cigarettes and HTPs. According to a recent survey conducted by COSH and the Committee on Home-School Co-operation, this includes the majority of parents who are currently smokers. Therefore, the Administration cannot agree to the Proposal of removing HTPs from the ban under the Bill.

6. Smoking prevalence in Hong Kong has decreased to a very low level, particularly among the youth. Hong Kong has come closer than most countries and regions to the emergence of a tobacco-free generation. A recent study conducted by the University of Hong Kong has even shown that low smoking prevalence is a key reason to Hong Kong's world leading longevity. Some HTPs have been found to be at least as addictive as conventional products. We have to insist on a full ban to prevent their entry into Hong Kong thereby potentially reversing the downward trend in smoking prevalence observed across the past four decades. The Government will also continue to explore ways to

strengthen tobacco control through legislation, enforcement, publicity, education, smoking cessation services and taxation.

Yours sincerely,



(Mr Alexander LEUNG)
For Secretary for Food and Health