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Hong Kong Government
Director of Information Services Mr Patrick TK Nip
Financial Secretary Hong Kong
Commissioner of Customs and Excise
Director of Food and Health

22nd May 2016

Dear Sir, **International Tax and Investment Center**
www.iticnet.org

http://www.who.int/fctc/text_download/en/
www.who.int/fctc/guidelines/article_5_3.pdf
www.who.int/tobacco/wntd/2012/article_5_3_fctc/en
http://www.who.int/fctc/guidelines/adopted/article_5_3/en/

Hong Kong is, sub China, a ratified party to the WHO Framework Convention Treaty on Tobacco Control treaty lodged with the UN. (FCTC) The Food and Health Bureau (FHB) is the responsible bureau overseeing the matters relating to the WHO Framework Convention on Tobacco Control and Hong Kong's supposed full compliance with said Treaty, a binding international legal instrument.

The following guidelines to Article 5.3 on Ratified Parties' application of the FCTC treaty state:

Principle 2: Parties, when dealing with the tobacco industry or those working to further its interests, should be accountable and transparent.

14. Parties should ensure that **any interaction** with the tobacco industry on matters related to tobacco control or public health is **accountable and transparent**.

Recommendations

1.1 Parties should, in consideration of Article 12 of the Convention, inform and educate all branches of government and the public about the addictive and harmful nature of tobacco products, the need to protect public health policies for tobacco control from commercial and other vested interests of the tobacco industry and the strategies and tactics used by the tobacco industry to interfere with the setting and implementation of public health policies with respect to tobacco control.

1.2 Parties should, in addition, raise awareness about the tobacco industry's **practice of using individuals, front groups and affiliated organizations to act, openly or covertly, on their behalf or to take action to further the interests of the tobacco industry.**

(2) Establish measures to limit interactions with the tobacco industry and ensure the transparency of those interactions that occur.

20. In setting and implementing public health policies with respect to tobacco control, any **necessary interaction** with the tobacco industry should be carried out by Parties in such a way as to avoid the creation of any perception of a real or potential partnership or cooperation resulting from or on account of such interaction. In the event the tobacco industry engages in any conduct that may create such a perception, Parties should act to prevent or correct this perception.

Recommendations

2.1 Parties should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.

2.2 Where interactions with the tobacco industry are necessary, **Parties should ensure that such interactions are conducted transparently. Whenever possible, interactions should be conducted in public, for example through public hearings, public notice of interactions, disclosure of records of such interactions to the public.**

- 1) Please confirm whether, during the term of the current Administration or previously, since the ratification date of the said FCTC treaty by China, whether any department or sub department of Hong Kong Government addressed above or otherwise involved, has had any meetings with any representatives of The International Tax and Investment Center with HQ in Washington DC, USA and/ or with Oxford Economics Ltd with HQ in Oxford UK ?



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http://www.tobaccotactics.org/index.php/International_Tax_and_Investment_Center
International Tax and Investment Center

<http://tobaccocontrol.bmj.com/content/early/2015/01/05/tobaccocontrol-2014-051937.full>
Did the tobacco industry inflate estimates of illicit cigarette consumption in Asia? An empirical analysis

<http://www.scmp.com/news/hong-kong/article/1588896/illicit-cigarette-study-blowing-smoke-says-council-smoking-and-health>

http://seatca.org/dmdocuments/ITIC%20report_More%20Myth%20than%20Fact_2%20July%202014.pdf

http://www.tobaccotactics.org/index.php/Oxford_Economics

<http://www.tobaccotactics.org/images/3/3f/WHO-letter-to-the-parties.pdf>
WHO - Note Verbale – re International Tax and Investment Center - ITIC

<http://www.who.int/fctc/mediacentre/iticreminder/en/>
WHO - Note Verbale reminder re: ITIC

<http://www.iticnet.org/news-item/executive-briefing-on-illicit-tobacco-trade-held-in-hong-kong>
ITIC -Executive Briefing on Illicit Tobacco Trade held in Hong Kong 9 September 2014

On 8 September, ITIC President Daniel Witt spoke at an *Executive Briefing on Illicit Tobacco Trade* in Hong Kong. The executive briefing updated participants about the recent ITIC/Oxford Economics study on illicit tobacco trade, and provided an opportunity to exchange public policy ideas as to how to more effectively tackle illicit tobacco trade and recoup the revenues lost to organized criminal groups. This new study is an update and expansion of the previous study released in October last year, and is becoming a benchmark of illicit tobacco trade in the Asia region. A copy of the new study, *Asia 14: Illicit Tobacco Indicator 2013* will be available on ITIC's website shortly.



From left to right: Mr. Oliver Salmon, Senior Economist, Oxford Economics; Mr. Jeff Herbert, former Hong Kong Police Senior Superintendent and Advisor to Hong Kong United Against Illicit Tobacco; Mr. Daniel Witt, President, ITIC; Mr. Alan Leong, Legislator, Hong Kong Legislative Council; and Ms. Luisa Tam, Executive Director, Hong Kong United Against Illicit Tobacco.

- 2) Please confirm whether any department of Government has had any closed door meetings with the tobacco industry in Hong Kong or their front groups or representatives or any bodies or Honorary advisors purportedly representing their interests or otherwise, during the current tenure of this Administration or previously since the ratification of the treaty by China ?

We would point out that the following termination of the tobacco funded informer reward scheme action only occurred due to our written complaints to HK Customs and Excise Department about their lack of compliance with the FCTC's ban on tobacco funded CSR and sponsor requirements.



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http://www.customs.gov.hk/filemanager/common/pdf/pdf_publications/new/issue17_e.pdf



http://www.customs.gov.hk/filemanager/common/pdf/pdf_publications/new/issue29_e.pdf

Working with customs in Hong Kong

Smuggled and counterfeit products severely damage government tax revenues and for companies such as ours, these products corrode market share, damage the reputation and profitability of our brands and undermine major investments in well-managed distribution networks.

We would like to see an orderly and fair market and are co-operating with the Government of the HKSAR to tackle illicit trade activities. Joint operations between Hong Kong Customs and British American Tobacco Hong Kong have played a role in increasing the number of seizures made in various locations in Hong Kong.

We have worked with the Customs and Excise Department of the Government of the HKSAR on the Informer Reward Scheme, which was established in 1994. For a number of years, we have also supported anti-illicit trade campaigns as a member of industry associations.

Anti-illicit trade campaigns conducted in the past included a sticker campaign to publicise the Customs and Excise Department's Illicit Cigarettes hotline, and also newspapers, magazine and radio advertising, as well as a street level poster advertising campaign, covering mass transit railway stations.

http://www.bathongkong.com/group/sites/BAT_8NNJML.nsf/vwPagesWebLive/DO899K84?opendocument&SKN=1

From: yk_fok@customs.gov.hk [mailto:yk_fok@customs.gov.hk]

Sent: 20 April, 2015 06:59 PM

To: James Middleton

Cc: yh_lam@customs.gov.hk; cecilia_kf_yeung@customs.gov.hk

Subject: Re: 轉寄: Global Tobacco Control Updates - TobaccoFreeKids.org International Edition

Dear Mr. Middleton,

Thank you for your email to the Commissioner on 10.4.2015.

Please be informed that the Informer Reward Scheme has already ceased operation since 2013, and there is no more sponsorship or similar partnership scheme between the tobacco industry and Customs.

Hong Kong Customs is determined to undertake stringent enforcement against illicit cigarette activities, especially stepping up enforcement actions at source to prevent smuggling of illicit cigarettes into Hong Kong. We will also continue to carry out vigorous raiding activities in the territory to combat distribution and storage activities.

We will continue the stringent enforcement work and fulfil our international obligations in order to contribute to the stability and prosperity of the community.

Please feel free to contact us if you have further questions.

(YK FOK)

C&ED

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Yours faithfully,

James Middleton

James Middleton

Chairman