

Latest legislative amendments, directions and specifications under the Prevention and Control of Disease Ordinance gazetted

Having regard to the development of the COVID-19 epidemic situation in Hong Kong, the Government gazetted today (September 29) the latest legislative amendments, directions and specifications under the Prevention and Control of Disease Ordinance (Cap. 599) in order to combat the epidemic more effectively.

A spokesman for the Food and Health Bureau said, "In light of the fact that local epidemic wave has continued to subside, we have relaxed social distancing measures in phases under a refined and sophisticated approach in a gradual and orderly manner over the past few weeks. Taking into account the importance of effective implementation of social distancing measures in reducing virus transmission in the community, the Government decided to amend the relevant regulations to enhance the related statutory framework to further reduce non-compliance with relevant requirements and restrictions at catering business and scheduled premises, as well as to extend the expiry date of the regulation related to the wearing of masks."

The global epidemic situation remains severe, thus there is a need for the Government to continue implementing cross-boundary epidemic control measures to prevent imported cases, in addition to social distancing measures within the community. As such, the Government will extend the expiry dates for the relevant regulations, and introduce refinements to the statutory framework under the relevant regulations to allow the Government to more flexibly relax the compulsory quarantine requirements on inbound arrivals from certain countries and places in a gradual manner after assessing the relevant public health risks.

In fact, the epidemic situation in Hong Kong has not yet fully stabilised. Silent transmission chains still exist in the community. Full co-operation of the public to continue to stay vigilant, maintain personal hygiene, observe epidemic prevention measures and keep social distancing is still essential at this stage so as to bring the epidemic situation under control and to sustain the hard-earned normal life and economic activities. To this end, the Government calls on the public to continue maintaining the awareness of epidemic prevention when resuming social and economic activities, especially during the long weekend with the National Day and the day following Mid-Autumn Festival holidays, and to continue to maintain personal and environmental hygiene with a view to preventing another outbreak in the community and the hard work the entire community has put in for more than two months from going in vain. Otherwise, when there is a rebound of the epidemic situation with another large-scale outbreak in the

community, the Government will have no choice but to significantly tighten social distancing measures in order to safeguard public health.

The spokesman added, "The Government will review the various measures in place from time to time in accordance with the development of the epidemic situation, strike a balance among disease prevention and control, economic needs and level of acceptance of the society, and make suitable adjustments taking into account all relevant factors."

Social distancing measures

Having regard to the latest development of the epidemic situation and risk assessment, the Government has relaxed social distancing measures under a refined and sophisticated approach in a gradual and orderly manner over the past few weeks, so as to allow social and economic activities to resume as far as possible under the new normal. The measures include relaxing the restriction on the number of persons allowed in group gatherings in public places, extending the hours when dine-in services are allowed in catering premises and relaxing the number of persons allowed to be seated together at one table, and reopening all catering business and scheduled premises.

The spokesman said, "Co-operation and self-discipline of members of the public is the key to the effectiveness of social distancing measures in preventing the spread of the disease in the community. Only with the co-operation of the public as a whole can the Government continue to allow resumption of social and economic activities in a gradual and orderly manner. Therefore, the public's concerted efforts in fighting the epidemic and compliance with requirements and restrictions applicable to individual premises is of utmost importance."

In view of the aforementioned development of the epidemic situation and the strategy in combatting the disease, there is a need in the near future to continue to maintain and enhance the statutory framework under which various social distancing measures are implemented so as to prevent a rebound in the epidemic situation through various social distancing measures when social and economic activities resume. To this end, the Government gazetted today the amendments, directions and specifications under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) and the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) with details as follows:

(I) Catering premises and scheduled premises

(1) To enhance the enforcement effectiveness of the directions issued under Cap. 599F, Cap. 599G will be amended so that the relevant exemption under Cap. 599G would only be applicable to group gatherings at premises regulated under Cap. 599F if the requirements and restrictions in relation to group gatherings set out in the directions issued under Cap. 599F are complied with, otherwise the participants of the group gathering may be issued fixed

penalty notices. The amendments will come into effect on September 30, 2020.

(2) To clarify the meaning of "sports premises" under Cap. 599F, Cap. 599F will be amended so that sports premises would refer to any premises designed, and for the time being used, for sporting activities. The amendment will come into effect on September 30, 2020.

(3) To maintain to a large extent the requirements and restrictions applicable to catering premises and scheduled premises (see Annex 1 for details) during the seven-day period from October 2 to 8, 2020. Amongst others, activities and facilities involving higher health risks such as dancing activities, steam and sauna facilities and ball pits will continue to be suspended or prohibited from opening. To provide more opportunities for the general public to exercise to maintain physical and mental health so that the public will be fit to continue to combat the epidemic, the latest directions will allow team sports at sports premises with the maximum number of persons allowed at more than four persons based on the particular team sports activities.

Persons responsible for carrying on catering businesses and managers of scheduled premises that contravene the statutory requirements under Cap. 599F would have committed a criminal offence. Offenders are subject to a maximum fine of \$50,000 and imprisonment for six months.

(II) Group gatherings

(4) To allow religious gatherings during which no food or drink is served (except food or drink as part of a religious ritual) by amending Cap. 599G to expand the scope of the existing exempted group gatherings (see Annex 3) to cover religious activities held at any premises constructed or regularly used as a place of worship (including a church, monastery or nunnery, mosque, synagogue or temple). Measures must be in place for restricting the number of participants in the activity to not more than 50 per cent of the number of persons that may normally be accommodated on the premises as a place of worship. The amendments will take effect on October 2, 2020.

(5) Unless exempted, the prohibition on group gatherings of more than four persons in public places will continue during the seven-day period from October 2 to 8, 2020.

In addition, any person who participates in a prohibited group gathering; organises a prohibited group gathering; owns, controls or operates the place of such gathering and knowingly allows the taking place of such gathering, commits an offence under Cap. 599G. Offenders are liable to a maximum fine of \$25,000 and imprisonment for six months. Persons who participate in a prohibited group gathering may discharge liability for the offence by paying a fixed penalty of \$2,000.

(III) Mask-wearing requirement

(6) The mandatory mask-wearing requirement under Cap. 599I will be extended

for a period of seven days from October 2 to 8, 2020. During the aforementioned period, a person must wear a mask all the time when the person is boarding or onboard a public transport carrier, is entering or present in an MTR paid area, or is entering or present in a specified public place (i.e. all public places, save for outdoor public places in country parks and special areas as defined in section 2 of the Country Parks Ordinance (Cap. 208)).

(7) Taking into consideration the public health risk assessment, in particular the higher risks brought about by activities conducted without wearing masks, there is a need to maintain the relevant statutory framework under Cap. 599I in the near future. As such, the Government will extend its expiry date for more than two months till December 31, 2020.

Under Cap. 599I, if a person does not wear a mask in accordance with the requirement, an authorised person may deny that person from boarding a public transport carrier or entering the area concerned, as well as require that person to wear a mask and disembark from the carrier or leave the said area. A person in contravention of the relevant provision commits an offence and the maximum penalty is a fine at level 2 (\$5,000). In addition, authorised public officers may issue fixed penalty notices to persons who do not wear a mask in accordance with the requirement and such persons may discharge liability for the offence by paying a fixed penalty of \$2,000.

Cross-boundary control measures

Stringent cross-boundary epidemic control measures are integral to the Government's epidemic control work. To prevent the importation of cases, the Government will continue to stay vigilant and have to maintain suitable cross-boundary testing arrangements as additional safeguard in prevention and control of disease, so as to contain the potential risk brought about by the increase of passenger flow while relaxing the control on inbound passenger traffic progressively.

To enable the Government to flexibly relax in a gradual manner the compulsory quarantine requirement on inbound travellers from certain countries and places or those belonging to particular categories after assessing the relevant public health risks, the Government today gazetted amendments to the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E). The amendments empower the Secretary for Food and Health to specify any categories of persons when specifying Category 2 specified places to exclude the relevant persons from the requirements in respect of the compulsory quarantine arrangements subject to meeting certain conditions. The amendments will take effect on September 30, 2020.

The Government is now closely monitoring the situation of certain places where the epidemic situation has been under control for a sustained period of time with no local transmission for an extended period of time and the number

of cases maintaining at a relative low level (such as the Mainland and Macao), in order to assess whether these places may be specified as Category 2 specified places. This would pave the way for allowing specific categories of persons (such as Hong Kong residents) to be excluded from the requirements in respect of the 14-day compulsory quarantine arrangements upon entry into Hong Kong subject to meeting certain conditions (such as obtaining a negative COVID-19 test result valid within a specific period) with a view to gradually allowing the resumption of the flow of people to/from these places when the epidemic situation permits. The Government will continue to closely monitor the epidemic situation and review the cross-boundary arrangements and capacities of the various boundary control points in Hong Kong and make announcements when the relevant arrangements are ready for implementation.

In addition, taking into account the need to continue to restrict movement of people between Hong Kong and other places and implement corresponding boundary control measures or compulsory quarantine measures on inbound travellers from different places in the near future, the Government will extend the expiry date of Cap. 599C and the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) by more than two months to December 31, 2020.

The spokesman pointed out that, extending the expiry dates of the relevant regulations did not imply that the restrictions currently imposed under those regulations would be maintained until the corresponding expiry dates. Rather, the relevant statutory framework had provisions in place to allow flexibility such that the Government may tighten or relax or even suspend specific requirements and conditions subject to development of the epidemic situation in line with the "suppress and lift" strategy.