

LETTER

Will heated tobacco products be banned in Hong Kong?

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Dear Editor,

The Government of the Hong Kong Special Administrative Region (SAR) introduced the Smoking (Public Health) (Amendment) Bill (“the Bill”) in February 2019, which sought to ban the import, manufacture, distribution, sale and advertisement of alternative smoking products, such as heated tobacco products (HTPs), e-cigarettes and herbal cigarettes. The Bill arose after a public outcry over the initial plan to regulate rather than ban these products. However, as of August 2021, and after 30 months having elapsed, the Bill remains under scrutiny. With the current session of the Legislative Council closing in October 2021, and the ambivalent stance of some legislators, the Bill has come to a critical juncture.

There is currently no legal import or manufacture of HTPs, or distribution or sale of nicotine-containing e-cigarettes in Hong Kong, and it has come closer to achieving

a tobacco-free generation than most countries or regions. Only 10.2% of the population aged ≥ 15 years smoked daily in 2019 (Figure),¹ and current cigarette smoking in adolescents has remained under 3% since 2014/15.^{2,3} In places with very low smoking prevalence such as Hong Kong, the risks of introducing new tobacco products into the market likely outweigh the unsubstantiated benefits of reduced harm (as proclaimed by the tobacco industry), even if such claims were fully materialised. Once new tobacco products are introduced into Hong Kong, they will likely be aggressively promoted by the tobacco companies, as they have been in countries where these products were launched.⁴ With attractive packaging, multiple flavours and unfounded harm reduction claims, new tobacco products could renormalise smoking behaviours, promote smoking uptake in youths, encourage ex-smokers to relapse and hamper quitting in smokers.

A major revamp of the Smoking (Public Health) Ordinance in 2006 led to the implementation of a smoking ban that encompasses all indoor public places and workplaces, a ban on tobacco advertising in print, on television, radio and the internet, and mandatory graphic health warning on tobacco packaging.⁵ However, tobacco advertising using point-of-sale (POS) displays and tobacco packaging are still very much in play, and flavoured cigarettes account for the fastest growing segment in local cigarette sales.⁶ New tobacco products, including HTPs, pose a greater threat to Hong Kong than they do to countries where plain packaging, and bans on POS tobacco product display and flavoured tobacco products are already in place.

Hong Kong has been successful in banning an emerging tobacco product in the past. In the early 1980s, the Government introduced a law to ban smokeless tobacco when it first appeared in the territory.⁷ Unfortunately however, this law does not cover HTPs. When it is not contained in tobacco, nicotine is regulated as a poison, and nicotine-containing products must be registered with the Pharmacy and Poisons Board of Hong Kong before sales or distribution. The control over nicotine has thus prevented emerging nicotine products (e.g., nicotine pouches) from entering the local market as consumer products. Smoking cessation services are free and easily accessible in Hong Kong. Therefore, the greatest threat to tobacco control in Hong Kong is arguably HTPs.

The tobacco industry's attempts to interfere with policymaking and legislative processes are well-documented.⁸ The WHO Framework Convention on Tobacco Control applies to Hong Kong because China has ratified the treaty. Although Article 5.3 of the treaty prohibits officials from interacting with the tobacco industry, the Bill has met with fierce resistance in the Bill's committee, which comprises members representing the

interests of the tobacco industry. The marketing authorisation granted to IQOS (I Quit Original Smoking) by the US Food and Drug Administration (FDA)⁹ has been used to argue against an HTP ban in Hong Kong. However, IQOS represents only one of the HTP brands, and Hong Kong could not be more different to the United States as regards the tobacco industry and tobacco control. Although the FDA denied the “risk modification” order for which Philip Morris International had applied and stated that the approval does not mean these products are safe or “FDA approved”, the marketing authorisation has been cited as an indication of the products’ safety.¹⁰

HTPs are highly addictive products of unknown toxicity, coupled with digital technologies. Recent findings indicated that HTP use in adolescents is not harmless and may not reduce risks even when completely replacing conventional cigarettes. Compared with ever-exclusive cigarette smokers, ever-exclusive HTP users were 46% more likely to have persistent respiratory symptoms.¹¹ Digital technologies may increase the health risks. Patent applications by tobacco companies reveal the potential in these products for direct promotion of use and manipulation of nicotine delivery (i.e., addiction).^{12,13} There are many unknowns, for example, what are these products made of, what do they generate when used, and what are they capable of evolving into, let alone how we should regulate them. The WHO has rightly described these emerging products as “moving targets”.¹⁴

The Government of the Hong Kong SAR has committed to the target of reducing smoking prevalence to 7.8% by 2025 as part of a strategic action plan to prevent and control non-communicable diseases in Hong Kong. The target will require ambitious measures to reduce cigarette use, but also to prevent any new tobacco products from entering the local market. When a member of the Bill’s committee submitted draft amendments in an attempt to remove HTPs from the ban, the Government reaffirmed its position that,

...[tobacco products] should not be legally marketed as consumer products by modern-day safety and ethical standards...It is the Government’s policy to progressively step up control measures on all tobacco products in pursuit of the ultimate goal of eliminating tobacco use in Hong Kong.¹⁵

We fully agree, and strongly urge the Government to work towards a total ban on all forms of tobacco after banning alternative smoking products. Should the HTP

ban fail to secure enough votes in the legislature, Hong Kong will be put to the test on whether a new class of tobacco products will impact the declining trend of tobacco use in its population and undo decades of hard work.

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Figure Prevalence of daily cigarette smoking in Hong Kong population aged ≥ 15 years, 1982–2019.

