

LCQ3: Decision on eradicating new types of smoking products

Following is a question by the Hon Shiu Ka-fai and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 16):

Question:

The Government has decided that it will submit proposed legislative amendments within this legislative session to ban the import, manufacture, sale, distribution and advertisement of new types of smoking products, such as e-cigarettes, heat-not-burn cigarettes. In this connection, will the Government inform this Council:

(1) given that according to an announcement made by Public Health England (PHE) last month, experimental findings have shown that vaping is at least 95 per cent less harmful to the human body than smoking conventional cigarettes, that PHE encourages smokers to switch to e-cigarettes or other quit aids, and that according to a study commissioned by the United Kingdom Government and conducted by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, heat-not-burn cigarettes produce 50 per cent to 90 per cent less substances harmful to the human body as compared with conventional cigarettes, whether the Government has made reference to such experimental and study findings, and whether it conducted similar experiments and studies in the past three years; if it did not conduct such experiments and studies, of the reasons for that;

(2) as an expert study report published by PHE in 2018 has pointed out that there is no evidence that e-cigarettes are acting as a route into smoking for young people, whether the Government commissioned experts in the past three years to conduct similar studies on e-cigarettes and heat-not-burn cigarettes in Hong Kong; and

(3) as the Ministry of Health of New Zealand proposed in 2018 that the policy and legislation on tobacco control of New Zealand be amended by switching from the previous approach of favouring a total ban on the sale of less harmful tobacco products to the approach of protecting children and young people from the harmful effects of tobacco products and concurrently offering smokers the opportunities to switch to less harmful tobacco products (including e-cigarettes and heat-not-burn cigarettes), whether the Government will, by making reference to the policy direction of the New Zealand Government, revise its decision of eradicating through legislation, instead of regulating, new types of smoking products on grounds of protecting public health?

Reply:

President,

To safeguard public health, the Government has made strenuous efforts in tobacco control, and introduced various measures, including the designation and continuous expansion of no-smoking areas, and periodic increases in tobacco duty. With the concerted efforts by the Government and other stakeholders over the years, smoking prevalence among persons aged 15 and above has significantly dropped from over 20 per cent in the 1980s to 10 per cent at present. The Government has also laid down the target of further reducing smoking prevalence to 7.8 per cent by 2025.

In recent years, the emergence of new smoking products such as electronic cigarettes (e-cigarettes) and heat-not-burn (HNB) tobacco products has posed new health risk and challenges. Often packaged as less harmful substitutes with promotion tactics targeted at youngsters and non-smokers, these products open a gateway to the eventual consumption of conventional cigarettes. In fact, these new smoking products are all harmful to health and produce second-hand smoke. There is also a lack of sufficient evidence to prove that they can help quit smoking. The public may underestimate the harmful effects of these products and eventually endorse the smoking image and relevant behaviours once again.

My reply to the various parts of the question raised by Hon Shiu Ka-fai is as follows:

(1) The announcement by Public Health England (PHE) in 2018 that Hon Shiu Ka-fai referred to, that e-cigarettes were less harmful to the human body than conventional tobacco products, was in fact a quotation from a report PHE published in 2015. That conclusion has been criticised time and again by the medical journal *The Lancet*, which pointed out that the research methodology had shortcomings and there might be conflicts of interest. The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) of the United Kingdom has meanwhile pointed out in its statement that the aerosol generated by HNB products contains many harmful substances, including carcinogens, and are harmful to the health of anyone using these products. The COT is also concerned that non-smokers using HNB products may get addicted to smoking, and opines that smokers should quit smoking completely rather than switching to these new products.

The Government tested e-cigarettes purchased from the market. The tests detected the presence of formaldehyde, a carcinogen, in the solution and aerosol of many of the samples. The Hong Kong Baptist University also conducted tests in 2015 on the aerosol of e-cigarettes and detected formaldehyde and heavy metals in the tested samples. In 2017, seven samples of HNB products were sent to the Government Laboratory for testing, and nicotine and tar were found in all aerosol samples, and their yields were comparable to some conventional cigarettes available in Hong Kong. All of the test results show that these new smoking products are harmful to health.

According to a large-scale systematic review published by the United States in 2018, there was conclusive evidence that many harmful substances

such as carcinogens were contained in e-cigarette aerosol and long-term exposure to these substances could be harmful to health. Several overseas studies have also found the presence of many other types of harmful substances in e-cigarette aerosol, including heavy metals, carcinogenic tobacco-specific nitrosamines and flavourings.

As HNB products containing real tobacco retain the addictive effect of nicotine, it is believed that such products will be more popular among smokers and persons who want to smoke. Independent or industry-funded studies have found that the aerosol of these products contains harmful substances such as carbon monoxide, tar, nitrosamines and volatile organic compounds. The World Health Organization (WHO) also considers that all forms of tobacco use, including the use of HNB products, are harmful.

Indeed, even though these products may contain less harmful substances than conventional tobacco products, they should not be regarded as less harmful. At present, there is also no safe level of exposure to these harmful substances. Our advice is that members of the public, rather than using these products that are claimed to be less harmful, should quit smoking by using methods that have been proven effective, such as nicotine replacement therapy.

(2) Another study conducted in the United Kingdom in 2018 revealed that there was a strong connection between the use of e-cigarettes and subsequent use of conventional tobacco products. The large-scale systematic review published in the United States in 2018 also pointed out that there was evidence that the use of e-cigarettes would increase the risk of using conventional tobacco products among young people. Studies carried out in other countries, including Sweden, the Netherlands and Canada, also showed evidence of the gateway effect. Therefore, we have to take action before these products become popular in Hong Kong.

(3) As stated in the documents of the Ministry of Health of New Zealand, there are not many independent studies on the impact of these new products on personal health or society. Different countries have different regulatory approaches, and there is no consensus on which approach is the best. As far as Hong Kong is concerned, we must stress that although these new smoking products have been put on the market just for a short period of time, we must avoid what had happened regarding the regulation of conventional tobacco products. The seventh and eighth sessions of the Conference of the Parties to the WHO Framework Convention on Tobacco Control have already proposed that its member countries should regulate (including prohibition or restriction) the manufacture, import, distribution, promotion, sale and use of new types of smoking products in accordance with their national laws for the purpose of providing maximum protection for public health.

Since the Government proposed to legislate for the regulation of new smoking products last year, the medical professions, education sector, parents and many members of the public have expressed concerns, worrying that this will not be adequate to protect public health and will have very negative impact on children and adolescents in particular. There are also

more and more studies concluding that these new products are harmful to health. Therefore, with protecting public health as our prime consideration, the Government will propose legislative amendments to ban the import, manufacture, sale, distribution and advertisement of e-cigarettes and other new smoking products. This will ensure our achievement in tobacco control over the years will not be undermined, and prevent the harm of these new products from taking root.