

**立法會**  
*Legislative Council*

LC Paper No. LS43/20-21

**Paper for the House Committee Meeting  
on 26 February 2021**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 23 February 2021**

**Tabling in LegCo** : Council meeting of 24 February 2021

**Amendment to be made by** : Council meeting of 24 March 2021 (or that of  
21 April 2021 if extended by resolution)

**Compulsory Quarantine of Certain Persons Arriving at  
Hong Kong (Amendment) Regulation 2021** (L.N. 24)

**Prevention and Control of Disease (Disclosure of  
Information) (Amendment) Regulation 2021** (L.N. 25)

**Compulsory Quarantine of Persons Arriving at Hong  
Kong from Foreign Places (Amendment) Regulation 2021** (L.N. 26)

**Prevention and Control of Disease (Requirements and  
Directions) (Business and Premises) Amendment  
Regulation 2021** (L.N. 27)

**Prevention and Control of Disease (Prohibition on Group  
Gathering) (Amendment) Regulation 2021** (L.N. 28)

**Prevention and Control of Disease (Regulation of  
Cross-boundary Conveyances and Travellers)  
(Amendment) Regulation 2021** (L.N. 29)

**Prevention and Control of Disease (Wearing of Mask)  
(Amendment) Regulation 2021** (L.N. 30)

L.N. 24 to L.N. 30 are made by the Chief Executive in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) having regard to the latest situation of public health emergency<sup>1</sup> relating to COVID-19.

#### L.N. 24

2. L.N. 24 extends the expiry date of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) from 31 March 2021 to 30 September 2021. In gist, Cap. 599C requires a person arriving at Hong Kong from a place in China other than Hong Kong to be placed under compulsory quarantine for a period specified by the Secretary for Food and Health ("the Secretary") (which must not exceed 28 days) from the date of arrival if the person has stayed during the relevant period in a certain place in China or a certain foreign place specified by the Secretary immediately before his arrival at Hong Kong.

#### L.N. 25

3. L.N. 25 extends the expiry date of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) from 31 March 2021 to 30 September 2021. In gist, Cap. 599D empowers a health officer to require a person to give any information that the health officer reasonably believes is within the knowledge, in the possession or under the control of the person, and is relevant to the handling of the public health emergency.

#### L.N. 26

4. L.N. 26 extends the expiry date of the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) from 31 March 2021 to 30 September 2021. In gist, Cap. 599E requires a person arriving at Hong Kong from a place outside China to be placed under compulsory quarantine for a period specified by the Secretary (which must not exceed 28 days) from the date of arrival if the person has stayed during the relevant period in a certain foreign place or a certain place in China specified by the Secretary immediately before his arrival at Hong Kong.

#### L.N. 27

5. L.N. 27 extends the expiry date of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation

---

<sup>1</sup> 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.

(Cap. 599F) from 31 March 2021 to 30 September 2021. In gist, Cap. 599F imposes certain requirements, and enables directions to be issued by the Secretary, in respect of any catering business and certain scheduled premises as set out in Part 1 of Schedule 2 to Cap. 599F.

#### L.N. 28

6. L.N. 28 amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) to:

- (a) relax the number of persons constituting a "group gathering" prohibited under Cap. 599G from more than two to more than four;
- (b) amend section 10 of Cap. 599G on gatherings that may be dispersed so as to adjust the number of persons constituting such gatherings to more than four as well;
- (c) add "the Commissioner for Labour" to the definition of "Authority" in Schedule 2 to Cap. 599G so as to enable the Commissioner for Labour to perform a function under that Schedule (including serving on a person a demand notice demanding payment of the outstanding fixed penalty); and
- (d) extend the expiry date of Cap. 599G from 31 March 2021 to 30 September 2021.

#### L.N. 29

7. L.N. 29 extends the expiry date of the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) from 31 March 2021 to 30 September 2021. In gist, Cap. 599H provides a mechanism under which regulatory measures may be imposed on cross-boundary conveyances (i.e. aircraft or vessels) arriving (or about to arrive) at Hong Kong from a place outside Hong Kong and certain persons on those conveyances.

#### L.N. 30

8. The Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) requires a person, subject to certain exceptions, to 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 (including any place which for the time being the public or a section of the public may or are permitted to have access, whether on payment or otherwise) during a period specified by the Secretary.

9. L.N. 30 amends Cap. 599I to:
- (a) extend the expiry date of Cap. 599I from 31 March 2021 to 30 September 2021; and
  - (b) add "the Commissioner for Labour" to the definition of "Authority" in Schedule 2 to Cap. 599I so as to enable the Commissioner for Labour to perform a function under that Schedule (including serving on a person a demand notice demanding payment of the outstanding fixed penalty).

### Consultation

10. According to paragraph 19 of the Legislative Council Brief (no file reference) issued by the Food and Health Bureau in February 2021, the Administration is of the view that given the exigency of the situation, public consultation is not feasible.

11. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 24 to L.N. 30.

### Commencement

12. L.N. 24 to L.N. 30 came into operation on 24 February 2021.

### Concluding Remarks

13. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 24 to L.N. 30.

### **Other matters**

#### Government notices made by the Secretary under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F)

##### *Latest requirements and directions in relation to catering business*

14. By G.N. (E.) 106 of 2021 published in the Gazette on 17 February 2021, the Secretary has specified and directed that for a period of 14 days from 18 February to 3 March 2021:

- (a) in respect of catering businesses (except those exempted under Cap. 599F) adopting the following measures ("specified measures"):

- (i) ensuring that a customer (except a customer who is ordering takeaway only) scans the LeaveHomeSafe venue QR code or registers the customer's name, contact number and the date and time of the customer's visit (such records to be kept for 31 days) before the customer enters the premises; and
- (ii) making arrangements for all staff involved in the operation of the premises to undergo a polymerase chain reaction-based nucleic acid test for COVID-19 ("specified test") every 14 days starting from 11 February 2021,

the selling or supplying of food or drink for consumption on the premises of the catering business must be ceased, and any such premises (or part thereof) where food or drink is sold or supplied for consumption on the premises must be closed, from 10:00 pm to 4:59 am of the subsequent day;

- (b) in respect of for catering businesses not adopting the specified measures, the selling or supplying of food or drink for consumption on the premises of the catering business must be ceased, and any such premises (or part thereof) where food or drink is sold or supplied for consumption on the premises must be closed, from 6:00 pm to 4:59 am of the subsequent day;
- (c) protective measures (e.g. wearing masks except when consuming food or drink at a table, body temperature screening and provision of hand sanitisers) are extended; and
- (d) other restrictions including suspension of live performance and dancing continue to be effective with a modification that the maximum number of persons being seated together at one table is relaxed from two to four for catering businesses adopting the specified measures.

*Latest directions in relation to scheduled premises*

15. By G.N. (E.) 107 of 2021 published in the Gazette on 17 February 2021, the Secretary has directed that, for a period of 14 days from 18 February to 3 March 2021:

- (a) six types of scheduled premises<sup>2</sup> as set out in Part 1 of Schedule 2 to Cap. 599F must be closed; and

---

<sup>2</sup> Those scheduled premises are: (1) bathhouse; (2) party room for holding social gatherings; (3) club or nightclub; (4) karaoke establishment; (5) mahjong-tin kau premises; and (6) swimming pool.

- (b) nine types of scheduled premises (i.e. amusement game centre; fitness centre; place of amusement; place of public entertainment; beauty parlour; club-house; massage establishment; sports premises; and hotel and guesthouse) as set out in Part 1 of Schedule 2 to Cap. 599F may open subject to the requirements and restrictions detailed at Annex to G.N. (E.) 107 of 2021 such as requiring such scheduled premises (except club-house and hotel and guesthouse) to adopt the specified measures.

Government notice made by the Secretary under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G)

16. In respect of the prohibition on group gatherings, the Secretary has, pursuant to section 4(1) of Cap. 599G, specified by G.N. (E.) 120 of 2021 published in the Gazette on 23 February 2021 the 8-day period from 24 February to 3 March 2021, during which no group gatherings of more than four persons may take place at a public place and at any premises in relation to which a direction issued under section 6 or 8 of Cap. 599F is in force. G.N. (E.) 120 of 2021 replaces the previous Government notice on the period for the application of the group gathering prohibition (i.e. G.N. (E.) 108 of 2021 published in the Gazette on 17 February 2021).

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

17. In respect of the requirement to wear masks, the Secretary has, pursuant to section 3(1) of Cap. 599I, specified by G.N. (E.) 109 of 2021 published in the Gazette on 17 February 2021 the 14-day period from 18 February to 3 March 2021, 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.) 109 of 2021 replaces the previous Government notice on the period for the application of the requirement to wear masks (i.e. G.N. (E.) 75 of 2021 published in the Gazette on 2 February 2021).

Government notices made by the Secretary under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J)

18. By G.N. (E.) 114 of 2021 published in the Gazette on 19 February 2021, the Secretary has specified the period of 14 days from 20 February to 5 March 2021 during which all medical practitioners who are registered in Part I and Part III of the General Register kept under section 6(1) of the Medical

Registration Ordinance (Cap. 161) may exercise the power to require, by a compulsory testing direction, a person whom the medical practitioner attends to in the course of professional practice and clinically suspects to have contracted COVID-19 to undergo a specified test, and appointed all members of the Auxiliary Medical Services and all police officers to perform a function under Cap. 599J concerning a requirement specified under a compulsory testing direction.

19. By G.N. (E.)s 110 to 113, 115, 117, 118, 121, 122 and 126 of 2021 published in the Gazette from 17 February to 24 February 2021, the Secretary has specified the following categories of persons to be persons who must undergo a specified test within the periods as specified in the relevant Government notices:

- (a) persons who (i) were present in any capacity (e.g. residents, visitors and workers) at certain specified premises during certain specified periods from 4 February 2021 to 24 February 2021, and (ii) when a restriction-testing declaration in respect of those premises became effective, were either present or not present in the restricted area identified in the declaration; and
- (b) persons employed by and on duty, engaged to provide service, or intending to work or provide hired service at residential care homes for the elderly and for persons with disabilities (including day service unit attached to such residential care homes), and nursing homes during the period from 3 March to 12 March 2021.

20. The Secretary has also specified certain periods as the periods during which a compulsory testing order may be issued under Cap. 599J for non-compliance with the relevant Government notices.

21. By G.N. (E.) 123 of 2021 published in the Gazette on 23 February 2021, the Secretary has, pursuant to sections 3(1)(c) and 10(1)(c)(ii) of Cap. 599J, appointed members of the Auxiliary Medical Services and all public officers of the Government as the officers to perform a function under Cap. 599J concerning a requirement specified under certain compulsory testing directions and compulsory testing notices published in the relevant Government notices.

Prepared by  
CHUI Ho-yin, Alvin  
Assistant Legal Adviser  
Legislative Council Secretariat  
25 February 2021