Annual Training Programme on Tobacco Control 2026

Enforcement in Statutory No-Smoking Areas, Intercepting Import of Alternative Smoking Products and Online Sale

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Objectives and Agenda

A practical overview of current enforcement priorities for Tobacco and Alcohol Control Inspectors.

Session Objectives

- Understand the legal framework governing statutory No-Smoking Areas (NSAs)
- Master enforcement powers and the fixed penalty process
- Explain the comprehensive ban on Alternative Smoking Products (ASPs)
- Detail strategies for intercepting illegal imports and online sales
- Share recent operational insights and best practices

Agenda

- Legislative framework & TACO role
- Statutory No-Smoking Areas & new measures
- Fixed penalty system & enforcement process• ASP ban & import interception
- Online sales & advertisement takedown
- Challenges, best practices & Q&A

Role of the Tobacco and Alcohol Control Office

TACO is the principal enforcement agency for tobacco control legislation in Hong Kong.

Key Responsibilities

- Enforce Smoking (Public Health) Ordinance (Cap. 371)
- Enforce Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)
- Combat illegal smoking in NSAs
- Regulate and enforce bans on Alternative Smoking Products
- Conduct public education and smoke-free campaigns
- Collaborate with Customs, Police and other departments

Inspectors' Authority

- Appointed under Cap. 371
- Powers under Section 15G
- Can issue fixed penalty notices
- Arrest powers conferred (from Sep 2025 amendments)
- May enter premises, seize evidence, require identification

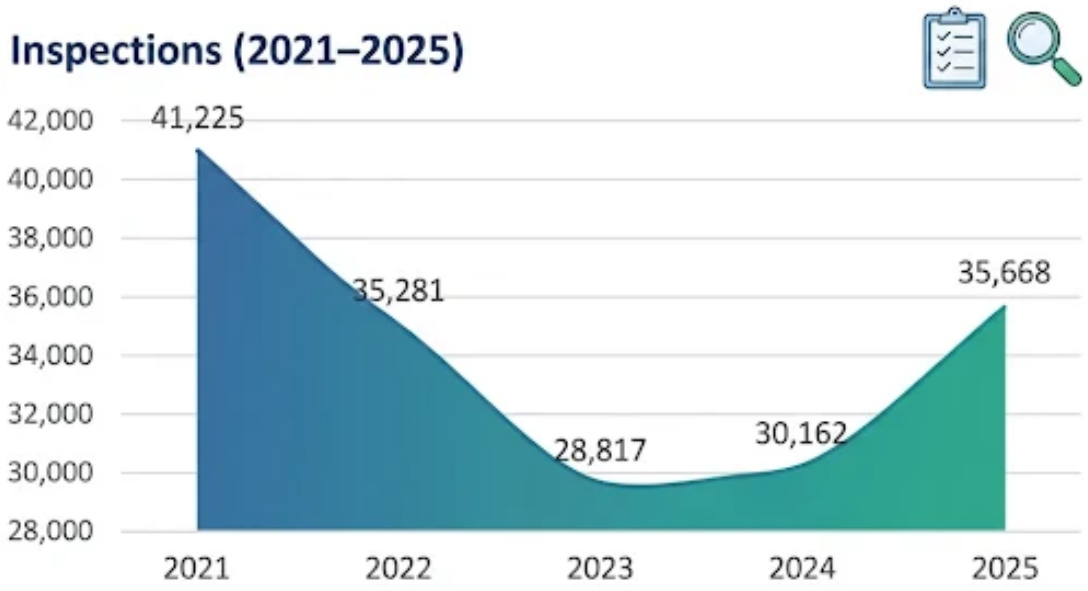
Institutionalise a Long-term Mechanism

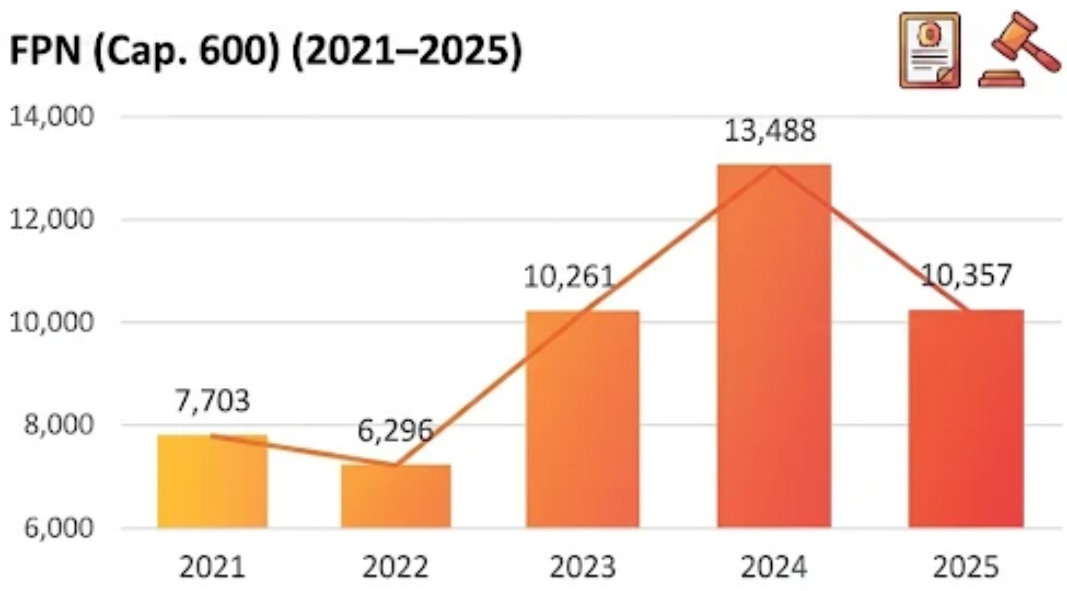
Dedicated agency and law enforcement teams for tobacco control.

Key Features

- A dedicated agency for tobacco control and law enforcement
- Equipped with dedicated law enforcement teams

Enforcement Statistics (2021–2025)





LEGAL BASIS

Key Legislation

Multiple ordinances underpin tobacco control and ASP enforcement.

Smoking (Public Health) Ordinance (Cap. 371)

Core law: NSAs, smoking offences, ASP bans (import, sale, manufacture, commercial possession), advertising restrictions etc.

Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)

Fixed penalty system for smoking offences. Current penalty: $3,000 (effective 1 Jan 2026).

Import and Export Ordinance (Cap. 60)

Prohibits import of ASPs (cargo, parcel or traveller). Severe penalties including imprisonment.

TOPIC 01

Enforcement in Statutory No-Smoking Areas

What Constitutes an NSA? (1)

Under Cap. 371, doing a smoking act or carrying a lighted cigarette / activated alternative smoking product in a statutory no-smoking area is prohibited.

Definition of "Indoor"

- Has a ceiling or roof (temporary or permanent)
- Enclosed on at least 50% of the total area on all sides (excluding windows/doors)
- e.g. restaurants, workplaces, shops, malls, banks, etc.

Places where both indoor & outdoor are NSAs

- Schools, child care centres, universities
- Hospitals, Wetland Park
- LCSD parks, playgrounds, sports grounds (except designated smoking areas)
- Public swimming pools & beaches (LCSD)
- Stadiums, approved institutions

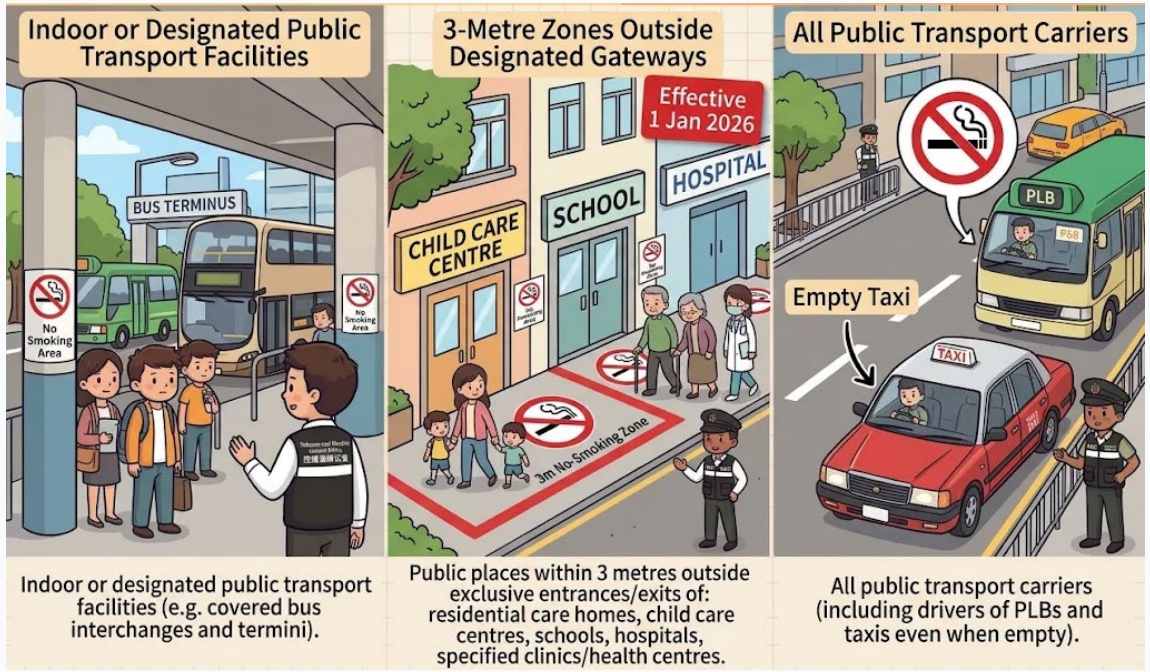
LCSD = Leisure and Cultural Services Department



What Constitutes an NSA (2) / Ban on Smoking while Queuing ?

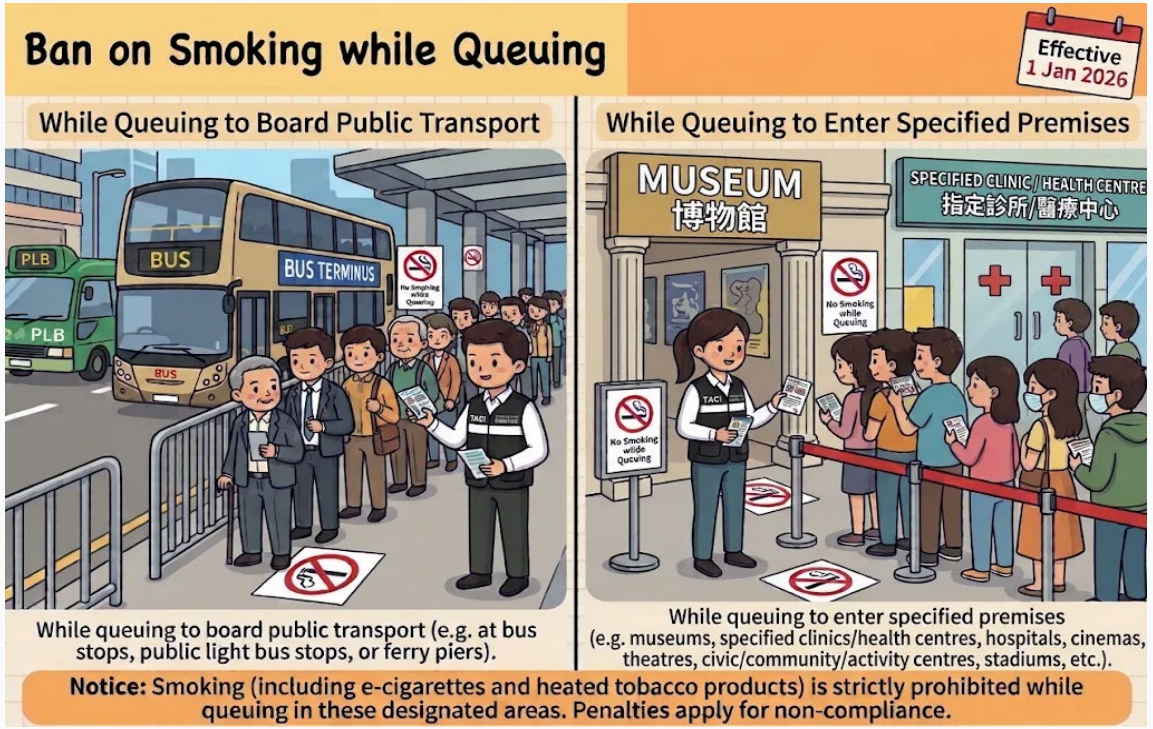
Other NSAs

- Indoor or designated public transport facilities
- Public places within 3 metres outside exclusive entrances/exits of: residential care homes, child care centres, schools, hospitals, specified clinics/health centers (effective 1 Jan 2026)
- All public transport carriers (including drivers of PLBs and taxis even when empty)



Ban on Smoking while Queuing

- While queuing to board public transport or enter specified premises (effective 1 Jan 2026)



Fixed Penalty System (Cap. 600)

No prior warning is required for smoking offences in NSAs.

Payment Process

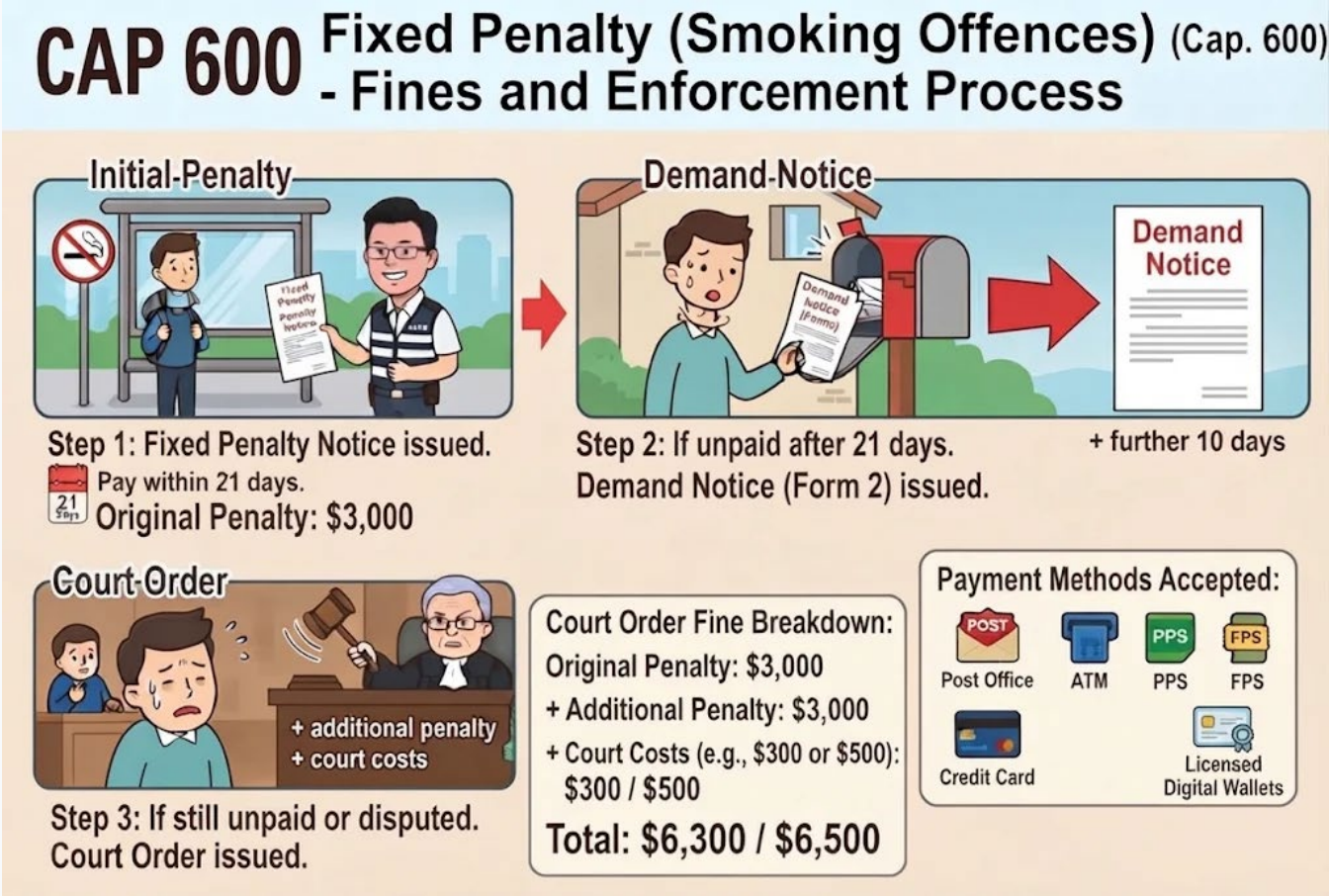
- Pay within 21 days of the Fixed Penalty Notice
- If unpaid → Demand Notice (Form 2) – further 10 days
- If still unpaid or disputed → Court order: $3,000 + $3,000 additional + $300 / $500 costs = $6,300 / $6,500
- Payment methods: Post office, ATM, PPS, FPS, credit card, Mainland digital wallets

New Measures

- 3-metre buffer zone outside exclusive entrances of specified premises (1 Jan 2026)
- Prohibition on smoking while queuing (transport & specified premises) (1 Jan 2026)
- Increased fixed penalty from $1,500 to $3,000 (1 Jan 2026)
- Possession of specified ASPs in public places (30 Apr 2026) – FPN $3,000 for small quantities

$3,000

Fixed Penalty
(effective 1 January 2026)



Powers of Tobacco and Alcohol Control Inspectors

Section 15G of Cap. 371 confers broad enforcement powers.

1. Enter any place where a relevant offence has been or is being committed (except residential premises)
2. Enter and inspect no-smoking areas
3. Seize anything that appears to be evidence of a relevant offence
4. Require any person who has committed a relevant offence to state name, address and produce proof of identity
5. Take photographs and make sound or video recordings for evidence
6. Require production of documents or records and make copies
7. Require any person to provide assistance or information reasonably necessary for enforcement

Application of Technology

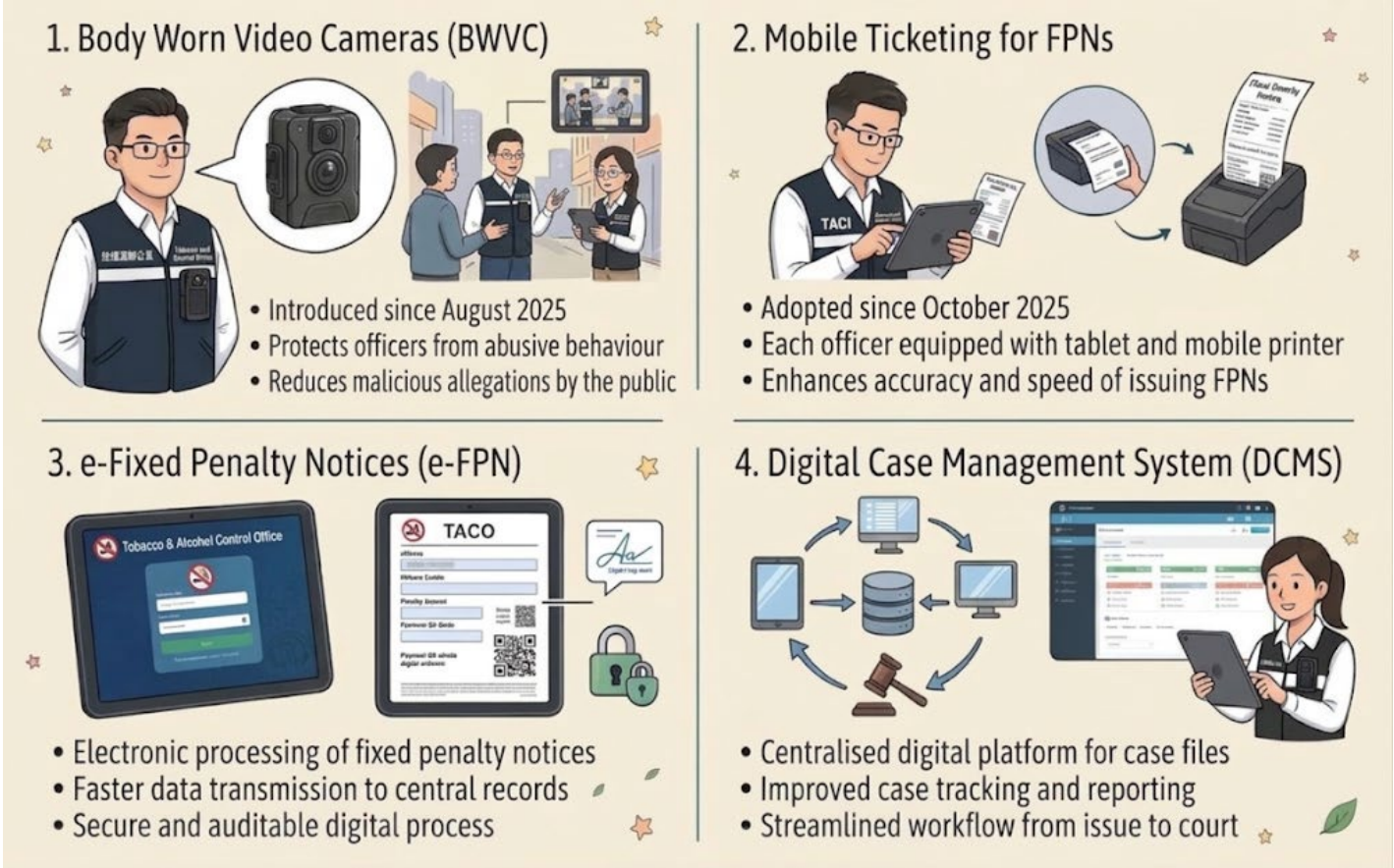
Enhancing service quality and enforcement capability.

Body Worn Video Camera

- Introduced since August 2025
- Protects officers from abusive behaviour
- Reduces malicious allegations by the public

Mobile Ticketing

- Adopted since October 2025
- Each inspector equipped with tablet and mobile printer
- Enhances accuracy and speed of issuing FPNs



TACO continues to adopt technology to increase productivity and efficiency for tackling ongoing challenges.

ON-THE-GROUND

Typical Enforcement Process in NSAs

Inspectors act without prior warning.

1	**Observe / Receive Intelligence**	Complaint or referral. Identify a person doing a smoking act or carrying an activated alternative smoking product in a statutory no-smoking area.
2	**Approach & Identify**	Show warrant card. Request offender to stop and provide name, address and ID.
3	**Issue Fixed Penalty Notice**	If offence confirmed and ID obtained, issue FPN ($3,000). Explain payment process.
4	**Evidence Collection**	Photograph scene, record details. If obstruction or non-cooperation, note for further action.
5	**Follow-up**	If payment not made or liability disputed, case proceeds to court via Department of Justice.

3-Metre NSA & Ban on Smoking while Queuing

Effective 1 January 2026.

3-Metre NSA

- Public places within 3 metres outside exclusive entrances/exits of:
  - Residential care homes
  - Child care centres
  - Schools
  - Hospitals
  - Specified clinics or health centres
- Does not apply if the entrance already opens into an existing indoor NSA





Challenges and Real-World Considerations

3-Metre NSA

Boundary Judgement

No physical line is required. Officers need to reasonably assess 3 metres. Initial phase may use verbal reminders for borderline cases.

Exclusive Entrance

Confirm the doorway is exclusively used for the specified premises. Shared entrances may not apply.

Evidence Collection

Photograph the scene showing distance or queuing context. Record time, location and number of persons if possible.

Public Awareness

Many people (especially tourists) are still unaware. Strong publicity and signage by venue managers are critical.

CASE STUDY

Operation Cloudcrush

Targeting illegal smoking (including waterpipes) in bars and restaurants.

Background

Operation Cloudcrush is an ongoing enforcement action targeting illegal smoking, particularly waterpipe smoking, in statutory no-smoking areas of bars and restaurants.

Operation Details

- Focus on bars and restaurants in no-smoking areas
- Includes plainclothes inspections, decoy operations
- Example location: Tsim Sha Tsui area

Results & Follow-up

- Fixed penalty notices issued for illegal smoking
- Investigation into possible aiding and abetting by venue operators
- Referral to Liquor Licensing Board where appropriate



Overall Impact (since Jan 2024)

Over 300 fixed penalty notices issued for illegal waterpipe smoking in indoor no-smoking areas, plus around 150 summonses to bar staff (including aiding and abetting smoking indoor.)

OPERATIONAL REALITY

Key Challenges

Enforcement remains complex despite strong legal tools.

Public Perception

Some view ASP possession as minor; education is essential.

Venue Cooperation

Not all managers actively enforce; training and partnership needed.

Resource Intensity

Intelligence-led work require significant manpower.

Legal Thresholds

Proving 'aiding and abetting in NSA' requires strong evidence, such as:

- Direct observations or actions
- Documentary records or exhibits etc.

Powers of Venue Managers

Managers of NSAs have statutory duties and powers under Cap. 371.

- Must display no-smoking signs in prominent positions and keep them in good order
- May require a person smoking in an NSA to stop immediately
- If non-cooperative: may require the person to leave the NSA
- May request name, address and identity document
- May call police for assistance



Venue managers are key partners. TACO provides guidelines and briefings to support them.

TOPIC 02

Intercepting Import of Alternative Smoking Products

Intercepting Import of ASPs

Close collaboration with Hong Kong Customs and Excise Department.

Legal Position

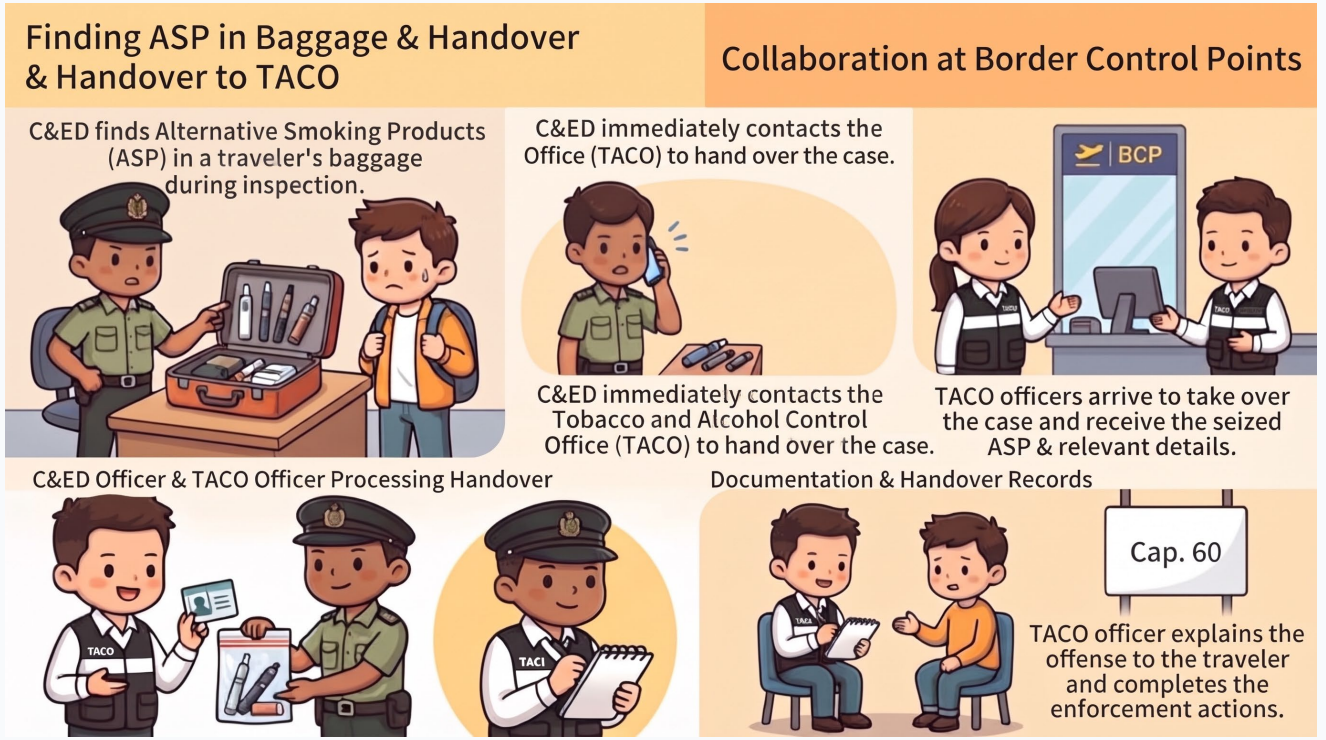
- Import by cargo, parcel or hand-carried by travellers is prohibited
- Exemptions: pure transit passengers (no immigration), air transhipment cargo, specified intermodal transhipment under ATCS
- TACO inspectors arrest and prosecute (arrest powers since 19 Sep 2025)
- Penalties under Cap. 60: Summary – $500,000 + 2 years; Indictment – $2,000,000 + 7 years

Recent Results

- Since Sep 2025: over 30 cases involving large quantity of ASP cases prosecuted; sentences range from 4 weeks to 8 months imprisonment
- Example: 33,800 ASPs intercepted from Japan a passage from – 6 months imprisonment (Aug 2026)

TACO & Customs Collaboration

- Customs notifies TACO of interception significant ASPs import at airport and other BCP
- Real-time coordination for rapid response and BCP take over for investigation.



Three Major Import Channels & TACO's Role

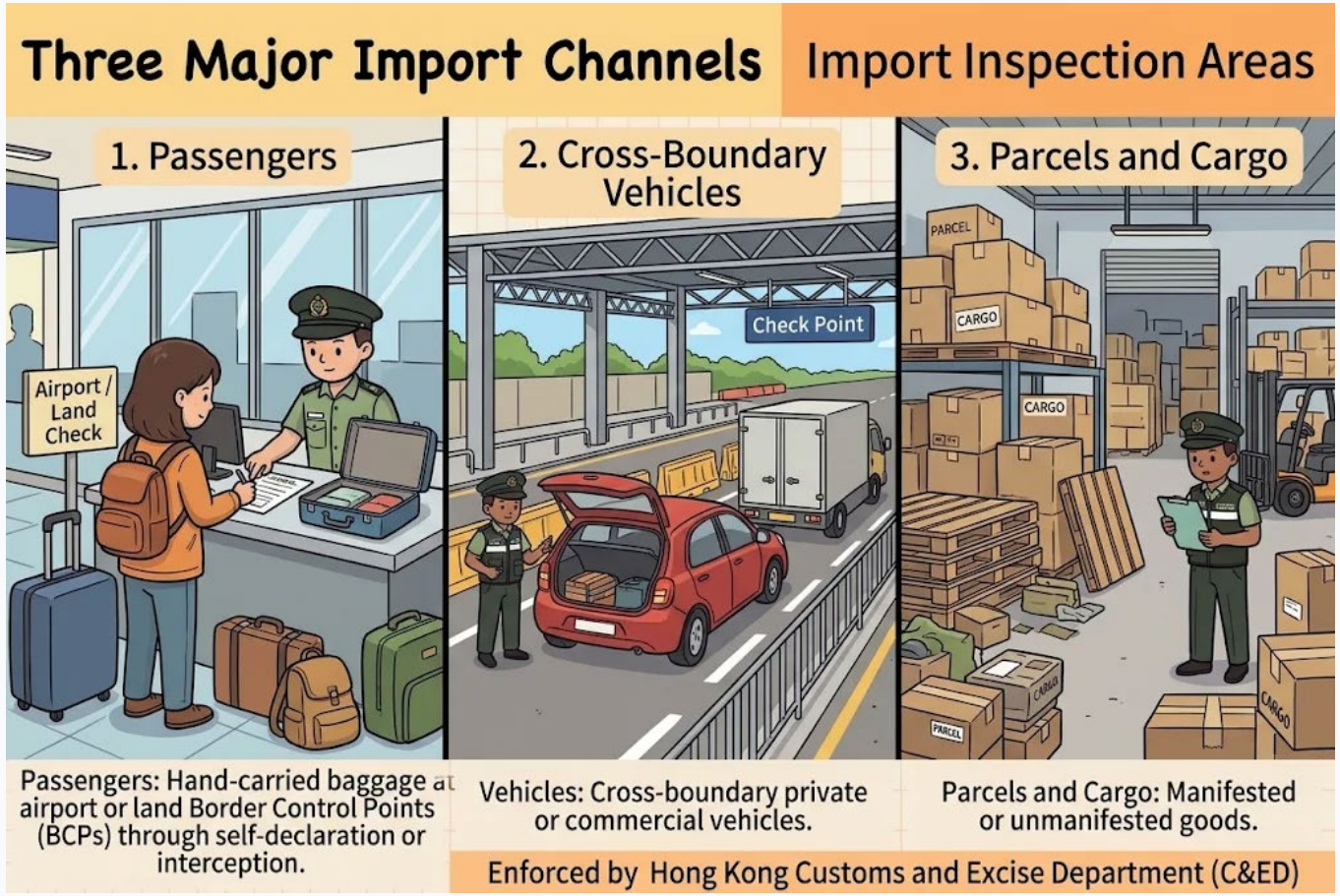
Based on operational experience 2022–2026.

Three Major Channels

- Passengers: Hand-carried at airport or land BCPs (self-declaration or interception)
- Vehicles: Cross-boundary private or commercial vehicles
- Parcels and Cargo: Manifested or unmanifested goods

TACO Role Upon C&ED Referral

- Passenger / Vehicle cases: Proceed to BCP to take over the case, then conduct investigation on the spot
- Parcel / Cargo cases: After receiving referral from C&ED, TACIs proceed to cargo examination center to take over the case and conduct subsequent investigation
- Assess evidence and arrange prosecution or warning where criteria are met



Arrest and Prosecution Process at Control Points

When Customs detects a case of large-scale import of ASPs by a passenger during inspection.

Immediate Response

- When Customs detects a case of large-scale import of ASPs by a passenger during inspection, they immediately contact a TACI
- TACI proceeds to the control point as soon as possible to take over the case and conduct investigation

Arrest and Charging

- If there is sufficient evidence, TACI arrests the offender and lays charges
- The offender is taken to a police station for detention
- The defendant is brought to the Magistrates' Court as soon as possible (usually the next working day, including Saturday)



Purpose

Laying charges is usually done for serious cases or when there is a substantial risk of absconding. This shortens the prosecution time and reduces the risk of the offender leaving Hong Kong during investigation. A press release is also issued afterwards to enhance deterrence.

TOPIC 03

Online Sale of Alternative Smoking Products

Combating Online Sale of ASPs

Online platforms remain a key channel for illegal sales.

Main Enforcement Methods

- Cyber Patrols: Monitor platforms using keywords / hashtags (e.g. relx, iqos, #vape, 電子煙)
- Public reporting via hotline, email and 1823
- Undercover / Control-buy operations (e.g. Operation Thunderstone)



CASE STUDY

Operation Thunderstone

A targeted enforcement action against illegal online sale of ASPs (May 2026).

Background

In response to the growing number of online sales of alternative smoking products, TACO conducted a four-day undercover / control buy operation in May 2026.

Operation Details

- Duration: 4 days (May 2026)
- Method: Cyber patrol + undercover control buy

Results

- 2 men arrested
- Nearly 2,000 ASPs seized
- Charged with illegal sale and commercial possession

Significance

Demonstrates TACO’s capability to identify online sellers through cyber patrol and successfully prosecute them through undercover operations.



CASE STUDY

Operation Thunderstone (July 2026)

DH clamps down on illegal sale of alternative smoking products.

Background

On 22 July 2026, TACO carried out an enforcement operation codenamed “Thunderstone” following a complaint about the distribution of promotional leaflets for smoking products.

Operation Results

- A 39-year-old man was intercepted in Sau Mau Ping
- A total of 400 ASPs were seized
- Suspected of illegally selling and possessing ASPs for commercial purposes
- TACO is continuing investigation and will initiate prosecution once sufficient evidence is obtained



Reminder to the Public

Promoting and selling ASPs through any channel, including the Internet, carries criminal liability. ASPs are addictive and not effective smoking cessation tools.

Takedown Process for Illegal Advertisements

Purpose

To reduce public exposure to illegal ASP advertisements and disrupt online sales channels.

Meta (Facebook / Instagram)

- Search using keywords (iqos, relx, 電子煙, etc.)
- Take screen captures on first inspection
- Request secure access to Meta Official Requests Portal
- Submit Content Removal Request with URL / account details
- Receive reference number and track progress
- Conduct second inspection after Meta's response to confirm removal

Telegram / Websites

- Screen captures + official letter with legal basis and URLs
- Submit to domain registrars / hosting providers
- Follow up until content is removed



Key Challenges Identified

From import and online sales of ASP enforcement experience.

Government Laboratory Capacity

Lengthy testing delays identification and prosecution of seized ASPs.

Court Quota Limitations

Daily hearing capacity creates backlogs; case triage is required.

Invisible Challenges (Parcels)

Incomplete addresses, PO Boxes and unverifiable identities hinder tracing.

Hidden Online Market

Sales moved to Instagram, Telegram, Signal and encrypted apps.

Disguised Products

New product designs and packaging continuously emerge to evade detection.

Platform Cooperation

Some platforms are slow or reluctant to remove illegal content.

Pre-Enforcement Preparation by Team Leader

Supporting TACIs, ATACIs and Part-time TACIs before new legislation takes effect.

1. Training & Briefings

Conduct dedicated briefings on new provisions, effective dates and penalties. Use role-play for cases involving the increased fixed penalty ($1,500 to $3,000) and uncooperative cases. Remind part-time TACIs to pay special attention as they do not work regularly.

2. Quick Reference Tools

Prepare a one-page Quick Reference Card / pocket guide containing the relevant legislative provisions (Cap. 371 and Cap. 600), effective dates and penalty amounts.

3. On-site Recce

Take subordinates to actual locations (hospitals, schools, clinics) to practise judging 3-metre NSA .

4. Psychological & Support Preparation

Anticipate more uncooperative cases due to the increased fixed penalty of $3,000. Pre-brief and train staff on remaining calm, de-escalating with language, and when to call the Police. Establish clear internal support channels to STACI or duty colleagues.



Best Practices for Inspectors

Cap 60 and Cap 371

Tobacco and Alcohol Control Office (TACO)

Practical Guidance **Lessons from recent operations**

Show Warrant Card

Prove authority and record professionally



Prioritise Safety

If the offender resists or becomes emotionally agitated, call the Police immediately. Safety and enforcement are equally important



Document Well

Photos, videos and contemporaneous notes



Store and Safe Keeping of Exhibits

Properly store exhibits and preserve records for evidence integrity



Early Customs Coordination

Maintain clear communication to speed up handover for import ASP cases



Engage Venue Managers

Explain their powers to improve cooperation



No Prior Warning for Clear Offences

Complete the enforcement action properly. No prior warning will be given



Court Preparation

Ensure sufficient evidence and complete records. TACI will receive adequate preparation before attending court.



Maintain clear communication to speed up handover for import ASP cases

Explain their powers to improve cooperation

Complete the enforcement action properly. No prior warning will be given

Public Education and Partnerships

Enforcement works best alongside education and cessation support.

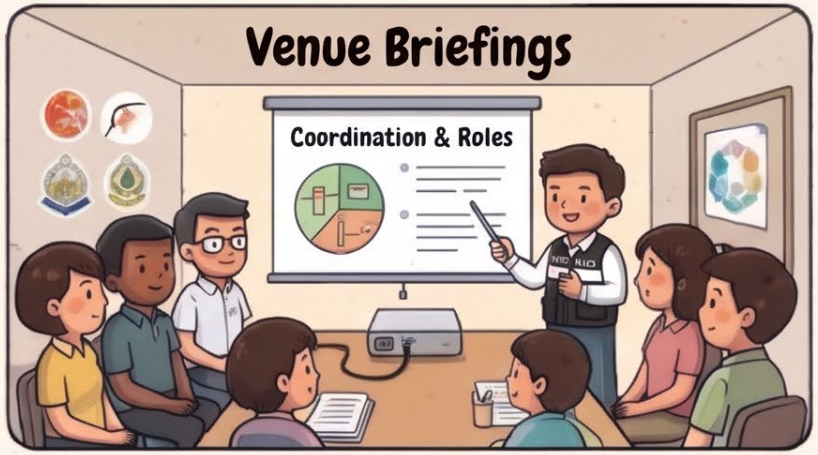
Education Materials



Public Campaigns



Venue Briefings



Cessation Support



Clear Messaging



Partnerships



The goal is a smoke-free Hong Kong that protects public health, especially the next generation.

SUMMARY

Key Takeaways

What inspectors and partners should remember.

1. NSAs are extensive – indoor public places, transport, schools, hospitals, and now extended 3-metre NSA and queues.

2. Fixed penalty is $3,000; no prior warning required for clear offences.

3. ASPs face a complete ban: import, sale, manufacture, commercial possession, and (from Apr 2026) possession of specified products in public place.

4. Import interception relies on Customs–TACO partnership and produces.

5. Online sales are actively targeted through surveillance and control-buy operations.

6. Inspectors have strong statutory powers – use them professionally and with proper documentation.

7. Venue managers are empowered partners on NSA’s management; education and consistency build compliance.

QUESTIONS & DISCUSSION

Thank You

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Department of Health

For official guidance and resources, visit the TACO website.