



Smoking (Public Health) Ordinance (Cap. 371)

Guidance notes for the Hotel trade

No smoking areas (NSAs)

In accordance with the Smoking (Public Health) Ordinance (Cap. 371), no person may do a smoking act in NSAs, or else will be liable to a fixed penalty of \$3,000.

Public Transport – related:	
● Public Transport Carriers	Any public bus, public light bus, taxi, Mass Transit Railway train, light rail vehicle, tramway car, peak tramway car, or ferry vessel
● Public Transport Facilities	
● Bus Interchanges	

Indoor¹ areas of the following:	
Shops, department stores or shopping malls	Karaoke establishment
Markets	Mahjong tin-kau premises
Supermarkets	Bathhouses
Banks	Massage establishment
Restaurant premises	Residential care homes
Bars	Treatment centres
Workplaces	Communal quarters
Public places e.g. toilet of office, staircase of industrial or commercial buildings, lift lobby of residential buildings	

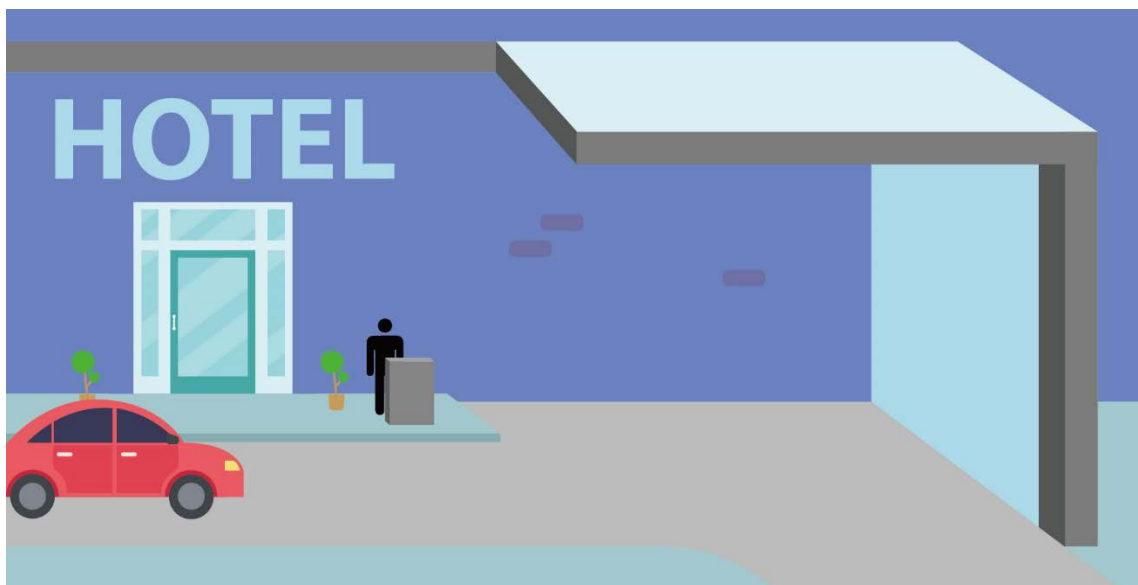
Note¹ Indoor means having a ceiling or roof, or a cover that functions (whether temporarily or permanently) as a ceiling or roof; and enclosed (whether temporarily or permanently) at least up to 50% of the total area on all sides, except for any window or door, or any closeable opening that functions as a window or door.

Tips:

Indoor areas of public places include hotel driveways that have a ceiling or roof and enclosed at least up to 50% of the total area on all sides. Pictorial examples of an indoor public place:



Area with a roof and enclosed >50%



Area with a roof and enclosed 50%

Both indoor and outdoor areas of the following:	
Public lifts	Specified educational establishment e.g. universities, the Hong Kong Academy for Performing Arts etc.
Escalators	Public pleasure grounds e.g. any park, playground, garden, sitting out area, promenade or sport ground managed by the Leisure and Cultural Services Department
Hospitals	Cinemas, theatres or concert halls
Schools	Amusement centres
Child care centres	Bathing beaches including adjacent barbeque areas
Public swimming pools	Hong Kong Wetland Park
Stadiums	

Tips:

- A room or a suite of rooms of a hotel is exempted.
- NSAs cover all indoor public areas and workplace in a hotel e.g. lobby, corridor, washrooms, restaurants, offices etc.

Public places that lie within 3 metres outside the entrances / exits exclusively used for the following:	
Residential care homes	Hospitals
Child care centres	Specified clinics or health centres
Schools	

Illustration of 3 metres outside the entrances / exits:

Designated no-smoking area

Ban on smoking while queuing

With effect from 1 January 2026, smoking will be prohibited in the following situations:

- i. While queuing in a line of two or more persons to board a public transport carrier² at a designated boarding location³
- ii. While staying in the delineated area⁴ for a designated boarding location
 - irrespective of whether the person is waiting to board a public transport carrier and whether there is another person in the area

Any person who contravenes the ban is liable to a fixed penalty of \$3,000.

*Note² A public transport carrier means any public bus, public light bus, taxi, train, light rail vehicle, car, tramcar, or ferry vessel mentioned in Schedule 1. Item 2 of Schedule 1 mentions that "**a public bus operated under a passenger service licence**" for the purposes of (a) **tourist services**; (b) **international passenger services**; (c) **hotel services**; (d) student services; (e) employee services; (f) resident services; (g) multi-transport services; or (h) any other services approved by the Commissioner for Transport under the Road Traffic Ordinance (Cap. 374) (except when they are hired out to any person under regulation 38 of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D)).*

Note³ Designated boarding location means a location that is designated for prospective passengers of a public transport carrier to wait to board the carrier.

Note⁴ Delineated area of a designated boarding location is where the boundaries of a designated boarding location are indicated or formed by any ground markings, fences or structures e.g. areas with queue railings.

Tips:

This ban does not apply to other hotel transport not operating under a passenger service licence e.g. cars with hire car permits issued by the Transport Department such as Hotel Hire Car Service, Tour Hire Car Service, Private Hire Car Service, Private Service (Limousine) Hire Car Permit.

Pictorial examples on the ban:

(i) Waiting in a queue of 2 or more persons to board public transport e.g. hotel shuttle bus



(ii) Staying in the delineated area for a designated boarding location



Tips:

- × Smoking is prohibited while queuing in a line of 2 or more persons to board a hotel shuttle bus operated under a passenger service licence for hotel service where the waiting location has no queue railings.
- × If the waiting location has queue railings, smoking is prohibited even if only one person is staying in that area bound by the railings, irrespective of whether he/she is waiting to board the hotel shuttle bus.

Advice to hotel staff

- ✓ If your staff finds any person smoking in an NSA or while queuing, he/she can ask the person to stop smoking.
- ✓ If the person is not cooperative and continues to smoke, the staff may request the smoker to leave the NSA or the queue. The staff may also seek police assistance, especially when violence situation occurs.
- ✓ Hotels can report to the Tobacco and Alcohol Control Office if illegal smoking act is frequent at certain locations.

Contact us

Enquiry and complaint hotline: 2961 8823

Fax: 2575 8944

Email: tobaccocontrol@dh.gov.hk

All content and information contained in this publication are protected by copyright, of which the owner is the Tobacco and Alcohol Control Office of Department of Health, Government of the Hong Kong Special Administrative Region.