



Mr Yau How-boa, Stephen BBS, MH, JP

Chairman Liquor Licensing Board

Room B, 25/F No. 226

Hennessy Road, Po Wah Commercial Center, Wanchai, HK

Tel. No.: 2741 1569

Fax No.: 3914 6326

syau_wcdc@yahoo.com.hk

enquiries@fehd.gov.hk

cc

Dr York Chow

Dr Raymond HO Tobacco Control Office Department of Health

30th November 2011

Dear Sir,

The apathetic potholed laws covering smoking in Hong Kong need urgent revision to make the licensees of liquor licensed premises fully responsible at law for enforcement of the smoking laws in their premises (*as is the case overseas where a 'two strikes and you're out' system takes away the liquor licenses of errant licensees where smoking is discovered in their premises.*)

The current Hong Kong smoking offences law CAP 371 places no direct legal onus on the premises' licensees to prevent smoking in their premises ; this defeats the whole idea of having the legislation in the first place, which is intended to protect the health of workers (and customers) therein. The Hong Kong Government ends up having to treat the illnesses caused by tobacco at a cost of HK\$ 5.3 billion per year.

Now the Liquor Licensing Board is seemingly taking a tougher stance on applications for licence renewals in cases where Tobacco Control Office has ticketed individual smokers within those premises.

At the Liquor Licensing Board on 29/11/2011 , apparently based on the liquor licensee permitting smoking at the high-rise bar "I-mode " the licensee had 3 months knocked off the licence renewal validity.

http://www.fehd.gov.hk/english/LLB_web/public_hearing_result_20111129.pdf

I-Mode

酒牌續期申請

同意續發為期 9 個月的酒牌,並維持酒牌上原有的附加持牌條件。

'Agreed to a nine-month renewal of liquor licenses, and maintain the additional liquor license on the original licensing conditions.'

The result of the Tobacco Control inspection - 1 smoker ticketed - was reported.

8/F Eastwood Centre - 5, A Kung Ngam Village Road - Shaukeiwan, Hong Kong

Tel: (+852) 26930136 Fax: (+852) 26027153 Email: chair@cleartheair.org.hk
www.cleartheair.org.hk



A second bar premises "Magic" also got 3 months off the renewal validity for the like behaviour:

‘Magic’

酒牌續期申請

酒牌續期申請

同意續發為期 9 個月的酒牌，並修訂原有的附加持牌條件及附加新持牌條件如下：

- i) 持牌人須於每天下午 6 時至翌晨 3 時留駐處所當值，每週星期日例假除外；(修訂)
- ii) 晚上 11 時至翌日下午 6 時，處所的所有門窗必須保持關閉；及(新增)
- iii) 持牌人須確保處所內無人吸煙或攜帶燃着的香煙、雪茄或煙斗。(新增)

Premises "Magic"

Agreed to a nine-month renewal of liquor license, and to amend existing licensing conditions attached and additional new licensing conditions are as follows:

- i) the licensee is required every day from 6 pm to 3:00 am the following morning except Sunday; (Amendment)*
- ii) 11 pm to 6 pm the next day, the premises must remain with all doors and windows closed ; and (New)*
- iii) The licensee shall ensure no smoking or carrying a lighted cigarette, cigar or pipe in the premises. (New)***

Under Hong Kong Law CAP 371 smoking in a workplace is an offence. The law currently targets only the individual smokers. However the liquor licence conditions state :

7. **The licensee shall not permit any person to occupy or use any portion of the premises for any immoral or illegal purpose.**

Smoking in a licensed premises and workplace is an illegal activity and the licensee is bound to prevent it in the same way they are obliged to obey the other licensing conditions.

By not doing this the licensee breaks the conditions of the premises' liquor licence.

Accordingly we would urge the Liquor Licensing Board to be proactive and to add the like above Condition :

- iii) 持牌人須確保處所內無人吸煙或攜帶燃着的香煙、雪茄或煙斗。(新增)

iii) The licensee shall ensure no smoking or carrying a lighted cigarette, cigar or pipe in the premises. (New)

to ALL renewed Liquor Licenses issued henceforth as a matter of course and to advise the licensees of their duty to abide by all the conditions of their liquor licences and the pitfalls of not doing so.

Yours faithfully,

James Middleton

Chairman

Clear the Air NGO and Charity

8/F Eastwood Centre - 5, A Kung Ngam Village Road - Shaukeiwan, Hong Kong

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http://www.fehd.gov.hk/english/LLB_web/llb_index.html

“In considering liquor licence applications, the Liquor Licensing Board adopts an open, transparent and fair approach and aims to balance the interests of commercial activities and the lifestyles of the locality. A liquor licence will be granted only when we are satisfied that the applicant is a fit and proper person to hold the licence, the premises are suitable for selling liquor having regard to its location, structure, fire safety and hygienic conditions and, in all circumstances, the grant of the licence is not contrary to the public interest. **We value very much the views of local residents and law-enforcement agencies.**”

www.fehd.gov.hk/english/licensing/ll-cll-appguide.doc

Annex VI

Licensing Conditions for Liquor Licence

1. No disorder shall be permitted on the premises.
2. No person shall be allowed to become drunk on the premises, nor shall liquor be supplied to any person who is drunk.
3. No games of chance shall be played on the premises.
4. The licensee shall personally supervise the premises.
5. The licensee shall display a warning notice at a conspicuous place inside the premises containing the words “NO LIQUOR FOR PERSON UNDER THE AGE OF 18”. In the said notice, the size of each Chinese character shall not be less than 3 cm (height) x 3 cm (width) and the size of each English letter shall not be less than 2 cm (height) x 2 cm (width).
6. The licensee shall exhibit and keep exhibited a notice denoting its licensed status provided by the Board at the main entrance of the premises.
7. **The licensee shall not permit any person to occupy or use any portion of the premises for any immoral or illegal purpose.**
8. The licensee shall not permit any common prostitutes or reputed thieves to assemble or remain on the premises.
9. The licensee shall not permit drunkenness, or violence, quarrel or other disorderly conduct on the premises and shall not permit persons of known bad character to assemble and remain on the premises.
10. The name of any liquor for which a standard of quality is prescribed by regulations shall be clearly marked on the container in or from which the liquor is supplied to any customers.
11. No bar business shall be operated on the premises, except with the permission of the Board endorsed herein.

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12. No dancing shall be permitted on the premises, except with the permission of the Board endorsed herein.
13. Toilets shall be maintained in a state of cleanliness and good repair for the use of customers.



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www.cleartheair.org.hk

James Middleton

From: Dr J Mackay [jmackay@pacific.net.hk]
Sent: Saturday, December 10, 2011 10:15
To: syau_wcdc@yahoo.com.hk; enquiries@fehd.gov.hk
Cc: raymond_ho@dh.gov.hk; Chow York
Subject: Illegal smoking in licensed premises

ASIAN CONSULTANCY ON TOBACCO CONTROL
亞洲反吸煙諮詢所

Riftswood, 9th milestone,
DD 229, Lot 147,
Clearwater Bay Road,
Sai Kung, Kowloon, Hong Kong.
Tel: (852) 2719-1995
Fax: (852) 2719-5741
E-mail: jmackay@pacific.net.hk

10 December 2011

Mr Yau How-boa, Stephen BBS, MH, JP
Chairman Liquor Licensing Board
Room B, 25/F No. 226
Hennessy Road, Po Wah Commercial Center, Wanchai, HK
Tel. No.: 2741 1569 / Fax No.: 3914 6326
syau_wcdc@yahoo.com.hk
enquiries@fehd.gov.hk

cc
Dr York Chow
Dr Raymond HO Tobacco Control Office Department of Health

Dear Mr Yau,

Re: Renewal of liquor licenses in premises where illegal smoking has been detected

I am a medical doctor and Hong Kong resident since 1967, and Honorary Consultant to the Department of Health, Government of Hong Kong SAR.

I understand that two premises (I-mode and Magic) have recently had their liquor licenses renewed for 9 months, rather than the customary 12 months, due to the fact that there had been illegal smoking on the premises.

Smoking inside workplaces is against the law in Hong Kong. Proprietors have an existing legal obligation to keep their workplaces safe from dangers to the health of their workers. Passive tobacco smoke kills more people in Hong Kong per year than all murders, HIV Aids, suicides traffic and construction accidents and dangerous drugs combined.

I would strongly suggest that the Liquor Licensing Board adds a licensing condition on all Liquor Licenses prohibiting the carrying of lit tobacco products in the licensed premises.

Further, I would strongly support the Board taking illegal activity into account when renewing licences, and suggest that this principle be applied to all licensed premises where illegal smoking is found to have occurred.

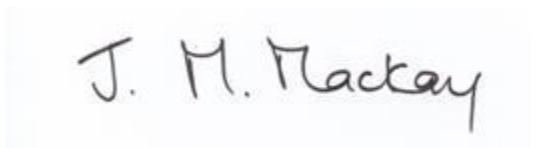
This could be implemented and accomplished in practice very simply, along the lines that:

- a) Smoking on the premises had been reported to the Tobacco Control Office; and
- b) On a visit from the TCO, either
 - (i) a smoker was found to be actually smoking; OR
 - (ii) there was documented evidence of there having been smoking by the TCO officers, eg cigarette butts, smell of cigarettes in the air, etc.

This would support the Hong Kong government's anti-smoking policy and decrease illegal activity.

It would certainly encourage the owner or manager of the premises to be more pro-active in upholding the Hong Kong law.

Yours sincerely,



Prof Judith Mackay, SBS, JP, OBE, MBChB, FRCP (Edin), FRCP (Lon), FCPHK

Director, Asian Consultancy on Tobacco Control, Hong Kong
Senior Advisor, World Lung Foundation
Senior Policy Advisor, World Health Organization

Prof. Judith Longstaff Mackay, OBE, SBS, JP
MBChB, FRCP (Edin), FRCP (Lon)
Senior Advisor

t: +852.2719.1995 f: +852.2719.5741
Riftswood, 9th Milestone
DD 229, Lot 147, Clearwater Bay Road
Kowloon, Hong Kong SAR
worldlungfoundation.org





Tobacco Free Initiative (TFI)

Dr Judith Mackay named one of the "most influential people in the world"

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17 May 2007

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[Bloomberg Initiative Introduction](#)

In early May, Time Magazine named Dr Judith Mackay one of the "most influential people in the world" in recognition of her role as a leading campaigner for stricter tobacco control measures and vigilant critic of tobacco industry practices. As a senior policy advisor to the World Health Organization, Mackay was one of the early architects of what is today a global momentum to implement smoke-free public places and workplaces and proven, effective tobacco control measures in countries around the world. A Hong Kong resident for 40 years, Mackay was also a key player in the development of the landmark WHO Framework Convention on Tobacco Control, one of the most widely and rapidly endorsed treaties in United Nations history.

Mackay was among those honoured by Time Magazine at a ceremony 8 May 2007 at Jazz at Lincoln Center, the Time Warner Building in New York. Among others named in Times Magazine's "Top 100" was New York City mayor Michael R. Bloomberg, who spearheaded the city's successful public health campaign to make all workplaces smoke-free. In a separate initiative, Mr Bloomberg last year donated US \$125 million to create a global initiative aimed at reducing tobacco use in developing countries where the number of smokers and health burden from tobacco use is highest. WHO is a key partner in the Bloomberg Global Initiative.



Tobacco Free Initiative (TFI)

WHO Senior Policy Adviser Mackay wins BMJ's Lifetime Achievement Award

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6 April 2009

Judith Mackay, a senior policy adviser on tobacco control to the World Health Organization, has been awarded the British Medical Journal Group's first-ever Lifetime Achievement Award.

Dr Mackay was praised for her tireless and courageous campaigning on behalf of patients and public health care.

Dr Mackay was instrumental in developing the WHO's Framework Convention on Tobacco Control, which obligates countries to control tobacco for the good of their populations. More than 160 countries have ratified to the international treaty.

Dr Mackay was given the award on Thursday, 2 April 2009, at a ceremony in London.

"Public health has always been the poor relation to curative medicine when it comes to funding and recognition," she said. "This award is therefore a great acknowledgment of the importance of public health in general, and tobacco control in particular. I think my biggest contribution has been motivating and supporting others, moving tobacco control in low-income countries from the very lonely job of a quarter of a century ago to one today involving hundreds of people."



Dr Judith Mackay wins BMJ's Lifetime Achievement Award

[Click here to read the British Medical Journal's press release.](#)

From: mwyyiu@fehd.gov.hk [mailto:mwyyiu@fehd.gov.hk]

Sent: 08 February, 2013 08:13 PM

To: dynamco@netvigator.com

Subject: Re: Fw: Fine Irish Gentleman

Dear Mr. Middleton,

I refer to your email dated 15.1.2013 to the Tobacco Control Office, the latter has conveyed your suggestion on amending the licensing condition for liquor licence to the Liquor Licensing Board (Board) and the matter **has been considered by the Chairman.**

The Board is established under the Dutiable Commodities (Liquor) Regulations, Cap. 109B as a statutory body to consider applications for liquor licences.

Where applications for liquor licence are made to the Board, the Board will consider each application on its individual merits and decide on whether or not to grant a liquor licence based on the circumstances and evidence of each case as well as comments and reports from government departments and the Hong Kong Police Force who is the enforcement agent of Cap. 109B. **The Board may grant a liquor licence without conditions or subject to such conditions as it thinks fit, or refuse the application.**

Pursuant to regulation 17(2) of Cap. 109B, the Board shall not grant a liquor licence unless it is satisfied :

- (a) that the applicant is a fit and proper person to hold the licence;
- (b) that the premises to which the application relates are suitable for selling or supplying intoxicating liquor, having regard to –
 - (i) the location and structure of the premises; and
 - (ii) the fire safety and hygienic conditions in the premises;
- (c) that in all the circumstances the grant of the licence is not contrary to the public interest.

As the enforcement agent of Cap. 109B, the Police will conduct regular inspections on liquor licensed premises and take appropriate enforcement actions, including advice, warnings and summons, if there is any breach of licensing conditions or the provisions of Cap. 109B.

Whether or not the licensee has permitted any person to smoke in an indoor area of his bar in contravention of licensing condition 7 depends on the circumstances of the case and the evidence available. Any breach of the licensing condition(s) by individual licensee should be reported to the Police for investigation and enforcement where appropriate.

Under such circumstances, the Chairman considered that it would not be necessary to amend licensing condition 7 as proposed.

Best regards,

Maggie YIU
for Secretary, Liquor Licensing Board

=====

From: "James Middleton" <dynamco@netvigator.com>

To: <christine_wong@dh.gov.hk>, <tobaccocontrol@dh.gov.hk>, <sophia_chan@fhb.gov.hk>, <kowm@hotmail.com>, <ceo@ceo.gov.hk>

Cc: "Dr. Judith Mackay" <jmackay1@netvigator.com>, <hmrllth@hkucc.hku.hk>

Date: 15/01/2013 10:12

Subject: FW: Fine Irish Gentleman

Dear Tobacco control

Time for a change of the law to **place the onus on licensed premises not just the smoker.**

In the meantime **the liquor licence Condition 7 of all licences needs amendment to include 'the carrying or use of any lit tobacco or sheesha product'.**

The current system is broken and ineffective and needs to be changed to cover smoking in the complete licensed premises including OSA areas, and loss of licence for failing to enforce the anti- smoking laws.

Regards

James

CTA

-----Original Message-----

From: Dugald Finlayson [<mailto:dugald@netvigator.com>]

Sent: 15 January, 2013 09:43
To: James Middleton Clear the Air
Subject: Fine Irish Gentleman

Jim,

Went for a beer at the Fine Irish Gentleman at Observatory Court at about 7.00pm on Saturday 12/1/13.

When we arrived there was one other table sitting in the open frontage but definitely inside, openly smoking with an ashtray provided by the bar.

As it was a nice evening we sat at the far end of the open frontage, again inside.

A little later another table of about 5 comes in and sits next to us, gets out cigarettes, **1 person buys cigarettes in the bar**, get ready to smoke, an ashtray is provided by the bar.

We move to the furthest point away from them. As we pay and leave I ask the Nepalese waitress why smoking is allowed, she says a most customers wish to smoke they allow it.

Do with this what you will.

Regards

Dugald

HONG KONG: 2011- smoking prevalence

Country: Hong Kong SAR, China Daily smoking prevalence rates %. Aged 15+ Consumption and prevalence numbers								
Year	Prev Total	Prev Male	Prev Fem- ale	Per cap consumption	Number of daily smokers '000	Number E-cig Daily smokers	Number E-cig Ex- smokers	HK population millions
1982	23.3	39.7	5.6		888,400			5.239
1983	19.9	34.4	4.8		783,900			5.322
1984	18.7	32.8	4.1		744,500			5.394
1986	17.4	30.6	3.8		713,400			5.495
1988	16.8	30.0	2.9		723,900			5.592
1990	15.7	28.5	2.5		691,900			5.704
1993	14.9	27.2	2.7		687,100			5.992
1996	14.8	26.7	3.1		740,400			6.413
1998	15.0	27.1	2.9		805,100			6.550
2000	12.4	22	3.5		691,500			6.675
2003	14.4	26.1	3.6		812,200			6.745
2005	14.0	24.5	4.0		793,200			6.818
2008	11.8	20.5	3.6		679,500			6.951
2011	11.1	19.9	3.0		657,000			7.071
2012	10.7	19.1	3.1		645,000			7.154
2015	10.5	18.6	3.2		641,300	<1,000	<1,000	7.304

Sources: General or Thematic Household Surveys, Census and Statistics Dept, HK Government
2015: E-cigarettes included for the first time (*however, the HK Customs and Excise data for excise tax paid cigarettes sold in Hong Kong versus 2014 were actually increasing:*

From: pc_tse@customs.gov.hk [mailto:pc_tse@customs.gov.hk] **On Behalf Of** customs_omsu_odca@customs.gov.hk
Sent: 09 March, 2016 10:53 AM
To: dynamco@netvigator.com
Cc: customsenquiry@customs.gov.hk
Subject: 轉寄: [Possible SPAM] Tobacco 2015

Dear Mr. Middleton, Thank you for your email of 4 March 2016.

The duty collected from tobacco products in 2015 is **HK\$ 6,297** millions. Please be informed that this Department does not possess the sales figures of cigarettes. According to our record, the duty-paid quantities of cigarettes in 2014 and 2015 are **3,149 million** sticks and **3,270 million** sticks respectively.

We hope the above information is useful to you.

P C TSE

Customs and Excise Department

	<u>HONG KONG: SUMMARY OF ACTION AND EVENTS</u>
Late 70s:	Government health education against smoking
1981/12	UICC Conference 'Cancer Education in Schools' Hong Kong
1982/12	Cancer Conference, Hong Kong Anti-Cancer Society and Education Department, Hong Kong
1982/07	<p>Smoking (Public Health) Ordinance No 58 of 1982 followed by 4 further amendments in 1983-1987)</p> <p>Part II: No smoking areas</p> <p>3: public lifts, all single decker land public transport vehicle, except taxis and hired vehicles, lower deck of double decker land vehicles.</p> <p>4: not < 50% of each class of seating in cinemas, concert halls, theatres, and of every public transport vehicle (incl ferries, trains)</p> <p>5: Manager shall display prominent signs</p> <p>6: Manager, etc, responsible for initial enforcement; if a problem, then s/he reports to the police</p> <p>7: Fine of HK\$1,000</p> <p>Part III: Sales of cigarettes and cigarette tobacco</p> <p>8: single health warning on packets and advertisements</p> <p>10: packets to carry tar group designation</p> <p>Part IV: Cigarette advertising</p> <p>11: All advertisements must carry health warning & tar group (exemptions e.g. in-house journals, airline magazines, any local publication where <20% of its circulation is within HK)</p> <p>12: Advertisements on radio</p>
1982/08	<p>Smoking (Public Health) (Regulations) L.N.311 of 1982</p> <p>2: Tar group designations</p> <p>8: Definitions of advertisement</p>
1982/08	<p>Smoking (Public Health) (Notices) Ordinance L.N.313 of 1982</p> <p>Details of signs and health warnings</p>
1983/02	Smoking (Public Health) (Notices) L.N.61 of 1983
1983	300% tobacco tax increase
1983	Administrative measures: Establishment of No-Smoking areas in schools, hospitals, clinics and food business premises, and in public waiting areas of Government Offices.
1983	Tobacco Institute of HK established (mark of success of anti-smoking campaign!)
1983/4	Major government health education campaign
1983/11	Hong Kong Anti-Cancer Society and Education Department Seminar on 'Smoking and its Effects on Health'
1984/05	<p>Smoking (Public Health) (Amendment) Ordinance, No 26 of 1984</p> <p>Amendments to advertising bans</p>
1984/09	<p>Smoking (Public Health) (Specification of Newspaper Circulation) Notice 1984</p> <p>Exemption for newspaper if <20% circulation or <10,000 copies in HK</p>
1984+	Celebration of annual no-smoking day (now corresponding with WHO World No Tobacco Day)

1986/01	International Union Against Cancer/HK Anti-Cancer Society Conference: "Strategies for Smoking Control"
1986/11	Public Health and Municipal Services (Amendment) (no 2) Ordinance 1986. Redefines 'food' to include smokeless tobacco products
1987/01	Smokeless Tobacco Products (Prohibition) Regulations 1987 L.N. 9 of 1987. Ban on manufacture, importation and sale of smokeless tobacco (first in Asia)
1987/07	HK Council on Smoking and Health Ordinance 1987. Establishment of HK Council on Smoking and Health (first government-funded council in Asia)
1989	WHO TOH medal: Dr Judith Mackay
1990	Ban on tobacco advertising on TV and radio
1991/01	APACT 4th Executive Committee Meeting
1991	Significant tobacco tax increase, finally 100%
1992	2 new NGO anti-smoking groups established: PASS (People Acting for a Smokeless Society) ASH (Action on Smoking and Health)
1992/01	Smoking (Public Health) (Amendment) Ordinance 1992: 2: Amendment to Cap 371 to include any place of public entertainment under the Places of Public Entertainment Ordinance (Cap 172) while open to the public. 3: Prohibition of smoking in certain designated areas 4: Prohibition of smoking (with display of signs) in all public transport carriers 6: Ban on sales of cigarettes with tar > 20 mgs. 11: Ban on tobacco advertising by radio and visual images (previously only by regulation since 12/90). 11: Ban on tobacco advertising on cinemas. 12: Definition of cigarette advertisement: a) name of company associated with the manufacture of cigarettes or cigarette tobaccos; or b) any name identified with the trade name or brand name of any cigarette or cigarette tobacco, in association with any product not being tobacco, as the sponsor of an event or as congratulating another person or thing on the achievement of, or event relating to, such person or thing and which does not mention the words 'cigarette', 'cigarettes', 'smoking', 'tobacco', or 'tobaccos' shall be deemed not to be a cigarette advertisement. i.e. ban (does not cover company name/non-tobacco product). 8&13: Increase of penalties for various offences Smoking in a no-smoking area raised from HK\$1,000 to HK\$5,000. Selling cigarettes without health warning and tar group designation: maximum fine raised from HK\$5,000 to HK\$20,000. Failure to display warning in advertisements: raised from HK\$5,000 to HK\$15,000 and a further penalty of HK\$1,500 for each day the offence continues.

1992	<p>Smoking (Public Health) (Amendment) (No.2) Order 199</p> <p>2: No smoking signs strengthened.</p> <p>3: Health warnings on cigarette packets: 4 rotating warnings, 20% area, on 2 largest surfaces - specifications for printing on packets</p> <p>4: Health warnings on advertisements: - 20% of area of advertisement - specifications for printing on advertisements - advertisement shall not be obstructed, by any other structure or otherwise - the particulars shall be no less visible, legible, prominent or illuminated than the remainder of the advertisement</p> <p>6: Tar group designation: Middle to high tar range repealed</p>
1992/08	<p>Enforcement of:</p> <p>Prohibition of cigarette advertising in cinemas.</p> <p>Extension of no-smoking in designated public areas and on all public transport.</p> <p>Requirement to display 'No smoking' sign in prescribed manner.</p>
1993/02	<p>Enforcement of:</p> <p>Prohibition of sales of cigarettes with tar content >20mg.</p> <p>Revised definition of cigarette advertising.</p>
1993/09	<p>Announcement of 1994 measures:</p> <p>Prohibition of sales to under 18.</p> <p>Requirement of restaurants to display sign as to whether or not they have a no-smoking area.</p>
1994/01	<p>Enforcement of:</p> <p>Restructuring of tar group.</p> <p>Stronger health warnings.</p> <p>Health warnings and tar grouping to be more clearly displayed on packs and advertising signs.</p>
1994	WHO TOH medal: Cathay Pacific Airways (DG)
1994	<p>Smoking (Public Health) (Amendment) Bill 1994</p> <p>15D Interpretation</p> <p>The object of this Bill is to amend the Smoking (Public Health) Ordinance to:</p> <p>(a) prohibit the sale of certain tobacco products to persons under the age of 18 years, and the giving of such tobacco products to such persons as part of a promotion or advertisement exercise;</p> <p>(b) extend the restrictions on cigarette advertising to certain tobacco products;</p> <p>(c) require health warnings on packaging and advertisements of certain tobacco products; and</p> <p>(d) require restaurants to display signs indicating whether or not they have a no-smoking area.</p> <p>Clauses 8-14. This bill replaces 'cigarette' with 'tobacco' for most previous ordinances.</p> <p>Clause 15A. Prohibition on selling or giving tobacco products to minors (operational 28 April 1995)</p> <p>(1) No person shall sell cigarettes, cigarette tobacco, cigar or pipe tobacco to any person under the age of 18 years.</p>

	<p>(2) No person shall, for the purpose of promotion or advertisement, give any cigarettes, cigarette tobacco, cigar or pipe tobacco to any person under the age of 18 years.</p> <p>Clause 15B. Display of sign when offering tobacco products for sale, etc (operational 28 April 1995)</p> <p>(1) Any person offering for sale, or promoting the sale, purchase, smoking or use of, cigarettes, cigarette tobacco, cigar or pipe tobacco shall place and keep in place in a prominent position at his premises or on the place of promotion a sign in English and Chinese to indicate that no cigarettes, cigarette tobacco, cigar or pipe tobacco may be sold or given to any person under the age of 18 years.</p> <p>(2) A sign required by subsection (1) shall be of the prescribed description and shall be maintained in legible condition and good order by the person offering for sale, or promoting the sale, purchase, smoking or use of, cigarettes, cigarette tobacco, cigars or pipe tobacco.</p> <p>Clause 15C. Offences under Part IVA</p> <p>(1) Any person who contravenes section 15A or 15B commits an offence and is liable on summary conviction to a fine of HK\$15,000.</p> <p>and further definitions and explanation of terms.</p>
1994/10	<p>Smoking (Public Health) (Amendment) Ordinance 1994</p> <p>Clause 2. The Smoking (Public Health)(Notices) Order (Cap 371 sub.leg) is amended by adding cigars and pipe tobacco, so that the 4 health warnings must be borne by packets, containers, drums or wrappers of cigars and pipe tobacco. Where a cigar is sold individually, the health warning shall be printed on the surface of the drum or wrapper containing it.</p> <p>Clause 4B. Restaurant signs (description and size - [minimum size 15cm square])</p>
1995/05	World No Tobacco week celebrated
1995/06	Philip Morris sponsors 'The Phantom of the Opera'
1995/08	Goldlion announces cigarette production in China
1995	Recognition of cigarette brand names and logos by young children in Hong Kong. Tobacco Control 1995;4:150-155.
1995/10	Education Dept launches Anti-smoking teaching kit
1995/10	Governor Chris Patten's tennis shorts bear Marlboro logo
1995/10	"Cigarette Smoking in Hong Kong - How Many it Kills and How Much it Costs", The Hong Kong Practitioner, October 95, Vol 17, No 10, 482
1995/11	China factory produces 1997 Handover Commemorative cigarette
1995	Estimated Cost of In-patient Days in Hospital Authority Hospitals due to the three Major Smoking-Related Diseases, 1995: HK\$ 535 million (US\$ 70 million)
1996/03	Allen Carr Easyway Quit clinics open in HK
1996/04	Ban on smoking in government premises
1996/10	1996 South East Asia Regional Conference on Smoking and Health, Theme: Smoking and Health 2000
1996/11	Champagne Reception Launch of Marlboro Fine Art (Asia) Ltd. in the China Club. Many eminent persons attended the launch, including the British Trade Commissioner, Francis Cornish.
1997/03	<p>BAT China dinner in support of the HK Arts Festival.</p> <p>Attended by former director of Government Information Services Irene Yau, legislators Allen Lee and Philip Wong, Customs and Excise Commissioner Lawrence Li and his wife.</p>

1997	Clear the Air established
1997/06	<p>SMOKING (PUBLIC HEALTH) (AMENDMENT) ORDINANCE 1997</p> <ul style="list-style-type: none"> - Bans on display tobacco advertising, including outdoor billboards and ads on the whole sides of buildings - Bans on all print advertising - Bans on placing cigarette advertisement on Internet - Bans on cigarette brand name sponsorship - Bans on the use of cigarettes as promotional gifts - Bans on cigarette vending machines - Mandatory bans on smoking in public areas in department stores, shopping malls, supermarkets, banks - Mandatory no smoking areas of one third of seats in restaurants over 200 seats - Bans on packets of less than 20 cigarettes - Lowering of maximum tar level from 20 mgs to 17 mgs - Banning terms like 'mild' unless < 9 mgs tar (staggered implementation)
1997/11	Police survey: 47% males and 12% females smokers.
1997	4,411 fires attributable to careless smoking (1996: 5,485).
1998/04	Ban on vending machines
1998	Ban on placing tobacco advert on Internet
1998	WHO TOH medal: Professor TH Lam (DG)
1998	'Hong Kong Children's Charter: The Right to Freedom from the Harm of Tobacco' launched
1998/07	<p>SFA in all indoor areas open to the public in shopping malls, department stores, super-markets and banks</p> <p>Ban on giving of tobacco products to minors for the purposes of promotion</p>
1999/05	<p>Restaurants providing more than 200 seats required to designate not less than 1/3 of the area as statutory no-smoking area.</p> <p>Ban on sale of cigarettes in packets of less than 20 sticks.</p> <p>Ban on sale of cigarettes with a yield exceeding 17 mg.</p> <p>New requirements for warning labels to be printed on cigarette packs.</p>
1999/06	Ban on tobacco display advertisement
1999/12	Ban on tobacco advertisement in the printed media
2001	DOH Tobacco Control Office established
2006	WHO FCTC came into effect (via China)
2006	<p>Smoking (Public Health) Ordinance 2006, Hong Kong</p> <p>Ban on smoking in offices and restaurants</p> <p>6 pictorial health warnings (in effect 2007)</p>
2009	Tobacco tax 50% increase in Budget
2009	Ban on INDIVIDUALS smoking in bars, karaoke, bath houses, massage parlours but no patrol capability due to understaffing – act only 2-3 days later on telephone complaints
2010	Budget: ban on imported duty free cigarettes (max 19)
2011	Budget: Tax increase 41.5% excise now HK\$ 34 per pack only
2014	Budget: Tax increase only HK\$ 4 per pack – Total excise is now \$38 only

2015	Government received \$ 6.297 billion tobacco excise in 2015 but spent only \$ 160 million on Tobacco Control Office and of that sum, only \$ 22 million on COSH – Again the Financial Secretary (aka GOD) ignored the expert advice of a Government funded department – is that Value for Money ?
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COSH response to the tobacco control policies proposed by The Budget

2016.02.24 <http://smokefree.hk/en/content/web.do?page=news20160224>

Hong Kong Council on Smoking and Health (COSH) expressed disappointment for the decision of the Financial Secretary in The 2016-17 **Budget that the tobacco tax will not be raised.**

Mr Antonio KWONG, COSH Chairman reiterated, "Raising tobacco tax is one of the effective measures to lower the smoking prevalence and safeguard the public health in Hong Kong. A relative large increase in tobacco tax has proven significant in encouraging smoking cessation in the past. **Therefore, COSH has sent an open letter to the Financial Secretary to call for raising tobacco tax by 100%. Tobacco tax is again frozen this year which will further weaken the price effect on reducing tobacco consumption.**"

According to the World Health Organization (WHO), **raising tobacco tax is the single most effective measure to reduce tobacco use and encourage smoking cessation.** In Hong Kong, calls received by the Integrated Smoking Cessation Hotline of the Department of Health increased drastically after substantial increase in tobacco tax in the past. It was a solid evidence of the effectiveness of tobacco tax on motivating smoking cessation. The WHO's Report on the Global Tobacco Epidemic 2015 recommended that raising tobacco tax to more than 75% of the retail price is among the most effective and cost-effective tobacco control intervention which costs little to implement and increases government revenues. Over 30 countries have raised tobacco tax to more than 75% of the retail price.

Cigarette price of the major brands in Hong Kong is about HK\$55 per pack. **Tobacco tax is accounted for about 69% only. It is also low when compared to other developed regions such as Australia (about HK\$124), New Zealand (about HK\$113), United Kingdom (about HK\$99) and Singapore (about HK\$81). According to Dr Hana ROSS, an international expert of tobacco control economics, the real price of Hong Kong cigarette in 2013 had increased by only 25% from 1989 after deducting inflation. Besides, the average income in Hong Kong also raised, meaning that the affordability on tobacco products of Hong Kong smokers had actually increased.**

COSH reaffirms that there is no causal link between tobacco tax increase and illicit cigarette smuggling. However, the tobacco industry and its supporting organizations continue to exaggerate the situation of smuggling in Hong Kong and express strong opposition against tobacco tax increase under the pretext that it will lead to a surge in illicit cigarette smuggling. WHO has already rejected the data of the organizations supported by the tobacco industry, e.g. International Tax and Investment Centre, which intended to undermine the tobacco tax and price policy. It is unreasonable and ineffective to solve the smuggling problem by freezing tobacco tax. The most effective measure to combat smuggling and illegal trade of tobacco products is strict enforcement.

Tobacco use is a huge burden to individuals as well as the whole society. Smoking not only causes about 7,000 loss of lives in Hong Kong every year, but also incurs considerable medical expenses and loss of productivity. COSH strongly advises the Government to formulate a proactive and long-term policy on raising tobacco tax. The Government should also strengthen the multi-pronged tobacco control measures, including allocating more resources on smoke-free education, smoking cessation services and enforcement to combat smuggling in order to reduce the smoking prevalence to single digit and achieve a smoke-free Hong Kong as soon as possible.
