

Smoking (Public Health) (Amendment) Bill 2019 gazetted

The Government published in the Gazette today (February 15) the Smoking (Public Health) (Amendment) Bill 2019 (Amendment Bill), which aims to ban the import, manufacture, sale, distribution and advertisement of alternative smoking products, including electronic cigarettes, heat-not-burn products and herbal cigarettes.

A spokesman for the Food and Health Bureau said, "Protecting public health is the Government's prime consideration. We must prevent the harm of these new products from taking root and ensure that our achievements in tobacco control over the years would not be undermined.

"Often packaged as less harmful substitutes with promotion tactics targeted at youngsters and non-smokers, these emerging alternative smoking products open a gateway to the eventual consumption of conventional cigarettes.

"The fact is all these new smoking products are harmful to health and produce second-hand smoke. There are more and more studies concluding that these new products are harmful to health. There is also a lack of evidence that these products can help in quitting smoking. The public may underestimate the harmful effects of these products and even endorse the smoking image and relevant behaviours once again."

The proposed ban covers the import, manufacture, distribution, sale and advertisement of alternative smoking products, including items that are designed for use as a component or accessory. The ban on import covers parcels and cargoes and articles brought in by incoming travellers. Articles in transit, air transshipment cargoes and persons in transit shall be exempted from the proposed ban. We also propose to ban possession for the purpose of manufacture, sale or distribution of alternative smoking products. The activation and use of alternative smoking products in no smoking areas are also banned. Exports of alternative smoking products are not banned and sellers can export the products at any time to clear out their stocks.

Any person who contravenes the ban will be liable to penalty as listed below:

Activity	Penalty
Use in no smoking areas	Fixed penalty of \$1,500 or summary conviction to a fine of \$5,000 #

Advertisement	Summary conviction to a fine at level 5 and in the case of a continuing offence, to a further penalty of \$1,500 for each day during which the offence continues #
Import, manufacture, sale, distribution for certain purposes, possession for certain purposes, or promoting in certain ways	Summary conviction to a fine at level 5 and to imprisonment for six months

The penalty is in line with that for conventional smoking products

"The ban will come into force six months after gazettal of the Ordinance upon passage of the Amendment Bill. The Government is prepared to adopt a lenient approach during the initial period after the Ordinance comes into operation, in cases where incoming visitors voluntarily surrender the alternative smoking products that they have brought to Hong Kong.

"The emphasis of the proposed ban is to make it difficult for potential consumers to get access to such products before they become widely popular, similar to what we had achieved with the ban of smokeless tobacco under the Smokeless Tobacco Products (Prohibition) Regulations (Cap. 132BW) enacted in 1987. At the same time, the Government will continue with its work to control conventional smoking products, with a view to 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'," he said.

The Amendment Bill will be introduced into the Legislative Council for first reading and second reading on February 20.