

**立法會**  
**Legislative Council**

LC Paper No. LS81/19-20  
(Revised Version)

**Paper for the House Committee Meeting  
on 29 May 2020**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 19 May 2020  
(Revised Version)**

**Tabling in LegCo** : Council meeting of 20 May 2020

**Amendment to be made by** : Council meeting of 17 June 2020 (or that of 8 July 2020 if extended by resolution)

**Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 3) Regulation 2020** (L.N. 82)

The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) was made in response to the public health emergency relating to the coronavirus disease 2019 ("COVID-19") ("the disease") by the Chief Executive ("CE") in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599). In gist, Cap. 599G prohibits group gatherings of more than eight persons in any public place<sup>1</sup> and 13 types of group gatherings are exempted from the prohibition as set out in Schedule 1 to Cap. 599G. Members may wish to refer to the reports of the Legal Service Division on L.N. 32, i.e. Cap. 599G (LC Paper No. LS62/19-20) and L.N. 59 (LC Paper No. LS70/19-20), for further details.

L.N. 82

2. L.N. 82 is made by CE in Council under section 8 of Cap. 599 to amend Schedule 1 to Cap. 599G, having regard to the latest situation of public health emergency relating to the disease, mainly to provide an exemption for group gathering during a religious activity (other than a wedding ceremony) with the following conditions:

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<sup>1</sup> "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.

- (a) the gathering to be held at any premises constructed or regularly used as a place of worship (including a church, monastery or nunnery, mosque, synagogue or temple);
- (b) no food or drink is served in the gathering except as part of a religious ritual; and
- (c) measures are in place for restricting the number of participants in the activity to not more than 50% of the number of persons that may normally be accommodated on the premises as a place of worship.

3. Members may refer to the Legislative Council Brief (no file reference) issued by the Food and Health Bureau on 22 May 2020 for further information.

#### Government notice made by the Secretary for Food and Health

4. By G.N. (E.) 45 of 2020 published in the Gazette on 19 May 2020, the Secretary for Food and Health ("Secretary") has specified the period of 14 days from 22 May 2020 to 4 June 2020 for the purposes of the prohibition of group gatherings of more than eight persons in a public place. By virtue of section 4(3) of Cap. 599G, G.N. (E.) 45 of 2020 is not subsidiary legislation.

#### Other matters

5. Members may wish to note that the Secretary has issued directions in relation to:

- (a) catering business by G.N. (E.) 43 of 2020 (published in the Gazette on 19 May 2020) and G.N. (E.) 49 of 2020 (published in the Gazette on 26 May 2020); and
- (b) scheduled premises by G.N. (E.) 44 of 2020 (published in the Gazette on 19 May 2020) and G.N. (E.) 50 of 2020 (published in the Gazette on 26 May 2020).

#### *Directions in relation to catering business*

6. The previous directions issued by the Secretary in relation to catering business (by G.N. (E.) 38 of 2020 published in the Gazette on 5 May 2020) expire on 21 May 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 43 of 2020), 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, no more than eight persons may be seated together at one table, conduct of body temperature screening and provisions of hand sanitizers) is further extended for a period of 14 days beginning on 22 May 2020 to 4 June 2020,

with the following modifications: any mahjong-tin kau playing facility on which food or drink is sold or supplied for consumption on the premises ("catering premises") must comply with the applicable directions as set out in Part (G) of the Annex to G.N. (E.) 44 of 2020 issued under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F).

7. By the latest directions issued by the Secretary on 26 May 2020 in relation to catering business (i.e. G.N. (E.) 49 of 2020), (1) the previous directions issued by the Secretary (i.e. G.N. (E.) 43 of 2020) will be suspended upon the commencement of G.N. (E.) 49 of 2020 on 29 May 2020; and (2) the following modifications were made to the protective measures at the premises of catering business mentioned in paragraph 6 above:

- (a) ban on karaoke activities carried on at any catering premises has been lifted; and
- (b) any karaoke activity carried on at any catering premises must comply with the applicable directions as set out in Part (J) of the Annex to G.N. (E.) 50 of 2020 issued under Cap. 599F (e.g. the wearing of masks, no more than eight persons in each room and all equipment and facilities must be cleaned and disinfected before and after each session).

*Directions in relation to scheduled premises*

8. The previous directions issued by the Secretary in relation to scheduled premises (by G.N. (E.) 39 of 2020 published in the Gazette on 5 May 2020) expire on 21 May 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 44 of 2020), the implementation of certain protective measures and restrictions at eight types of scheduled premises set out in Part 1 of Schedule 2 to Cap. 599F<sup>2</sup> is further extended for a period of 14 days beginning at 22 May 2020 to 4 June 2020, with the following modifications:

- (a) for amusement game centres, games stations, machines and facilities next to one another and less than 1.5 metres apart must not be made available for use at the same time;
- (b) for fitness centres, a group training class or class of more than eight persons is allowed provided that it is conducted in a way to ensure there is at least 1.5 metres between each person (except the coach) and the coach must wear a mask all the time if he is not staying at a fixed location not less than 1.5 metres from other persons;

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<sup>2</sup> 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.

- (c) for a place of amusement which is a billiard establishment, any billiard table available for use must have a distance of at least 1.5 metres from another billiard table;
- (d) for places of public entertainment,
  - (i) a person is allowed not to wear a mask if that person is consuming food or drink at catering premises therein;
  - (ii) entertainment stations, machines or facilities next to one another and less than 1.5 metres apart must not be made available for use at the same time;
  - (iii) in the case of a large-scale entertainment station, machine or facility, the number of persons to be allowed at any one time must not exceed 50% of the designed capacity of the entertainment station, machine or facility; and
  - (iv) catering premises in a place of public entertainment must comply with the applicable directions in G.N. (E.) 43 of 2020 issued under Cap. 599F; and
- (e) for mahjong-tin kau premises, tables next to one another and less than 1.5 metres apart must not be made available for use at the same time.

Members may refer to the Annex to G.N. (E.) 44 of 2020 for details of the requirements and restrictions applicable to the eight scheduled premises which may open.

9. The following premises as set out in Part 1 of Schedule 2 to Cap. 599F must continue to be closed for a period of seven days beginning at 22 May 2020 to 28 May 2020:

- (a) bathhouse;
- (b) premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings;
- (c) establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment; and
- (d) karaoke establishment.

10. By the latest directions issued by the Secretary on 26 May 2020 in relation to scheduled premises (i.e. G.N. (E.) 50 of 2020), (1) the previous directions issued by the Secretary (i.e. G.N. (E.) 44 of 2020) will be suspended upon the commencement of G.N. (E.) 50 of 2020 on 29 May 2020; and (2) the following modifications were made to certain protective measures and restrictions at the scheduled premises set out in Part 1 of Schedule 2 to Cap. 599F:

- (a) four types of scheduled premises mentioned in paragraph 9 above which must be closed previously is allowed to open for a period of seven days beginning on 29 May 2020 to 4 June 2020 subject to the requirements and restrictions detailed at the Annex to G.N. (E.) 50 of 2020 (e.g. the wearing of masks, conduct of body temperature screening and provisions of hand sanitizers); and
- (b) for club-house,
  - (i) any part(s) of the club-house being used or operated as premises for hire for holding social gatherings must follow the requirements and restrictions as set out in Part (F) of the Annex to G.N. (E.) 50 of 2020 (e.g. conduct of body temperature screening, provisions of hand sanitizers and all equipment and facilities must be cleaned and disinfected before and after each session); and
  - (ii) any karaoke activity carried on therein must follow the requirements and restrictions as set out in Part (J) of the Annex to G.N. (E.) 50 of 2020 (e.g. the wearing of masks, no more than eight persons in each room and all equipment and facilities must be cleaned and disinfected before and after each session).

Members may refer to the Annex to G.N. (E.) 50 of 2020 for further details of the requirements and restrictions applicable to the 12 scheduled premises which may open.

### Consultation

11. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 82.

### Commencement

12. L.N. 82 came into operation on 22 May 2020.

### **Concluding observations**

13. No legal and drafting difficulties have been identified in relation to L.N. 82.

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28 May 2020

LS/S/35/19-20