

立法會
Legislative Council

LC Paper No. LS70/19-20

**Paper for the House Committee Meeting
on 8 May 2020**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 May 2020**

Tabling in LegCo : Council meeting of 6 May 2020

Amendment to be made by : Council meeting of 3 June 2020 (or that of 24 June 2020 if extended by resolution)

**Prevention and Control of Disease (Prohibition on
Group Gathering) (Amendment) (No. 2) Regulation 2020** (L.N. 59)

In late March 2020, having regard to the then situation of public health emergency relating to the coronavirus disease 2019 ("COVID-19") ("the disease"),¹ the Chief Executive ("CE") in Council made the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599). In gist, Cap. 599G prohibits group gatherings of more than four persons in any public place² and 12 types of group gatherings are exempt from the prohibition as set out in Schedule 1 to Cap. 599G. Members may wish to refer to the report of the Legal Service Division on L.N. 32, i.e. Cap. 599G (LC Paper No. LS62/19-20), for further details.

L.N. 59

2. L.N. 59 is made by CE in Council under section 8 of Cap. 599 to amend Cap. 599G having regard to the latest situation of public health emergency relating to the disease. The major amendments include:

- (a) the definition of "group gathering" is amended to the effect that a "group gathering" of more than eight persons (instead of four persons) is prohibited;

¹ The disease was specified as "severe respiratory disease associated with a novel infectious agent" in item 34AAA of Schedule 1 to Cap. 599 (L.N. 3 of 2020). It has been replaced by "coronavirus disease 2019 (COVID-19)" in the new item 8A of Schedule 1 to Cap. 599 (L.N. 46 of 2020).

² "Public place" is defined to mean a place to which the public or a section of the public may or are permitted to have access from time to time, whether by payment or otherwise.

- (b) section 10(2) is amended to the effect that the total number of participants of gatherings that may be dispersed by an authorized officer is revised from more than four to more than eight; and
- (c) Schedule 1 to Cap. 599G is amended to (i) refine the exemption for group gatherings relating to the judiciary, (ii) relax the number of persons allowed to attend a wedding ceremony at which no food or drink is served from not more than 20 persons to not more than 50 persons, (iii) provide that certain meetings (such as a meeting of a body or a shareholders' meeting of a listed company held in accordance with any Ordinance or other regulatory instrument) may be held provided that certain criteria are met (such as the condition that not more than 50 persons are present at the meeting, or measures are in place for separating them in different rooms or partitioned areas, each accommodating not more than 50 persons), and (iv) provide that a group gathering at a scheduled premises³ listed in Schedule 2 to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) (except premises that according to the prevailing direction must be closed⁴) is an exempted group gathering.

Government notice made by the Secretary for Food and Health

3. By G.N. (E.) 40 of 2020 published in the Gazette on 5 May 2020, the Secretary for Food and Health ("Secretary") has specified the period of 14 days from 8 to 21 May 2020 for the purposes of the prohibition of group gatherings of more than eight persons in a public place.

Other matters

4. Members may wish to note that the Secretary has issued directions in relation to (a) catering business and (b) scheduled premises by G.N. (E.) 38 of 2020 and G.N. (E.) 39 of 2020 published in the Gazette on 5 May 2020.

³ The scheduled premises set out in Part 1 of Schedule 2 to Cap. 599F are: (1) amusement game centre, (2) bathhouse, (3) fitness centre, (4) place of amusement, (5) place of public entertainment, (6) premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings, (7) beauty parlour, (8) club-house, (9) establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment, (10) karaoke establishment, (11) mahjong-tin kau premises, and (12) massage establishment.

⁴ Members may refer to G.N. (E.) 39 of 2020 published in the Gazette on 5 May 2020. The following premises as set out in Part 1 of Schedule 2 to Cap. 599F must be closed for a period of 14 days beginning at 8 May 2020 to 21 May 2020: (1) bathhouse, (2) premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings, (3) establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment, and (4) karaoke establishment.

Directions in relation to catering business

5. The previous directions issued by the Secretary in relation to catering business (by G.N. (E.) 28 of 2020 published in the Gazette on 21 April 2020) expire on 7 May 2020. By the latest directions issued by the Secretary, the implementation of certain protective measures at the premises of catering business (e.g. a distance of at least 1.5 metres or some form of partition between tables, the wearing of masks, conduct of body temperature screening and provisions of hand sanitizers) is extended for a period of 14 days beginning on 8 May 2020 to 21 May 2020, with the following modifications:

- (a) it is provided that no more than eight (previously it was four) persons may be seated at one table within any catering premises; and
- (b) premises (commonly known as bar or pub) and any part of a catering premises that is exclusively or mainly used for the sale or supply of intoxicating liquors for consumption in that premises or that part of the premises are allowed to be open under certain conditions (the number of customers must not at any one time exceed 50% of the normal seating capacity of that or that part of the premises, no more than four persons may be seated together at one table, and live performance and dancing must not be allowed).

Directions in relation to scheduled premises

6. The previous directions issued by the Secretary in relation to scheduled premises (by G.N. (E.) 29 of 2020 published in the Gazette on 21 April 2020) expire on 7 May 2020. By the latest directions, the Secretary has allowed the opening of eight types of scheduled premises set out in Part 1 of Schedule 2 to Cap. 599F⁵, for a period of 14 days beginning at 8 May 2020 to 21 May 2020, subject to certain requirements and restrictions. For example, in terms of fitness centre, fitness stations, machines and equipment in use must be arranged in a way to ensure there is a distance of at least 1.5 metres or some form of partition between each fitness station, machine or equipment, and no more than eight persons including the coach may be allowed in each group training or classes. In relation to beauty parlour and massage establishment, service beds or seats must be arranged in a way to ensure there is a distance of at least 1.5 metres or some form of partition between each bed or seat, and all staff must wear protective gears such as mask and face shield/goggles all the time when providing beauty or massage services to customers. Members may refer to the Annex to G.N. (E.) 39 of 2020 for details of the requirements and restrictions applicable to the eight scheduled premises which may be open.

⁵ Those scheduled premises are: (1) amusement game centre, (2) fitness centre, (3) place of amusement, (4) place of public entertainment, (5) beauty parlour, (6) massage establishment, (7) club-house, and (8) mahjong-tin kau premises.

7. The following premises as set out in Part 1 of Schedule 2 to Cap. 599F must continue to be closed for a period of 14 days beginning at 8 May 2020 to 21 May 2020: (1) bathhouse, (2) premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings, (3) establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment, and (4) karaoke establishment.

Consultation

8. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 59.

Commencement

9. L.N. 59 comes into operation on 8 May 2020.

10. As of the date of this report, no Legislative Council Brief has been issued by the Administration.

Concluding observations

11. No legal and drafting difficulties have been identified in relation to L.N. 59.

Prepared by

Joyce CHAN
Assistant Legal Adviser
Legislative Council Secretariat
7 May 2020