

立法會
Legislative Council

LC Paper No. LS4/20-21

**Paper for the House Committee Meeting
on 23 October 2020**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 20 October 2020**

Tabling in LegCo : Council meeting of 21 October 2020

Amendment to be made by : Council meeting of 18 November 2020 (or that of 9 December 2020 if extended by resolution)

Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 12) Regulation 2020 (L.N. 209)

L.N. 209 is made by the Chief Executive in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) with regard to the latest situation of public health emergency¹ relating to COVID-19.

2. L.N. 209 amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) to:

- (a) relax a condition for the exemption for group gatherings during wedding ceremonies and certain meetings² at which no food or drink is served such that the number of participants allowed is increased from 20 to 50; and
- (b) add an exemption for group gatherings of not more than 30 persons during a local tour which is organized by a licensed travel agent under the Travel Agents Ordinance (Cap. 218) and registered with the Travel Industry Council of Hong Kong except for such tour taking place at any premises in relation to which a direction under Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) is in force.

¹ Public health emergency is defined in section 8(5) of Cap. 599 to mean, among others, the occurrence of or the imminent threat of a disease, an epidemic or a pandemic that has a high probability of causing a large number of deaths or serious disabilities (whether or not long-term) in the population.

² It applies to a meeting of a body or a shareholders' meeting of a listed company held in accordance with any Ordinance or other regulatory instrument.

3. As of the date of this report, no Legislative Council Brief has been issued by the Administration on L.N. 209.
4. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 209.
5. L.N. 209 comes into operation on 23 October 2020.
6. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 209.

Other matters

Government notices made by the Secretary for Food and Health ("Secretary") under the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H)

7. By G.N. (E.) 166 of 2020 published in the Gazette on 16 October 2020, the Secretary has, pursuant to section 5 of Cap. 599H, specified a total of 13 places to which Cap. 599H is applicable ("specified places") and a set of conditions (e.g. to produce documentary proof on a negative nucleic acid test for COVID-19 and confirmation of at least 14 days' room reservation in a hotel in Hong Kong) applicable in respect of a person who, on the day of boarding a civil aviation aircraft that arrives or about to arrive at Hong Kong, or during the 14 days before that day, has stayed in any of the specified places. The effect is that from 26 October 2020 onwards, aircrafts or vessels from France and Russia arriving or about to arrive at Hong Kong are also subject to the regulatory measures provided under Cap. 599H in addition to aircrafts or vessels arriving or about to arrive at Hong Kong from the 11 places³ specified in the previously issued G.N. (E.) 144 of 2020 published in the Gazette on 24 September 2020, which will be suspended upon the commencement of G.N. (E.) 166 of 2020 on 26 October 2020.

Government notices made by the Secretary under Cap. 599F

Latest requirements and directions in relation to catering business

8. By G.N. (E.) 168 of 2020 published in the Gazette on 20 October 2020, the Secretary has specified and directed that for a period of seven days from 23 October 2020 to 29 October 2020, in respect of all catering businesses, except (i) those set out in Part 1 of Schedule 1 to Cap. 599F,⁴ or (ii) those

³ The other 11 places are Bangladesh, Ethiopia, India, Indonesia, Kazakhstan, Nepal, Pakistan, the Philippines, South Africa, United Kingdom and United States of America.

⁴ The relevant premises are (1) hospitals; (2) residential care homes; (3) treatment centres; (4) boarding schools; (5) premises controlled or managed by the Government; and (6) premises constructed to be used, and are used, as private dwellings.

designated by the Chief Secretary for Administration pursuant to section 7A(1) of Cap. 599F to be exempt from the requirements and directions under Cap. 599F, certain requirements continue to be effective. Those requirements include the cessation of sale or supply of food or drink for consumption on the premises of the catering business, and the closure of any such premises (or part thereof) where food or drink is sold or supplied for consumption on the premises from 0:00 am to 4:59 am every day, and implementation of certain protective measures (e.g. wearing masks, body temperature screening and provision of hand sanitisers) and restrictions (e.g. suspension of live performance and dancing, and no more than four persons being seated together at one table).

9. G.N. (E.) 168 of 2020 replaces the previous Government notice for the application of the requirements and directions in relation to catering business (i.e. G.N. (E.) 161 of 2020 published in the Gazette on 14 October 2020) for the period from 16 October 2020 to 22 October 2020.

Latest directions in relation to scheduled premises

10. By G.N. (E.) 169 of 2020 published in the Gazette on 20 October 2020, the Secretary has directed that all 14 types of scheduled premises⁵ as set out in Part 1 of Schedule 2 to Cap. 599F may open for a period of seven days from 23 October 2020 to 29 October 2020, subject to the requirements and restrictions detailed at Annex to G.N. (E.) 169 of 2020.

11. G.N. (E.) 169 of 2020 extends for a further period of seven days the directions made by G.N. (E.) 162 of 2020 (published in the Gazette on 14 October 2020) in respect of the period from 16 October 2020 to 22 October 2020, with the following modifications:

- (a) for museum under place of public entertainment: live performance in museum is allowed and is subject to the requirements and restrictions for place of public entertainment with live performance only (e.g. tickets sold and seats occupied must not exceed 50% of the seating capacity of the place, no eating and drinking inside the place, and cleaning and disinfection of the place must be conducted after each performance/rehearsal); and

⁵ Those scheduled premises are: (1) amusement game centre; (2) bathhouse; (3) fitness centre; (4) place of amusement; (5) place of public entertainment; (6) party room for social gatherings; (7) beauty parlour; (8) club-house; (9) club/nightclub; (10) karaoke establishment; (11) mahjong-tin kau premises; (12) massage establishment; (13) sports premises; and (14) swimming pool.

- (b) for swimming pool: team sports are allowed and the maximum number of players or swimmers and referees to be allowed in each playing field/pool at any time during match or competition should follow the rules and regulations of respective sports competition.

Government notices made by the Secretary under Cap. 599G

12. By G.N. (E.) 170 of 2020 published in the Gazette on 20 October 2020, the Secretary has, pursuant to section 4(1) of Cap. 599G, specified the seven-day period from 23 October 2020 to 29 October 2020 during which no group gatherings of more than four persons may take place in any public place under section 3(1) of Cap. 599G. G.N. (E.) 170 of 2020 replaces the previous Government notice for the application of the group gathering prohibition (i.e. G.N. (E.) 163 of 2020 published in the Gazette on 14 October 2020) for the period from 16 October 2020 to 22 October 2020.

Government notices made by the Secretary under the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I)

13. By G.N. (E.) 171 of 2020 published in the Gazette on 20 October 2020, the Secretary has, pursuant to section 3(1) of Cap. 599I, specified the seven-day period from 23 October 2020 to 29 October 2020 during which a person must wear a mask at all times while boarding or on board a public transport carrier, or entering or present in an MTR paid area or a specified public place, save for any outdoor public places in any country parks and special areas as defined in section 2 of the Country Parks Ordinance (Cap. 208). G.N. (E.) 171 of 2020 replaces the previous Government notice for the application of the requirement to wear masks (i.e. G.N. (E.) 164 of 2020 published in the Gazette on 14 October 2020) for the period from 16 October 2020 to 22 October 2020.

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