

**CONSULTATION DOCUMENT FOR  
THE REVISION OF  
LEGISLATION ON TOBACCO CONTROL**

Consultation period : 1/9/2007----31/10/2007

Health Bureau Government of the Macao Special Administrative Region

## **1. Foreword**

Tobacco use is recognized as the most important and unique health risk factor in medical science, exposure to tobacco smoke impairs systems and organs of human beings, causing disability and death.

There is a close relationship between tobacco use and the three leading major causes of death in Macao, including malignancies (most common in lung and bronchogenic carcinomas), cardiovascular and respiratory diseases.

The Framework Convention on Tobacco Control (hereafter “the FCTC”) entered into force on 27 February 2005. It has been the global trend to help protect people from exposure to tobacco smoke, prevent people from taking up tobacco consumption, increase smoking cessation rate and safeguard the public’s health.

On 28 August 2005, the FCTC was approved at the seventeenth session of the Standing Committee of the 10<sup>th</sup> National People’s Congress, and China became the 89<sup>th</sup> country to ratify the FCTC. The FCTC officially came into force in China on 9 January 2006, and a declaration was made at the same time on the prohibition of the introduction of tobacco vending machines. The FCTC and the above declaration made shall apply to the Macao Special Administrative Region according to the Chief Executive Notice No. 15/2006 of 29 March 2006.

## **2. Draft revision of Macao**

As the existing laws and legislations on tobacco control in Macao fail to satisfy the social development and the requirement of the FCTC, relevant laws and legislations should be revised. Objectives of the revision are:

1. to implement the Framework Convention on Tobacco Control and safeguard the public’s health;
2. to improve the insufficiency of the original;
3. to adapt the new situation and reinforce preventive measures;
4. to meet the multitude expectations.

In developing this draft, reference has been made to the WHO Framework Convention on Tobacco Control, Regime of Smoking Prevention and Limitation of Macao's Decree-Law No. 21/96/M, draft revision of Macao as well as the Smoking (Public Health) Ordinance of Hong Kong.

Items to be revised:

1. Definition;
2. Increase duty on tobacco;
3. Extend no smoking areas;
4. Strengthen control on tobacco advertisements, sponsorships and commercial information;
5. Further restrict the naming, packaging and labeling of tobacco products;
6. Intensify control on sales of tobacco products.

Details are as follows:

### **1. Definition:**

- Definition of "tobacco use" in Macao
  - Act of inhaling, sucking, chewing or carrying a lighted product, made mainly from tobacco as raw material;
  - Snuff;
  - Act of smoking, sucking or chewing products which are partly not made from tobacco but can be consumed by smoking, and its outer layer is product of natural tobacco, or its surface and sub-surface layers are both produced by processed tobacco, or only its surface layer is made from processed tobacco.

### **2. Increase duty on tobacco**

#### **Proposed plan for tax increase:**

Raise all tax rates by 10 times, or levy MOP\$10 tax on each packet of cigarettes. 5% out of the income tax will be used to establish the Health Promotion Fund.

### **3. Extend no smoking areas**

In accordance with the Regime of Smoking Prevention and Limitation of Decree-Law No. 21/96/M, smoking is prohibited in the following areas:

- Public or private units which provide healthcare services;
- Locations destined for minors of age under eighteen;
- Basic education establishments, secondary schools, vocational and technical schools and higher education establishments, except canteens or similar establishments in the latter two;
- Reception places of public services;
- Amusement game centres;
- Closed sports grounds;
- Cinemas, theatres and other indoor performance venues;
- Manufacturing or industrial units which produce, utilize or by any means making use of inflammable materials or products;
- Trading locations of inflammable products and fuel providing stations or locations;
- Museums, libraries, auditoriums, public conference halls, reading rooms and exhibition halls;
- Facilities of ports and airports;
- Vehicles and ships for collective passenger transportation;
- Taxis;
- Lifts.

According to the stipulations of the existing law in Macao, the creation of non-smoking areas in the followings areas are determined by the management / proprietors of entities:

- restaurants, nightclubs, bars, beverage premises, food premises;
- commercial centres;
- closed workplaces, designated especially for those exist with an available alternative space.

Draft revision proposes:

- total ban on smoking in premises whose service targets include minors, with effect on the commencement date of the legislation;
- total ban on smoking in designated no smoking premises, with effect on the commencement date of the legislation;

New statutory no smoking areas:

- all canteens or similar establishments of vocational and technical schools and higher education establishments;
- billiard saloons, bowling alleys and cybercafés
- public archives;
- escalators and telphers;

- banks, shopping malls, department stores, markets, residential homes, communal quarters, open air sports centres, sitting-out areas, gardens, beaches, swimming pools, public transport interchanges, pedestrian underpasses and pedestrian footbridges.

- After the legislation came into force, total ban on smoking in restaurants, beverage premises, food premises and closed workplaces.

Establishments designated for majors (including casinos, nightclubs, bars, baths and others):

- Should establish smoking room with effective and independent ventilation system, two years after the legislation entered into force.

#### **4. Strengthen control on tobacco advertisements, sponsorships and commercial information**

Draft revision proposes:

To amend the definition of tobacco advertising, and implement a more comprehensive limitation. This can be referred to the content in the FCTC, “tobacco advertising and promotion refer to all means of commercial promotion, recommendation or activities, with an aim, effect or possible effect that uses direct or indirect incentives that encourage the purchase of tobacco products by the public.”

Expressly prohibit extended advertisements and promotions, such as

- Exhibition of tobacco products as extended advertisements;
- Co-sale of tobacco products with any other commodities, commonly known as “valuable consideration”, e.g. add \$1 for a lighter.
  
- Interviews or reports that introduce tobacco products;
  
- Special emphasis on smoking image in television programmes, music performances, drama performances and professional sports shows;
  
- Organization of all kinds of social or cultural activities;
  
- Sale or offering of objects in form of tobacco products which appeal to minors, such as confectionery and stationery.

“Commercial information” can only be established inside the selling areas. Only one board of commercial information, with a size no greater than 1 square meter, is allowed to be displayed within the same area. Commercial information is redefined as providing information to consumers of tobacco products instead of the public.

## **5. Further restrict the naming, packaging and labeling of tobacco products**

Draft revision proposes:

- Tobacco product packaging should not use any term, descriptor, figurative or any other sign that misleads consumers that a particular tobacco product is less harmful than other tobacco products.
- Any outside packaging or containers of tobacco products should carry health warnings in form of or include pictures or pictograms, which should account 50% or more of the principal display areas.

## **6. Intensify control on sales of tobacco products**

Draft revision proposes:

- Prohibiting the sales of tobacco products in the following locations and situations:
  - in establishments that smoking is prohibited, except supermarkets, convenient stores, wholesale and retail shops, newspaper stands and duty-free shops;
  - on streets;
  - from tobacco products vending machines;
  - via internet, by post or other distant trading channels;
- Prohibiting the sale of any packet of cigarettes which contains less than 20 sticks of cigarettes;
- Banning the sale of tobacco products on store shelves, in form of self-service or in any manner by which they are directly accessible by consumers before payment;
- Prohibiting the sales of tobacco products to persons under the age of 18 years.

**Please send the suggestion and comment to :**

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