

# LEGISLATIVE COUNCIL BRIEF

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

### COMPULSORY QUARANTINE OF CERTAIN PERSONS ARRIVING AT HONG KONG (AMENDMENT) (NO. 4) REGULATION 2020

AND

### PREVENTION AND CONTROL OF DISEASE (PROHIBITION ON GROUP GATHERING) (AMENDMENT) (NO. 6) REGULATION 2020

## INTRODUCTION

At the meeting of the Executive Council on 30 June 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the following two amendment regulations (“the Amendment Regulations”) should be made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”) –

Annex A

- (a) **Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 4) Regulation 2020** (at Annex A), which amends the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) to extend the expiry date of Cap. 599C for one month (i.e. from 7 July 2020 to 7 August 2020); and

Annex B

- (b) **Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 6) Regulation 2020** (at Annex B), which amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) in relation to exempted group gatherings during a religious activity held at a place of worship (i.e. item 14 of Schedule 1 to Cap. 599G). The amendment increases the capacity limit that restricts the number of participants in such a religious activity from 50% to 80% of the number of persons that may normally be accommodated on the premises.

## **JUSTIFICATIONS**

### **Latest Situation in the Mainland**

2. After the transient upsurge of imported cases of Coronavirus Disease 2019 (“COVID-19”) from late March to mid-April 2020 in the Mainland, the number of reported cases has decreased to a very low level in late April 2020 with fewer than five cases in most of the days. However, local outbreaks had occurred in Heilongjiang in April 2020 and Jilin in May 2020, involving 77 cases and 43 cases respectively. Recently, Beijing is experiencing a large local outbreak. The first case was reported on 11 June 2020 affecting a 52-year-old man who had onset of illness on 6 June 2020. Before this outbreak, the last local case in Beijing was reported on 15 April 2020. Epidemiological investigations revealed that the outbreak was related to the Xinfadi Wholesale Market.

3. The health authorities of the Mainland have been carrying out active case findings and extensive surveillance. From 11 to 27 June 2020, a total of 311 cases have been reported in Beijing. The earliest cases had onset of illness on 4 June 2020. Epidemiological linkage to the Xinfadi Wholesale Market could be identified for the majority of the cases which included workers (e.g. vendors and sales persons) in the market, people who had visited the market and their close contacts. The exact source of this outbreak is still under investigation by the health authorities.

4. In response to the outbreak, Beijing has elevated the 4-tier response level for public health emergency from Level 3 to Level 2 on 16 June 2020. A series of stringent control measures have been implemented promptly in Beijing to control the outbreak, including limiting population movements and conducting large scale screening in affected areas/districts. During 12-28 June 2020, over eight million people had specimens taken for testing and the screening for high-risk people has largely been completed. The daily number of confirmed cases ranged from 21 to 36 cases during 12-20 June 2020. It has decreased to a range of seven to 17 cases during 21-27 June 2020. It is expected that new cases may continue to be detected in the coming week.

5. Apart from the 311 cases involved in the outbreak in Beijing, 190 cases were reported in other provinces/cities in the Mainland in the past four weeks (31 May-27 June 2020). Among the 190 cases, 162 cases were imported cases. The remaining 28 cases occurred in Hainan, Hebei, Liaoning, Sichuan and Zhejiang, with the majority associated with the

outbreak in Beijing.

6. In Guangdong, there was a small upsurge in cases during late March to mid-April 2020 due to imported cases and local cases with epidemiological linkage to imported cases. The number of cases has decreased to a very low level by late April 2020. The last local case was reported in Shenzhen on 28 April 2020. In the past four weeks (31 May-27 June 2020), a total of 43 imported cases were reported with zero to three imported cases per day (except 17 cases recorded on 13 June 2020 due to imported cases from Bangladesh and India).

### **Latest Local Situation**

7. As of 28 June 2020, the Centre for Health Protection (“CHP”) of the Department of Health has recorded a total of 1 200 cases of COVID-19, including 1199 confirmed cases and 1 probable case. Among these cases, 1 104 were discharged and 7 were fatal cases, the remaining 89 cases were still hospitalised. In the past four weeks (1-28 June 2020), 115 cases were reported, including 104 imported cases, one case affecting a close contact of an imported case, one local case with unknown source and nine cases with epidemiological linkage to the local case.

8. There was an upsurge of imported cases recently with 68 imported case reported within the last week (22-28 June 2020). The imported cases reported in Hong Kong in the past four weeks were dominated by cases affecting Hong Kong residents stranded in countries under lockdown previously and foreign domestic helpers from the Philippines and Indonesia. The majority of the cases were imported from Pakistan, followed by India, the Philippines and Bangladesh. With enhanced surveillance and testing among Hong Kong residents returning from overseas countries, it is expected that imported cases will continue to be reported among returnees.

9. For locally-acquired infection, a cluster affecting residents of Luk Chuen House of Lek Yuen Estate and staff of a warehouse of a logistics company at Kwai Chung was reported on 31 May 2020. The CHP has conducted epidemiological investigations and extensive active case finding. As of 25 June 2020, a total of 12 cases were involved in this cluster. The cases who last stayed in the building were admitted to hospital for isolation on 4 June 2020. If there are no new cases detected for 28 days (i.e. by 2 July 2020), the outbreak in Luk Chuen House could be considered to have ended. The two local clusters detected in May and June 2020 signify that there are

silent/subclinical local transmissions ongoing in the community, which is not unexpected as some patients may be asymptomatic or have mild symptoms. It is likely that cases/clusters will continue to emerge in the community occasionally.

## **LEGISLATIVE AMENDMENTS**

### ***(a) Extension of Cap. 599C***

10. The process towards the lifting of travel restrictions and border control measures will require the weighing and balancing of different criteria, taking into account the specific epidemiological situations in each country/place, which may in turn vary between areas and regions. It should also be flexible, including the possibility to re-introduce certain measures if the epidemiological situation so warrants, or to allow for a more accelerated lifting of measures if the situation permits. To this end, we have earlier introduced flexibility to the legal framework in respect of compulsory quarantine under Cap. 599C and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) to allow us to differentiate places/countries by their respective public health risk levels thereby allowing differential quarantine or other infection control safeguards to be imposed or lifted in a relatively quick but predictable, targeted and transparent manner in response to the development of the epidemic situation.

11. While the epidemic situation of COVID-19 in the Mainland has stabilised in general, imported cases continue to be reported and outbreaks triggered by imported cases have occurred in different provinces in the past two months. In particular, there was another wave of local outbreak in Beijing in recent weeks. All in all, at least in the short term, the risk of COVID-19 still exists in the Mainland as a whole albeit being much smaller than that in many overseas countries.

12. In view of the above, we consider it necessary to continue to limit movements of people between Hong Kong and the Mainland for the time being and thus require the legal framework to do so. We consider it not appropriate or practical to lift the compulsory quarantine and allow resumption of cross-boundary travels in full with the whole of Mainland at this stage, having regard to the need to minimise the risk of disease transmission taking into account the epidemic situation in the Mainland overall, and the capacity of handling travellers with infection control

measures at the boundary control points (including checking of health declaration forms and COVID-19 test results). The current legal framework would allow us the flexibility to progressively introduce relaxation of boundary control measures. We would therefore extend Cap. 599C for one month (i.e. to expire at midnight on 7 August 2020). We will continue to consider the scope for relaxation during the extended period, and to review the situation before the next expiry.

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

13. On 30 June 2020, we announced relaxation of social distancing measures in light of the more stabilised local situation as detailed in paragraphs 7 to 9. Such relaxation includes, inter alia, relaxing the restrictions on the following premises regulated under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) by increasing the capacity limit of the premises from 50% to 80% for –

- (a) bars/pubs under the catering business premises;
- (b) large-scale entertainment stations (e.g. those in theme parks and some exhibitions), cinemas and all places of public entertainment with live performance (e.g. theatres) under places of public entertainment; and
- (c) clubs/nightclubs.

Annex C

14. Currently, Schedule 1 to Cap. 599G specifies 14 types of exempted group gatherings (see Annex C) and capacity limit is only applied to item 14 regarding group gathering at a place of worship during a religious activity. Specifically, prior to the amendment set out in paragraph 15 below, under the exemption, measures should be 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.

15. To ensure consistency between the capacity limits set out in the restrictions under Cap. 599F and Cap. 599G, the aforementioned criterion concerning religious activities from 50% to 80% was amended as well.

## **OTHER OPTIONS**

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

## **LEGISLATIVE TIMETABLE**

17. The legislative timetable is as follows –

|                                    |              |
|------------------------------------|--------------|
| Publication in the Gazette         | 30 June 2020 |
| Commencement                       | 3 July 2020  |
| Tabling at the Legislative Council | 8 July 2020  |

## **IMPLICATIONS OF THE PROPOSAL**

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

## **PUBLIC CONSULTATION**

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

## **PUBLICITY**

20. We have issued a press release on 30 June 2020. A spokesperson has also been made available to respond to public or media enquiries.

## **BACKGROUND**

21. According to the World Health Organization, COVID-19 has been characterised as pandemic and may become just another endemic virus in our communities 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.

### ***The Ordinance***

22. Section 8 of the Ordinance empowers the Chief Executive in Council (“CE-in-C”) 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.

### ***Cap. 599C***

23. To facilitate the gradual relaxation of the compulsory quarantine requirements for persons arriving from certain places in China in order to allow resumption of cross-boundary movement of people where practicable, CE-in-C approved legislative amendments to Cap. 599C at its meeting of 2 June 2020 to establish a two-tier regime and empowering the Secretary for Food and Health to specify places/countries by notice published in the Gazette –

- (a) Category 1 places: 14-day compulsory quarantine is required for arrivals; and
- (b) Category 2 places: arrivals will not be subject to 14-day compulsory quarantine on meeting certain specified conditions,

with a view to classifying different countries/places outside Hong Kong according to their public health risks. Places/countries not falling within Category 1/Category 2 will not be subject to any compulsory quarantine arrangement nor be required to meet any specified conditions.

### ***Cap. 599G***

24. Cap. 599G was introduced in end March 2020 to prohibit group gathering of more than four persons in a public place during any period of not exceeding 14 days specified by the Secretary for Food and Health by a notice published in the Gazette, except for a list of exempted group gatherings. The Chief Secretary for Administration may permit certain group gatherings. The number of persons in a prohibited group gathering was increased to more than eight persons in early May 2020 and to more than

50 persons in early June 2020 as part of the relaxation measures implemented in view of the stabilisation of the epidemic situation then.

## **ENQUIRIES**

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

**Food and Health Bureau**  
**10 July 2020**



**Compulsory Quarantine of Certain Persons Arriving at  
Hong Kong (Amendment) (No. 4) 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 3 July 2020.
  
2. **Compulsory Quarantine of Certain Persons Arriving at Hong  
Kong Regulation amended**  
The Compulsory Quarantine of Certain Persons Arriving at Hong  
Kong Regulation (Cap. 599 sub. leg. C) is amended as set out in  
section 3.
  
3. **Section 13 amended (expiry)**  
Section 13—  
**Repeal**  
“July”  
**Substitute**  
“August”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

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### **Explanatory Note**

This Regulation amends the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599 sub. leg. C) to extend its expiry date from 7 July 2020 to 7 August 2020.

**Prevention and Control of Disease (Prohibition on  
Group Gathering) (Amendment) (No. 6) 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 3 July 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 section 3.
  
- 3. Schedule 1 amended (exempted group gatherings)**  
Schedule 1, item 14(c)—  
**Repeal**  
“50%”  
**Substitute**  
“80%”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

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### **Explanatory Note**

This Regulation amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599 sub. leg. G) to relax a condition for the exemption for religious activities held at religious worship premises.

**Exempted Group Gatherings under Cap. 599G**  
*(as at 30 June 2020)*

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. *(Repealed)*
11. Group gathering during any of the following meetings at which no food or drink is served and measures are in place for separating the participants in the gathering 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 6 or 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.