

## **LEGISLATIVE COUNCIL BRIEF**

### **Prevention and Control of Disease Ordinance (Cap. 599)**

#### **PREVENTION AND CONTROL OF DISEASE (PROHIBITION ON GROUP GATHERING) (AMENDMENT) (NO. 5) REGULATION 2020**

### **INTRODUCTION**

Annex A At the meeting of the Executive Council on 16 June 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 5) Regulation 2020 (“the Amendment Regulation”) (at Annex A) should be made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”) to –

- (a) increase the number of persons constituting a “group gathering” prohibited, or gatherings that may be dispersed, from more than eight to more than 50;
- (b) broaden the scope of exempted group gatherings to cover those held at catering business premises to which directions issued under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) apply; and
- (c) refine the list of exempted group gatherings to align with the change in sub-paragraph (a) above.

### **JUSTIFICATIONS**

#### **Local Situation and New Normal**

2. Since early April 2020, Hong Kong has successfully flattened the curve with the number of confirmed cases of Coronavirus Disease 2019 (“COVID-19”) dropping to just 70 cases in the past six weeks (5 May to 14 June 2020). These included 54 imported cases (46 from Pakistan/Bangladesh/India/the Philippines and 8 from the United States/United Kingdom/other European countries), one case affecting a close contact of an imported case, two local cases with unknown source and 13 cases with epidemiological linkage to the two local cases. The 15 cases of locally-acquired infections involved two clusters. The first cluster

involved three cases reported on 13 and 14 May 2020. The source of infection of the index case remained unknown despite extensive investigations. The second cluster was first reported on 31 May 2020 involving a couple with onset of illness on 22 May and 26 May 2020 respectively. Ten more epidemiologically linked cases were then detected on 1, 2, 4, 12 and 13 June 2020. Investigations by the Centre for Health Protection are still ongoing and further cases might be identified through contact tracing. The two clusters signify that there are silent local transmissions ongoing in the community. This is not unexpected as some infected persons may be asymptomatic or have mild symptoms but did not seek medical attention, and hence could not be picked up by the surveillance system. It is likely that further cases/clusters will emerge in the community occasionally. As at 14 June 2020, only 39 COVID-19 patients remained hospitalised, with 3 in critical condition, 1 in serious condition and the remaining 35 cases in stable condition.

3. As we have emphasised repeatedly, COVID-19 has been characterised as pandemic and may become just another endemic virus in our community and this virus may never go away. As it is unrealistic to aim for eradication or elimination of the virus in the near future, countries and regions need to keep adjusting the intensity of their infection control measures taking account of their respective social and economic needs. To this end, Hong Kong has been adopting a “suppress and lift” strategy thus far. In determining the infection control measures including social distancing measures to be put in place, we need to strike a balance among public health considerations, economic needs and social expectations of the community under the “new normal”.

## **LIFTING MEASURES**

### ***(a) Increase the Number of Persons Allowed in Group Gatherings in Public Places under Cap. 599G***

4. The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) was introduced in end March 2020 to prohibit any group gathering of more than four persons in any public place during any specified period. The number of persons allowed in a group gathering in a public place (“public gathering”) was increased to no more than eight in early May 2020. Despite the fact that an increasing number of countries with more challenging epidemic situation than Hong Kong has started to plan for or implement exit strategies, the restriction on group

gatherings is still commonly adopted in these countries as one of the social distancing measures to combat COVID-19. The importance of such measure in infection control should not be dismissed or downplayed lightly.

5. In the local context, we see a need to continue imposing suitable restrictions on public gatherings, especially to contain the risk of large-scale unrestricted group gatherings spreading the infection. That said, we consider it an opportune time to introduce relaxation under Cap. 599G in the light of the latest health risk assessment and having regard to the need to address the socio-economic well-being of Hong Kong.

6. As part of our lifting measures under the current exercise, we would increase the number of persons permitted in public gatherings to cover larger group activities. As far as our health risk assessment permits, we consider that the number should be sufficiently large such that we may send a clear signal to the community that we are in the “lifting” mode so that, amidst the current dire economic situation, businesses, especially small- and medium-sized enterprises, would be given hope that business would return soon and thus be encouraged to maintain their operation and employment of their staff, thereby reducing unemployment in the local population.

7. Another key consideration is the consistency among various social distancing measures so as to enhance clarity and facilitate the public and stakeholders’ understanding of and compliance with the relevant measures. Having regard to the need to resume socio-economic activities under the “lifting” mode and taking into account the gathering size allowed currently for weddings and annual general meetings (in each room or partitioned area), we would increase the number of persons to no more than 50 per public gathering so as to allow most social activities to resume.

***(b) Broaden the Scope of Group Gathering Exemptions under Cap. 599G***

8. As the local pandemic situation continues to stabilise, we see room for further expanding the scope of activities exempted from the group gathering restrictions under Cap. 599G. Specifically, we would exempt group gatherings held at catering business premises<sup>1</sup> (including bars and pubs) to which the directions issued under Cap. 599F apply, which would

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<sup>1</sup> Catering business premises are currently subject to the restrictions under Cap. 599F such as the eight-person-per-table restriction. In addition, such premises, if they are public places, are currently also subject to the restriction on public gathering under Cap. 599G. The effect is that group gatherings at catering business premises exceeding the cap under Cap. 599G (e.g. wedding banquets) would not be allowed even if they comply with the restrictions under Cap. 599F.

effectively allow wedding or other banquets and gatherings of families or friends to resume in all catering business premises while the applicable prevention and control measures under the Cap. 599F directions would continue to apply. This would also align for consistency the treatment of group gatherings at catering business premises which are open to the public, and that of group gatherings at scheduled premises<sup>2</sup> to which directions issued under Cap. 599F apply (e.g. club-houses), whether open to the public or not. The latter are already exempted from Cap. 599G and wedding banquets or other group gatherings can take place at those premises now.

***(c) Refinements to Existing Group Gathering Exemptions under Cap. 599G***

**Annex B**

9. Currently, Schedule 1 to Cap. 599G specifies 14 types of exempted group gatherings (see Annex B). Other than the 14 exempted group gatherings, permission may also be given by the Chief Secretary for Administration (“CS”) on a case-by-case basis but it has to be either necessary for governmental operation or, because of the exceptional circumstance of the case, otherwise serves the public interest of Hong Kong.

10. Having regard to the raising of the number of persons allowed in a public gathering to no more than 50 persons as set out in paragraph 7 above, corresponding amendments would be made to the list of exempted group gatherings as follows –

- (i) Item 10 which currently exempts wedding ceremonies of not more than 50 persons and at which no food or drink is served would be removed given that the exemption is no longer necessary given the increase in the number of persons allowed in each public gathering;
- (ii) Item 11 on annual general meetings and extraordinary general meetings would be refined to remove the reference to the case where the number of participants exceed 50, because such reference would become unnecessary given that the exemption would only be relevant if the number exceeds 50; and

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<sup>2</sup> Operation of scheduled premises are currently subject only to the requirements or restrictions under Cap. 599F which were initially highly restricted (requiring some types of scheduled premises to close) and group gathering in scheduled premises is exempted from Cap. 599G to avoid confusion or possible conflicts with the restrictions under Cap. 599G. The Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 2) Regulation 2020 which effected the exemption of scheduled premises from Cap. 599G was made on 5 May 2020.

- (iii) Item 14 on religious activities would be refined to remove the exclusion of wedding ceremonies so that wedding ceremonies held at religious premises are also exempted from Cap. 599G similar to wedding banquets at catering business premises.

## **OTHER OPTIONS**

11. There is no other appropriate option that may enable the implementation of the measures as proposed under the Amendment Regulation.

## **THE AMENDMENT REGULATION**

12. The main provisions of the Amendment Regulation are as follows –
- (i) sections 3 and 4 relax the number of persons constituting a “group gathering” prohibited, or gatherings that may be dispersed, under Cap. 599G to more than 50 (i.e. Lifting Measure (a));
  - (ii) section 5 broadens and refines the scope of exempted group gatherings under Cap. 599G (i.e. Lifting Measures (b) and (c)).

## **LEGISLATIVE TIMETABLE**

13. The legislative timetable is as follows –

Publication in the Gazette	16 June 2020
Tabling at the Legislative Council	17 June 2020
Commencement	19 June 2020

## **IMPLICATIONS OF THE PROPOSAL**

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

## **PUBLIC CONSULTATION**

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

## **PUBLICITY**

16. We have issued a press release and announced the legislative amendment as well as relaxation of other social distancing measures at a press conference on 16 June 2020. A spokesperson has also been made available to respond to public or media enquiries.

## **BACKGROUND**

17. Section 8 of the Ordinance empowers the Chief Executive in Council to make 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 a large number of deaths or serious disabilities (whether or not long term) in the population constituted a public health emergency.

## **ENQUIRIES**

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

**Food and Health Bureau**  
**19 June 2020**

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

(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 19 June 2020.
2. **Prevention and Control of Disease (Prohibition on Group Gathering) Regulation amended**  
The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599 sub. leg. G) is amended as set out in sections 3, 4 and 5.
3. **Section 2 amended (interpretation)**  
Section 2, definition of *group gathering*—  
**Repeal**  
“8”  
**Substitute**  
“50”.
4. **Section 10 amended (power to disperse prohibited group gathering etc.)**  
Section 10(2)—  
**Repeal**  
“8”

**Substitute**

“50”.

5. **Schedule 1 amended (exempted group gatherings)**

(1) Schedule 1—

**Repeal item 10.**

(2) Schedule 1, item 11—

**Repeal**

“, in the case of a group gathering of more than 50 persons, measures are in place for separating them”

**Substitute**

“measures are in place for separating the participants in the gathering”.

(3) Schedule 1, item 13, after “section”—

**Add**

“6 or”.

(4) Schedule 1, item 14—

**Repeal**

“(other than a wedding ceremony)”.

COUNCIL CHAMBER

2020

Clerk to the Executive Council

**Explanatory Note**

This Regulation amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599 sub. leg. G) (*principal Regulation*) to—

- (a) relax the number of persons constituting a “group gathering” prohibited, or gatherings that may be dispersed, under the principal Regulation from more than 8 to more than 50;
- (b) streamline the exemptions under the principal Regulation in view of the relaxation; and
- (c) provide for an exemption for group gatherings at catering business premises.



**Exempted Group Gatherings under Cap. 599G**

Currently, Schedule 1 to Cap. 599G specifies the following 14 types of 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 for—
  - (a) the conduct of proceedings in a court, magistrates' court or tribunal;
  - (b) the performance of any function of a judge or judicial officer; or
  - (c) the conduct of any other business of the Judiciary
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 50 persons during a wedding ceremony at which no food or drink is served (except as part of a religious ritual)
11. Group gathering during any of the following meetings at which no food or drink is served and, in the case of a group gathering of more than 50 persons, measures are in place for separating them in different rooms or partitioned areas, each accommodating not more than 50 persons—
  - (a) 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;

- (b) a shareholders' meeting of a company listed on a recognized stock market (as defined by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571)) that is held in accordance with any Ordinance or other regulatory instrument that governs the operation of the company 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
- 13. Group gathering at any premises to which a direction issued under section 8 of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599 sub. leg. F) applies, except premises that, according to the direction, must be closed
- 14. Group gathering during a religious activity (other than a wedding ceremony)—
  - (a) held at any premises constructed or regularly used as a place of worship (including a church, monastery or nunnery, mosque, synagogue or temple);
  - (b) in which no food or drink is served (except as part of a religious ritual); and
  - (c) in which measures are in place for restricting the number of participants in the activity to not more than 50% of the number of persons that may normally be accommodated on the premises as a place of worship.