

LEGISLATIVE COUNCIL BRIEF
PREVENTION AND CONTROL OF DISEASE ORDINANCE
(CAP.599)

PREVENTION AND CONTROL OF DISEASE
(REQUIREMENTS AND DIRECTIONS)
(BUSINESS AND PREMISES) REGULATION

PREVENTION AND CONTROL OF DISEASE
(PROHIBITION ON GROUP GATHERING)
REGULATION

INTRODUCTION

Social distancing is key to delaying the spread of Coronavirus Disease 2019 (“COVID-19”) within Hong Kong. At the meeting of the Executive Council on 27 March 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (“the First Regulation”) and the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (“the Second Regulation”) should be made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”). The two sets of regulations, attached at **Annexes A1 and A2**, seek to implement **temporary measures** during the current situation of public health emergency, as follows –

Annex A

The First Regulation

- (a) **Requiring catering business premises to cease selling or supplying food or drinks for on-site consumption, and to close whole or part of the premises where food or drink is sold or supplied:** This restriction applies to restaurants, canteens, cafes, eateries, pubs, bars, etc. but does not cover a catering business carried on at private dwellings, or operating in hospitals and institutions, etc. The requirement will only be operative upon the

Secretary for Food and Health (“SFH”) publishing a notice in the Gazette, specifying the period of the requirement, which **may not exceed 14 days** on each occasion. The affected premises are still allowed to sell or supply food and/or drink for takeaway and deliveries. The person responsible for carrying on the catering business (i.e. the owner, proprietor and manager) commits an offence if he or she fails to comply with the above requirements. The Chief Secretary for Administration (“CS”) may exempt certain catering business premises from the requirements;

- (b) **Restricting the operation of catering business:** SFH may issue a direction published in the Gazette to impose requirements or restrictions in relation to the **mode of operation** of the catering business and **activities** carried on at the premises of the business (which could include but not be limited to specifying the permitted capacity for conducting business in the premises, the distance requirement for individuals in the premises, etc.), the **closure or part closure** of the premises, or the **opening hours** of the business, for a specified period **not exceeding 14 days** on each occasion. The person responsible for carrying on the catering business commits an offence if he or she fails to comply with the direction;
- (c) **Restricting the operation of scheduled premises:** SFH may also issue directions published in the Gazette to **require** the **closure** of whole or part of the scheduled premises, **restrict the mode of operation** of any business or activity carried on at the scheduled premises (which could include but not be limited to specifying the permitted capacity for conducting business in the premises, distance requirement for individuals in the premises, etc.), **or the daily opening hours** of the premises, for a specified period **not exceeding 14 days**. The manager who is responsible for the management or is in charge or control of the scheduled premises commits an offence if he or she fails to comply with the direction; and

The Second Regulation

- (d) **Prohibiting group gathering** of more than four persons at a **public place** during a period for **not exceeding 14 days** to be specified by SFH by a notice published in the Gazette, except for a list of exempted group gatherings. CS may permit certain group

gatherings. Penalties including a fixed penalty will be imposed on those who commit an offence under the Regulation.

The respective directions on (b), (c) and (d) above by SFH published in the Gazette in respect of the First Regulation and Second Regulation are at Annex B **Annexes B1, B2 and B3**.

PRESENT POSITION AND CHALLENGES

2. After the World Health Organization (“WHO”) had declared on 11 March 2020 that the global COVID-19 outbreak constituted a “pandemic”, the spread of the disease has accelerated at an alarming rate. As of 25 March 2020, more than 430 000 cases were reported in 199 countries/areas/territories around the world, compared with 310 000 cases reported in the past two weeks.

3. Since mid-March 2020, tens of thousands of Hong Kong residents returned from overseas with a majority of them returning from high-risk countries/places such as the United Kingdom (“UK”), Europe and the United States of America (“USA”). Among the 324 confirmed cases recorded in Hong Kong from 12 to 26 March, almost 80% had travel history outside Hong Kong during their incubation period. Over the past week, Hong Kong registered a double-digit increase in confirmed cases every day. Between 19 and 26 March, the total number of confirmed cases doubled from 193 to 454. While many of the new cases are either imported cases or cases with travel history, more and more of the local cases are of unknown source. The latest local situation, as reflected by the epidemic curve of confirmed and probable cases of COVID-19, is at Annex C **Annex C**.

4. According to a study by the University of Hong Kong released on 20 March 2020, the effective reproductive number at time t (“ R_t ”) (i.e. the average number of secondary cases per one case in a population over time) has exceeded 1 in the past few weeks for the first time since the outbreak, signaling an **imminent risk of sustained local outbreak**. Since there is time lag in estimating R_t due to factors such as incubation period, and delay between symptom onset to diagnosis and reporting, the current actual situation could be much worse than the time when the above study was conducted. Therefore, guided by the precautionary principle, there is a need for prudent, swift and pre-emptive measures which are robust enough to break the local chains of transmission to control the spread of the COVID-

19 immediately before it spirals out of control.

5. With the return of the large number of Hong Kong residents from high-risk areas such as the UK, Europe and the USA, there was sharp increase in confirmed and suspected cases recently, creating additional pressure for isolation facilities in public hospitals for diagnosis and testing. As of noon 25 March, the Hospital Authority observed a 72% occupancy of its isolation rooms. The capacity of isolation facilities in public hospitals would soon be stretched to their limits and overwhelmed.

6. WHO and health experts have long advocated social distancing as an effective measure to control COVID-19's transmission. According to Centre for Health Protection of the Department of Health (DH), members of the public are urged to go out less and reduce social activities such as meal gatherings and maintain appropriate social distance with other people as far as possible, in addition to maintaining at all times strict personal and environmental hygiene as well as wearing a surgical mask when staying in crowded places.

7. In this regard, the Government has implemented special work arrangement to permit home office for civil servants. Schools have been suspended since late January 2020 so that young kids and school children can stay at home as far as possible. Notwithstanding the above advice, many of our fellow citizens begin to lose guard lately after the local epidemic situation seemed to have stabilized after February 2020 and social distancing has not been practised seriously. Among the 324 confirmed cases reported in the past two weeks, there are outbreaks among several clusters relating to meal gatherings, parties, wedding banquet and fitness activities accounting for at least 57 cases that took place in restaurants, party rooms in industrial premises, hotel ballroom, bars and pubs, and fitness centres. The risk of sustained local transmission is increasing. And while those who returned from places other than China on or after 19 March 2020 are subject to compulsory quarantine under Cap.599E, a number of such confinees have breached the quarantine orders and posing public health risks to the community. More drastic but effective social distancing measures are warranted to cut down these undesirable activities across the board for a limited period of time of not more than 14 days.

OVERSEAS PRACTICE

8. In the light of the fast deteriorating situation across the globe, various regimes (such as Australia, Germany, the UK and some federal states of the USA) have introduced measures to step up social distancing for a certain period of time. These include compulsory stay-home requirement, closure of specific businesses/restaurants and eateries, restriction on business hours and mode of business, suspension of transport services, and some have even declared lock-down of certain cities. A summary of the major measures Annex D implemented in the above countries is at Annex D.

ENHANCED MEASURES

9. We see an urgent need to make new emergency regulations under the Ordinance to empower the Government to implement more stringent measures as and when necessary for the purpose of ensuring social distancing or preventing people from congregating. In compiling the list of measures, we have taken into account the nature of activities and premises/venues that are of higher risk as far as COVID-19 transmission is concerned, the feasibility of mitigating such risk through alternative measures (such as wearing surgical masks by individuals during the concerned activity) and measures practised overseas. The measures are time-limited. For instance, activities/premises that would normally attract a group of people staying closely or mingling together for a prolonged period of time and activities that would render the wearing of surgical masks impossible (e.g. meal gatherings, drinking, or bathing and group exercises) are the targets to be regulated or prohibited to prevent the spread of the disease.

Catering Businesses

10. The First Regulation aims, inter alia, to require catering businesses (such as restaurants, canteens, cafes, eateries, bars and pubs, etc and including such catering businesses of clubs) to cease selling or supplying food or drink for consumption on site, and to close the premises where food or drink is sold or supplied, so as to prevent people from having meals and/or drinks together. These businesses can still sell or supply food or drink to customers for takeaway or delivery.

11. Since there are many types of licensed and unlicensed premises

involved in selling or supplying food or drink all over Hong Kong, adopting a generic, common sense approach that discourages congregation rather than penalizing the purpose of the congregation or penalizing one particular type of catering business would appear to be fairer. Catering businesses carried out in premises engaged in essential activities/operation (such as those in the hospitals) would not be affected.

12. The First Regulation also empowers SFH to specify the period of requirements and issue directions restricting the mode of operation of any catering business and activities carried on at the premises of such business or the daily opening hours of such business, or for more extreme circumstances, complete or partial closure of the premises of the business, should be required.

Scheduled premises

13. Besides having meals and/or drinks, there are certain activities involving groups of people that would take place in certain premises, e.g. fitness centres, bathhouse, cinemas and amusement centres. These are premises where the nature of the activities can only be carried out through relatively close contact or where it is impossible for the participants to wear a mask throughout the process. To allow proper social distancing arrangements, we consider that measures such as restricting the operation of any activities carried on at the premises, such as imposing capacity limit and/or distance requirement (e.g. 1.5 metres apart) where practicable or daily opening hours of the premises to limit people to visit, or for more extreme circumstances, complete or partial closure of the premises, should be required. In this connection, the First Regulation empowers SFH to issue directions on such requirements or restrictions, for a period not exceeding 14 days on each occasion.

Group Gatherings

14. The Second Regulation prohibits a gathering of more than four persons to take place in any public places for a specified period. The prohibition will be given effect upon publishing a notice in the Gazette by SFH to specify the period of the prohibition, which must not exceed 14 days on each occasion. Similar practice has been adopted in overseas countries such as the UK, Australia, Germany and Singapore, where the maximum number of people capped by this measure varies from two to ten persons from the perspective of social distancing. We consider that limiting the

group to two persons might be too draconian whereas ten would be too many. Taking into account local practices and balancing the practical need for some people such as needy persons, elderly and small kids, we consider that the benchmark of four persons in a group to gather in public places is reasonable and realistic.

15. There is a list of exempted group gatherings, as provided in the Schedule to the Regulation, including those group gatherings for performing any government functions or duty of statutory/advisory bodies of the Government, for purposes of work at a work place, for providing or receiving healthcare services, etc.

Powers of SFH and CS

16. Both Regulations are made to tackle a public health emergency situation. Within the framework prescribed by the Regulations, SFH has been authorized to –

- (a) specify the period for imposition of the requirements or restrictions on catering business;
- (b) specify the specific social distancing measures to be imposed on catering business and the scheduled premises; and
- (c) specify the period for prohibition on group gathering from taking place in any public place

through a notice/direction of SFH published in the Gazette, to allow for swift response of the measures as well as flexibility to make adjustment to cater for the prevailing epidemic situation. Under the First Regulation, CS will have power to designate any catering business or category of catering businesses for exemption from the requirements/restrictions described in paragraphs 10 and 11. Changes to the list of scheduled premises or the scope of requirements or restrictions would itself require the further approval of Chief Executive in Council (CE in C).

17. Further, under the Second Regulation, CS may permit any group gatherings to take place if they are necessary for governmental operation or because of the exceptional circumstances of the case, otherwise would serve the public interest of Hong Kong.

Penalties

18. As a drastic measure to curb the spread of the coronavirus COVID-19, the sanction against non-compliance with the First Regulation, must be the toughest possible to create a necessary deterrent effect. The key offences under the First Regulation (like non-compliance with SFH's directions on mode of operation of Catering Business and Scheduled Premises) would attract a fine at level 5, i.e. \$50,000, and imprisonment for six months, which are the maximum penalties the Regulation may provide pursuant to section 8 of the Ordinance.

19. In respect of the Second Regulation, if a prohibited group gathering takes place, those who participate in the gathering; those who organize the gathering; and those who own, control and operate the public place in which the gathering takes place and knowingly allow the taking place of the gathering commit an offence punishable by a fine at level 4 i.e. \$25,000 and imprisonment for six months (for all). As an alternative, to deal with straightforward cases of participation in prohibited group gatherings in an expeditious manner, fixed penalty notices may be issued to participants of a prohibited group gathering, who may discharge liability for the offence by paying a fixed penalty of \$2,000.

Enforcement

20. We have proposed in the First Regulation that the enforcement of the provisions would be carried out by Inspectors appointed by SFH which would include health officers, police officers as well as other public officers from the relevant teams who are responsible for managing and upkeeping the operation of the various premises concerned. Moreover, to facilitate effective enforcement, the Inspectors will be given power to enter and inspect the premises concerned where necessary.

21. Separately, for the Second Regulation, the Director of Health would appoint authorized officers to carry out enforcement of the provisions which would include health officers, police officers as well as other public officers responsible for managing and upkeeping the various public places. Moreover, to facilitate effective enforcement, the authorized officers will be given power to demand personal details, inspect the proof of identity, disperse prohibited group gatherings and enter the relevant places where necessary.

22. For both Regulations, an immunity provision is provided to exonerate inspectors or persons under their directions from any personal liability arising from an act or an omission arising from discharging a function or exercising a power in good faith.

Administrative Relief

23. As announced by the Chief Executive on 27 March, Government will consider offering financial relief and support to those businesses and employees who are affected by the implementation of the various measures.

OTHER OPTIONS

24. Section 8 of the Ordinance empowers CE in C to make emergency regulations for the purposes of preventing, combating or alleviating the effects of the public health emergency and protecting public health. There is no other option that may enable the proposed measures.

THE REGULATIONS

The First Regulation

25. The objective of the First Regulation is to impose certain temporary measures in relation to catering business and certain premises in respect of the public health emergency concerning COVID-19. The main provisions of the First Regulation are set out below –

- (a) imposing requirements on persons carrying on a catering business to cease selling food or drink for consumption on its premises and to close any premises in which food or drink is sold for consumption on the premises during a period specified by SFH;
- (b) empowering SFH to issue directions imposing requirements or restrictions, for a period specified by SFH, in relation to the closing of any premises of a catering business, the mode of operation of any catering business and activities carried on at the premises of the business, and the opening hours of the business on a day; and
- (c) empowering SFH to issue directions imposing requirements or

restrictions, for a period specified by SFH, in relation to the closing of any premises set out in Part 1 of Schedule 2 to the First Regulation, the mode of operation of any business or activity carried on at any of those premises, and the opening hours of any of those premises on a day.

The Second Regulation

26. The objective of the Second Regulation is to impose certain temporary measures to prohibit group gathering in public places as a measure on social distancing. The main provisions of the Regulation are set out below

- (a) Section 3 prohibits a group gathering of more than 4 persons during the period specified by SFH under section 4, and provides that such a group gathering is not prohibited if it is an exempted group gathering specified in Schedule 1 or is a group gathering permitted by CS under section 5;
- (b) Section 6 prescribes offences involved in a prohibited group gathering. Section 7 provides for certain defences. Section 8 provides that a person participating in a prohibited group gathering may, in accordance with Schedule 2, discharge liability for the offence by paying a fixed penalty of \$2,000;
- (c) Sections 9 to 12 confer enforcement powers on authorized officers appointed by the Director of Health under section 14; and
- (d) Section 16 provides that the Regulation expires at midnight of 28 June 2020 (i.e. 3 months after it comes into operation).

Each of the specified period mentioned in paragraphs 25(a), (b), (c) and 26(a) must not exceed 14 days. Both Regulations would expire after three months from its commencement.

LEGISLATIVE TIMETABLE

27. The legislative timetable will be –

| | |
|------------------------------------|--|
| Publication in the Gazette | 27 March 2020 ¹ 28 March 2020 ² |
| Commencement | 28 March 2020 ¹ 29 March 2020 ² |
| Tabling at the Legislative Council | 1 April 2020 |

¹ For the First Regulation.

² For the Second Regulation.

IMPLICATIONS OF THE PROPOSAL

28. The proposal is in conformity with the Basic Law, including the provisions concerning human rights.

PUBLIC CONSULTATION

29. Given the exigency of the situation, public consultation is not feasible.

PUBLICITY

30. The Administration issued a press release on 27 and 28 March 2020 respectively. A spokesperson will be made available to respond to public or media enquiries.

BACKGROUND

31. Section 8 of the Prevention and Control of Disease Ordinance (Cap 599) empowers the CE in C to make emergency regulations on an occasion of a public health emergency for the purposes of preventing, combating or alleviating the effects of the public health emergency and protecting public health. Among others, the occurrence of a novel infectious disease or the imminent threat of an epidemic that has a high probability of causing large number of deaths or serious disabilities (whether or not long term) in the population constitutes an occasion of a public health emergency.

ENQUIRIES

32. For enquiries on this brief, please contact the Food and Health Bureau at 3509 8765.

Food and Health Bureau
March 2020

L.N. 31 of 2020

Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation

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Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation

(Made by the Chief Executive in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599))

Part 1

Preliminary

1. Commencement

This Regulation comes into operation on 28 March 2020.

2. Interpretation

In this Regulation—

manager (管理人), in relation to any premises, means the person who is responsible for the management or is in charge or control of the premises;

person responsible for carrying on a catering business (餐飲業務負責人), in relation to a catering business, includes the owner, proprietor and manager of the business;

scheduled premises (表列處所) means any premises set out in Part 1 of Schedule 2;

Secretary (局長) means the Secretary for Food and Health;

specified disease (指明疾病) means the disease specified in item 34AAA of Schedule 1 to the Ordinance.

Part 2

Requirements and Directions in Relation to Catering Business

3. Requirement to cease selling food or drink etc. during specified period

- (1) A person responsible for carrying on a catering business must, during a period specified by the Secretary under section 4(1)—
 - (a) cease selling or supplying food or drink for consumption on the premises of the business; and
 - (b) close any premises, or part of the premises, on which food or drink is sold or supplied by the business for consumption on the premises.
- (2) Subsection (1) applies despite any licence, approval, authorization, permit or exemption issued, given or granted under any Ordinance in relation to the business or the premises.
- (3) Subsection (1) does not apply to—
 - (a) a catering business carried on at any premises set out in Part 1 of Schedule 1;
 - (b) a catering business designated under section 5(1); or
 - (c) a catering business falling within a category of catering businesses designated under section 5(1).
- (4) For the purposes of subsection (1), food or drink sold or supplied by a hotel or guesthouse as part of room service is not to be regarded as being sold or supplied for consumption on the premises.

- (5) For the purposes of subsection (1), an area adjacent to the premises of the business where seating or tables are made available (whether or not by the business) for customers of the business is to be regarded as part of the premises of the business.
- (6) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (7) In subsection (4)—

guesthouse (旅館) has the meaning given by section 2(1) of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349);

hotel (旅館) has the meaning given by section 2(1) of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349).

4. Period specified by Secretary

- (1) For preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the specified disease, the Secretary may, by notice published in the Gazette, specify a period for the purposes of section 3(1).
- (2) Any period specified under subsection (1) must not exceed 14 days.
- (3) Any notice published under subsection (1) is not subsidiary legislation.

5. Chief Secretary for Administration may designate certain catering business for section 3

- (1) The Chief Secretary for Administration (*Chief Secretary*) may designate any catering business or category of catering businesses for the purposes of section 3(3)(b) or (c) if satisfied that the carrying on of the business or category of businesses—
 - (a) is necessary for governmental operation; or
 - (b) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.
- (2) The Chief Secretary may, if considered necessary, attach conditions to a designation.
- (3) The Chief Secretary may cancel a designation or vary a condition attached to a designation.
- (4) A designation, attachment of conditions, cancellation or variation under this section must be made in writing.

6. Directions of Secretary in relation to catering business

- (1) For preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the specified disease, the Secretary may issue a direction imposing requirements or restrictions, for a period specified in the direction, in relation to any or all of the following—
 - (a) the mode of operation of any catering business that sells or supplies food or drink for consumption on its premises or any activity carried on at the premises;
 - (b) the closing of the premises, or part of the premises;
 - (c) the opening hours of the business on a day.
- (2) A period specified in any direction issued under subsection (1) must not exceed 14 days.

- (3) The Secretary may impose different requirements or restrictions for different categories or descriptions of catering businesses.
- (4) Any direction issued under subsection (1)—
 - (a) must be published in the Gazette; and
 - (b) is not subsidiary legislation.

7. Person responsible for carrying on a catering business must comply with directions of Secretary

- (1) A person responsible for carrying on a catering business must comply with any direction issued under section 6(1) that is applicable in relation to the business.
 - (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
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Part 3

Directions in Relation to Scheduled Premises

8. Directions of Secretary in relation to scheduled premises

- (1) For preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the specified disease, the Secretary may issue a direction imposing requirements or restrictions, for a period specified in the direction, in relation to any or all of the following—
 - (a) the mode of operation of any business or activity carried on at any scheduled premises;
 - (b) the closing of any scheduled premises, or part of the scheduled premises;
 - (c) the opening hours of any scheduled premises on a day.
- (2) A period specified in any direction issued under subsection (1) must not exceed 14 days.
- (3) The Secretary may impose different requirements or restrictions for different categories or descriptions of scheduled premises.
- (4) Any direction issued under subsection (1)—
 - (a) must be published in the Gazette; and
 - (b) is not subsidiary legislation.

9. Manager of scheduled premises must comply with directions of Secretary

- (1) The manager of any scheduled premises must comply with any direction issued under section 8(1) that is applicable in relation to the premises.

- (2) A manager who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
-

Part 4

Inspection Powers

10. Interpretation of Part 4

In this Part—

function (職能) includes power;

specified premises (指明處所) means—

- (a) any premises on which a subject catering business is carried on; or
- (b) any scheduled premises;

subject catering business (受規管餐飲業務) means a catering business to which Part 2 applies.

11. Appointment of inspectors

- (1) The Secretary may, in writing, appoint a public officer to be an inspector for the purposes of this Regulation.
- (2) An inspector must, if so required, produce written proof of his or her appointment before performing a function under this Part.
- (3) No personal liability is incurred by an inspector or a person acting under the inspector's direction in respect of anything done or omitted to be done by the inspector or person in good faith in the performance or purported performance of a function under this Part.

12. Powers of inspectors

- (1) An inspector may do any or all of the following for ascertaining whether section 3, or any direction issued under section 6(1) or 8(1), is being or has been complied with—

- (a) at any reasonable time enter and inspect any specified premises as the inspector considers necessary;
 - (b) require the manager of any specified premises—
 - (i) to produce a book, document or any other article in the manager's possession that relates to the operation or management of the premises or to any other activity in respect of the premises; or
 - (ii) to furnish any information in the manager's possession that relates to the operation, management or activity;
 - (c) inspect, examine and copy any such book, document or article;
 - (d) conduct any examination and inquiry that the inspector considers necessary;
 - (e) require any person to provide the inspector with the assistance or information in the person's possession which the inspector considers necessary to enable the inspector to perform a function under this Part.
- (2) If an inspector reasonably suspects that an offence has been committed by a person under Part 2 or 3, the inspector may do any or all of the following—
- (a) require the person to give his or her name and address and to produce proof of identity;
 - (b) seize, remove or detain anything that appears to the inspector to be evidence of the offence;
 - (c) take samples of anything that the inspector may reasonably require for analysis.

13. Obstruction of inspectors etc. prohibited

- (1) A person must not delay, obstruct, hinder or molest an inspector who is performing a function under this Part.
 - (2) A person must comply with a requirement or request made by an inspector in the performance of a function under this Part.
 - (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 3.
-

Part 5

Expiry

14.
- Expiry
- This Regulation expires at midnight on 27 June 2020.

Schedule 1

[s. 3]

Premises Set Out for Section 3(3)(a)

Part 1

Premises

| Column 1 | Column 2 |
|----------|---|
| Item | Type of premises |
| 1. | Hospital |
| 2. | Residential care home |
| 3. | Treatment centre |
| 4. | Boarding school |
| 5. | Premises controlled or managed by the Government |
| 6. | Premises that have been constructed to be used, and are used, as a private dwelling |

Part 2

Interpretation

1.
- In this Schedule—

boarding school (寄宿學校) means a boarding school within the meaning of the Education Regulations (Cap. 279 sub. leg. A);

hospital (醫院) means a hospital within the meaning of section 4 of the Private Healthcare Facilities Ordinance (Cap. 633) or The Prince Philip Dental Hospital;

residential care home (護理院舍) means—

- (a) a residential care home in respect of which a licence, or a certificate of exemption, as defined by section 2 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459) issued or renewed under that Ordinance is in force; or
- (b) a residential care home for persons with disabilities in respect of which a licence, or a certificate of exemption, as defined by section 2 of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) issued or renewed under that Ordinance is in force;

treatment centre (治療中心) means a treatment centre within the meaning of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566) in respect of which a licence or a certificate of exemption under that Ordinance is in force.

Schedule 2

[s. 2]

Scheduled Premises

Part 1

Premises

| Column 1 Item | Column 2 Type of premises |
|------------------|---|
| 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 |

Part 2

Interpretation

- 1. In this Schedule—

amusement game centre (遊戲機中心) means—

- (a) an amusement game centre within the meaning of section 2(1) of the Amusement Game Centres Ordinance (Cap. 435);
- (b) any place that is the subject of an order under section 3(1)(a) of that Ordinance; or
- (c) any area that is specified in an order under section 3(1)(b) of that Ordinance;

bathhouse (浴室) has the meaning given by section 3(1) of the Commercial Bathhouses Regulation (Cap. 132 sub. leg. I);

fitness centre (健身中心) means any premises on which one or more of the following types of services are provided—

- (a) the provision of exercise machines or equipment for use;
- (b) the provision of advice, instruction, training or assistance on improving physical fitness, including—
 - (i) bodybuilding;
 - (ii) dancing;
 - (iii) yoga, pilates or body stretching; and
 - (iv) martial arts;

place of amusement (遊樂場所) includes—

- (a) a billiard establishment within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132);
- (b) a public bowling-alley within the meaning of that section; and
- (c) a public skating rink within the meaning of that section;

place of public entertainment (公眾娛樂場所) has the meaning given by section 2 of the Places of Public Entertainment Ordinance (Cap. 172).

Wendy LEUNG
Clerk to the Executive Council

COUNCIL CHAMBER

27 March 2020

Explanatory Note

The object of this Regulation is to impose certain temporary measures in relation to catering business and certain premises in respect of the public health emergency concerning the disease specified in item 34AAA of Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599).

2. The measures include—

- (a) imposing requirements on persons responsible for carrying on a catering business to cease selling or supplying food or drink for consumption on the premises of the business and to close any premises on which food or drink is sold or supplied for consumption on the premises during a period specified by the Secretary for Food and Health (*Secretary*);
- (b) empowering the Secretary to issue directions imposing requirements or restrictions, for a period specified by the Secretary, in relation to the mode of operation of a catering business and any activity carried on at the premises of the business, the closing of the premises, and the opening hours of the business on a day; and
- (c) empowering the Secretary to issue directions imposing requirements or restrictions, for a period specified by the Secretary, in relation to the closing of any premises set out in Part 1 of Schedule 2 to the Regulation (*scheduled premises*), the mode of operation of any business or activity carried on at any scheduled premises, and the opening hours of any scheduled premises on a day.

3. Each period that may be specified by the Secretary must not exceed 14 days.
4. A person responsible for carrying on a catering business commits an offence if the person, without reasonable excuse, fails to comply with any requirement referred to in paragraph 2(a), or any direction referred to in paragraph 2(b) that is applicable in relation to the business. The manager of any scheduled premises commits an offence if the manager, without reasonable excuse, fails to comply with any direction referred to in paragraph 2(c) that is applicable in relation to the scheduled premises.

Prevention and Control of Disease (Prohibition on Group Gathering) Regulation

L.N. 32 of 2020
B537**L.N. 32 of 2020****Prevention and Control of Disease (Prohibition on Group Gathering) Regulation****Contents**

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Prevention and Control of Disease (Prohibition on Group Gathering) Regulation

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Prevention and Control of Disease (Prohibition on Group Gathering) Regulation

(Made by the Chief Executive in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599))

1. Commencement

This Regulation comes into operation on 29 March 2020.

2. Interpretation

In this Regulation—

authorized officer (獲授權人員) means an authorized officer appointed under section 14(1);

fixed penalty (定額罰款) means the fixed penalty under section 8(1);

group gathering (羣組聚集) means a gathering of more than 4 persons;

prohibited group gathering (受禁羣組聚集) means a group gathering the taking place of which is prohibited under section 3;

public place (公眾地方) means 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;

Secretary (局長) means the Secretary for Food and Health;

specified disease (指明疾病) means the disease specified in item 34AAA of Schedule 1 to the Ordinance;

specified period (指明期間) means a period specified under section 4(1).

3. Prohibition on group gathering during specified period

- (1) No group gathering may take place in any public place during a specified period.
- (2) Subsection (1) does not apply to—
 - (a) an exempted group gathering specified in Schedule 1; and
 - (b) a group gathering that is permitted under section 5(1).

4. Period specified by Secretary

- (1) For preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the specified disease, the Secretary may, by notice published in the Gazette, specify a period for the purposes of section 3(1).
- (2) Any period specified under subsection (1) must not exceed 14 days.
- (3) Any notice published under subsection (1) is not subsidiary legislation.

5. Chief Secretary for Administration may permit group gathering

- (1) The Chief Secretary for Administration (**Chief Secretary**) may permit any group gathering for the purposes of section 3(2)(b) if satisfied that the taking place of the gathering—
 - (a) is necessary for governmental operation; or
 - (b) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.
- (2) The Chief Secretary may, if considered necessary, attach conditions to a permission.

Section 6

- (3) The Chief Secretary may cancel a permission or vary a condition attached to a permission.
- (4) A permission, attachment of conditions, cancellation or variation under this section must be made in writing.

6. Offence if prohibited group gathering takes place

- (1) If a prohibited group gathering takes place, each of the following persons commits an offence—
 - (a) a person who participates in the gathering;
 - (b) a person who organizes the gathering;
 - (c) a person who—
 - (i) owns, controls or operates the place in which the gathering takes place; and
 - (ii) knowingly allows the taking place of the gathering.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

7. Defence for offence under section 6

- (1) It is a defence for a person who is charged with an offence under section 6(1) in respect of a prohibited group gathering to establish that, at the time of the alleged offence, the person had lawful authority or reasonable excuse—
 - (a) for a person charged under section 6(1)(a)—for participating in the gathering;
 - (b) for a person charged under section 6(1)(b)—for organizing the gathering; or

Section 8

- (c) for a person charged under section 6(1)(c)—for allowing the taking place of the gathering.
- (2) A person is taken to have established a matter that needs to be established for a defence under this section if—
 - (a) there is sufficient evidence to raise an issue with respect to that matter; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

8. Fixed penalty in discharge of liability under section 6(1)(a)

- (1) If a person commits an offence under section 6(1)(a), the person may, in accordance with Schedule 2, discharge liability for the offence by paying a fixed penalty of \$2,000.
- (2) Schedule 2 provides for matters relating to the fixed penalty.

9. Power to demand personal details and inspect proof of identity

- (1) This section applies if an authorized officer has reason to believe that a person is committing or has committed an offence under section 6(1).
- (2) The authorized officer may, for issuing or serving a summons or other document in relation to the offence, require the person to—
 - (a) supply the person's name, date of birth, address and contact telephone number (if any); and
 - (b) produce for inspection the person's proof of identity.
- (3) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (2) commits an offence and is liable on conviction to a fine at level 3.

- (4) A person who, in purported compliance with a requirement made under subsection (2), supplies any information that the person knows to be false or misleading commits an offence and is liable on conviction to a fine at level 3.
- (5) In this section—
proof of identity (身分證明文件) has the same meaning as in section 17B of the Immigration Ordinance (Cap. 115).

10. Power to disperse prohibited group gathering etc.

- (1) An authorized officer may disperse a gathering in a public place if—
 - (a) the officer reasonably believes that the gathering is a prohibited group gathering; or
 - (b) the gathering is a dispersable gathering within the meaning of subsection (2).
- (2) For subsection (1)(b), if the distance between any participant of a gathering in a public place and any participant of another gathering in the place is less than 1.5 m, and the total number of participants of the gatherings is more than 4, then each of the gatherings is a dispersable gathering.
- (3) For the purposes of exercising a power conferred by subsection (1), an authorized officer may—
 - (a) give any order that the officer reasonably considers necessary or expedient;
 - (b) use any force that is reasonably necessary to disperse a gathering that the officer reasonably believes to be a prohibited group gathering; and

- (c) enter any public place in which the officer reasonably believes that a prohibited group gathering or a dispersable gathering is taking place.
- (4) A person who, without reasonable excuse, refuses or wilfully neglects to obey an order given under subsection (3)(a) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

11. Power to enter and inspect public place

An authorized officer may do any or all of the following for ascertaining whether section 3(1) is being or has been complied with—

- (a) at any reasonable time enter and inspect any public place as the officer reasonably considers necessary;
- (b) require the person who owns, controls or operates the place—
 - (i) to produce any document or article in the person's possession that relates to any activity carried out in the place that the officer reasonably believes to be a prohibited group gathering; or
 - (ii) to furnish any information in the person's possession that relates to the activity;
- (c) inspect, examine and copy any such document or article;
- (d) conduct any examination and inquiry that the officer reasonably considers necessary;
- (e) require any person to provide the officer with the assistance or information in the person's possession that the officer reasonably considers necessary to

enable the officer to perform a function under this Regulation;

- (f) if an authorized officer reasonably believes that an offence has been committed under section 6(1) in respect of the place—seize, remove or detain any thing found in the place that appears to the officer to be evidence of the offence.

12. Power to enter and search premises with warrant for investigation

- (1) If satisfied by information on oath that there are reasonable grounds for suspecting that there is on any premises any thing that is or contains, or that is likely to be or to contain, evidence of an offence under this Regulation, a magistrate may issue a search warrant in respect of the premises.
- (2) The search warrant may authorize an authorized officer to—
 - (a) break into and forcibly enter the premises and search the premises;
 - (b) seize, remove or detain any thing that appears to the officer to be or to contain, or to be likely to be or to contain, evidence of an offence under this Regulation; and
 - (c) require any person present on the premises to provide the officer with any assistance or information that the officer reasonably considers necessary to enable the officer to perform a function under this Regulation.

13. Obstruction of authorized officer etc. prohibited

- (1) A person must not delay, obstruct, hinder or molest an authorized officer who is performing a function under this Regulation.
- (2) A person must comply with a requirement made by an authorized officer in the performance of a function under this Regulation.
- (3) A person who, without reasonable excuse, contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 3.

14. Authorized officers

- (1) The Director may appoint any public officer as an authorized officer for the purposes of this Regulation.
- (2) No personal liability is incurred by an authorized officer or a person acting under the officer's direction in respect of any thing done or omitted to be done by the officer or person in good faith in the performance or purported performance of a function under this Regulation.

15. Notices and certificates

The Director may specify the form of any notice or certificate for the purposes of this Regulation.

16. Expiry

This Regulation expires at midnight on 28 June 2020.

Schedule 1

[s. 3]

Exempted Group Gatherings

1. Group gathering for the purposes of or related to transportation
2. Group gathering for performing any governmental function
3. Group gathering for performing any function of a statutory body or an advisory body of the Government
4. Group gathering at a place of work for the purposes of work
5. Group gathering for obtaining or receiving hospital or healthcare service at a healthcare facility
6. Group gathering of persons living in the same household
7. Group gathering necessary for the conduct of proceedings in a court, magistrates' court or tribunal
8. Group gathering necessary for the proceedings in the Legislative Council or a District Council
9. Group gathering during a funeral, or during any other occasion for mourning for or remembering a deceased who has yet to be buried or cremated (including any ritual or ceremony held in the vicinity of the place where the deceased died or suffered fatal injury to mourn for the death of the deceased)

10. Group gathering of not more than 20 persons during a wedding ceremony at which no food or drink is served
 11. Group gathering at a meeting of a body that must be held within a specified period in order to comply with any Ordinance or other regulatory instrument that governs the operation of the body or its business
 12. Group gathering held for imparting information or skills, or handling supplies or items, that are conducive to the prevention and control of the specified disease
-

Schedule 2

[s. 8]

Fixed Penalty**Part 1****Interpretation****1. Interpretation**

In this Schedule—

demand notice (繳款通知書) means a demand notice served under section 4(2) of this Schedule;*penalty notice* (罰款通知書) means a penalty notice given under section 2(2) of this Schedule;*recovery order* (追討令) means an order made under section 7(2) of this Schedule;*specified form* (指明格式) means a form specified under section 15.**Part 2****Penalty Notice and Demand Notice****2. Authorized officer may give penalty notice**

- (1) This section applies if an authorized officer has reason to believe that a person is committing or has committed an offence under section 6(1)(a).
- (2) The authorized officer may give the person a penalty notice in the specified form offering the person an

opportunity to discharge the person's liability for the offence by paying the fixed penalty within 21 days after the date on which the notice is given.

- (3) A penalty notice must be given by the authorized officer personally to the person.

3. No prosecution or conviction if compliance with penalty notice

- (1) This section applies to a person who has been given a penalty notice in respect of an offence under section 6(1)(a).
- (2) Subject to section 6 of this Schedule, the person is not liable to be prosecuted or convicted for the offence if the person has paid the fixed penalty within 21 days after the date on which the penalty notice is given.

4. Director may serve demand notice in case of failure to pay fixed penalty etc.

- (1) This section applies if—
 - (a) a person—
 - (i) has been given a penalty notice in respect of an offence under section 6(1)(a); and
 - (ii) fails to pay the fixed penalty within 21 days after the date on which the notice is given; or
 - (b) a person refuses to accept a penalty notice intended to be given to the person in respect of the offence.
- (2) The Director may serve on the person a demand notice in the specified form—
 - (a) demanding payment of the fixed penalty;
 - (b) informing the person that the person must notify the Director in writing if the person wishes to dispute liability for the offence; and

- (c) stating that the payment or notification must be made within 10 days after the date on which the demand notice is served.
- (3) A demand notice may not be served later than—
 - (a) if subsection (1)(a) applies—6 months after the date on which the penalty notice is given; or
 - (b) if subsection (1)(b) applies—6 months after the date on which the person refuses to accept the penalty notice.
- (4) A demand notice may be served by sending it by post to the person's address.
- (5) A certificate of posting in the specified form purporting to be signed by or for the Director is admissible in evidence in any proceedings under this Regulation.
- (6) Unless there is evidence to the contrary, it is presumed that—
 - (a) the certificate was signed by or for the Director; and
 - (b) the demand notice to which the certificate relates was duly served.

5. No prosecution or conviction if compliance with demand notice

- (1) This section applies to a person on whom a demand notice has been served in respect of an offence under section 6(1)(a).
- (2) Subject to section 6 of this Schedule, the person is not liable to be prosecuted or convicted for the offence if the person has paid the fixed penalty within 10 days after the date on which the demand notice is served.

6. Withdrawal of penalty notice or demand notice

- (1) The Director may withdraw a penalty notice given, or a demand notice served, in respect of an offence under section 6(1)(a)—
 - (a) at any time before a recovery order is made; or
 - (b) at any time before any proceedings for the offence commence.
- (2) If a penalty notice or demand notice is withdrawn—
 - (a) the Director must serve notice of the withdrawal on the person to whom, or on whom, the penalty notice or demand notice has been given or served; and
 - (b) on application by the person, the Director must refund, through the Director of Accounting Services, any amount paid for the fixed penalty.
- (3) If a penalty notice or demand notice is withdrawn, proceedings for the offence may only be commenced where—
 - (a) the ground, or one of the grounds, on which the notice is withdrawn is that it contains incorrect information; and
 - (b) the incorrect information was supplied by the person to whom, or on whom, the notice was given or served.

Part 3

Recovery of Fixed Penalty

7. Recovery of fixed penalty

- (1) This section applies if a person on whom a demand notice has been served—

- (a) fails to pay the fixed penalty in accordance with the notice; and
 - (b) fails to notify the Director in accordance with the notice that the person wishes to dispute liability for the offence.
- (2) On application made in the name of the Secretary for Justice and production of the documents specified in subsection (3), a magistrate must order the person to pay, within 14 days after the date of service of notice of the order—
 - (a) the fixed penalty;
 - (b) an additional penalty equal to the amount of the fixed penalty; and
 - (c) \$300 by way of costs.
- (3) The documents are—
 - (a) a copy of the demand notice;
 - (b) a certificate of posting relating to the demand notice under section 4(5) of this Schedule; and
 - (c) a certificate under section 8 of this Schedule.
- (4) A magistrate must cause notice of a recovery order to be served on the person against whom it is made and it may be served by sending it by post to the person's address.
- (5) An application may be made in the absence of the person and the Secretary for Justice may appoint a person or class of persons to make an application.

8. Evidentiary certificate

- (1) A certificate in the specified form stating the matters in subsection (2) and purporting to be signed by or for the Director is admissible in evidence in any proceedings under this Regulation.
- (2) The matters are—
 - (a) that the person specified in the certificate had not, before the date of the certificate, paid the fixed penalty;
 - (b) that the person specified in the certificate had not, before the date of the certificate, notified the Director that the person wished to dispute liability for the offence; and
 - (c) that the address specified in the certificate was, on the date specified in the certificate in relation to the address, the person's address.
- (3) Unless there is evidence to the contrary—
 - (a) it is presumed that the certificate was signed by or for the Director; and
 - (b) the certificate is evidence of the facts stated in it.

9. Consequences of compliance with recovery order or failure to do so

- (1) This section applies to a person against whom a recovery order is made.
- (2) If the person has complied with the recovery order, the person is not liable to be prosecuted or convicted for the offence to which the order relates.
- (3) If the person fails to comply with the recovery order, the person—

- (a) is to be regarded, for the purposes of section 68 of the Magistrates Ordinance (Cap. 227), as having failed to pay the sum adjudged to be paid by a conviction; and
- (b) is liable to be imprisoned under that section.

10. Application for review of recovery order

- (1) A person against whom a recovery order is made may apply to a magistrate for review of the order.
- (2) An application must be made within 14 days after the date on which the recovery order first came to the personal notice of the applicant.
- (3) The applicant must give reasonable notice of the application to the Director.
- (4) An application may be made in person or by counsel or solicitor.
- (5) For securing the attendance of witnesses and generally for conducting the proceedings, the magistrate has all the powers of a magistrate hearing a complaint under the Magistrates Ordinance (Cap. 227).

11. Outcome of review

- (1) On application under section 10 of this Schedule, a magistrate may rescind a recovery order if satisfied that the demand notice did not come to the personal notice of the applicant without any fault of the applicant.
- (2) If the magistrate rescinds a recovery order, and the applicant wishes to dispute liability for the offence to which the order relates, the magistrate must give leave to that effect.

- (3) If the magistrate rescinds a recovery order, and the applicant does not wish to dispute liability for the offence to which the order relates, the magistrate—
 - (a) must order the applicant to pay the fixed penalty within 10 days after the date of an order made under this paragraph; and
 - (b) must order that, if the applicant fails to pay the fixed penalty within that period, the applicant must immediately pay—
 - (i) the fixed penalty;
 - (ii) an additional penalty equal to the amount of the fixed penalty; and
 - (iii) \$300 by way of costs.
- (4) Despite section 26 of the Magistrates Ordinance (Cap. 227), if a magistrate gives leave under subsection (2), proceedings may be commenced within 6 months after the date on which the magistrate gives the leave.
- (5) If the applicant fails to comply with the order under subsection (3)(b), the applicant—
 - (a) is to be regarded, for the purposes of section 68 of the Magistrates Ordinance (Cap. 227), as having failed to pay the sum adjudged to be paid by a conviction; and
 - (b) is liable to be imprisoned under that section.
- (6) If the applicant has complied with the order under subsection (3)(a) or (b), the applicant is not liable to be prosecuted or convicted for the offence to which the order relates.

Part 4**Proceedings if Person Disputes Liability****12. Dispute of liability for offence**

- (1) This section applies if—
 - (a) a person has notified the Director in accordance with a demand notice that the person wishes to dispute liability for an offence under section 6(1)(a); or
 - (b) a person has been given leave under section 11(2) of this Schedule to dispute liability for an offence under section 6(1)(a).
- (2) A summons issued in any proceedings against the person for the offence may be served on the person in accordance with section 8 of the Magistrates Ordinance (Cap. 227).
- (3) If—
 - (a) in consequence of the notification or leave, the person appears in any proceedings in answer to a summons; and
 - (b) the person is convicted of the offence after having offered no defence or a defence that is frivolous or vexatious,

the magistrate before whom the proceedings are heard must, in addition to any other penalty and costs, impose an additional penalty equal to the amount of the fixed penalty.
- (4) Any proceedings commenced against a person falling within subsection (1)(a) must terminate if the person pays in accordance with subsection (5)—
 - (a) the fixed penalty;

- (b) an additional penalty equal to the amount of the fixed penalty; and
 - (c) \$500 by way of costs.
- (5) Payment under subsection (4) must be made at any magistrates' court not less than 2 days before the day specified in the summons for the person's appearance, and the summons must be produced at the time of the payment.
 - (6) Neither a Saturday nor a public holiday may be included in the computation of the 2 days' period mentioned in subsection (5).

Part 5**General Provisions for Proceedings****13. Power to rescind order on application by Director**

At any time, a magistrate may for good cause, on application by the Director, rescind—

- (a) an order for the payment of the fixed penalty; and
- (b) any other order made under this Schedule in the same proceedings.

Wendy LEUNG
Clerk to the Executive Council

COUNCIL CHAMBER

28 March 2020

Explanatory Note

The object of this Regulation is to prohibit gatherings of more than 4 persons (*group gatherings*) in public places for preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the disease specified in item 34AAA of Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599).

2. Section 1 prescribes the commencement date.
3. Section 2 contains the definitions used in the Regulation.
4. Section 3 prohibits the taking place of a group gathering (unless exempted or permitted) in a public place during a period specified by the Secretary for Food and Health under section 4.
5. Section 5 empowers the Chief Secretary for Administration to permit group gatherings that satisfy certain criteria.
6. Section 6 prescribes offences for persons involved in a prohibited group gathering. Section 7 provides certain defences to those persons.
7. Section 8 provides for the payment of a fixed penalty to discharge the liability of an offence under section 6(1)(a).
8. Sections 9, 10, 11 and 12 confer enforcement powers on authorized officers.
9. Section 13 provides for offences for obstructing an authorized officer etc.

10. Section 14 makes provisions for authorized officers.
11. Section 15 empowers the Director of Health to specify the form of any notice or certificate for the purposes of the Regulation.
12. Section 16 prescribes the expiry date of the Regulation.
13. Schedule 1 provides for exempted group gatherings.
14. Schedule 2 provides for matters relating to the fixed penalty under section 8.

G.N. (E.) 16 of 2020

**PREVENTION AND CONTROL OF DISEASE (REQUIREMENTS AND DIRECTIONS)
(BUSINESS AND PREMISES) REGULATION**

Directions in Relation to Catering Business

I hereby exercise the power conferred by section 6 of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation to direct that, during a period of 14 days beginning at 6:00 p.m. on 28 March 2020:—

- (a) the number of customers at any premises on which food or drink is sold or supplied for consumption on the premises (*catering premises*) at any one time must not exceed 50% of the normal seating capacity of the premises;
- (b) tables available for use or being used by customers within any catering premises must be arranged in a way to ensure there is a distance of at least 1.5 m or some form of partition which could serve as effective buffer between one table and another table at the premises;
- (c) no more than 4 persons may be seated together at one table within any catering premises;
- (d) a person must wear a mask at any time within any catering premises, except when the person is consuming food or drink on the premises;
- (e) body temperature screening on a person must be conducted before the person is allowed to enter the catering premises; and
- (f) hand sanitizers must be provided at any catering premises for any person at the premises.

27 March 2020

Secretary for Food and Health

G.N. (E.) 17 of 2020

PREVENTION AND CONTROL OF DISEASE (REQUIREMENTS AND DIRECTIONS) (BUSINESS AND PREMISES) REGULATION

Directions in Relation to Scheduled Premises

I hereby exercise the power conferred by section 8 of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation to direct that all premises set out in Part 1 of Schedule 2 to that Regulation, as listed below:—

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

must be closed for a period of 14 days beginning at 6:00 p.m. on 28 March 2020.

27 March 2020

Secretary for Food and Health

G.N. (E.) 19 of 2020

**PREVENTION AND CONTROL OF DISEASE (PROHIBITION
ON GROUP GATHERING) REGULATION**

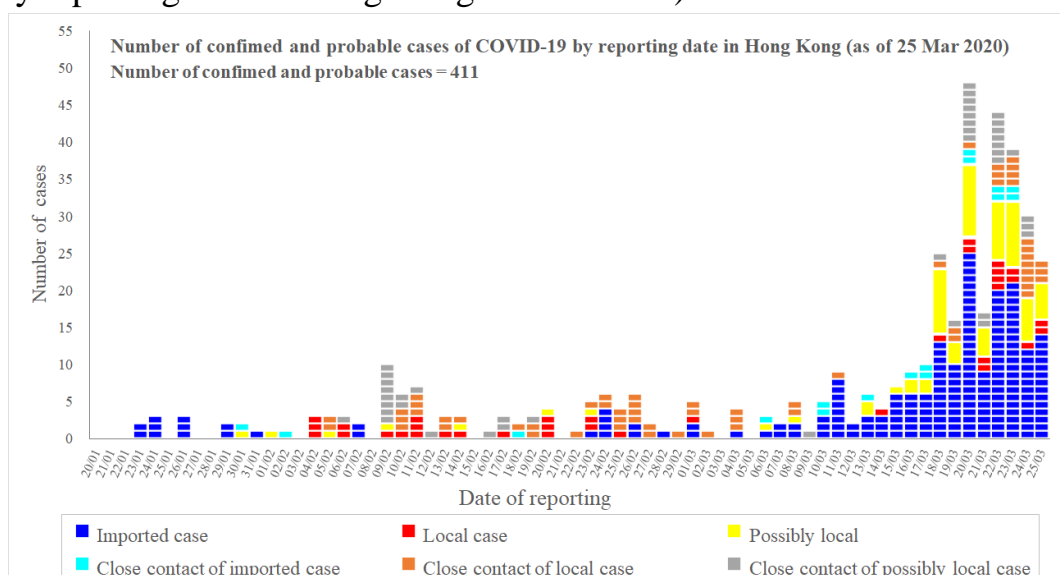
I hereby exercise the power conferred by section 4(1) of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation to specify, with effect from 29 March 2020, the period from 29 March 2020 to 11 April 2020 for the purposes of section 3(1) of that Regulation.

28 March 2020

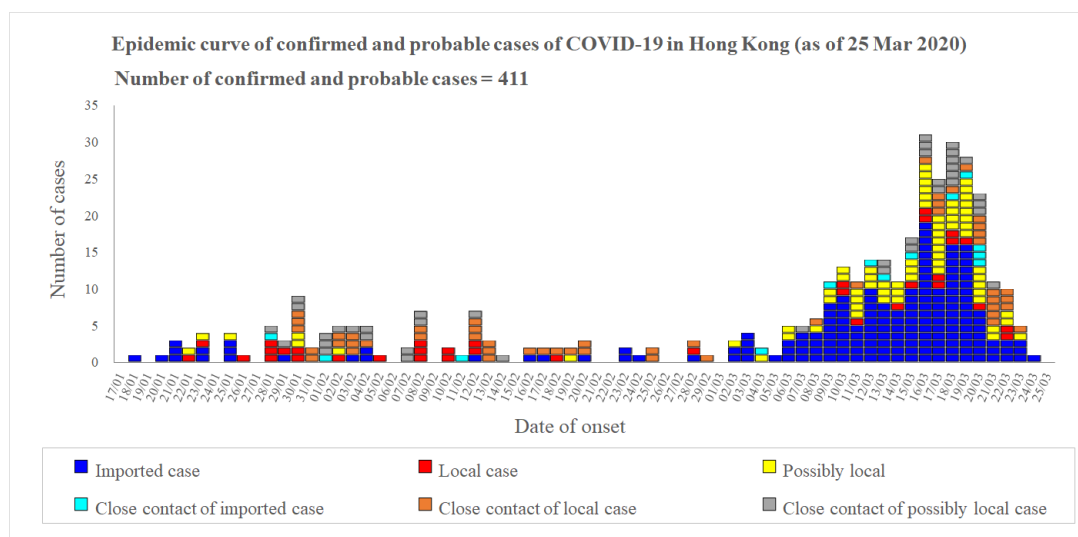
Secretary for Food and Health

Latest local situation by epidemic curve

1. By date of reporting (Number of confirmed and probable cases of COVID-19 by reporting date in Hong Kong as of 25 Mar)



2. By date of onset (Epidemic curve of confirmed and probable cases of COVID-19 in Hong Kong as of 25 Mar)¹



¹ Asymptomatic cases are not shown in this epidemic curve.

Social Distancing Measures Imposed by Selected Overseas Jurisdictions

| Australia | Germany | United Kingdom | United States | Singapore |
|--|--|---|---|--|
| (1) Lockdown of the City | | | | |
| <p>Only Australian citizens, residents and immediate family members can travel to Australia.¹</p> <p>Australian citizens and Australian permanent residents are restricted from travelling overseas.²</p> <p>All travellers to Australia are required to self-isolate for 14 days, either at home or in a hotel.</p> <p>Restrictions do not apply to gatherings at an airport that are necessary for the normal business of the airport.</p> | <p>All corresponding entries from non- European Union (“EU”)-citizens and citizens of non-Schengen states by plane or ship will be affected.³</p> <p>Entry will be possible for German citizens.</p> <p>EU-citizens and citizens of Great Britain, Iceland, Liechtenstein, Norway and Switzerland; and their family members will be allowed to transit through Germany to reach their home countries. The same will apply for foreigners holding a residence permit in one of these countries.</p> <p>Other people may be rejected entry, if they cannot provide proof of urgent reasons for their entry.</p> | - | <p>Passengers who meet the following criteria are not permitted to enter the United States (“US”)⁴</p> <p>Non-US citizens or residents who have visited or transited through the following countries/regions in the past 14 days -</p> <p>(a) Mainland China; (b) Iran; (c) Austria, Belgium, Czech Republic, Denmark, Estonia, Finland; (d) France, Germany, Greece, Hungary, Iceland, Italy, Latvia; (e) Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands; (f) Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (g) Switzerland; and (h) United Kingdom, Ireland.</p> | <p>Only the following passengers are permitted to enter Singapore -⁵</p> <p>(a) Singapore citizens; (b) permanent residents; and (c) long term pass holders (including work pass, student’s pass, dependent’s pass and long term visit pass).</p> |
| (2) Stay-home | | | | |
| - | <p>State-wide lockdown in the state of Bavaria.⁶</p> <p>In Berlin, people should stay "permanently at home" and only leave for essential activities like shopping for food, helping sick relatives or exercising. If someone leaves the house, he/she must carry a form of identity, such as an identity card or a passport, as well as a document showing his residential address.</p> <p>Police and other law enforcement agencies will enforce any infractions of the new rules</p> | <p>Go outside only for food, health reasons or work (where this absolutely cannot be done from home).⁷</p> <p>Must stay at home apart from essential travel or one may be fined.</p> | <p>● State of California: All individuals should stay home except for essential needs.⁸</p> <p>● New York State: Any concentration of individuals outside their home must be limited to workers providing essential services.⁹</p> | <p>Urge foreign domestic workers to stay home on rest day.¹⁰</p> |

¹ Effective from 20 March 2020; until further notice.² Effective from 25 March 2020; until further notice.³ Effective from 17 March 2020; until further notice.⁴ Effective from 17 March 2020; until further notice.⁵ Effective from 23 March 2020; until further notice.⁶ Effective from 20 March 2020; initially for two weeks.⁷ Effective from 23 March 2020; last for three weeks.⁸ Effective from 19 March 2020; until further notice.⁹ Effective from 22 March 2020; for 90 days.¹⁰ Effective from 21 March 2020; until further notice.

| Australia | Germany | United Kingdom | United States | Singapore |
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| (3) Gathering at Public Places | | | | |
| <p>Gatherings of 500 people or more in a single, undivided outdoor space at the same time, or a gathering of 100 people or more in a single undivided indoor space at the same time are prohibited.¹¹</p> <p>The four square metre rule does not apply to essential gatherings (e.g. schools, hospitals, transport, offices) or gatherings at a person’s home.</p> | <p>People are encouraged to reduce contact with people outside their own household to an absolute minimum. Wherever possible, a minimum distance of 1.5 metres must be maintained between people in public.¹²</p> <p>Spending time in public is only permitted on one’s own, with another person who does not live in the same household as him/her, or with members of his/her household.</p> <p>Groups of people celebrating in public places and in private homes/facilities are unacceptable given the serious situation.</p> <p>A general entry ban in hospitals, nursing homes, rehabilitation facilities, kindergartens, schools and universities for people who have stayed in risk areas abroad or particularly affected regions in Germany.</p> <p>A blanket ban on gatherings in clubs, sports and leisure facilities, adult education centres and places of worship such as churches, mosques, synagogues.¹³</p> | <p>Stop all public gatherings of more than two people, except -¹⁴</p> <p>(a) where the gathering is of a group of people who live together; and</p> <p>(b) where the gathering is essential for work purposes – but workers should try to minimise all meetings and other gatherings in the workplace.</p> <p>Stay two metres (or six feet) away from other people.</p> <p>Stop social events, including weddings, baptisms and other religious ceremonies. This excludes funerals, which can be attended by immediate family.</p> <p>Close public spaces, including –</p> <p>(a) communal places within parks, such as playgrounds, sports courts and outdoor gyms;</p> <p>(b) places of worship, except for funerals attended by immediate families; and</p> <p>(c) libraries, community centres, and youth centres.</p> | <ul style="list-style-type: none"> ● State of California: Public events, gatherings, convention centers, etc. will be closed.¹⁵ ● New York State: Non-essential gatherings of individuals of any size for any reason are canceled or postpones; when in public individuals must practice social distancing of at least six feet from others.¹⁶ | <p>Limit gatherings to 10 people or fewer.</p> <p>Defer or cancel all events and mass gatherings, e.g. conferences, exhibitions, festivals, concerts, weddings, sporting events and trade fairs.</p> <p>Funerals and wakes to limit attendance as far as possible to family members only, and ten people or fewer at any point.</p> <p>Suspend religious services and congregations. Places of worship may stay open for private services, subject to group size of ten people or fewer.</p> <p>For diners, ten related diners or fewer can be seated together at one table. Tables must be spaced out.</p> <p>For malls, museums and attractions-</p> <ul style="list-style-type: none"> • reduce operating capacity to no more than one person per 16 square metres of usable space; • groups must not exceed ten people; and • must close if unable to adhere to requirements.¹⁷ |

¹¹ Effective from 20 March 2020; until further notice.

¹² Effective from 23 March 2020; until further notice.

¹³ Effective from 17 March 2020; until further notice.

¹⁴ Effective from 23 March 2020; last for three weeks.

¹⁵ Effective from 19 March 2020; until further notice.

¹⁶ Effective from 22 March 2020; for 90 days.

¹⁷ Effective from 26 March 2020; expected to stay in place until 30 April 2020.

| Australia | Germany | United Kingdom | United States | Singapore |
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| (4) Closure of Business | | | | |
| <p>The following facilities will be restricted from opening –¹⁸</p> <p>(a) pubs, registered and licenced clubs (excluding bottle shops attached to these venues);</p> <p>(b) hotels (excluding accommodation);</p> <p>(c) gyms and indoor sporting venues;</p> <p>(d) cinemas, entertainment venues, casinos;</p> <p>(e) restaurants and cafes will be restricted to takeaway and/or home delivery;</p> <p>(f) religious gatherings, places of worship or funerals (in enclosed spaces and other than very small groups and where the one person per four square metre rule applies)</p> <p>(g) food courts (except for take away);</p> <p>(h) auction houses, real estate auctions and open houses</p> <p>(i) personal services (beauty, nail, tanning, waxing and tattoo salons);</p> <p>(j) spa and massage parlours, excluding health related services such as physiotherapy;</p> <p>(k) amusement parks, arcades and play centres (indoor and outdoor);</p> <p>(l) strip clubs, brothels and sex on premises venues;</p> <p>(m) galleries, national institutions, historic sites and museums;</p> <p>(n) health clubs, fitness centres, yoga, barre and spin facilities, saunas, bathhouses and wellness centres and swimming pools;</p> <p>(o) community facilities such as community halls, libraries, youth centres, Returned and Services League and Police Citizens Youth Club;</p> <p>(p) gaming and gambling venues; and</p> <p>(q) indoor and outdoor markets (excluding food markets) (states and territories will make their own announcements about this)</p> <p>Separately –</p> <p>(a) weddings can be conducted with no more than five people, including the couple, celebrant and witnesses;</p> <p>(b) funerals must be limited to no more than ten people; and</p> <p>(c) hair-dressers and barbers can continue to operate under strict new rules, the four square meter rule must be observed. Clients must not spend more than 30 minutes inside the premises.</p> | <p>Close most businesses, including but not limited to, bars, clubs, theatres, museums, cinemas, gyms, swimming pools, zoos and amusement parks.¹⁹</p> <p>Cafeterias, restaurants and hotels are required to minimise the risk of the spread of coronavirus, for instance by regulating the distance between tables and the number of visitors.</p> <p>Restrict the opening hours of restaurants and cafeterias, i.e. open no earlier than 6 a.m. and closed no later than 6 p.m.</p> | <p>Close non-essential shops and businesses, including –²⁰</p> <p>(a) restaurants (food delivery and takeaway can remain operational);</p> <p>(b) cafes and canteens, except those at hospitals, care homes, schools, prison and military; or services providing food or drink to homeless (food delivery and takeaway can remain operational);</p> <p>(c) nightclubs, bars, pubs, cinemas and theatres;</p> <p>(d) retail stores selling non-essential goods including clothing and electronics stores; hair, beauty and nail salons; and outdoor and indoor markets, excluding food markets;</p> <p>(e) indoor and outdoor leisure facilities; and</p> <p>(f) hotels, hostels, bed and breakfasts, campsites, caravan parks, and boarding houses for commercial/leisure use, excluding permanent residents, key workers and those providing emergency accommodation, for example for the homeless.</p> | <p>● State of California: Only essential services will remain open.²¹</p> <p>● New York State: All non-essential businesses state-wide be closed.²²</p> | <p>Close bars and entertainment venues, including night clubs, discos, cinemas, theatres and karaoke outlets.²³</p> |

¹⁸ Effective from 23 March 2020; updated on 26 March 2020; to be reviewed on a monthly basis.

¹⁹ Effective from 17 March 2020; until further notice.

²⁰ Effective from 23 March 2020; last for three weeks.

²¹ Effective from 19 March 2020; until further notice.

²² Effective from 22 March 2020; for 90 days.

²³ Effective from 26 March 2020; expected to stay in place until 30 April 2020.