

立法會
Legislative Council

LC Paper No. LS108/19-20

**Paper for the House Committee Meeting
on 10 July 2020**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 30 June 2020**

Tabling in LegCo : Council meeting of 8 July 2020

Amendment to be made by : Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 4) Regulation 2020 (L.N. 137)

Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 6) Regulation 2020 (L.N. 138)

L.N. 137 and L.N. 138 are made by the Chief Executive in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599), in response to the latest situation of public health emergency relating to COVID-19.

L.N. 137

2. Under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C), a person arriving at Hong Kong from a place in China other than Hong Kong who has stayed in a specified place before the person's arrival is placed under compulsory quarantine for a period of 14 days from the day of arrival. The compulsory quarantine requirement does not apply to persons arriving at Hong Kong from a place in China other than Hong Kong if such persons fall within the classes of persons as specified under section 3(4) of Cap. 599C (e.g. persons not passing through immigration control, persons who have stayed in specified places before arrival and meet the conditions specified for those places, persons designated by the Chief Secretary

for Administration, etc.). Members may wish to refer to the reports of the Legal Service Division ("LSD") on L.N. 12, i.e. Cap. 599C (LC Paper No. LS43/19-20), L.N. 28 (LC Paper No. LS60/19-20), L.N. 48 (LC Paper No. LS68/19-20) and L.N. 116 (LC Paper No. LS91/19-20) for further details.

3. L.N. 137 amends Cap. 599C to extend its expiry date from 7 July 2020 to 7 August 2020.

L.N. 138

4. The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) prohibits group gatherings of more than 50 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 LSD 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), L.N. 119 (LC Paper No. LS91/19-20) and L.N. 125 (LC Paper No. LS101/19-20) for further details.

5. L.N. 138 amends Cap. 599G to relax a condition for the exemption for religious activities held at religious worship premises such that the number of participants allowed in a religious activity is increased from not more than 50% of the number of persons that may normally be accommodated on the premises as a place of worship to not more than 80%.

Government notice made by the Secretary for Food and Health

6. By G.N. (E.) 70 of 2020 published in the Gazette on 30 June 2020, the Secretary for Food and Health ("the Secretary") has specified the period of 14 days from 3 July 2020 to 16 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.) 70 of 2020 is not subsidiary legislation.

Other matters

7. 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, G.N. (E.) 62 and G.N. (E.) 68 of 2020 published in the Gazette on

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.

19 May 2020, 26 May 2020, 2 June 2020, 16 June 2020 and 30 June 2020 respectively; and

- (b) scheduled premises by G.N. (E.) 44, G.N. (E.) 50, G.N. (E.) 57, G.N. (E.) 63 and G.N. (E.) 69 of 2020 published in the Gazette on 19 May 2020, 26 May 2020, 2 June 2020, 16 June 2020 and 30 June 2020 respectively.

Latest directions in relation to catering business

8. The previous directions issued by the Secretary in relation to catering business (by G.N. (E.) 62 of 2020 published in the Gazette on 16 June 2020) expired on 2 July 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 68 of 2020 published in the Gazette on 30 June 2020), the implementation of certain protective measures at catering premises (e.g. wearing masks, conducting body temperature screening, providing hand sanitisers and 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 3 July 2020 to 16 July 2020, with the following modifications: 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, the restriction on the number of customers at any one time is relaxed from not exceeding 50% of the normal seating capacity of that premises to not exceeding 80%.

Latest directions in relation to scheduled premises

9. The previous directions issued by the Secretary in relation to scheduled premises (by G.N. (E.) 63 of 2020 published in the Gazette on 16 June 2020) expired on 2 July 2020. By the directions issued by the Secretary (i.e. G.N. (E.) 69 of 2020 published in the Gazette on 30 June 2020), 12 types of scheduled premises set out in Part 1 of Schedule 2 to Cap. 599F² are allowed to open for a further period of 14 days from 3 July 2020 to 16 July 2020 subject to the requirements and restrictions detailed at the Annex to G.N. (E.) 69 of 2020. The following modifications were made to the requirements and restrictions on scheduled premises:

² 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; (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.

- (a) for shower facilities in bathhouse, fitness centre, place of amusement, beauty parlour, massage establishment and club-house, the requirement of keeping social distancing between users of at least 1.5 metres by opening alternate cubicles or shower heads only is replaced by arranging shower heads in use in a way to ensure that there is a distance of at least 1.5 metres or some form of partition which could serve as effective buffer between them;
- (b) for a fitness centre, a group training or class of more than 16 persons must be conducted in a way to ensure that persons are to be arranged in groups of no more than 16 persons and there is at least 1.5 metres between each group;
- (c) for a place of amusement, the restriction that no more than 16 persons is allowed to play as a group in billiard establishment, public bowling-alley and ice skating rink is replaced by the requirement under which a group of more than 16 persons in the place of amusement must be arranged in a way to ensure that persons are in sub-groups of no more than 16 persons and there is at least 1.5 metres between each sub-group;
- (d) for a place of public entertainment,
 - (i) in the case of a large-scale entertainment station, machine or facility, the restriction on the number of persons to be allowed at any one time is relaxed from not exceeding 50% of the designed capacity of the entertainment station, machine or facility to not exceeding 80% or 16 persons in each individual compartment or vehicle, whichever is the larger, of the entertainment station, machine or facility; and
 - (ii) for cinema and all places of public entertainment with live performance only, the restriction on tickets to be sold and seats to be occupied of each house for film screening or each place for live performance is relaxed from not exceeding 50% of the seating capacity of the house or the place to not exceeding 80% and the prohibition on eating and drinking inside the cinema house or the place for live performance is removed; and
- (e) for a club or nightclub, the restriction on the number of customers at any one time is relaxed from not exceeding 50% of the normal seating capacity of that premises to not exceeding 80%.

10. Members may refer to the Annex to G.N. (E.) 69 of 2020 for details of the requirements and restrictions applicable to the 12 types of scheduled premises which may open from 3 July 2020 to 16 July 2020.

Consultation

11. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 137 and L.N. 138.

Commencement

12. L.N. 137 and L.N. 138 came into operation on 3 July 2020.

Concluding observations

13. 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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