

**立法會**  
**Legislative Council**

LC Paper No. LS91/19-20

**Paper for the House Committee Meeting  
on 5 June 2020**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 2 June 2020**

<b>Tabling in LegCo</b>	: Council meeting of 3 June 2020
<b>Amendment to be made by</b>	: Council meeting of 24 June 2020 (or the first meeting of the next session if extended by resolution)
<b>Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 3) Regulation 2020</b>	<b>(L.N. 116)</b>
<b>Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 2) Regulation 2020</b>	<b>(L.N. 117)</b>
<b>Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 3) Regulation 2020</b>	<b>(L.N. 118)</b>
<b>Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 4) Regulation 2020</b>	<b>(L.N. 119)</b>

L.N. 116 to L.N. 119 are made by the Chief Executive ("CE") in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) having regard to the latest situation of public health emergency<sup>1</sup> relating to COVID-19.

L.N. 116

2. Under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C), two categories of persons, namely, persons arriving at Hong Kong from the Mainland, Macao or Taiwan; and persons arriving at Hong Kong who have stayed in the Mainland, Macao or Taiwan during the 14 days before the date of arrival, are placed under compulsory quarantine for 14 days beginning on the date of arrival.

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<sup>1</sup> "Public health emergency" is defined in section 8(5) of Cap. 599 to mean, among others, the occurrence of or the imminent threat of a disease, an epidemic or a pandemic, or the occurrence of a novel, or highly infectious, agent or matter, that has a high probability of causing a large number of deaths or serious disabilities (whether or not long-term) in the population.

3. L.N. 116 amends Cap. 599C mainly to:
  - (a) introduce a two-tier scheme under which the compulsory quarantine requirement under Cap. 599C:
    - (i) applies to a person arriving at Hong Kong from a place in China other than Hong Kong who has stayed in a Category 1 or Category 2 specified place in China or a Category 1 or Category 2 specified foreign place<sup>2</sup> before the person's arrival; and
    - (ii) does not apply to a person arriving at Hong Kong who has stayed in a Category 2 specified place in China or a Category 2 specified foreign place if that person satisfies an authorized officer<sup>3</sup> that the person meets the conditions specified for that place;
  - (b) provide that if a person travels from Macao to Hong Kong, or from Hong Kong to Macao, via the Hong Kong-Zhuhai-Macao Bridge ("the Bridge"), the person's passing through the Zhuhai section of the Bridge during the journey is not regarded as a stay in Zhuhai;
  - (c) empower the Secretary for Food and Health ("Secretary"), by notice published in the Gazette (which is not subsidiary legislation and hence not subject to amendment by the Legislative Council ("LegCo")), to specify:
    - (i) any place in China other than Hong Kong as a Category 1 specified place in China;
    - (ii) any place in China other than Hong Kong that is not a Category 1 specified place in China as a Category 2 specified place in China; and
    - (iii) conditions for a Category 2 specified place in China; and
  - (d) extend the expiry date of Cap. 599C for a month from 7 June 2020 to 7 July 2020.

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

4. By G.N. (E.) 54 of 2020 published in the Gazette on 2 June 2020, the Secretary has specified, with effect from 5 June 2020, all places in China outside

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<sup>2</sup> A "Category 1 specified foreign place" or a "Category 2 specified foreign place" as defined in section 2 of the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) as amended by L.N. 117.

<sup>3</sup> An authorized officer is a public officer appointed by the Director of Health under section 11 of Cap. 599C.

Hong Kong as Category 1 specified places in China for the purposes of Cap. 599C as amended by L.N. 116.

L.N. 117

5. The Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) imposes the compulsory quarantine requirement on persons arriving at Hong Kong from a specified place outside China or having stayed in such a place during the 14 days before the date of arrival.

6. L.N. 117 amends Cap. 599E mainly to:

- (a) introduce a two-tier scheme, similar to that referred to in paragraph 3(a) above, under which the compulsory quarantine requirement under Cap. 599E:
  - (i) applies to a person arriving at Hong Kong from a place outside China who has stayed in a Category 1 or Category 2 specified foreign place or a Category 1 or Category 2 specified place in China<sup>4</sup> before the person's arrival; and
  - (ii) does not apply to a person arriving at Hong Kong who has stayed in a Category 2 specified foreign place or a Category 2 specified place in China if that person satisfies an authorized officer that the person meets the conditions specified for that place;
- (b) include a provision, in terms identical to those referred to paragraph 3(b) above, in relation to a person's passing through the Zhuhai section of the Bridge which is not to be regarded as a stay in Zhuhai;
- (c) empower the Secretary, by notice published in the Gazette (which is not subsidiary legislation and hence not subject to amendment by LegCo), to specify:
  - (i) any place outside China as a Category 1 specified foreign place;
  - (ii) any place outside China that is not a Category 1 specified foreign place as a Category 2 specified foreign place; and
  - (iii) conditions for a Category 2 specified foreign place;
- (d) give the Chief Secretary for Administration further power to exempt from the quarantine requirement a person or persons whose travelling

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<sup>4</sup> A "Category 1 specified place in China" or a "Category 2 specified place in China" as defined in section 2 of Cap. 599C as amended by L.N. 116.

is necessary for purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong's economic development; and

- (e) extend the expiry date of Cap. 599E for three months from 18 June 2020 to 18 September 2020.

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

7. By G.N. (E.) 55 of 2020 published in the Gazette on 2 June 2020 the Secretary has specified, with effect from 5 June 2020, all places outside China as Category 1 specified foreign places for the purposes of Cap. 599E as amended by L.N. 117.

L.N. 118

8. The Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) imposes certain temporary requirements and directions in relation to catering businesses and certain scheduled premises (i.e. amusement game centres, bathhouses, fitness centres, places of public entertainment, premises (commonly known as party rooms) that are maintained or intended to be maintained for hire for holding social gatherings ("party rooms"), beauty parlours, club-houses, establishments (commonly known as clubs or nightclubs) that are open late into the night, usually for drinking, and dancing or other entertainment ("nightclubs"), karaoke establishments, mahjong-tin kau premises, and massage establishments). Members may refer to the reports of the Legal Service Division ("LSD") on L.N. 31 and L.N. 33 (LC Paper No. LS62/19-20) and L.N. 51 (LC Paper No. LS68/19-20) for further details.

9. L.N. 118 amends Cap. 599F to extend its expiry date from 27 June 2020 to 31 August 2020.

10. Members may wish to note that the Secretary has pursuant to Cap. 599F issued directions in relation to:

- (a) catering business by G.N. (E.) 43, G.N. (E.) 49 and G.N. (E.) 56 of 2020 published in the Gazette on 19 May 2020, 26 May 2020 and 2 June 2020 respectively; and
- (b) scheduled premises by G.N. (E.) 44, G.N. (E.) 50 and G.N. (E.) 57 of 2020 published in the Gazette on 19 May 2020, 26 May 2020 and 2 June 2020 respectively.

*Latest directions in relation to catering business*

11. The previous directions issued by the Secretary in relation to catering business (by G.N. (E.) 49 of 2020 published in the Gazette on 26 May 2020) expire on 4 June 2020. By the directions issued by the Secretary (i.e. G.N. (E.)

56 of 2020 published in the Gazette on 2 June 2020), the implementation of certain protective measures at catering premises (e.g. wearing masks, conducting body temperature screening, providing hand sanitisers, arranging tables in a way to ensure there is a distance of at least 1.5 metres or some form of partition serving as effective buffer between tables, and no more than eight persons being seated together at one table) is further extended for a period of 14 days from 5 June 2020 to 18 June 2020, with the following modifications:

- (a) 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.) 57 of 2020 issued under Cap. 599F ("the Annex") (e.g. no more than eight persons may be allowed in each room); and
- (b) any mahjong-tin kau playing facility provided in any catering premises must comply with the applicable directions as set out in part K of the Annex (e.g. tile sets must be replaced with cleaned ones every time a new player joins or application of disinfection materials with durable efficacy must applied on the tile set).

*Latest directions in relation to scheduled premises*

12. The previous directions issued by the Secretary in relation to scheduled premises (by G.N. (E.) 50 of 2020 published in the Gazette on 26 May 2020) expire on 4 June 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 57 of 2020 published in the Gazette on 2 June 2020), 12 types of scheduled premises set out in Part 1 of Schedule 2 to Cap. 599F<sup>5</sup> are allowed to open for a further period of 14 days from 5 June 2020 to 18 June 2020 subject to the requirements and restrictions detailed at the Annex. The following modifications were made to the requirements and restrictions on scheduled premises:

- (a) catering premises (i.e. premises on which food or drink is sold or supplied for consumption on the premises) in any place of public entertainment, party room, club-house, nightclub, and karaoke establishment must follow the applicable directions in relation to catering business as set out at G.N. (E.) 56 of 2020 issued under Cap. 599F and published in the Gazette on 2 June 2020; and
- (b) for party rooms, any ball pits must be closed, and any facility involving steam or vapour (except as part of eating, drinking or preparation of food or drink) must not be used.

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<sup>5</sup> Those scheduled premises are: (1) amusement game centre; (2) bathhouse; (3) fitness centre; (4) place of amusement; (5) place of public entertainment; (6) party room; (7) beauty parlour; (8) club-house; (9) nightclub; (10) karaoke establishment; (11) mahjong-tin kau premises; and (12) massage establishment.

13. Members may refer to the Annex for details of the requirements and restrictions applicable to the 12 types of scheduled premises which may open from 5 June 2020 to 18 June 2020.

#### L.N. 119

14. The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) prohibits group gatherings of more than eight persons in any public place<sup>6</sup>, and 14 types of group gatherings are exempted from the prohibition as set out in Schedule 1 to Cap. 599G. Members may wish to refer to LSD's reports on L.N. 32 (LC Paper No. LS62/19-20), L.N. 59 (LC Paper No. LS70/19-20) and L.N. 82 (LC Paper No. LS81/19-20) for further details.

15. L.N. 119 amends Cap. 599G to extend its expiry date from 28 June 2020 to 31 August 2020.

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

16. By G.N. (E.) 58 of 2020 published in the Gazette on 2 June 2020, the Secretary has specified, with effect from 5 June 2020, the period of 14 days from 5 June 2020 to 18 June 2020 for the purposes of the prohibition of group gatherings of more than eight persons in a public place.

#### Consultation

17. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 116 to L.N. 119.

#### Commencement

18. L.N. 116 to L.N. 119 come into operation on 5 June 2020, the same day on which G.N. (E.) 54 of 2020 to G.N. (E.) 58 of 2020 take effect.

#### **Concluding observations**

19. No difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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<sup>6</sup> "Public place" is defined in section 2 of Cap. 599G 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.