

The Chief Executive
Hong Kong Special Administrative Region
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

30 August 2021

Dear Chief Executive,

Total Ban on All Alternative Smoking Products

In the 2018 Policy Address, the proposal to ban alternative smoking products was announced and it is supported by a wide spectrum of the community. The strong determination of the Government to protect public health is applauded. We have expressed our respect and full support of this move.

The Smoking (Public Health) (Amendment) Bill 2019 (“Bill”) was then introduced to the Legislative Council (“LegCo”) in February 2019 to ban the import, manufacture, sale, distribution and advertisement of alternative smoking products, including e-cigarettes, heated tobacco products (“HTPs”) and herbal cigarettes. However, the Bill is still under scrutiny in the LegCo. We are disappointed that some LegCo Members mistook the claims of the tobacco industry that HTPs are less harmful to health, approved by the health authorities, help smokers to quit or smoke less, have few secondhand smoke problems and do not target at youth, etc. Spread of the industry’s fallacies could endorse the harmful alternative smoking products, make people underestimate the smoking hazards and guide them to try, and encourage addiction and smoking uptake.

Market of the tobacco is diminishing as its hazardous nature is well documented and well informed to the public. The tobacco industry has repeatedly used different products (e.g. filters, low tar) to conceal the harm of smoking and deceive people. Likewise, the misleading claims of alternative smoking products are not backed by independent research and conclusive evidences which are simply the plots of the industry to normalize smoking behaviours and hook the people, particularly youths. Indeed, most health authorities, including the World Health Organization, do not approve these claims and recommend stringent measures to regulate or ban e-cigarettes and HTPs to protect health of people at a high level. Please see **Annex A** the summary on facts of alternative smoking products and counter arguments to the misleading claims that justifies a total ban.

We have deep concern for a recent Committee Stage Amendment (“CSA”) of a LegCo Member who claimed to represent the tobacco industry, proposing to ban only e-cigarettes while regulating HTPs. Regulating any new smoking products does not only disrupt the enactment of the banning legislation that protects health, but could also lead to recurrence of tobacco epidemic in new and many forms. The Government’s strategy and goal to reduce smoking prevalence and noncommunicable diseases by 2025 will also be hampered. Alternative smoking products could pose long-term and huge threat to the health in both individual and population levels. We strongly request the Government not to accept any regulating proposal which signifies allowing alternative smoking products to boom and emerge. Once the door for hazardous products, just like conventional cigarettes, is open, it could be hardly closed in the future and the detrimental impacts on public health are irreversible. Hong Kong’s 30-year efforts and achievements in tobacco control could be ruined.

Echoing the World Health Organization and World Trade Organization, no commercial interest should be weighed over the health of people, particularly our next generations. It is an utmost obligation of policy-makers to formulate policies that benefit the whole community and protect the health of people, instead of commercial interests that upset the well-being of the society. The current session of the LegCo is coming to an end in October 2021. We appeal for the Government’s firm stance to the total ban on all alternative smoking products, including e-cigarettes and HTPs. The LegCo should enact the Bill as soon as possible. We will continue to render our support to the Government’s effort in safeguarding public health.

Jointly submitted by:

Hong Kong Council on Smoking and Health

Asian Consultancy on Tobacco Control

Clear the Air

College of Nursing, Hong Kong

Community Drug Advisory Council

Council of Hong Kong & Kowloon Kai-Fong Associations Limited

Faculty of Medicine, The Chinese University of Hong Kong

Hong Kong Academy of Medicine and the Constituent Colleges:

The Hong Kong College of Anaesthesiologists

Hong Kong College of Community Medicine

The College of Dental Surgeons of Hong Kong

Hong Kong College of Emergency Medicine

The Hong Kong College of Family Physicians

The Hong Kong College of Obstetricians and Gynaecologists

The College of Ophthalmologists of Hong Kong
 The Hong Kong College of Orthopaedic Surgeons
 The Hong Kong College of Otorhinolaryngologists
 Hong Kong College of Paediatricians
 The Hong Kong College of Pathologists
 Hong Kong College of Physicians
 The Hong Kong College of Psychiatrists
 Hong Kong College of Radiologists
 The College of Surgeons of Hong Kong
 Hong Kong Alliance of Patients' Organizations Limited
 Hong Kong Association of Youth Development
 Hong Kong College of Cardiology
 Hong Kong Dental Association
 Hong Kong Doctors Union
 Hong Kong Patients' Voice
 LKS Faculty of Medicine, The University of Hong Kong
 Life Education Activity Programme
 Medical and Health Services, Christian Family Service Centre
 Medical Conscience
 Medical Service Department, The Lok Sin Tong Benevolent Society, Kowloon
 New Voice Club
 Pok Oi Hospital
 Quit-Winners Club
 School of Health Sciences, Caritas Institute of Higher Education
 School of Nursing and Health Studies, The Open University of Hong Kong
 School of Nursing, LKS Faculty of Medicine, The University of Hong Kong
 School of Nursing, Tung Wah College
 School of Public Health, LKS Faculty of Medicine, The University of Hong Kong
 Sik Sik Yuen
 The Boys' & Girls' Clubs Association of Hong Kong
 The Federation of Medical Societies of Hong Kong
 The Hong Kong Academy of Nursing and the 14 Academy Colleges:
 Hong Kong College of Cardiac Nursing
 Hong Kong College of Community and Public Health Nursing
 Hong Kong College of Critical Care Nursing
 Hong Kong College of Education & Research in Nursing
 Hong Kong College of Emergency Nursing
 Hong Kong College of Gerontology Nursing
 Hong Kong College of Medical Nursing

Hong Kong College of Mental Health Nursing
Hong Kong College of Midwives
Hong Kong College of Nursing & Health Care Management
Hong Kong College of Orthopaedic Nursing
Hong Kong College of Paediatric Nursing
Hong Kong College of Perioperative Nursing
Hong Kong College of Surgical Nursing
The Hong Kong Anti-Cancer Society
The Hong Kong Medical Association
The Jockey Club School of Public Health and Primary Care, Faculty of Medicine,
The Chinese University of Hong Kong
The Nethersole School of Nursing, Faculty of Medicine, The Chinese University
of Hong Kong
The Pharmaceutical Society of Hong Kong
The Society of Hospital Pharmacists of Hong Kong
The Youth Quitline
Tung Wah Group of Hospitals Integrated Centre on Smoking Cessation
United Christian Nethersole Community Health Service
Yan Chai Hospital

Copy to: Secretary for Food and Health, HKSAR Government
Director of Health, HKSAR Government
President, Legislative Council

Facts of Heated Tobacco Products and Rationales for a Total Ban

- All tobacco products are harmful to health and highly addictive. Emerging researches have shown the presence of harmful and carcinogenic substances in alternative smoking products (ASPs), including e-cigarettes and HTPs. Some of the harmful substances are even in higher level than in conventional cigarettes or unique in ASPs.

Facts:

- Even data submitted by manufacturer to the US Food and Drug Administration revealed that some 80 chemicals in HTP emissions were either present in higher concentration than or not found in conventional cigarette smoke, including four carcinogens, 19 chemicals with genotoxic/carcinogenic potentials, and 20 chemicals exhibiting potential health effects.¹
 - Local research found that 88% higher risk of persistent respiratory symptoms for at least three months (such as cough, congestion or phlegm, which are the symptoms of chronic bronchitis) was found in adolescents currently using HTPs. The risk is even 46% higher in HTP ever users than in ever conventional cigarette users.² (*Appendix I*)
 - Foreign research identified 62 volatile compounds from HTPs' aerosol, from which only 10 were disclosed by report from tobacco industry. Several identified species such as diacetyl, 2,3-pentanedione, hydroxymethylfurfural and diethylhexyl phthalate are classified as highly toxic, with the latter considered carcinogenic.³
 - The heat produced by the HTPs' device is hot enough to melt the polymer-film filter of the heat stick, releasing formaldehyde cyanohydrin (rarely found in conventional cigarettes), which is metabolized into formaldehyde and cyanide.⁴
- ASPs do not aid quitting, but could hinder smokers to truly abstain from nicotine and even lead to increased likelihood of relapse among the former smokers

Facts:

- Local study investigated the prospective association of HTP use and quitting among smokers who had intention to quit in Hong Kong. It found that no significant difference of abstinence rate and quit attempt was recorded between smokers used and never used HTPs.⁵ (*Appendix II*)
- Local prospective study even found that youth HTP users were about 50% less likely to abstain from tobacco use than smokers who did not use HTPs.⁶ (*Appendix III*)
- According to COSH's Tobacco Control Policy-related Survey 2020, a majority (70.9%) of HTP users were dual users of both HTPs and conventional cigarettes.

- A Japanese study pointed out that those long-term cigarette quitters who have HTPs intake were 180% more likely to relapse to cigarette smoking.⁷
- The marketing strategy of ASPs aims at re-normalizing smoking behavior, which attract youngsters and never smokers to try, and become a gateway to cigarette smoking.

Facts:

- According to Government's Thematic Household Survey, the prevalence of HTPs and e-cigarette use in secondary students are higher than those in adults. In addition, over 70% of secondary students who smoke e-cigarettes and HTPs are dual users, who also smoke conventional cigarettes.
- The Japanese study found that those never cigarette users who has used HTPs were nearly 900% more likely to use conventional cigarette after 1 year, while those non-cigarette users were 66% more likely to use conventional cigarettes.⁷
- In Italy, nearly 740,000 people have tried HTPs in 3 years since its launch. About half (around 330,000 people) were never smokers and another 620,000 non-smokers expressed intention to try.⁸
- Harm reduction of HTPs is not proved nor recognized. Global health authorities, including World Health Organization and European Respiratory Society recommend a ban on alternative smoking products. The US Food and Drug Administration, Ministry of Health of Italy and the Therapeutic Goods Administration, Australian Government Department of Health have already rejected that HTPs are less harmful.

Facts:

- FDA only authorized the sales of a HTP with "exposure modification" claim based on the assumption of complete switch from cigarettes to HTPs. However, most HTP users smoke cigarette concurrently. The "risk modification" claim is not approved and the HTP is not allowed to promote as safe nor "FDA approved". (*Appendix IV*)
- FDA emphasized that HTPs are neither safe nor "FDA approved" and reiterated that no sufficient evidence to show the HTP poses less health risks than cigarettes do. (*Appendix IV*)
- WHO reiterated that reducing exposure to harmful chemicals in HTPs does not render them harmless, nor does it translate to reduced risk to human health. Some toxins are present at higher levels in HTP aerosols, and there are some additional toxins present in HTP aerosols that are not present in conventional cigarette. (*Appendix V*)
- WHO recommended parties to regulate, including restrict or prohibit, the manufacture, importation, distribution, presentation, sale and use of novel and emerging tobacco products. (*Appendix VI*)
- European Respiratory Society illustrated that HTPs, regular tobacco smoking and smokeless tobacco are all addictive and carcinogenic to human. ERS

cannot recommend any products that is damaging to the lungs and human health and advised that government should not allow debate around the new tobacco products to distract from effective measures at reducing smoking. *(Appendix VII)*

- The regulatory approach could not stop HTPs from gaining swift popularity among youth, and lead to more loopholes being exploited for sale and promotion of new smoking products from tobacco industry.

Facts:

- In Korea, the rate of youngsters ever using HTPs hiked to 2.9% in just a year after the product introduction.⁹
- HTPs are yet to launch in Hong Kong market, but HTP ever use in secondary school students recorded 2.3% (about 7,490 students) as shown in the Government's Thematic Household Survey. If HTPs are allowed in the market, they will gain swift popularity among youth and the situation will be irreversible.
- New forms of ASPs, such as hybrid products of HTPs and e-cigarettes, are already available in Japan and Korea. Different forms of ASPs could enter the Hong Kong market through the loopholes under regulatory approach. *(Appendix VIII)*

- Total ban on ASPs meet public expectation and interest. Majority of the society support the total ban on all alternative smoking products, including e-cigarettes and HTPs. In contrast, only a minority use e-cigarettes or/and HTPs and very few smokers had intention to use HTPs.

Facts:

- According to COSH's Tobacco Control Policy-related Survey 2020, two-thirds of citizens supported a total ban on ASPs including HTPs and e-cigarettes, including 40% of current smokers.
 - Over 110,000 signatures were collected from citizens, companies and organizations in COSH's "Support to enact a total ban on e-cigarettes and other new tobacco products" signature campaign.
 - The total ban on all ASPs is supported by a wide spectrum of society, including medical and healthcare associations, academia, education sector, parent-teacher associations, patient groups, youth service and social service organizations, etc.
 - The smoking prevalence of HTPs and e-cigarettes among the adults aged 15 or above is only 0.1% (about 7,200 persons) and 0.2% (about 13,100 persons). In addition, less than one-tenth (9.9%) of current smokers had an intention to use HTPs, as reflected in the result of COSH's Tobacco Control Policy-related Survey.
- Regulatory approach on HTPs is impractical. Followed the measures adopted by neighbouring region (such as Macau, Singapore and Thailand), Hong Kong

should impose a total ban while the prevalence of using ASPs is still low to prevent its epidemic.

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