

Legislative Council Hong Kong  
Subcommittee on Smoking (Public Health) (Notices) (Amendment) Order 2017  
Hon Kwok Ka-Ki Chairman [kkk@kkkwok.hk](mailto:kkk@kkkwok.hk) [lwcyu@legco.gov.hk](mailto:lwcyu@legco.gov.hk)

15<sup>th</sup> May 2017

Dear Hon Members,

The Framework Convention on Tobacco Control (FCTC) is a Ratified international instrument lodged with the UN and is a treaty binding Hong Kong (sub China). It is listed on the HK Judiciary website <http://www.doi.gov.hk/eng/laws/interlaw.html#Health> at Section 1102. Hong Kong is a ratified Party to this Treaty and must legally abide by its requirements.  
[WHO Framework Convention on Tobacco Control, Geneva, 21.5.2003](#)

and is lodged with the United Nations Treaty depositary  
<https://treaties.un.org/Pages/Treaties.aspx?id=9&subid=A&clang=en>  
Section 1.h.4

Article 5 of the binding instrument states:

*General obligations*

1. Each Party **shall** develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.
2. Towards this end, each Party shall, in accordance with its capabilities:
  - (a) establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control; and
  - (b) adopt and implement **effective** legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.
3. **In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.**
4. The Parties shall cooperate **in** the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.
5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.
6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for **effective implementation** of the Convention through bilateral and multilateral funding mechanisms.

On the WHO FCTC website are the Guidelines to Parties for the effective application of Article 5.3  
[www.who.int/fctc/guidelines/adopted/article\\_5\\_3/en](http://www.who.int/fctc/guidelines/adopted/article_5_3/en)

The following relevant sections apply to Hong Kong's current situation:

**INTRODUCTION**

3. Further, Article 5.3 of the Convention requires that "in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial **and other vested interests** of the tobacco industry in accordance with national law".

9. The guidelines apply to setting and implementing Parties' public health policies with respect to tobacco control. **They also apply to persons, bodies or entities that contribute to, or could contribute to, the formulation, implementation, administration or enforcement of those policies.**

10. The guidelines are **applicable to government officials, representatives and employees of any national, state, provincial, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party, and to any person acting on their behalf. Any government branch (executive, legislative and judiciary) responsible for setting and implementing tobacco control policies and for protecting those policies against tobacco industry interests should be accountable.**

11. The broad array of strategies and tactics used by the tobacco industry to interfere with the setting and implementing of tobacco control measures, such as those that Parties to the Convention are required to implement, **is documented by a vast body of evidence.** The measures recommended in these guidelines aim at **protecting against interference not only by the tobacco industry but also, as appropriate, by organizations and individuals that work to further the interests of the tobacco industry.**



12. While the measures recommended in these guidelines should be applied by Parties as broadly as necessary, in order best to achieve the objectives of Article 5.3 of the Convention, Parties **are strongly urged to implement measures beyond those recommended in these guidelines when adapting them to their specific circumstances.**

#### GUIDING PRINCIPLES

**Principle 1: There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests.**

13. The tobacco industry produces and promotes a product that has been proven scientifically to be addictive, to cause disease and death and to give rise to a variety of social ills, including increased poverty. Therefore, **Parties should protect the formulation and implementation of public health policies for tobacco control from the tobacco industry to the greatest extent possible.**

**Comment: Legislators should not concern themselves with the interests of tobacco company "stakeholders"; only with regulating the heinous industry. The industry are convicted RICO racketeers who have been shown to profit by addicting children, youth and adults to nicotine. Children are just 'growth' to them. Two in every 3 tobacco users are killed by their addiction to nicotine through the use of tobacco.**

<http://www.publichealthlawcenter.org/topics/tobacco-control/tobacco-control-litigation/united-states-v-philip-morris-doj-lawsuit>  
<http://www.bbc.com/news/health-31600118>

#### RECOMMENDATIONS

17. The following important activities are recommended for addressing tobacco industry interference in public health policies:

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

(3) Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry.

**(4) Avoid conflicts of interest for government officials and employees.**

**Comment: Legislators and District Councillors are Government employees paid from the public purse and are deemed 'public servants', 'public officers' and 'prescribed officers' under Hong Kong laws. They should not be supporting tobacco front groups nor the industry which kills people for profit.**

(5) Require that information provided by the tobacco industry **be transparent and accurate.**

**Comment: The USA RICO convicted racketeers tobacco industry repeatedly uses the same lies and methods worldwide. When one jurisdiction finds legally against them, they attempt to use the same lies and methodology in other jurisdictions, trying to oppose Governments' sovereign rights to protect the healthcare of their citizens and to delay implementation of tobacco control measures they know will impact their bottom line:**

#### Recent Tobacco litigation lost by the tobacco industry

[https://www.dropbox.com/sh/zpq8v43cqa72a1a/AACOos8-LIOjaFKx\\_G\\_Nobe9a?dl=0](https://www.dropbox.com/sh/zpq8v43cqa72a1a/AACOos8-LIOjaFKx_G_Nobe9a?dl=0)

#### Peer reviewed expert reports showing Proof of Graphic Warning Labels effectiveness

<https://www.dropbox.com/sh/ywgtexz9l8uvh82/AAAMr6fNRVjiAtLaMOBjKnraa?dl=0>

18. **Agreed measures** for protecting public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry are listed below. Parties are encouraged to **implement measures beyond those provided** for by these guidelines, and nothing in these guidelines shall prevent a Party from **imposing stricter requirements that are consistent with these recommendations.**

#### 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.**

20.

**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.

21.

**3.1 Parties should not accept, support or endorse partnerships and non-binding or non-enforceable agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests.**

**3.4 Parties should not accept, support or endorse any offer for assistance or proposed tobacco control legislation or policy drafted by or in collaboration with the tobacco industry.**

**(4) Avoid conflicts of interest for government officials and employees.**

22. The involvement of organizations or individuals with commercial **or vested interests** in the tobacco industry in public health policies with respect to tobacco control is most likely to have a negative effect. **Clear rules regarding conflicts of interest for government officials and employees working in tobacco control are important means for protecting such policies from interference by the tobacco industry.**

23. Payments, gifts and **services, monetary or in-kind**, and research funding offered by the tobacco industry to government institutions, officials or employees can create conflicts of interest. **Conflicting interests are created** even if a promise of favourable consideration is not given in exchange, **as the potential exists for personal interest to influence official responsibilities as recognized in the International Code of Conduct for Public Officials adopted by the United Nations General Assembly and by several governmental and regional economic integration organizations.** (# see at end of document)

#### Recommendations

**4.1 Parties should mandate a policy** on the disclosure and management of conflicts of interest that **applies to all persons involved in setting and implementing public health policies with respect to tobacco control, including government officials, employees, consultants and contractors.**

**Comment: where can we find this policy?**

4.2 Parties should formulate, adopt and implement a code of conduct for **public officials**, prescribing the standards with which they should comply in their dealings with the tobacco industry.

**Comment: where can we find this code of conduct ? Legco members and District Councillors are public officials under the laws of Hong Kong.**

4.3 Parties should not award contracts for carrying out any work related to setting and implementing public health policies with respect to tobacco control to candidates or tenderers who have conflicts of interest with established tobacco control policies.

4.4 Parties should develop clear policies that require **public office holders** who have or have had a role in setting and implementing public health policies with respect to tobacco control to inform their institutions about any intention to engage in an occupational activity within the tobacco industry, **whether gainful or not**, within a specified period of time after leaving service.



4.5 Parties should develop clear policies that require applicants for public office positions which **have a role in setting and implementing public health policies with respect to tobacco control to declare any current or previous occupational activity with any tobacco industry whether gainful or not.**

Comment 1: where can we find these policies ?

Comment 2: Legislators are public servants/officials paid from the public purse and their allegiance should be to the Government (which has to pay for the health costs of tobacco).

- a) Mr Wong Ting Kwong is an admitted honorary advisor to tobacco front group TCCG.
- b) Mr Paul Tse is an admitted advisor to HKUAIT / Stopit , a tobacco industry front group sponsored by PMI and his name appears on their website. <http://hkuait.org/supporting-organizations/>
- c) Mr Shiu Ka Fai stated in a recent Legco Bills Committee televised debate he was 'the representative of the tobacco industry in Legco'.

As such these public servants should have no Panel on Health Services nor Bills Committee, nor other input on any legislation that seeks to regulate the tobacco industry, since they are prima facie conflicted. See also 4.8 below.

4.6 Parties should **require government officials to declare and divest themselves of direct interests in the tobacco industry.**

Comment: Legco members, Exco members, the Judiciary, ICAC, District Councillors and Principal Officials are all public servants paid from the public purse. Please point us to the Government instruction requiring all Government employees which includes the above, to declare and divest themselves of interests in the tobacco industry.

All Legco members involved in setting tobacco control legislation should be required to sign a statement to the fact they own no shareholdings or other interests in the tobacco industry, hence are not conflicted.

Moreover, the current requirement for Legco members to declare Members' registrable interest shareholdings in excess of 1% in companies is an obvious outdated flaw; tobacco companies issue billions of shares and 1+% of this number would mean tens of millions of US dollars in value.

Recently Mrs Regina Ip stated she would recuse herself from the decision making on graphic health warnings since she held shares in a tobacco company.

4.7 Government institutions **and their bodies should not have any financial interest in the tobacco industry**, unless they are responsible for managing a Party's ownership interest in a State-owned tobacco industry.

4.8 Parties should not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.

Comment:

At least three Hon Member public servants listed at 4.5 above by admission of their listed positions are deemed 'entities working to further the interests of the tobacco industry', which includes its industry funded front groups. This requirement is 100% clear; they cannot be members of any government body, committee or advisory group that sets or implements tobacco control or public health policy and must recuse themselves or be removed. Any replacements must state their conflicts of interest, including whether their Political Party is funded by the tobacco industry.

Likewise any public servant member of Legco should declare whether they receive payments (profit from their direct or indirect shareholding quarterly, annual or special dividends) from the tobacco industry or tobacco invested mutual funds and comply with 4.10 below.

4.9 Parties should not nominate any person employed by the tobacco industry or any entity working to further its interests to serve on delegations to meetings of the Conference of the Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties.

4.10 Parties **should not allow any official or employee of government or of any semi/quasi-governmental body to accept payments, gifts or services, monetary or in kind, from the tobacco industry.**



ClearTheAir  
爭氣行動

<http://cleartheair.org.hk> chair@cleartheair.org.hk Tel 26930136 Fax 26027153

**Comment: 'payments' includes profiting from annual or special shareholding dividends in the tobacco industry. They are required to declare and divest same.**

4.11 Taking into account national law and constitutional principles, Parties **should have effective measures** to **prohibit contributions from the tobacco industry or any entity working to further its interests to political parties**, candidates or **campaigns**, or to require full disclosure of such contributions.

**Comment: where can we find these effective Legco or HK Govt measures to prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates or campaigns, or to require full disclosure of such contributions?**

#### Public Officers same as Public Servants

**From:** [crd@icac.org.hk](mailto:crd@icac.org.hk) [<mailto:crd@icac.org.hk>]  
**Sent:** 06 March, 2014 17:01  
**To:** [dynamco@netvigator.com](mailto:dynamco@netvigator.com)  
**Cc:** [ayffung@crd.icac.org.hk](mailto:ayffung@crd.icac.org.hk)  
**Subject:** FW: Dear Sir , Are Legco members public officers ?

Dear Mr Middleton,  
Thank you for your further question.

**Members of District Councils** are regarded as **public servants** according to Section 2 of the Prevention of Bribery Ordinance. For full text of the Prevention of Bribery Ordinance, you may click this link to the Bilingual Laws Information System of Department of Justice.

[http://www.legislation.gov.hk/blis\\_pdf.nsf/6799165D2FEE3FA94825755E0033E532/660A25EA15B8C9D6482575EE004C5BF1/\\$FILE/CAP\\_201\\_e\\_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/660A25EA15B8C9D6482575EE004C5BF1/$FILE/CAP_201_e_b5.pdf)

Regards,  
Eddie TSANG  
Assistant Staff Officer/Management & Strategy  
Community Relations Department  
Independent Commission Against Corruption

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**From:** [crd@icac.org.hk](mailto:crd@icac.org.hk) [<mailto:crd@icac.org.hk>]  
**Sent:** Tuesday, March 04, 2014 9:13 AM  
**To:** [dynamco@netvigator.com](mailto:dynamco@netvigator.com)  
**Subject:** FW: Dear Sir , Are Legco members public officers ?

Dear Mr Middleton,

Thank you for your enquiry. According to Section 2 of the Prevention of Bribery Ordinance (CAP.201), **members of the Legislative Council** are regarded as "**public servants**".

Regards,  
Eddie TSANG  
Assistant Staff Officer/Management & Strategy  
Community Relations Department  
Independent Commission Against Corruption



Chapter: 1 Title: INTERPRETATION AND GENERAL CLAUSES Ordinance Gazette Number: 2 of 2009  
Section: 3 Heading: Interpretation of words and expressions Version Date: 08/05/2009

"public body" (公共機構) includes-

- (a) the Executive Council;
- (b) the Legislative Council;
- (c) (Repealed 78 of 1999 s. 7)
- (ca) any District Council; (Added 42 of 1981 s. 27. Amended 8 of 1999 s. 89)
- (cb) (Repealed 78 of 1999 s. 7)
- (d) any other urban, rural or municipal council;

- (e) any department of the Government; and
- (f) any undertaking by or of the Government;

"public office" (公職) means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

"public officer" (公職人員) means any person holding an office of emolument under the Government, whether such office be permanent or temporary; (Added 26 of 1998 s. 4)

"public servant" (公務員、公務人員) has the same meaning as public officer; (Added 26 of 1998 s. 4)

### Legco Member Oath

**The Legislative Oath does not state 'bear allegiance to Big Tobacco' It does not state 'serve the tobacco industry'**

#### Part IV

##### The Legislative Council Oath

I swear that, being a member of the Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China, **I will uphold the Basic Law** of the Hong Kong Special Administrative Region of the People's Republic of China, **bear allegiance to the Hong Kong Special Administrative Region** of the People's Republic of China and **serve the Hong Kong Special Administrative Region** conscientiously, dutifully, in full accordance with the law, honestly **and with integrity**.

#### Basic Law

1.2 Article 99 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereafter referred to as "the Basic Law") states "... **Public servants** must be dedicated to their duties and **be responsible to the Government of the Hong Kong Special Administrative Region**".

Whereas:

M Shiu Ka Fai admitted at the last televised Bills Committee meeting this past week to being the 'tobacco industry representative in Legco'

Wong Ting Kwong is TCCG tobacco front group Hon advisor.

They are both admitted 'vested interests' working to further the interests of the tobacco industry

This is forbidden under FCTC.

Likewise Mr Paul Tse supports a PMI funded front group, HKUAIT and is likewise prima facie conflicted.

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**From:** Howard Winn [<mailto:howard.winn@scmp.com>]

**Sent:** Friday, March 14, 2014 7:02 PM

**To:** 'dynamco@netvigator.com' James Middleton

**Subject:** Paul Tse

Dear Mr Winn,

**I would confirm that I am indeed an honorary adviser to a local tobacco related organisation.**

**I take issue with the Government's using the tactic of imposing hefty increases of tobacco excise as means to reduce local consumption of cigarettes. Not only is the effect of this tactic questionable, it may be unduly oppressive to the underprivileged yet die hard smokers. It has also evidently enhanced a lucrative and vibrant illicit cigarettes market. The relevant authorities have failed to impose satisfactory sanctions or deterrents to control, let alone eradicate, such unlawful activities.**



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<http://cleartheair.org.hk> [chair@cleartheair.org.hk](mailto:chair@cleartheair.org.hk) Tel 26930136 Fax 26027153

It is in the above context that I became involved in the subject position. I am a non smoker and do not encourage smoking, especially of teenagers.

My apology for this belated response as I had just been out of town for a week and things have been quite hectic this week.

Regards

Paul

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HKUAIT is funded by Philip Morris tobacco company

<http://hkuait.org/supporting-organizations/>

Supporting organizations of the Hong Kong United Against Illicit Tobacco:

- Mega Hospitality International (MHI)
  - Infinitum Technology Co., Ltd.
  - Millennium Wells Ltd.
  - Coalition of Hong Kong Newspaper and Magazine Merchants
  - Hong Kong Newspaper Hawker Association
  - Kampo Employment Agency
  - **Coalition on Tobacco Affairs (CTA)**
  - **Philip Morris Asia Limited**
  - The Office of Wong Tai Sin **District Councillor** Lai Wing-Ho
  - **The Office of Legislative Councillor Paul Tse Wai-chun**
  - The Office of Tsuen Wan **District Councillor** Kot Siu-Yuen
  - The Office of Tsuen **Wan District Councillor Man** Yu-Ming
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Medical professional refutes scientific peer reviewed studies despite provision of a vast amount of peer reviewed reports to Lee Kok-Long by Clear the Air

<http://www.ejinsight.com/20150713-new-tobacco-control-measures-require-further-consultation/>



**“The administration has yet to provide any conclusive evidence that increasing the size of the graphic health warning on the cigarette packet can encourage smokers to quit”**. Photo: Internet

Home Real Insight Commentators

**Joseph Lee Kok-long - Jul 13, 2015 11:03am**

### **New tobacco control measures require further consultation**

At a meeting of the health services committee of the Legislative Council on May 18, the administration proposed three new measures on tobacco control. These include changing the prescribed form of health warning and indication of tar and nicotine levels on the cigarette packet, designating bus interchange facilities located at the tunnel portal areas as statutory non-smoking areas, and imposing regulations on electronic cigarettes. Among the new measures, the proposals that the size of the graphic health warning sign that covers the cigarette packet should be increased from the current 50 percent to 85 percent of the total surface area of the packet and that the variety of the health warning signs should be increased from 6 to 12 kinds have become a cause for concern for the tobacco industry.

It is reported that the tobacco industry will be given a grace period of six months to comply with the new packaging rules. But representatives of the sector said the government has never consulted them about the new measures, nor has it notified them of the details of the new regulations. In fact, the new measures would already have been gazetted in June had it not been for



the objection raised by some members of the health services panel, who demanded greater consultation over the new policies with all the stakeholders.

Then at the request of the panel, a special meeting was held on July 6, during which representatives of the tobacco industry were present and gave their views.

While it remains open to question whether increasing the size of the graphic health warning sign on the cigarette packet can really reduce the number of smokers, at that meeting representatives of the industry said the tobacco tax hikes in recent years have given rise to smuggled and counterfeit cigarettes and created incentives for black market sales, which have already reached epidemic proportions in the community. They also said if the size of the graphic health warning sign was increased to 85 percent of the total surface area of the cigarette packet, manufacturers would be unable to put on anti-counterfeit labels on the packet, making it almost impossible for consumers to tell whether what they bought is the genuine product. Although various sectors of our society have already reached a consensus on smoking ban in public places, and the majority of the public are well aware of the potential health risks of smoking, I believe the government should still follow due process and fully consult the industry, listen to their views and find out their difficulties in complying with the new measures in order to ensure the feasibility of the new regulations.

Moreover, the administration has yet to provide any conclusive research evidence that **can convince members** of the panel **as well as the tobacco industry** that increasing the size of the graphic health warning sign on the cigarette packet can really put off smokers and encourage them to quit smoking. After all, there are only three countries in the world where tobacco manufacturers are legally required to cover 85 percent of the cigarette packet with graphic health warnings.

Whenever the government introduces new policy initiatives, we hope that the administration can always consult all the stakeholders including the industry and our citizens and listen to their views, based on which officials can then strike a balance among the different interests and concerns of the various stakeholders and come up with a final proposal that is acceptable to all parties.

As a member of the health services community, I am a steadfast supporter of smoking bans. However, the fact that I am against smoking doesn't mean I will turn a blind eye to any government attempt to skip standard procedures in the course of policy formulation, because I believe the government is always under the obligation to listen to the views of stakeholders before any new policy is introduced.

Since the new measures proposed by the administration are **not a matter of great urgency**, nor will they affect tax revenues, I **don't see any reason why the government should enforce the controversial regulations so hastily despite serious doubts among major stakeholders.**

*This article appeared in the Hong Kong Economic Journal on July 13.*

*Translation by Alan Lee*

[Chinese version 中文版]

– Contact us at [english@hkej.com](mailto:english@hkej.com)

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LEGCO members and District Councillors are public officers/ officials/ servants under the Laws of Hong Kong. They need to comply accordingly to act in the public interests of the SAR Hong Kong, not in the financial interests of Big Tobacco. The public interest of SAR Hong Kong does not merit spending annually HKD 6+ billion on health care to treat the ravages of this toxic tobacco consumer product and additional hospital beds and medical staff. Elsewhere (Master Settlement Agreement and the EU) sued the industry to recover said health costs. Why not here too ?



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<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010930.pdf>

## International Code of Conduct for Public Officials

### I. GENERAL PRINCIPLES

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.
2. Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.
3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

### VI. POLITICAL ACTIVITY

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

Furthermore, we attach herewith self explanatory information provided to the Chairman of the Panel on Health Services, Hon Lee Kok-long, both recently and previously. Download from:

<https://www.dropbox.com/sh/qup339au1l8xn7z/AABOyi8sHQtf54iX1NUFjqipa?dl=0>

Both Lee Kok-Long and 'the tobacco industry representative in Legco' Shiu Ka-fai have stated publically that the Government has failed to provide them with conclusive information on graphic warnings' effectiveness. Our attached letters at the above link provide reports to such easily understandable peer reviewed information. We are aghast that Lee Kok-long for reasons best known to himself, chose not to forward this important information (latest sent May 6<sup>th</sup> 2017) to Panel on Health Services members for their ease of reference to peer reviewed reports, repeat prima facie vexatious tobacco litigation case results and documents, that can impact on their decision making. Clear the Air statement is clear.

For a Phd professional in nursing, Lee Kok-Long he should be able to understand and assimilate peer reviewed expert data and reports. If he cannot understand and be guided by same, he should not be making decisions on tobacco related matters and should recuse himself or be removed from any decision making on tobacco related legislation matters in Legco or its sub committees.

[whqlibdoc.who.int/publications/2012/9789241503730\\_eng.pdf](http://whqlibdoc.who.int/publications/2012/9789241503730_eng.pdf)

Defines 'Commercial and Vested interests' of the tobacco industry and includes amongst others, its funded front groups, public relations companies and lawyer firms.

Accordingly we also query why such lawyer firms be allowed to present their wares at Legco meetings.

Yours sincerely,

*James Middleton*  
Chairman