

L.N. 55 of 2026

**Smoking (Public Health) Ordinance (Amendment of
Schedule 2) Order 2026**

(Made by the Secretary for Health under section 16A of the Smoking
(Public Health) Ordinance (Cap. 371))

1. Commencement

This Order comes into operation on 17 July 2026.

2. Smoking (Public Health) Ordinance amended

The Smoking (Public Health) Ordinance (Cap. 371) is amended
as set out in section 3.

**3. Schedule 2 amended (designated no smoking areas and exempt
areas)**

- (1) Schedule 2, Part 1, Division 1, item 19(m)—

Repeal

“(as defined in Part 3)”.

- (2) Schedule 2, Part 1, Division 1, after item 21—

Add

“22. A construction site.”.

- (3) Schedule 2, Part 2, item 1, after “Part 1”—

Add

“of this Schedule”.

- (4) Schedule 2, Part 2, after item 1—

Add

Section 3

- “2.

An area described in Part 2A of this Schedule (other than any part of it that is a construction site).
3.

Any part of a construction site that is situated in occupied domestic premises or occupied private quarters.”.
- (5)

Schedule 2—
- Repeal

“2.

Type 1 private quarters (as defined in Part 3).”
- Substitute

“Part 2A

Areas Described for Purposes of Item 2 of Part 2 of this Schedule

- | Item | Type of area |
|------|---|
| 1. | Type 1 private quarters.”. |
| (6) | Schedule 2, Part 2A—
Renumber items 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 as items 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 respectively. |
| (7) | Schedule 2, Part 2A, item 2—
Repeal
“(as defined in Part 3)”. |
| (8) | Schedule 2, Part 3—
Repeal
“In this Schedule—”
Substitute |

“1. Interpretation of Schedule 2

(1) In this Schedule—”.

- (9) Schedule 2, Part 3, section 1(1), definition of *Type 2 private quarters*, paragraph (c), after “Part 1”—

Add

“of this Schedule”.

- (10) Schedule 2, Part 3, section 1(1)—

Add in alphabetical order

“*construction site* (建築地盤) has the meaning given by regulation 2(1) of the Construction Sites (Safety) Regulations (Cap. 59 sub. leg. I);

occupied domestic premises (被佔用住宅) means any domestic premises that are being occupied by their residents for residential purposes;

occupied private quarters (被佔用私人宿舍) means any Type 1 private quarters, or Type 2 private quarters, that are being occupied by their residents for residential purposes;”.

- (11) Schedule 2, Part 3, after section 1(1)—

Add

“(2) For the purposes of item 3 of Part 2 of this Schedule, if there is more than one separate household unit in any domestic premises and any part of a construction site is situated in—

- (a) any of those household units that is not being occupied by its residents for residential purposes; or
- (b) any part of the domestic premises that is open to, and available for the common use and enjoyment of, the residents of the premises,

then, even if any of the household units in the domestic premises is being occupied by its residents for residential purposes, that part of the construction site is taken to be not situated in occupied domestic premises.”.

Professor LO Chung-mau
Secretary for Health

14 May 2026

Explanatory Note

Division 1 of Part 1 of Schedule 2 to the Smoking (Public Health) Ordinance (Cap. 371) sets out areas that are designated as no smoking areas. Part 2 of that Schedule sets out exempt areas to which the prohibition on smoking does not apply.

2. This Order—

- (a) amends that Division to designate construction sites as no smoking areas; and
- (b) amends Part 2 of that Schedule to exempt from the prohibition on smoking any part of a construction site that is situated in domestic premises, or certain private quarters, that are being occupied by their residents for residential purposes.