

另類吸煙產品的規管(包括電子煙、加熱煙及草本煙)



何謂「另類吸煙產品」？

- (甲) 能夠自任何物質(危險藥物除外)不經點燃而產生氣霧並用作模仿傳統吸煙的器具，或其零件及配件，但不包括水煙壺。
- (乙) 用於上述(甲)所描述的器具以產生氣霧的任何物質(危險藥物除外)，例如加熱煙枝、電子煙油。
- (丙) 以任何物料捲裹並能夠即時用於模仿傳統吸煙的植物材料(煙草和危險藥物除外)，即草本煙。

法例規定

《進出口條例》▼

進口

- 任何人不得進口另類吸煙產品，包括以包裹及貨物形式進口，或者個人攜帶入境。
- 由取道香港國際機場過境並期間沒有經過出入境檢查的人士所攜帶的物品、航空轉運貨物、一直留在飛機及船隻上的過境物品，及由登記營運人進口的指明聯運轉運貨物可獲豁免。

《吸煙(公眾衛生)條例》▼

製造

- 任何人不得製造另類吸煙產品。

推廣及給予

- 任何人不得為推廣或宣傳目的而將另類吸煙產品給予另一人。
- 任何人不得將另類吸煙產品給予另一人以換取換物憑證或作為任何活動或比賽的獎品。
- 任何人不得將載有以下內容、擬向公眾展示的物體，給予另一人—

(1) 與銷售另類吸煙產品有關連的人的姓名、名稱或商業名稱；或

(2) 另類吸煙產品的商標或牌子名稱，或通常與該商標或牌子名稱相聯的圖樣(或圖樣的一部分)。

- 任何人不得將另類吸煙產品給予18歲以下人士。

售賣

- 任何人不得售賣另類吸煙產品，亦不得在售賣任何物品時以另類吸煙產品作贈品。

另類吸煙產品廣告

- 有關禁止煙草廣告的條文亦適用於另類吸煙產品的廣告。

管有

- 任何人不得為商業目的(包括製造、售賣和為條例所指明的目的將產品給予他人)而管有另類吸煙產品。
- [2026年4月30日生效] 任何人不得在公眾地方管有指明另類吸煙產品。任何人如吸用或攜帶已啟動的另類吸煙產品，即推定為管有指明另類吸煙產品。指明另類吸煙產品指上述定義中(乙)及(丙)項所列的產品。

禁煙規定

- 任何人不得在法定禁煙區內和[2026年4月30日生效]在任何公眾地方吸用或攜帶已啟動的另類吸煙產品。

藥劑業及毒藥條例▼

管有毒藥

- 含尼古丁的另類吸煙產品均屬第1部毒藥。非法管有第1部毒藥屬違法行為。

罰則

- 任何人如作出下列與另類吸煙產品有關的行為，即屬違法：

| 行為 | 刑罰 |
|---------------------------|--|
| 進口 | 一經循簡易程序定罪，可判處罰款50萬元及監禁兩年，或循公訴程序定罪可處罰款200萬元及監禁七年 |
| 製造、售賣、為商業目的而管有，或給予另一人以作推廣 | 一經循簡易程序定罪，可判處罰款50,000元和監禁六個月 |
| 向任何18歲以下人士給予另類吸煙產品 | 一經循簡易程序定罪，可判處罰款50,000元和監禁六個月 |
| 播放廣告 | 一經循簡易程序定罪，可判處罰款50,000元；如屬持續的罪行，則在罪行持續期間，每日另加罰款1,500元 |
| 在公眾地方管有指明另類吸煙產品 | [2026年4月30日生效] 定額罰款3,000元 |
| 在法定禁煙區內使用 | 定額罰款3,000元 |
| 管有第1部毒藥 | 一經循簡易程序定罪，可判處罰款100,000元和監禁兩年 |

追討費用

如有人因違反《吸煙(公眾衛生)條例》中有關禁止另類吸煙產品的規例而被定罪，而政府就有關刑事法律程序而收集、化驗或檢查有關的另類吸煙產品或任何其他東西，並合理地就該項收集、化驗或檢查而招致費用及開支，則法院可命令該人向政府繳付法院認為就該等費用及開支而言屬適當的款項。

i 更多資訊

查詢及投訴電話熱線：2961 8823 (來電由1823處理)
傳真：2575 8944
www.taco.gov.hk



衛生署控煙酒辦公室
Tobacco and Alcohol Control Office
Department of Health

The Prohibitions on Alternative Smoking Products (including electronic smoking products, heated tobacco products, and herbal cigarettes)



What are Alternative Smoking Products?

- (A) A device (other than a waterpipe) that is capable of generating an aerosol, other than by means of direct lighting, from any substance (except a dangerous drug) and being used for imitating conventional smoking; its component or accessory.
- (B) Any substance (other than a dangerous drug) suitable for use with a device described in (A) to generate an aerosol from that substance. Examples include heated tobacco sticks and “e-liquid”.
- (C) Any plant material (other than tobacco or a dangerous drug) rolled up in any material for immediate use for imitating conventional smoking (i.e. herbal cigarettes).

The Prohibitions:

Import and Export Ordinance ▾

Import

- No person may import an alternative smoking product by way of parcels, cargoes, and bringing in by incoming travellers.
- Articles carried by persons in transit at the Hong Kong International Airport without passing through immigration control, air transhipment cargoes, articles staying on an aircraft or in a vessel during transit, or specified intermodal transhipment cargoes imported by a registered operator are exempted.

Smoking (Public Health) Ordinance ▾

Manufacture

- No person may manufacture alternative smoking products.

Promotion and Giving

- No person may give an alternative smoking product to another person for promotion or advertisement.
- No person may give an alternative smoking product to another person in exchange for a token or as a prize in any event or competition.
- No person may give another person an object that is intended to be shown in public and contains—
 - (1) the name or trade name of a person associated with the marketing of alternative smoking products; or
 - (2) a trade mark or brand name of an alternative smoking product, or a pictorial device, or any part of the device, commonly associated with the trade mark or brand name.

- No person may give an alternative smoking product to any person under the age of 18 years.

Sale

- No person may sell an alternative smoking product, or sell any product that includes an alternative smoking product as gift.

Advertisement of Alternative Smoking Products

- The provisions for the ban on tobacco advertisements also apply to advertisements of alternative smoking products.

Possession

- No person may possess alternative smoking products for commercial purposes, including manufacture, sale and giving them to other persons for purposes as specified in the Ordinance.
- [Effective 30 April 2026] No person may possess a specified alternative smoking product in a public place. A person is presumed to possess a specified alternative smoking product if the person smokes or carries an activated alternative smoking product. A specified alternative smoking product means a product set out in item (B) and (C) in the definitions above.

Ban on Use

- No person may smoke or carry an activated alternative smoking product in a statutory no smoking area (NSA), and [effective 30 April 2026] in any public place.

Pharmacy and Poisons Ordinance ▾

Possession of poisons

- Alternative smoking products containing nicotine are classified as Part 1 poisons. Illegal possession of Part 1 poisons is an offence.

Penalty

- Anyone who carries out any of the following acts in relation to an alternative smoking product commits an offence—

| Acts | Penalty |
|--------|--|
| Import | Summary conviction to a fine of \$500,000 and imprisonment for 2 years, or on conviction on indictment to a fine of \$2,000,000 and imprisonment for 7 years |

| Acts | Penalty |
|--|--|
| Manufacture, sale, possession for commercial purposes, or giving to another person for promotion | Summary conviction to a fine of \$50,000 and to imprisonment for 6 months |
| Give alternative smoking product to any person under the age of 18 | Summary conviction to a fine of \$50,000 and to imprisonment for 6 months |
| Broadcast of advertisement | Summary conviction to a fine of \$50,000 and, in the case of a continuing offence, to a further penalty of \$1,500 for each day during which the offence continues |
| Possession of specified alternative smoking product in a public place | [Effective 30 April 2026] Fixed penalty of \$3,000 |
| Use in NSA | Fixed penalty of \$3,000 |
| Possession of Part 1 poisons | Summary conviction to a fine of \$100,000 and to imprisonment for 2 years |

Recovery of cost

If a person is convicted of an offence related to the prohibition of alternative smoking products under the Smoking (Public Health) Ordinance, the court may order the person to pay to the Government a sum the court considers appropriate for the costs and expenses reasonably incurred by the Government in relation to the collection, analysis or examination of the alternative smoking product or any other thing for the criminal proceeding.

For More Information

Enquiry and Complaint Hotline: 2961 8823
(calls are handled by 1823)
Fax: 2575 8944
www.taco.gov.hk

