

Man sentenced for illegal possession of alternative smoking products and Part 1 poison

A 28-year-old man was sentenced to 160 hours' community service order at the Fanling Magistrates' Courts today (May 14) for illegal possession of alternative smoking products (ASPs) and Part 1 poison.

On December 20, 2022, the Police found the man involved in the case transporting ASPs using a lorry parked near Ping Yeung Chuen, Fanling. Over 50 000 pieces of nicotine-containing electronic cigarette product were found inside the lorry. The case was referred to the Tobacco and Alcohol Control Office (TACO) of the Department of Health (DH) for further investigation.

The Smoking (Public Health) Ordinance (Cap. 371) prohibits the promotion, manufacture, sale and possession for commercial purposes of ASPs. Offenders are subject to a maximum fine of \$50,000 and imprisonment for six months.

According to the Pharmacy and Poisons Ordinance (Cap. 138), nicotine (except tobacco) is listed as a Part 1 poison, which can only be sold at pharmacies under the supervision of registered pharmacists. Illegal sale or possession of Part 1 poisons are criminal offences. The maximum penalty is a fine of \$100,000 and two years' imprisonment.

Since the ban on ASPs came into effect on April 30, 2022, the TACO has issued 635 summonses to offenders for importing ASPs, resulting in 353 convicted cases with fines up to \$24,000 as at March 31, 2024. Over the same period, the TACO has issued 18 summonses to offenders for suspected sale or possession for commercial purposes of ASPs, of which 11 cases (involving 17 summonses) were convicted with a maximum penalty of two months' imprisonment.

A spokesman for the DH said that the department will continue to take stringent enforcement action. The spokesman also cautioned against the use of any ASPs and stressed that these products contain amounts of nicotine similar to those of conventional cigarettes in order to sustain addiction. In addition, health hazards of long-term exposure to these new products are unknown. The Government appeals to smokers to quit smoking as early as possible for their own health and that of others. They are encouraged to call the DH's Integrated Smoking Cessation Hotline on 1833 183. The hotline is operated by registered nurses and provides professional counselling services on smoking cessation. Information on smoking cessation can also be obtained from www.livetobaccofree.hk/en/index.html.