

Government statement on Smoking (Public Health) (Amendment) Bill 2019

In response to the decision of the Bills Committee on Smoking (Public Health) (Amendment) Bill 2019 (Amendment Bill) to cease its work, a spokesman for the Food and Health Bureau today (June 3) made the following statement:

"The Government deeply regrets and is disappointed with the cessation of the work of the Bills Committee, that the Amendment Bill could not be passed in the current term of the Legislative Council (LegCo) and that we could not, for the protection of public health, take early action to prevent electronic cigarettes (e-cigarettes) and heated tobacco products (HTPs) from establishing themselves in Hong Kong. The Government is nonetheless grateful for the Chairman's efforts in bringing forward the deliberation of the Bills Committee.

The Government has all along spared no effort in explaining to LegCo Members at the Bills Committee meetings the justification for the proposed ban of alternative smoking products (ASPs) and the importance of early passage of the Amendment Bill for the protection of public health. In the course of pressing forward with the legislative proposal, we have also stepped up efforts to publicise the harm of ASPs in the community so that the public could better understand the rationale of a full ban.

Both e-cigarettes and HTPs are harmful to health. Also, smoking products containing nicotine are addictive. Therefore, the Government cannot accept any proposal of formal regularisation of HTPs in Hong Kong. In reality, the Bills Committee conducted three meetings with deputations during which some 270 representatives from organisations and members of the public had expressed their views. The Government's proposal has been widely supported by the public and won the public's recognition. A number of surveys also indicated that a vast majority of society supported the Amendment Bill. Surveys conducted by the Hong Kong Council on Smoking and Health (COSH) and parent-teacher groups showed that medical and healthcare professionals, parents, teachers, youths and the general public strongly supported banning e-cigarettes and HTPs. COSH, in collaboration with relevant organisations, also launched in July 2018 the 'Support to enact a total ban on e-cigarettes and other new tobacco products' signatory campaign, which collected over 128 000 signatures from citizens, companies and organisations. For safeguarding public health, the Government reiterates the position that a full ban of all ASPs is the most effective measure to prevent these emerging smoking products from establishing themselves in Hong Kong, which could in turn undermine the achievement of our tobacco control efforts over the years.

In the circumstance that the Amendment Bill cannot be passed, e-cigarettes containing nicotine are considered as pharmaceutical products which are regulated under the existing Pharmacy and Poisons Ordinance (Cap. 138) and the Import and Export Ordinance (Cap. 60), while HTPs should

continue to be regulated under the existing Smoking (Public Health) Ordinance (Cap. 371) as well as taxed under the Dutiable Commodities Ordinance (Cap. 109).

The Government's work on tobacco control will not end here. We shall put forward the legislative proposal of a full ban of ASPs in the next term of LegCo when the opportunity arises. In the meantime, the Government will continue to work towards the aim of achieving a smoking prevalence of 7.8 per cent by 2025 as promulgated under 'Towards 2025: Strategy and Action Plan to Prevent and Control Non-communicable Diseases in Hong Kong'."