

立法會
Legislative Council

LC Paper No. LS101/19-20

**Paper for the House Committee Meeting
on 19 June 2020**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 16 June 2020**

Tabling in LegCo : Council meeting of 17 June 2020

Amendment to be made by : Council meeting of 15 July 2020 (or the first meeting of the next session if extended by resolution)

Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 5) Regulation 2020 (L.N. 125)

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 place¹ 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 the reports of the Legal Service Division on L.N. 32, i.e. Cap. 599G (LC Paper No. LS62/19-20), L.N. 59 (LC Paper No. LS70/19-20), L.N. 82 (LC Paper No. LS81/19-20) and L.N. 119 (LC Paper No. LS91/19-20) for further details.

2. L.N. 125 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. It mainly relaxes the number of persons constituting a "group gathering" prohibited under Cap. 599G from more than eight persons to more than 50 persons and correspondingly increases the total number of participants that may be dispersed by an authorized officer from more than eight to more than 50. Furthermore, Schedule 1 to Cap. 599G is amended to provide for an exemption for group gatherings at catering business premises (that sell or supply food or drink for consumption) so that such

¹ "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.

premises² are no longer subject to the prohibition on group gathering upon the commencement of L.N. 125.

Government notice made by the Secretary for Food and Health

3. By G.N. (E.) 64 of 2020 published in the Gazette on 16 June 2020, the Secretary for Food and Health ("the Secretary") has specified the period of 14 days from 19 June 2020 to 2 July 2020 for the purposes of the prohibition of group gatherings of more than 50 persons in a public place. By virtue of section 4(3) of Cap. 599G, G.N. (E.) 64 of 2020 is not subsidiary legislation.

Other matters

4. Members may wish to note that the Secretary has pursuant to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) issued directions in relation to:

- (a) catering business by G.N. (E.) 43, G.N. (E.) 49, G.N. (E.) 56 and G.N. (E.) 62 of 2020 published in the Gazette on 19 May 2020, 26 May 2020, 2 June 2020 and 16 June 2020 respectively; and
- (b) scheduled premises by G.N. (E.) 44, G.N. (E.) 50, G.N. (E.) 57 and G.N. (E.) 63 of 2020 published in the Gazette on 19 May 2020, 26 May 2020, 2 June 2020 and 16 June 2020 respectively.

Latest directions in relation to catering business

5. The previous directions issued by the Secretary in relation to catering business (by G.N. (E.) 56 of 2020 published in the Gazette on 2 June 2020) expire on 18 June 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 62 of 2020 published in the Gazette on 16 June 2020), the implementation of certain protective measures (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) is further extended for a period of 14 days from 19 June 2020 to 2 July 2020, with certain modifications which are summarized below:

- (a) the restriction on the number of persons may be seated together (currently it is no more than eight persons) at one table within any catering premises is removed;

² This exemption does not apply to the premises that must be closed according to the prevailing directions issued by the Secretary for Food and Health under section 6 of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F).

- (b) for catering premises (commonly known as bar or pub) or the part of the catering premises that is exclusively or mainly used for the sale and supply of intoxicating liquors for consumption in that premises or in that part of the catering premises, live performance and dancing are allowed to resume at these premises; the limit on the number of persons allowed to be seated together at one table therein will be increased to eight (currently it is four) and persons working in these premises and performers must wear masks all the time except when there is some form of partition which could serve as effective buffer between such persons/performers and customers; and
- (c) 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.) 63 of 2020 issued under Cap. 599F (i.e. no more than 16 persons may be allowed in each room).

Latest directions in relation to scheduled premises

6. The previous directions issued by the Secretary in relation to scheduled premises (by G.N. (E.) 57 of 2020 published in the Gazette on 2 June 2020) expire on 18 June 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 63 of 2020 published in the Gazette on 16 June 2020), 12 types of scheduled premises³ set out in Part 1 of Schedule 2 to Cap. 599F are allowed to open for a further period of 14 days from 19 June 2020 to 2 July 2020 subject to the requirements and restrictions detailed at the Annex to G.N. (E.) 63 of 2020. The modifications made to the requirements and restrictions on scheduled premises are summarized below:

- (a) the limit on the number of persons at each facility/group/room at the amusement game centre, fitness centre, place of amusement (in relation to a billiard establishment, public bowling alley or ice skating rink), place of public entertainment, party room, karaoke establishment will be increased to 16 (currently it is eight);
- (b) for a place of amusement which is an ice skating rink, the total number of persons to be allowed at any one time in the ice skating rink must not exceed 50% of its capacity;

³ Those scheduled premises 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 ("party room"); (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 ("club or nightclub"); (10) karaoke establishment; (11) mahjong-tin kau premises; and (12) massage establishment.

- (c) for a place of public entertainment, persons working at the premises and performers must wear masks all the time except when there is some form of partition or adequate distancing which could serve as effective buffer between such persons/performers and customers/the audience;
- (d) for a club or nightclub, persons working at the premises and performers must wear masks all the time except when there is some form of partition or adequate distancing which could serve as effective buffer between such persons/performers and customers/the audience; no more than eight persons (currently it is four persons) may be seated together at one table therein; and live performance and dancing are allowed to resume therein; and
- (e) catering premises (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, club or nightclub, and karaoke establishment must follow the latest directions in relation to catering business as set out in G.N. (E.) 62 of 2020 issued under Cap. 599F and published in the Gazette on 16 June 2020.

7. Members may refer to the Annex to G.N. (E.) 63 of 2020 for details of the requirements and restrictions applicable to the 12 types of scheduled premises which may open from 19 June 2020 to 2 July 2020.

Consultation

8. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 125.

Commencement

9. L.N. 125 comes into operation on 19 June 2020.

Concluding observations

10. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 125.

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