

立法會 *Legislative Council*

LC Paper No. CB(4)771/2024(06)

Ref : CB4/PL/HS

Panel on Health Services

Meeting on 14 June 2024

Background brief on tobacco control measures

Purpose

This paper provides background information and summarizes the concerns of Members of the Legislative Council, including members of the Panel on Health Services (“the Panel”) on issues relating to tobacco control measures in Hong Kong.

Background

Tobacco control policy

2. The Government’s tobacco control policy aims to safeguard public health by discouraging smoking, containing the proliferation of tobacco use and minimizing the impact of passive smoking on the public. To this end, the Government adopts a progressive and multi-pronged approach comprising legislation, enforcement, publicity, education, smoking cessation services and taxation.

3. Since 2007, the Government has prohibited smoking in all indoor public places (including dining and shopping premises as well as workplaces) and outdoor public pleasure grounds and facilities,¹ and has expanded the smoking ban by phases to public transport terminuses/interchanges.² Besides, it has tightened packaging requirements by mandating larger graphic health warnings on tobacco products,³ and

¹ Examples are beaches, public swimming pools, sport grounds and parks managed by the Government.

² These include all indoor public transport interchanges and some 200 designated public transport facilities including outdoor bus terminuses.

³ Effective from 2017, all tobacco products must (a) enlarge graphic health warnings to cover at least 85% of the packaging surface, (b) increase the number of warning forms from six to 12, and (c) show details of the Quitline.

increased the tobacco duty by 50.0% in 2009, 41.5% in 2011, 11.7% in 2014, 31.48% in 2023, and 31.92% in 2024. The Government also runs a Quitline, which offers counselling and referrals to cessation services at designated clinics, such as acupuncture and the mailing of medication (e.g. nicotine replacement therapy) to help people quit smoking. In addition, the Government has prohibited the import, promotion, manufacture, sale, and possession of alternative smoking products (“ASPs”) for commercial purposes since the end of April 2022.

4. The Government has referred to the World Health Organization (“WHO”)’s target and committed to achieve the target of reducing the smoking prevalence to 7.8% by 2025 as promulgated under the “Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong”, with the ultimate aim to make Hong Kong a smoke-free, healthy and vibrant city. The Administration has advised that it would endeavour to strengthen the work focus on the following three major areas: (a) conducting a comprehensive review on the current tobacco control policies, expanding the scope of no smoking areas (“NSAs”) in Hong Kong, and considering raising tobacco duty from time to time; (b) strengthening the efforts in smoking cessation; and (c) formulating a timetable and roadmap for the Tobacco Endgame,⁴ thereby steadily progressing towards the goal of a smoke-free Hong Kong.

Ordinances for governing smoking control

5. In Hong Kong, there are two ordinances for governing smoking control, namely the Smoking (Public Health) Ordinance (Cap. 371) and the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600). Cap. 371 provides a legal framework for restricting the use, sale and promotion of tobacco products in Hong Kong. Cap. 600 provides for a fixed penalty of \$1,500 payable for smoking offences at statutory NSAs.

Tobacco and Alcohol Control Office

6. The Tobacco and Alcohol Control Office (“TACO”) ⁵ was established in February 2001 with priority functions including: acting as a principal enforcement agency under Cap. 371; assisting venue manager of statutory NSAs to ensure public compliance to Cap. 371; promoting smoke-free culture and enhance compliance to Cap. 371 through publicity and health education; coordinating the smoking cessation service of the Department of Health (“DH”); and assisting the Health Bureau in reviewing tobacco control legislation.

⁴ “Tobacco endgame” is a concept that goes beyond tobacco control, and aims to ban smoking and end the tobacco epidemic by strengthening tobacco control efforts.

⁵ Formerly the Tobacco Control Office.

The Hong Kong Council on Smoking and Health

7. The Hong Kong Council on Smoking and Health (“COSH”) was established in 1987. It is a statutory body vested with functions of: informing and educating the public on smoking and health matters; conducting and coordinating research relating to smoking; and advising the Government, community health organizations or any public body on matters relating to smoking and health.

Major concerns of Members

8. The Government has launched a public consultation on the tobacco control strategies, namely “Vibrant, Healthy and Tobacco-free Hong Kong” from 12 July to 30 September 2023, and has consulted the Panel on 14 July 2023. Members’ major discussions and concerns relating to tobacco control measures recently are summarized in the following paragraphs.

Overall views on the public consultation on the tobacco control strategies

9. While the Panel was generally supportive of the Administration’s tobacco control policy, individual members expressed concern that the increase in tobacco duty might deprive the grassroots of their right to choose, resulting in more illicit cigarette activities and sale of substandard cigarettes in Hong Kong. There was also a view that tobacco control measures should not be too extreme, and the Administration should examine how to balance the interests of different parties.

Smoking prevalence target

10. Some Members expressed concern about how the Administration would set and achieve the target rate of smoking prevalence of 7.8% mentioned in paragraph 4 above. The Administration advised that it had referred to WHO’s target of reducing the smoking prevalence rate by 30% as compared with that in 2010, and was committed to achieving the target rate of smoking prevalence of 7.8% by 2025. Having achieved the short to medium term target of 7.8%, the Administration would continue its work on tobacco control to further bring down the smoking prevalence.

Increase in tobacco duty

11. On Members’ concern about the effectiveness of the increase in tobacco duty in reducing smoking prevalence and whether it would enhance illicit cigarette activities, the Administration advised that the increase in

tobacco duty was internationally recognized as the most effective measure to reduce tobacco use. An increase in the cost of smoking would increase the incentive for smokers to quit smoking, and at the same time discourage non-smokers from trying smoking due to the high price of tobacco. WHO encourages its members to regularly increase tobacco duty and recommends that tobacco duty be increased so that it accounts for at least 75% of the retail price of tobacco products.

12. The Administration further advised that the preliminary figures of the Thematic Household Survey on pattern of smoking conducted by the Census and Statistics Department reflected that there were indeed signs of a decline in smoking prevalence after the increase in tobacco duty in 2023, with the preliminary figures showing that the smoking prevalence rate had further declined from 10.2% in 2019 and 9.5% in 2021 to 9.1%, which was a testament to the effectiveness of the increase in tobacco duty and the various tobacco control efforts. The Government would continue to review the effectiveness of the tobacco duty increase and the pace of future adjustments. In addition, the Customs and Excise Department (“C&ED”) would continue to strengthen risk assessment and intelligence analysis by adopting a comprehensive enforcement strategy to combat illicit cigarette activities.

Enforcement

13. Regarding Members’ concerns about enforcement against smoking offences and premises which required stepping up tobacco control, the Administration advised that during the period from 2021 to 2023, a total of 7 703, 6 296 and 10 261 fixed penalty notices were issued by TACO to smoking offenders, involving a total fine of \$11,554,500, \$9,444,000 and \$15,391,500 respectively. Separately, a total of 40, 35 and 48 summonses were issued in cases involving a fine ranging from \$250 to \$2,500.

14. The Administration also pointed out that based on the number of prosecutions for smoking offences from 2021 to 2023, the types of premises in statutory NSAs with the highest numbers of prosecution included shops and shopping malls, public transport facilities, amusement game centres and public pleasure grounds, which accounted for about 60% of the total number of prosecutions related to smoking offences. To effectively mitigate the impact of passive smoking on the public and enhance the deterrent effect against illegal smoking, TACO had adopted a new enforcement strategy in 2023, which included extending stay and inspection time in NSAs, adopting proactive plainclothes enforcement, stepping up enforcement actions against premises (e.g. pubs and restaurants) where waterpipes were provided to customers for use, as well as prosecuting persons aiding and abetting smoking offences. The new enforcement strategy had significantly increased the number of prosecutions against smoking offences.

15. The Administration further pointed out that from 30 April 2022 up to 31 December 2023, TACO issued 572 summonses to offenders in respect of importation cases, of which 262 cases were convicted by the court and sentenced to a fine ranging from \$1,000 to \$6,000. During the same period, C&ED followed up 26 cases involving both C&ED enforcement offences and illegal importation of ASPs, of which seven cases were convicted and the maximum fines and sentences imposed were \$4,000 and two months' imprisonment respectively. Separately, TACO issued 18 summonses to offenders in cases of suspected sale or possession of ASPs for commercial purposes, of which 11 cases (out of a total of 17 summonses) were convicted by the court and the maximum penalty imposed was two months' imprisonment.

16. Regarding Members' concern about the measures in place to step up efforts to combat the distribution of advertisements on smoking products in public rental housing ("PRH") estates, the Administration advised that since January 2024, TACO had been conducting joint operations with the Police, the Housing Department ("HD") and C&ED in PRH estates in all districts of Hong Kong. Separately, TACO had established a cooperative mechanism with the Police and HD. When any smoking product leaflet distribution was detected, staff of PRH estates would contact the Police immediately, and refer the case to TACO for further investigation. In addition, TACO would carry out regular online surveillance. If advertisements of smoking products were found on the Internet, TACO would request the relevant Internet service providers and social media platforms to remove the relevant content as soon as possible.

Education and publicity

17. Some Members raised concern over smoking problem among teenagers and considered that measures should be taken to step up educational efforts. The Administration advised that DH subvented COSH to carry out publicity and education programmes in schools, such as health talks, training programmes and theatre programmes, to raise awareness on smoking hazards, including the use of ASPs. In order to prevent youngsters from picking up smoking, DH collaborated with non-governmental organisations ("NGOs") to organize health promotional activities at schools. Through interactive teaching materials and mobile classrooms, the programmes enlightened students to discern the tactics used by the tobacco industry to market tobacco products, and equip them with the skills to resist picking up smoking due to peer pressure. In addition, DH launched publicity mass media campaigns to disseminate the message that smoking poses severe health hazards.

Smoking cessation services

18. Expressing concern as to how the Administration would enhance smoking cessation services, some Members enquired whether it would explore ways to assist the public to quit smoking through the introduction of innovative technology. The Administration advised that over the years, DH had been actively promoting a tobacco-free environment through publicity for smoking prevention and cessation services. To leverage community effort, DH collaborated with COSH, NGOs and healthcare professionals to promote smoking cessation, provide smoking cessation services and organize publicity programmes on smoking prevention.

19. The Administration further advised that DH operated an integrated Smoking Cessation Hotline (Quitline: 1833 183) to handle general enquiries and provide professional counselling on smoking cessation, and coordinated the provision of smoking cessation services in Hong Kong. DH also arranged referrals to various smoking cessation services in Hong Kong, including public clinics under the Hospital Authority, as well as community-based cessation programmes operated by NGOs. The smoking cessation services offered by the Government covered all the effective scientific based smoking cessation methods, including the provision of information through a thematic website and self-help resources through the “Quit Smoking App” on top of counselling and standard treatment with medicine.

Relevant papers

20. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Recent developments

21. The Administration will brief the Panel on 14 June 2024 on the outcome of the public consultation on tobacco control strategies and the way forward.

Relevant papers on tobacco control measures
(since the Sixth Legislative Council)

Committee	Date of meeting	Paper
Panel on Health Services	19 December 2016	Agenda Item IV: Proposal to amend the health warnings on packets and retail containers of tobacco products Minutes
	17 January 2017	Agenda Item III: Proposal to amend the health warnings on packets and retail containers of tobacco products Minutes
	28 February 2017	Agenda Item VII: Further discussion on the proposal to amend the health warnings on packets and retail containers of tobacco products Minutes
	20 March 2017	Agenda Item IV: Further discussion on the proposal to amend the health warnings on packets and retail containers of tobacco products Minutes
	24 April 2018	Agenda Item VI: Smoking ban at bus interchanges leading to tunnels or expressways Minutes
	19 June 2018	Agenda Item V: Legislative proposal to regulate electronic cigarettes and other new tobacco products Minutes
	14 July 2023	Agenda Item IV: Update on tobacco control measures Minutes

Committee	Date of meeting	Paper
Public Accounts Committee	11 July 2018*	Public Accounts Committee Report No. 70—Chapter 5 of Part 4 Government Minute (paragraphs 74 to 82)
-	14 June 2018*	Information Note entitled “Regulation of e-cigarettes and heated tobacco products in selected places” published by the Research Office of the Legislative Council Secretariat
-	3 August 2018*	Fact Sheet entitled “Health effects of e-cigarettes and heated tobacco products” published by the Research Office of the Legislative Council Secretariat
-	3 February 2023*	Essentials entitled “Tobacco control in Singapore and New Zealand” published by the Research Office of the Legislative Council Secretariat
Bills Committee on Dutiable Commodities (Amendment) Bill 2024	23 May 2024*	Report of the Bills Committee presented to the Legislative Council
Finance Committee	17 April 2024	Administration’s written replies to Members’ initial questions on the Estimates of Expenditure 2024-2025 (Reply serial numbers: HHB022, 063, 179, 211, 214, 217, 224, 234, 241, 245, 249, 255, 260, 261, 262, 268, 269, 297 and 298)

* Issue date

Council meeting	Paper
11 January 2017	Question 18 : Regulation of e-cigarettes
5 July 2017	Question 9 : Combating the activities of buying and selling of duty-not-paid cigarettes and selling of counterfeit cigarettes
16 January 2019	Question 3 : Decision on eradicating new types of smoking products
20 March 2019	Question 21 : Enforcement of the smoking ban
28 April 2021	Question 12 : Combating illegal smoking
27 April 2022	Question 16 : The problem of smoking
30 November 2022	Question 18 : Combating the buying and selling of duty-not-paid and counterfeit cigarettes
24 May 2023	Question 4 : Enforcement of law governing alternative smoking products
31 May 2023	Question 6 : Combating activities of selling duty-not-paid cigarettes
20 March 2024	Question 1 : Tobacco control measures