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**Report of the Bills Committee on Smoking
(Public Health) (Amendment) Bill 2019 (2020-2021 session)**

Purpose

This paper reports on the deliberations of the Bills Committee on Smoking (Public Health) (Amendment) Bill 2019 (2020-2021 session) ("the Bills Committee").

Background

2. The Smoking (Public Health) Ordinance (Cap. 371) ("the Ordinance") provides for, among others, the prohibition of smoking in certain areas, and the restrictions on tobacco advertising and the sale or giving of tobacco products. Pursuant to the Dutiable Commodities Ordinance (Cap. 109), tobacco is a dutiable commodity and is liable to duty payment in accordance with the relevant requirements.

3. There is an emergence of novel smoking products, including electronic cigarettes ("e-cigarettes")¹ and heated tobacco products ("HTPs")², in recent years. According to the World Health Organization ("WHO"), all forms of tobacco use are harmful. As advised by the Administration, the Seventh session of the Conference of the Parties to the World Health Organization Framework

¹ E-cigarettes, which are battery-powered, are the most common prototype of electronic nicotine delivery systems or electronic non-nicotine delivery systems that do not burn or use tobacco but heat e-liquid that may or may not contain nicotine to create an aerosol the user then inhales. An e-cigarette usually comprises a mouthpiece, a battery-powered heating element, a cartridge or refillable tank containing e-liquid and an atomizer that vaporizes e-liquid when heated.

² HTPs use a battery-powered heating-system to heat tobacco up to temperatures lower than conventional cigarettes (generally less than 600°C) to produce aerosol containing nicotine and other chemicals, which is inhaled by users through the mouth. The heating system, which is enclosed in a device, can be (a) an external heat source to aerosolize nicotine from specially designed cigarettes or tobacco sticks; or (b) a heated sealed chamber which aerosolizes nicotine directly from tobacco leaf.

Convention on Tobacco Control ("WHO FCTC")³ held in 2016 proposed to the Parties to apply regulatory measures either to restrict or prohibit, as appropriate, the manufacture, importation, distribution, presentation, sale and use of electronic nicotine delivery systems or electronic non-nicotine delivery systems, as appropriate to their national laws and public health objectives. In the eighth session held in October 2018, WHO proposed the same for HTPs.⁴

4. In the light of the rapid rise in the use of e-cigarettes in overseas countries, the potential health effects arising from their use, the concern about the gateway effect on initiation of actual tobacco use among youngsters, and the recommendation of WHO, the Administration proposed in May 2015 to legislate for the prohibition of import, manufacture, sale, distribution, and advertising of e-cigarettes. Subsequently, the Administration put forth a refined proposal in June 2018 to regulate e-cigarettes and other new smoking products in a way similar to conventional tobacco products⁵ with an aim to prevent youth and non-smokers from picking up smoking habit, and to remind smokers and ex-smokers that these new products are harmful. In October 2018, the Chief Executive announced in her 2018 Policy Address that, with the protection of public health as the prime consideration, the Administration would submit a legislative proposal in the 2018-2019 legislative session to ban the import, manufacture, sale, distribution and advertisement of e-cigarettes and other new smoking products.

The Bill

5. The Smoking (Public Health) (Amendment) Bill 2019 ("the Bill") was published in the Gazette on 15 February 2019 and received its First Reading at the Council meeting of 20 February 2019. The Bill seeks to amend the Ordinance, two items of its subsidiary legislation, and the Dutiable Commodities Ordinance to (a) prohibit the import, manufacture or sale and restrict the giving, possession

³ WHO FCTC entered into force in 2005. Parties are obliged to take a number of steps to reduce demand and supply for tobacco products. China is one of the signatories to and has ratified WHO FCTC, the application of which has been extended to Hong Kong since 2006.

⁴ See paragraph 9 of the Legislative Council Brief (File Ref.: [FH CR 1/3231/19](#)) issued by the Food and Health Bureau and the Department of Health on 13 February 2019.

⁵ The proposed regulatory regime included: (a) prohibition of sale to minors; (b) prohibition of advertisement, promotion and sponsorship; (c) prohibition of sale unless in retail package bearing health warning; (d) prohibition of sale from vending machines; (e) a ban on use in no smoking areas; (f) imposition of relevant labelling requirements, including indication of the presence of tar and nicotine, and a ban on any claims or suggestions that were not backed by scientific evidence; (g) a ban on certain additives (such as vitamins) in e-cigarettes which might create an impression that such products had health benefits or presented reduced health risks, and any promotion that suggested that the products might contain any appealing flavour; and (h) taxation on any tobacco component.

or promotion of prescribed alternative smoking products ("ASPs"); (b) extend the current prohibitions on the use of cigarettes, cigars or pipes in specified places to the use of ASPs; (c) extend the current restrictions on tobacco advertising to the advertising of ASPs; and (d) make related, textual and consequential amendments, including the exclusion of ASPs from being dutiable commodities. The key features of the Bill as explained by the Administration are set out in paragraphs 11 to 23 of the LegCo Brief (File Ref.: FH CR 1/3231/19) issued by the Food and Health Bureau and the Department of Health on 13 February 2019.

The Bills Committee

6. A bills committee was formed at the House Committee ("HC") meeting on 1 March 2019 to study the Bill ("the former Bills Committee"). Given that the former Bills Committee was still studying the general merits and principles of the Bill in May 2020 after holding eight meetings, some of its members held reservation on the feasibility of completing scrutiny of the Bill under a tight timeframe before prorogation of the Sixth Legislative Council ("LegCo") originally specified on 18 July 2020. The former Bills Committee decided by voting at its meeting on 2 June 2020 to discontinue its scrutiny work on the Bill and reported to HC its deliberations and decision. HC agreed at its meeting on 3 July 2020 to dissolve the former Bills Committee pursuant to rule 21(r) of the House Rules.

7. As the Sixth LegCo is to continue to discharge duties,⁶ Members agreed at the HC meeting on 16 October 2020 that a new Bills Committee should be formed to study the Bill. Hon WONG Ting-kwong and Hon Frankie YICK have been elected as Chairman and Deputy Chairman of the Bills Committee respectively. The membership list of the Bills Committee is in **Appendix I**.

⁶ The Sixth LegCo commenced on 1 October 2016 and the general election for the Seventh LegCo ("the 2020 LegCo General Election") was originally scheduled to be held on 6 September 2020. On 31 July 2020, the Government announced that the Chief Executive in Council had decided to postpone the 2020 LegCo General Election for one year to 5 September 2021 having regard to the severe coronavirus disease 2019 epidemic situation. On 11 August 2020, the Standing Committee of the National People's Congress decided that after 30 September 2020, the Sixth LegCo would continue to discharge duties for not less than one year until the Seventh LegCo begins. The Government announced in the Gazette on 14 August 2020 that in exercise of the powers conferred by section 46 of the Interpretation and General Clauses Ordinance (Cap. 1), the Chief Executive has revoked the decision to prorogue the sixth term of LegCo made under section 6(3) and (4) of the Legislative Council Ordinance (Cap. 542) with effect from 14 August 2020. The Government Notice which specified 18 July 2020 as the date from which the sixth term of LegCo shall stand prorogued is also revoked.

8. The Bills Committee has decided to start the scrutiny work afresh and has held seven meetings to study the Bill. It has also received 67 written submissions. A list of organizations and individuals which/who have given written submissions to the Bills Committee is in **Appendix II**.

Deliberations of the Bills Committee

Prohibition of ASPs

Proposals in the Bill

9. The Bill proposes to add a new definition of ASP and a new Part 4AB (i.e. proposed new sections 15DA to 15DH) to the Ordinance to provide for the new regime on the prohibition of ASPs. Under the proposed section 2 of, and Part 2 of the proposed new Schedule 7 to, the Ordinance, the following products would fall within the definition of ASP: (a) Category 1 ASP refers to a device (other than a waterpipe) that is capable of generating an aerosol from a substance not being tobacco or a dangerous drug,⁷ other than by means of lighting the substance directly and use for imitating the smoking of a cigarette, cigar or pipe ("conventional smoking"), its component or accessory, or that substance; (b) Category 2 ASP refers to a device (other than a waterpipe) that is capable of generating an aerosol from tobacco other than by means of lighting the tobacco directly and use for smoking, its component or accessory, or that tobacco; and (c) Category 3 ASP refers to specified plant material, not being tobacco or a dangerous drug, rolled up in any material in a form that is capable of immediate use for imitating conventional smoking. According to the Administration, ASPs would include products commonly known as e-cigarettes, HTPs and herbal cigarettes. The proposed new section 15DA of the Ordinance provides for the prohibition of the import,⁸ manufacture, sale or offer for sale,⁹ and restriction, under certain circumstances, of the giving, possession or promotion ("full ban") of ASPs.

⁷ According to the proposed new section 1 of the proposed new Schedule 7 to the Ordinance, dangerous drug would have the meaning given by section 2(1) of the Dangerous Drugs Ordinance (Cap. 134).

⁸ "Import" is defined in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1).

⁹ A sale of ASP with a view to exporting ASP would not be regarded as a sale of ASP under the proposed new section 15DA(2)(b) of the Ordinance.

Proposed imposition of a full ban on e-cigarettes

10. The Administration has informed the Bills Committee that e-cigarette use in Hong Kong is on an upward trend. According to the Thematic Household Survey Report Nos. 59, 64 and 70 published by the Census and Statistics Department ("C&SD"), it was estimated that there were less than 1 000, some 5 700 and some 7 200 daily smokers aged 15 or above who consumed e-cigarettes in 2015, 2017 and 2019 respectively. Findings of the school-based survey on smoking conducted by The University of Hong Kong among students in 2018-2019 reveals that 0.8% of secondary one to secondary six students in Hong Kong were e-cigarette users at the time. A study conducted by the Hong Kong Council on Smoking and Health ("COSH") shows that ever use of e-cigarettes among primary two to primary four students increased by 55% from 2016-2017 to 2017-2018. There is also ample evidence on the association of e-cigarettes with initiation of cigarette use. Noting that there is conclusive body of evidence that e-cigarettes, which have various flavours and are highly appealing to adolescents, contain and emit numerous chemical mixture and toxic substances that are hazardous to health, members have a unanimous view that a full ban should be imposed on e-cigarettes.

11. Holding the view that the growth of e-cigarette use among adolescents cannot be dismissed without the imposition of a full ban on e-cigarettes which he first proposed in 2014, Mr KWOK Wai-keung has expressed regret about the slow progress made in this regard. He has enquired about the enforcement actions being taken by the Administration against the illegal sale of nicotine-containing e-cigarettes in the local market before the passage of the Bill. Mrs Regina IP has expressed particular concern about the increasing sale of e-cigarettes with claims of slimming or beauty effect, which increase their appeal to youngsters who otherwise would not smoke.

12. The Administration has advised that nicotine is a "Part 1 poison" under the Pharmacy and Poisons Ordinance (Cap. 138). At present, nicotine-containing e-cigarettes are classified as pharmaceutical products requiring registration with the Pharmacy and Poisons Board of Hong Kong before they can be sold or distributed in Hong Kong and only licensed wholesale dealers or authorized sellers are allowed to possess or sell these products. Between 2017 and 2020, there were five convicted cases involving illegal possession or sale of unregistered pharmaceutical products or "Part 1 poisons" related to nicotine-containing e-cigarettes. Separately, it is an offence under the Trade Descriptions Ordinance (Cap. 362) for any person, in the course of the person's trade or business, to apply a false trade description to any goods; or supply or offer to supply any goods to which a false trade description is applied.

Proposed imposition of a full ban on HTPs

13. According to the Administration, the currently marketed HTPs, which were introduced relatively recently in 2015, have posed new health risk and challenges. Findings of the Thematic Household Survey conducted by C&SD in 2019 revealed that there were some 13 100 persons (i.e. 0.2% of persons aged 15 and above) who consumed HTPs daily. The proposed full ban of HTPs has received strong support from healthcare professionals, educators and parents. Some members including Mr KWOK Wai-keung, Ms Elizabeth QUAT, Dr Pierre CHAN and Mr LUK Chung-hung support the imposition of a full ban on other new classes of smoking products including HTPs to avoid undermining the achievements in tobacco control over the past some 40 years.¹⁰ Pointing out that Hong Kong currently enjoys a record-low smoking prevalence, they have expressed concern that HTPs, which are attractive to the younger generation and females in view of their design (including the features of producing no ash and unpleasant smell) and positioning, are aggressively marketed to non-smokers and especially the youth. Their entry into the local market, if allowed, would attract a new generation of adolescents and women to become smokers. This may bring about the gateway effects that youngsters and non-smokers getting used to these products would initiate nicotine use and turn to consume conventional cigarettes. In addition, smoking not only causes health problems on users and exposes bystanders to side-stream emissions but also imposes heavy burden on public healthcare expenditure. Against the above considerations, these members consider that there is a pressing need to prevent the harm of any new classes of smoking products including HTPs from taking root in the local market which may in turn result in a rebound in smoking prevalence.

14. Ms Elizabeth QUAT has further suggested that a full ban should be imposed on all tobacco products for the sake of public health. She has urged the Administration to set out the measures and timetable for achieving a smoke-free Hong Kong in the long run. The Administration has advised that it has laid down in the "Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong" the target of reducing smoking prevalence from the current level of about 10% to 7.8% by 2025. The Bill would be an essential step for achieving the above target and its ultimate goal of eliminating tobacco use in Hong Kong.

15. However, many other members including Mr Tommy CHEUNG, Mr Paul TSE, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Martin LIAO, Mr Jimmy NG, Mr SHIU Ka-fai, Mr LAU Kwok-fan and Dr CHENG Chung-tai are of the view that HTPs should not be fully banned but should be subject to a

¹⁰ According to the Administration, smoking prevalence among persons aged 15 and above has dropped from over 20% in the 1980s to 10.2% at present.

regulatory regime similar to that of conventional cigarettes. They have pointed out that while HTPs and conventional cigarettes are both tobacco products which are inherently unlikely to be harmless, existing evidence shows that the former are less harmful in terms of reducing users' exposure to harmful and potentially harmful chemicals.¹¹ Since conventional cigarettes and other tobacco products are not prohibited and restricted on equal footing under the Bill nor has the Administration announced any timetable to do so in the longer-term, established adult smokers should not be deprived of the right to opt for HTPs. These members have further pointed out that the sale of HTPs is allowed in more than 60 places, including the United States ("US") as well as many Member States of the European Union, the latter being Parties to WHO FCTC. Some of these members have highlighted the respective decisions made by the United States Food and Drug Administration ("FDA") in April 2019 that authorizing the marketing of the IQOS Tobacco Heating System ("IQOS System") in US is appropriate for the protection of public health under the premarket tobacco product application ("PMTA") pathway,¹² and in July 2020 that IQOS System be the first set of tobacco products to receive exposure modification orders under the modified risk tobacco product ("MRTP") pathway¹³ that they are authorized to be marketed with the following information: (a) IQOS System heats tobacco but does not burn it; (b) this significantly reduces the production of harmful and potentially harmful chemicals; and (c) scientific studies have shown that switching completely from conventional cigarettes to IQOS System significantly reduces the body's exposure

¹¹ Some of the studies cited by members are:

- (a) according to a study conducted by the General Administration of Quality Supervision, Inspection and Quarantine of People's Republic of China in early 2018 and an article published by the Vice President of Shanghai New Tobacco Product Research Institute, the levels of emission of some toxic substances by HTPs were significantly lower (over 90%) than those by conventional tobacco products;
- (b) a Japanese study published in the International Journal of Environment Research and Public Health on 4 February 2020 which revealed that the cancer-causing risk of and the concentration levels of certain volatile organic compounds emitted by HTPs are lower when compared with those of conventional cigarettes; and
- (c) the studies and the corresponding decisions of the United States Food and Drug Administration ("FDA") as detailed in the same paragraph.

¹² Any new tobacco product (i.e. any tobacco product that was not commercially marketed in US as of 15 February 2007; or any modification to a tobacco product where the modified product was commercially marketed in US after 15 February 2007) seeking an FDA marketing order under the PMTA pathway must provide scientific data that demonstrate a product is appropriate for the protection of public health.

¹³ The MRTP pathway allows companies to submit applications for FDA to evaluate whether a tobacco product may be sold or distributed for use to reduce harm or the risk of tobacco-related disease. There are two types of MRTP orders FDA may issue, namely a risk modification order and an exposure modification order. The latter permits the marketing of a product as containing a reduced level of or presenting a reduced exposure to a substance or as being free of a substance when the issuance of the order is expected to benefit the health of the population.

to harmful or potentially harmful chemicals.¹⁴ The above apart, the State Tobacco Monopoly Administration ("STMA") has conducted a public consultation exercise starting from 22 March 2021 on its proposal to regulate novel tobacco products under the Tobacco Patent Sales Law of the People's Republic of China ("STMA's proposal"). These members consider that the Administration should consider regulating HTPs instead of imposing a full ban on these products in view of STMA's proposal such that adult smokers would be free to choose their preferred tobacco products.

16. The Administration has explained to the Bills Committee that unlike conventional cigarettes that are relatively homogenous in design, HTPs are a class of highly heterogeneous products. While not having been on the market for long, HTPs differ in terms of the ingredients used in the tobacco part, the way that the tobacco is heated, the puffing regime, and the temperature reached in the devices, among other things. At present, research data on the chemical profile and toxicity of the emissions are lacking for most HTPs. While some studies have shown that the levels of emission of some toxic chemicals by HTPs are lower than those of conventional cigarettes, it should be noted that a lower emission level of toxic chemicals does not necessarily translate to reduced harm as there are no safe tolerance limits for many harmful chemicals. The above apart, information submitted by the manufacturer of IQOS System to FDA reveals that 80 chemicals, including four possible carcinogens, 19 chemicals that are identified with genotoxic and/or carcinogenic potential and 20 chemicals exhibiting potential health effects, are either present in higher concentration in aerosols of the product or not present in conventional cigarette smoke.¹⁵ There is no available evidence to conclude whether HTP use is associated with any long-term clinical outcome, positive or negative, from exposure to the mainstream and second-hand emission. The Administration has stressed that in the MRTP application process, FDA determined that evidence did not support issuing a risk modification order for IQOS System at the time as the manufacturer had not demonstrated that, as actually used by consumers, the products sold or distributed with the proposed modified risk information would significantly reduce harm and risk of tobacco-related disease to individual tobacco users. FDA has stated that its authorization does not mean that it deems the product to be safe for use by consumers, or the product is endorsed or approved by FDA.

¹⁴ The relevant press announcements of FDA referred to by these members can be accessed at <https://www.fda.gov/news-events/press-announcements/fda-permits-sale-iqos-tobacco-heating-system-through-premarket-tobacco-product-application-pathway> and <https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-iqos-tobacco-heating-system-reduced-exposure-information>.

¹⁵ See [LC Paper No. CB\(2\)1198/20-21\(02\)](#) for the full list of the 80 chemicals provided by the Administration.

17. The Administration has pointed out that HTPs, being digital gadgets with the capability to collect data on users' preferences and use patterns, directly communicate with individual users to influence their smoking behaviours and potentially exert control of device performance,¹⁶ entail risks beyond those brought about by tobacco as known in the conventional products. In its view, the introduction of HTPs, with their unlimited technological potentials to promote use and increase addictiveness, in Hong Kong where no pre-marketing approval mechanisms are in place can bring disastrous public health consequences. The technological developments in HTPs will also easily outpace the regulatory capacities of a country or region. In view of the foregoing, there is a need to prevent the harm of HTPs before the formal introduction of these products in the local market to avoid what has happened regarding the regulation of conventional tobacco products. This would be similar to what has been achieved with the ban of smokeless tobacco products since 1987 under the Smokeless Tobacco Products (Prohibition) Regulations (Cap. 132BW). The Administration has also pointed out that the proposal to ban ASPs in Hong Kong is in the same policy direction as that of STMA's proposal, as both proposals are seeking to tighten tobacco control in accordance with the obligations under WHO FCTC. That said, given the different consideration factors (e.g. smoking prevalence) for tobacco control in the Mainland and in Hong Kong, the regulatory approaches of the Mainland may not be locally applicable. For Hong Kong, the tobacco control policy is to discourage the use of tobacco products and contain the proliferation of tobacco use. The Bill aims at preventing the emergence of a new generation of smokers.

18. Mr SHIU Ka-fai has pointed out that for the four possible carcinogens referred to by the Administration in paragraph 16 above, it is stated in the Premarket Tobacco Product Application Technical Project Lead Review released by FDA¹⁷ that the levels of exposure to them appear low and when considered with other data do not preclude a conclusion that the products concerned are appropriate for protection of public health. To his understanding, these possible carcinogens are also found in many alcohol products or additives in food and drinks. Mr YIU Si-wing has suggested the Administration to make reference to FDA's PMTA pathway to introduce a mechanism to conduct testing of each HTP applying for authorization for sale in Hong Kong. The tests could either be carried out by the Administration or by an accredited institution. Authorization for sale of HTPs should only be granted if the standards set by the Administration could be satisfied. Taking into consideration that there are not many types of HTPs and the local market is much smaller than that of US, it is expected that the level of

¹⁶ See paragraph 10 of LC Paper No. [LC Paper No. CB\(2\)917/20-21\(02\)](#) for details of the functions carried by the electronic devices of HTPs cited by the Administration.

¹⁷ The Premarket Tobacco Product Application Technical Project Lead Review referred to by Mr SHIU Ka-fai can be accessed at <https://www.fda.gov/media/124247/download>.

funding required for the implementation of the mechanism would not be comparable to that of required by FDA.

19. The Administration does not support the suggestion put forth by Mr YIU Si-wing. According to the Administration, FDA collects user fees, which amounted to US\$700 million per annum, from domestic manufacturers and importers of certain classes of tobacco products and uses the funds to support activities in relation to tobacco product regulation such as PMTAs. It is impossible for Hong Kong to follow suit. The above apart, as protecting public health is the Government's prime consideration, it is inappropriate to establish a mechanism to facilitate any new smoking products to take root in the local market which may result in an increase in smoking prevalence. The putting in place any such mechanism would result in the need for the Administration to deploy an enormous amount of manpower and other resources to constantly review the relevant regulations in an attempt to keep up with the development of HTPs. There are no known benefits to the society from these products that could justify such use of public resources.

20. Those members who are against the imposition of a full ban on HTPs in general do not subscribe to the Administration's explanations. They have criticized that the Administration should not play down the fact that HTPs, which heat tobacco but do not burn it, reduce the production of harmful and potentially harmful chemicals, albeit that the issue of risk reduction is presently unknown. Taking into consideration that no empirical studies have been suggesting that HTPs are more harmful than conventional cigarettes, it is not justifiable that established adult smokers should not be given a choice to opt for them. An observation of Mr Jimmy NG and Mr SHIU Ka-fai is that the introduction of HTPs into Japan has displaced certain, and has accelerated decline in, sale of conventional cigarettes.¹⁸ While the high prices of HTPs have already made them unaffordable to most adolescents, Mr YIU Si-wing has suggested the Administration to increase the excise duty on HTPs to further disincentivize the purchase of these products. Some members including Mr Tommy CHEUNG and Mr YIU Si-wing have pointed out that Hong Kong's smoking prevalence is already among the lowest in the world. A more appropriate way to prevent the emergence of a new generation of smokers is to step up public education on the harm of smoking to enable the public to make an informed choice. Imposing age restriction, say, 20 years or above, for the use of tobacco products (including ASPs and conventional cigarettes) would be another effective means for achieving the above purpose.

¹⁸ Members have cited an article entitled "What is accounting for the rapid decline in cigarette sales in Japan?" which was published in the International Journal of Environmental Research and Public Health in 2020.

21. The Administration has advised that WHO, in response to the exposure modification order granted by FDA to IQOS System, has issued a statement informing the public that given that health may be affected by exposure to additional toxins when using HTPs, claims that HTPs reduce exposure to harmful chemical relative to conventional cigarettes may be misleading.¹⁹ WHO has also pointed out that for places that have already achieved a low smoking prevalence and that prevalence continues to decrease steadily, use of novel tobacco products will not bring public health benefits even if the full theoretical risk reduction potential of these products are to be realized. In fact, the population data available to date show that the majority of HTP users are dual users of HTPs and conventional cigarettes. For instance, studies showed that 63% to 72% of HTP users in Japan and 96% of HTP users in South Korea continued to use cigarettes.²⁰ This smoking pattern renders the dual users being exposed to the known and unknown toxicants from both products. The Administration has assured members that public education would be strengthened to educate the public about the harm of tobacco use. Separately, COSH has carried out various publicity programmes (e.g. production of television and radio Announcements in the Public Interest) and education programmes in schools to raise the awareness of the public and students of the hazards of smoking and new smoking products.

22. Mr SHIU Ka-fai has submitted to the Bills Committee for consideration a set of amendments to the Bill to the effect that HTPs will be excluded from the definition of ASP in the proposed new Schedule 7 to the Ordinance and be subject to regulatory control on par with that of conventional tobacco products instead. The Administration does not agree to the proposed amendments. It has advised that 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 highly addictive products and are aggressively marketed to smokers as well as non-smokers, especially young people. WHO in the latest WHO Report on the Global Tobacco Epidemic 2021 has pointed 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 e-cigarettes and HTPs, to hook another generation on nicotine. The low smoking prevalence in Hong Kong has suggested that the territory has come closer than most places to the emergence of a tobacco-free generation. The set of amendments to be proposed by Mr SHIU Ka-fai, if carried forward, will seriously jeopardize the Administration's tobacco control efforts. It maintains that a full ban on e-cigarettes, HTPs and herbal cigarettes would be the most effective means of control to prevent these harmful

¹⁹ The statement issued by WHO referred to by the Administration can be accessed at: <https://www.who.int/news/item/27-07-2020-who-statement-on-heated-tobacco-products-and-the-us-fda-decision-regarding-iqos>.

²⁰ See paragraph 16 of [LC Paper No. CB\(2\)917/20-21\(02\)](#) and paragraph 5 of [LC Paper No. CB\(2\)477/19-20\(02\)](#) for the studies referred to by the Administration.

smoking products from taking root and creating a new generation of smokers especially among youth in Hong Kong.

Prohibition of the manufacturing and importing of ASPs

23. The proposed full ban of ASPs would involve a manufacturing ban and an import ban on ASPs. The proposed new sections 15DA(1)(b) and 15DA(1)(e)(i) of the Ordinance seek to prohibit the manufacturing of ASP and the possession of ASP for the manufacture of any other ASP. As regards the import ban, no person may import ASP under the proposed new section 15DA(1)(a) of the Ordinance, including bringing in by incoming travellers and through parcels and cargoes. The proposed new sections 15DC and 15DD of the Ordinance provide for exemption from the prohibition on importing ASPs in the case of persons in transit at the Hong Kong International Airport, and articles in transit²¹ or air transshipment cargoes²². However, the exemption would not apply in relation to ASP if, at any time between its being brought into and taken out of Hong Kong, the product is removed from, (a) in case of an article in transit on an aircraft, the aircraft other than in the specified cargo transshipment area²³; (b) in case of an article in transit in a vessel, the vessel; or (c) in case of an air transshipment cargo, the specified cargo transshipment area. The Administration has informed the Bills Committee that the reason why export of ASPs would not be prohibited under the Bill is to allow sellers to export ASPs at any time to clear out their existing stock after the passage of the Bill.

24. Mr YIU Si-wing has expressed concern that some travellers who are users of HTPs may not come to Hong Kong as they could not get access to HTPs if the import ban would be imposed. Pointing out that manufacturing of conventional cigarettes is allowed in Hong Kong, Mr SHIU Ka-fai has enquired why manufacturing of ASPs solely for export but not for sale in the local market would have to be prohibited. Mr Frankie YICK and Mr SHIU Ka-fai have also expressed concern that no exemption would be provided under the Bill for ASPs that are brought into Hong Kong and removed from the aircraft, vessel or air transshipment cargo solely for the purpose of re-exporting them after repackaging within Hong Kong, for other businesses' in-house use (such as packaging design) as well as for research and development work. In their view, such prohibition would have an

²¹ According to the proposed new section 15DD(8) of the Ordinance, article in transit would have the meaning given by section 2 of the Import and Export Ordinance (Cap. 60).

²² According to the proposed new section 15DD(8) of the Ordinance, air transshipment cargo would have the meaning given by section 2 of the Import and Export Ordinance.

²³ Under the proposed new section 15DD(8) of the Ordinance, specified cargo transshipment area would mean (a) any part of the Hong Kong International Airport that is designated under section 35 of the Aviation Security Ordinance (Cap. 494) as a restricted area; or (b) an area approved by the Commissioner of Customs and Excise under section 2AA of the Import and Export Ordinance.

adverse impact on the business of the logistics and the innovation and technology sectors.

25. The Administration has advised that should the manufacturing and import of ASPs for the above purposes be exempted, an elaborate enforcement regime would be required to monitor the whole supply chain, including registration and vigorous tracking of such products to ensure that they do not enter into the local market illegally. It takes the view that such exemptions would require a complex enforcement regime with a whole new set-up involving disproportionate resources and place unnecessary pressure on enforcement. As ASPs are not daily necessities but are merely consumer goods that have prejudicial effect on the health of users and bystanders, the Administration does not consider the use of these extra resources well-justified.

26. These members do not subscribe to the Administration's view. They have pointed out that a licensing system for the manufacturing, import and export of dutiable commodities, including tobacco products, is already in place. Reference could be made to the arrangement currently adopted for pharmaceutical products whereby an electronic system has been set up for licensed wholesalers of pharmaceutical products to enlist those unregistered pharmaceutical products or substances that would be imported into Hong Kong for re-export on the one hand, and on the other hand for the Administration to monitor the movement of these products into and out of Hong Kong to ensure that they would not enter into the black market. These members have indicated that they may propose certain amendments to the relevant provisions in the Bill.

27. As a related issue, given that the Bill would not prohibit the use of ASPs otherwise than in a no smoking area or a public transport carrier, nor would it prohibit the possession of ASPs not for the purpose of sale, Mr WONG Ting-kwong has expressed grave concern that solely cutting the local market supply of ASPs but not prohibiting the use of these products would create a loophole and exacerbate the illegal trade of these products which is highly profitable. Mr SHIU Ka-fai has enquired about the Administration's assessment on the activities in relation to illicit trade of HTPs if the Bill is passed. The Administration has advised that a majority of smokers consumed duty-paid tobacco products, as reflected by the fact that the revenue collected from tobacco duty had increased by around 20% in 2020. Efforts have been and would continuously be made by the Customs and Excise Department to combat illicit tobacco trade rigorously. As a reference, the total quantity of duty-not-paid cigarettes seized by the Department was 205 million sticks in 2020, which included 6.26 million sticks (i.e. around 3%) of HTPs.

Penalty level

28. According to the proposed new section 15DA(4) of the Ordinance, any person who contravenes the proposed new section 15DA(1) of the Ordinance in relation to the full ban of ASPs would commit an offence and would be liable to a fine at level 5 and to imprisonment for six months. The Legal Adviser to the Bills Committee has enquired on the reason for setting the penalties at the above level, noting that no offence currently under the Ordinance is punishable with an imprisonment. The Administration has explained that the proposed new section 15DA(1) of the Ordinance would impose a more stringent control over ASPs than the current regulation of conventional smoking products ("CSPs") (i.e. any cigarette, cigarette tobacco, cigar or pipe tobacco) under the Ordinance. Contravention of the proposed full ban of ASPs should constitute a more serious offence. With reference to the Smokeless Tobacco Products (Prohibition) Regulations which similarly prohibits the import, manufacture, sale, possession for sale, offer or exposure for sale etc. of smokeless tobacco product, it is proposed that the penalties for the offence under the proposed new section 15DA(1) should be at a fine at level 5 and an imprisonment for six months.

Liability of officers of bodies corporate

29. The proposed new section 15DB of the Ordinance provides that if a body corporate commits an offence under the proposed new section 15DA(4) of the Ordinance (i.e. a contravention of the proposed new section 15DA(1) of the Ordinance in relation to the full ban of ASPs), an officer of the body corporate also commits the offence if the offence was committed with the officer's consent or connivance or is attributable to the officer's neglect. The Legal Adviser to the Bills Committee has enquired on the reason for not making similar provision where the offence is committed by a partner in a partnership, as in other Ordinances such as section 175 of the Competition Ordinance (Cap. 619).

30. The Administration has advised that HTPs are currently mainly developed by large tobacco companies. That said, it is possible that an ASP business is run by an unincorporated body, such as a partnership. To ensure that the same level of control would be imposed on various ASP businesses, the Administration will move an amendment to the proposed new section 15DB of the Ordinance to the effect that if a partner in a partnership or a member of any other unincorporated body commits an offence under the proposed new section 15DA(4) of the Ordinance, and the offence was committed with the consent or connivance of an officer of the partnership or unincorporated body or is attributable to any neglect on the part of such an officer, the officer also commits the offence.

Enforcement power of inspectors and Customs and Excise officers

31. The proposed new section 15DG(2) of the Ordinance provides that if an inspector appointed under section 15F of the Ordinance ("Inspector") reasonably suspects that a person has committed or is committing an offence under the proposed new section 15DA(4) of the Ordinance, the Inspector may detain the person to facilitate the enforcement of the proposed new section 15DA of the Ordinance. Separately, the proposed new section 15DH(5) of the Ordinance empowers a Customs and Excise officer ("C&E Officer") (i.e. a person holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342)) to detain a person who is reasonably suspected to have committed or be committing an import offence (i.e. an offence under the proposed new section 15DA(4) of the Ordinance for the contravention of the proposed new section 15DA(1)(a) of the Ordinance) to facilitate the enforcement of the proposed new section 15DA of the Ordinance in relation to the offence. The Legal Adviser to the Bills Committee has pointed out that other Ordinances, such as section 15B(2)(f) of the Waterworks Ordinance (Cap. 102), expressly provide that the power to detain a person is only for a reasonable time for a stated purpose.

32. The Administration has advised that an Inspector would detain such person for a reasonable period as long as it is necessary to facilitate the enforcement of the proposed new section 15DA of the Ordinance. It should be noted that Article 5 of the Hong Kong Bill of Rights ("BOR") and Article 28 of the Basic Law protect everyone from arbitrary or unlawful arrest or detention. Detention which is not reasonable or necessary in all circumstances would be in breach of Article 5 of BOR which implements Article 9 of the International Covenant on Civil and Political Rights. In other words, the "reasonable time" requirement would be implied if the proposed new section 15DG(2) of the Ordinance is read together with Article 5 of BOR. In case a person is found in possession of suspected ASP at any entry point, a C&E Officer may detain the person until Inspectors arrive at the scene to take over the subject person and the ASP concerned for follow-up investigation and prosecution, as appropriate. For the sake of clarity and user-friendliness, the Administration will move amendments to the proposed new sections 15DG(2) and 15DH(5) of the Ordinance to state expressly that the detention power concerned is only for a reasonable period.

33. According to the proposed new section 15DH(3) of the Ordinance, a C&E Officer may seize, remove or detain any article if the C&E Officer reasonably suspects that the article is ASP and an import offence has been committed or is being committed in respect of the article. The proposed new section 15DH(4) of the Ordinance provides that any article seized (but not removed or detained) under the proposed new section 15DH(3) of the Ordinance may be retained in the custody of a C&E Officer until it is transferred to an Inspector for the enforcement of proposed new section 15DA of the Ordinance. In response to an enquiry by

the Legal Adviser to the Bills Committee, the Administration will move an amendment to add the "remove or detain" elements to the proposed new section 15DH(4) of the Ordinance for alignment between the above two proposed new sections of the Ordinance.

Prohibition of the display of advertisement of ASPs

34. The Bill proposes to amend Part 4 of the Ordinance to extend the existing restrictions on tobacco advertising to the advertising of ASPs. The proposed sections 11(1) and 12(1) of the Ordinance would prohibit, among others, the printing and publication of a smoking product advertisement in a printed publication and the display of a smoking product advertisement in writing. The proposed sections 13, 13A and 13B of the Ordinance would restrict a person to broadcast a smoking product advertisement by the transmission of sound by means of radio waves; broadcast a smoking product advertisement by the transmission of visual images or sound by wireless or otherwise than by wireless; exhibit a smoking product advertisement by film; and place or cause to be placed a smoking product advertisement on the Internet. The meaning of smoking product advertisement is set out in the proposed section 14 of the Ordinance, which would basically cover various forms of advertising in relation to a smoking product or smoking. A smoking product is defined, under the proposed section 2(1) of the Ordinance, to mean CSP or ASP.

35. Mr Frankie YICK has sought clarification as to whether designing packages of ASPs for advertising in places outside Hong Kong would be allowed under the Bill. The Administration has affirmed that there would be no such prohibition under the Bill. Under the proposed section 11(3) of the Ordinance, the prohibition on printing and publication of a smoking product advertisement in a printed publication and display of a smoking product advertisement in writing would not apply in relation to a smoking product advertisement in a printed publication that is published for the smoking products trade, or as the in-house publication of any company engaged in that trade. The proposed section 13B(3) of the Ordinance provides that the prohibition on placing of smoking advertisement on the Internet would not apply to any smoking product advertisement which is contained in any private correspondence on the Internet and is not for commercial purposes.

36. Members note that the primary basis of criminal jurisdiction in Hong Kong is territorial, and section 13B(2) of the Ordinance currently provides that a holder of a Public Non-Exclusive Telecommunications Service Licence granted under the Telecommunications Ordinance (Cap. 106) shall not be responsible for any content placed on the Internet by a user and made available for the use of another user unless the holder has knowledge of such content and can reasonably be expected to block the use of such content or require amendment of such content; or any such content to which the holder only provides access, including the

automatic and temporary storage of such content by the holder due to the request of a user. In view of the growth in the use of Internet for advertising, members have raised queries over the liability of a local Internet host where a smoking product advertisement is being uploaded to the Internet by a third party from a place outside Hong Kong and/or through servers located outside Hong Kong. The Administration has informed the Bills Committee that a person who places or causes to be placed a smoking product advertisement on the Internet targeting at Hong Kong would be held liable under the proposed section 13B(1) of the Ordinance. For the Internet hosts that have no knowledge over the advertisement uploaded or distributed, they would be required to, within a reasonable period of time, remove the advertisement from their platforms.

Prohibition on smoking in certain designated areas

37. Section 3(2A) of the Ordinance currently provides that a person is exempt from the prohibition of smoking or carrying a lighted cigarette, cigar or pipe in a no smoking area if the exemptions contained in Schedule 5 to the Ordinance apply (i.e. the exemption for live performance and the exemption for recording for film or television programme). Mr MA Fung-kwok takes the view that the Bill should extend these exemptions to the smoking or carrying of an activated ASP in a no smoking area.

38. The Administration has explained that it seeks to avoid the situation where the use of ASPs during a live performance and recording for film or television programme generates public interest in such products. In addition, there should no longer be any local supply of ASPs if the Bill is passed. Hence, it considers it not necessary to extend the exemptions under section 3(2A) of the Ordinance to ASPs.

39. Under the proposed item 10 of Part 2 of Schedule 2 to the Ordinance, a room which is designated for tasting or testing of smoking products (i.e. CSPs or ASPs) in the manufacturing or business premises of a business engaged in the smoking products trade would be, subject to compliance with the specified conditions, an exempt area. By virtue of section 3(1AA) of the Ordinance, such an exempt area would not be regarded as a no smoking area and accordingly the relevant smoking prohibition would not apply. Given that manufacturing of ASPs would be prohibited under the proposed new section 15DA(1)(b) of the Ordinance, the Legal Adviser to the Bills Committee has enquired on the need to include a room which is designated for tasting or testing of ASPs in the manufacturing premises of a business engaged in the ASP trade as an exempt area.

40. The Administration has advised that if the Bill is passed, it is possible that businesses engaging in the ASP trade would carry out tasting or testing of ASPs with their remaining stock in their business premises as necessary for conducting

the business of export. As tasting or testing of ASPs within the aforesaid premises is unlikely to generate public interest in ASPs or create a possible loophole that undermines the very high level of protection to the public which the Bill is seeking to achieve, it is proposed that the exemption of smoking ban be extended to the tasting or testing of ASPs in the specific business premises.

Interpretations of ASPs for the purposes of the Ordinance

41. The proposed new Schedule 7 to the Ordinance contains the interpretation provisions and products for definition of ASP. Noting that pursuant to section 16A of the Ordinance, the Secretary for Food and Health may by order published in the Gazette amend the above proposed new Schedule and such an order would be subsidiary legislation subject to scrutiny by LegCo pursuant to the negative vetting procedure under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1), Mr SHIU Ka-fai has expressed reservation about the arrangement.

Commencement

42. Members note that the Bill, if passed, would come into operation on the expiry of six months after the day on which it is published in the Gazette as an Ordinance.

Amendments to the Bill

Amendments to be moved by the Administration

43. Apart from the amendments to be moved by the Administration to the Bill as elaborated in paragraphs 30, 32 and 33 above, the Administration has proposed some textual amendments to the Bill with reference to the observations made by the Legal Adviser to the Bills Committee. The Bills Committee raises no objection to the amendments to be moved by the Administration to the Bill.

Amendments to be moved by individual members

44. The Bills Committees takes note that Mr SHIU Ka-fai intends to move a set of amendments to the Bill, as elaborated in paragraph 22 above, in his own name. The Bills Committees also takes note that Mr Frankie YICK and Mr SHIU Ka-fai may propose certain other amendments to the Bill as mentioned in paragraph 26 above.

45. The Bills Committee will not propose any amendments to the Bill.

Resumption of Second Reading debate on the Bill

46. Members in general raise no objection to the resumption of the Second Reading debate on the Bill. Having regard to members' views, the Administration has indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 20 October 2021.

Consultation with the House Committee

47. The Bills Committee reported its deliberations to the House Committee on 24 September 2021.

Council Business Division 2
Legislative Council Secretariat
13 October 2021

**Bills Committee on Smoking (Public Health) (Amendment) Bill 2019
(2020-2021 session)**

Membership list*

Chairman	Hon WONG Ting-kwong, GBS, JP
Deputy Chairman	Hon Frankie YICK Chi-ming, SBS, JP
Members	Hon Abraham SHEK Lai-him, GBS, JP Hon Tommy CHEUNG Yu-yan, GBS, JP Hon CHAN Kin-por, GBS, JP Hon Mrs Regina IP LAU Suk-yea, GBM, GBS, JP Hon Paul TSE Wai-chun, JP Hon YIU Si-wing, SBS Hon MA Fung-kwok, GBS, JP Hon LEUNG Che-cheung, SBS, MH, JP Hon KWOK Wai-keung, JP Hon Elizabeth QUAT, BBS, JP Hon Martin LIAO Cheung-kong, GBS, JP Ir Dr Hon LO Wai-kwok, GBS, MH, JP Hon CHUNG Kwok-pan Hon Jimmy NG Wing-ka, BBS, JP Hon Holden CHOW Ho-ding Hon SHIU Ka-fai, JP Hon Wilson OR Chong-shing, MH Hon YUNG Hoi-yan, JP Dr Hon Pierre CHAN Hon CHEUNG Kwok-kwan, JP Hon LUK Chung-hung, JP Hon LAU Kwok-fan, MH, JP

(Total : 24 members)

Clerk Ms Maisie LAM

Legal Adviser Ms Wendy KAN

* Changes in membership are shown in Annex to Appendix I.

Annex to Appendix I

**Bills Committee on Smoking (Public Health) (Amendment) Bill 2019
(2020-2021 session)**

Changes in membership

Member	Relevant date
Hon Kenneth LAU Ip-keung, BBS, MH, JP	Up to 9 November 2020
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon IP Kin-yuen	Up to 10 November 2020
Hon SHIU Ka-chun	Up to 11 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon LEUNG Yiu-chung	Up to 15 November 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 18 November 2020
Dr Hon CHENG Chung-tai	Up to 25 August 2021

For **changes in LegCo Membership**, please refer to the link below:
(<https://www.legco.gov.hk/general/english/members/yr16-20/notes.htm>)

**Bills Committee on Smoking
(Public Health) (Amendment) Bill 2019 (2020-2021 session)**

Organizations and individuals which/who have provided written submissions to the Bills Committee

1. Alliance for Regulating Heated Tobacco Product
2. Asian Consultancy on Tobacco Control
3. Association of Principals of Government Secondary Schools
4. BOF
5. British-American Tobacco Company (Hong Kong) Limited
6. CECES Blossom
7. Christian Family Service Centre
8. Clear the Air
9. Coalition of Hong Kong Newspaper and Magazine Merchants
10. Coalition on Tobacco Affairs
11. College of Nursing, Hong Kong
12. Community Drug Advisory Council
13. Council of Hong Kong & Kowloon Kai-Fong Associations Limited
14. Faculty of Medicine, The Chinese University of Hong Kong
15. Federation of Hong Kong Kowloon New Territories Hawker Associations
16. Federation of Parent Teacher Associations Hong Kong Island
17. Federation of Parent Teacher Associations in Kwun Tong District Ltd.
18. Federation of Parent Teacher Associations of Hong Kong Eastern District
19. Federation of Parent Teacher Associations of Islands District
20. Federation of Parent-Teacher Associations of the Central and Western District Limited
21. Federation of Parent-Teacher Associations of the Sai Kung District
22. Federation of Parent-Teacher Associations of Yuen Long District Limited
23. Federation of Parent-Teacher Association, Kowloon City District
24. Federation of Parent-Teacher Associations (Kwai Tsing District) Ltd.
25. Federation of Parent-Teacher Associations Sham Shui Po District Limited
26. Federation of Parent-Teacher Association, Southern District, H.K.
27. Federation of Parent-Teacher Association, Tai Po District
28. Federation of Parent-Teacher Associations, Tuen Mun
29. Federation of Parent-Teacher Associations, Wanchai District

30. Federation of Parent Teacher Associations Wongtaisin District Limited
31. Heated Tobacco Concern Group (HK)
32. HK Aided Primary School Heads Association
33. Hong Kong Academy of Medicine
34. Hong Kong Alliance of Patients' Organizations Limited
35. Hong Kong Association of Youth Development
36. Hong Kong Bar and Club Association
37. Hong Kong College of Cardiac Nursing
38. Hong Kong College of Cardiology
39. Hong Kong College of Community and Public Health Nursing
40. Hong Kong College of Community Medicine
41. Hong Kong College of Critical Care Nursing
42. Hong Kong College of Education & Research in Nursing
43. Hong Kong College of Emergency Medicine
44. Hong Kong College of Emergency Nursing
45. Hong Kong College of Gerontology Nursing
46. Hong Kong College of Medical Nursing
47. Hong Kong College of Mental Health Nursing
48. Hong Kong College of Midwives
49. Hong Kong College of Nursing & Health Care Management
50. Hong Kong College of Orthopaedic Nursing
51. Hong Kong College of Paediatric Nursing
52. Hong Kong College of Paediatricians
53. Hong Kong College of Perioperative Nursing
54. Hong Kong College of Physicians
55. Hong Kong College of Radiologists
56. Hong Kong College of Surgical Nursing
57. Hong Kong Council on Smoking and Health
58. Hong Kong Dental Association
59. Hong Kong Direct Subsidy Scheme Schools Council
60. Hong Kong Doctors Union
61. Hong Kong Early Childhood Education Administrative Professional Association
62. Hong Kong Island School Heads Association
63. Hong Kong Kindergarten Association
64. Hong Kong Newspaper Hawker Association
65. Hong Kong Patients' Voice
66. Hong Kong Subsidized Secondary Schools Council
67. I Smoke Alliance

68. International Academy of Cultural Exchange
69. Kowloon Region School Heads Association
70. Life Education Activity Programme
71. LKS Faculty of Medicine, The University of Hong Kong
72. Medical Conscience
73. Medical Service Department, The Lok Sin Tong Benevolent Society, Kowloon
74. Momentum 107
75. New Territories School Heads Association
76. New Voice Club
77. North District Federation of Parent-Teacher Associations
78. Pok Oi Hospital
79. Quit-Winners Club Limited
80. Sai Kung District School Heads Association
81. School of Health Sciences, Caritas Institute of Higher Education
82. School of Nursing and Health Studies, The Open University of Hong Kong
83. School of Nursing, LKS Faculty of Medicine, The University of Hong Kong
84. School of Nursing, Tung Wah College
85. School of Public Health, LKS Faculty of Medicine, The University of Hong Kong
86. Sha Tin District Primary School Heads Association
87. Sha Tin District Secondary School Heads Association
88. Sik Sik Yuen
89. The Boys' & Girls' Clubs Association of Hong Kong
90. The College of Dental Surgeons of Hong Kong
91. The College of Ophthalmologists of Hong Kong
92. The College of Surgeons of Hong Kong
93. The Education University of Hong Kong Past Student's Association of Early Childhood Teacher Education
94. The Federation of Medical Societies of Hong Kong
95. The Hong Kong Academy of Nursing
96. The Hong Kong Anti-Cancer Society
97. The Hong Kong Association of the Heads of Secondary Schools
98. The Hong Kong College of Anaesthesiologists
99. The Hong Kong College of Family Physicians
100. The Hong Kong College of Obstetricians and Gynaecologists
101. The Hong Kong College of Orthopaedic Surgeons
102. The Hong Kong College of Otorhinolaryngologists
103. The Hong Kong College of Pathologists
104. The Hong Kong College of Psychiatrists

105. The Hong Kong Liver Transplant Patients' Association
106. The Hong Kong Medical Association
107. The Hong Kong Taxi & Public Light Bus Association Limited
108. The Jockey Club School of Public Health and Primary Care, Faculty of Medicine, The Chinese University of Hong Kong
109. The Joint Council of Parent-Teacher Associations of the Shatin District Ltd.
110. The Lion Rock Institute
111. The Lok Sin Tong Benevolent Society, Kowloon
112. The Nethersole School of Nursing, Faculty of Medicine, The Chinese University of Hong Kong
113. The Non-Profit-Making Kindergarten Council of Hong Kong
114. The Pharmaceutical Society of Hong Kong
115. The Society of Hospital Pharmacists of Hong Kong
116. The Youth Quitline
117. Tsuen Wan District Parent Teacher Association Federation Limited
118. Tuen Mun District Kindergarten Heads Association
119. Tung Wah Group of Hospitals Integrated Centre on Smoking Cessation
120. Union of Government Primary School Headmasters and Headmistresses
121. United Christian Nethersole Community Health Service
122. Women Quitline, School of Nursing, The University of Hong Kong
123. Yan Chai Hospital
124. Yau Tsim Mong District School Heads Association
125. Yau Tsim Mong Federation Of Parents Teachers Association
126. Youth Quitline, School of Nursing, The University of Hong Kong
127. 九龍城區幼稚園校長會
128. 沙田區幼稚園校長會
129. 旅遊業從業員關注規管加熱煙連線
130. 深水埗幼兒教育校長會
131. CHAN Suet
132. CHUNG CIE
133. CHUNG James
134. CHUNG Pan-yiu
135. CHUNG PY
136. CIE
137. David Oglive
138. David T. Sweanor
139. Franco KAM Wing-kai
140. Henry TONG
141. Hiroya Kumamaru

142. KM CHUNG P Yunice
143. Michael CHAN
144. 方奕展
145. 朱國能
146. 何梓晴
147. 林至穎
148. 徐家健
149. 梁天卓
150. 陳陳明明
151. 曾國平