

LEGISLATIVE COUNCIL BRIEF

PREVENTION AND CONTROL OF DISEASE ORDINANCE (CAP. 599) AMENDMENT REGULATIONS

INTRODUCTION

At the meetings of the Executive Council on 8 September and 29 September 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the following regulations should be made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”) for the purpose of preventing, combating or alleviating the public health emergency and protecting public health in Hong Kong –

Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C)

- (a) the **Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 7) Regulation 2020** (at Annex A), which amends Cap. 599C to empower the Secretary for Food and Health (“SFH”) to –
- (i) exclude certain categories of persons specified by SFH arriving from certain Category 2 specified places in China from compulsory quarantine provided that they meet conditions specified by SFH; and
 - (ii) extend the expiry date of Cap. 599C from midnight on 7 October 2020 to midnight on 31 December 2020;

Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E)

- (b) the **Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 4) Regulation 2020** (at Annex B), which amends Cap. 599E to empower SFH to exclude certain categories of persons specified by SFH arriving from certain Category 2 specified places outside China from compulsory quarantine provided that they meet conditions specified by SFH;

Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F)

- (c) the **Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 6) Regulation 2020** (at Annex C), which amends Cap. 599F to clarify the meaning of “sports premises”;

Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G)

- (d) the **Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 10) Regulation 2020** (at Annex D) which amends Cap. 599G to relax the restriction on group gatherings in public places, by –

- (i) relaxing the number of persons constituting a “group gathering” prohibited under Cap. 599G from more than two to more than four; and
- (ii) amending the relevant provision in Cap. 599G on gatherings that may be dispersed so as to adjust the number of persons constituting such gatherings to more than four correspondingly;

- (e) the **Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 11) Regulation 2020** (at Annex E), which amends Cap. 599G to –

- (i) refine its interface with Cap. 599F;
- (ii) exempt group gathering during religious activities at places of worship subject to certain conditions; and
- (iii) make corresponding adjustment to exempted group gathering during a wedding ceremony;

Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H)

- (f) the **Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2020** (at Annex F), which amends Cap. 599H to extend its expiry date from midnight on 14 October 2020 to midnight on 31 December 2020; and

Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I)

- (g) the **Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 2) Regulation 2020** (at Annex G), which amends Cap. 599I to extend its expiry date from midnight on 14 October 2020 to midnight on 31 December 2020.

JUSTIFICATIONS

Latest Global Situation

2. As at late September 2020, a total of 218 countries, territories or areas, including the Mainland China, had reported 32.6 million Coronavirus Disease 2019 (“COVID-19”) cases with over 988 000 deaths (global case fatality rate about 3.0%). The global epidemic situation was becoming increasingly severe. The daily number of new cases increased from around 70 000 to 100 000 between late March and mid-May, to around 160 000 to 180 000 in late June, around 220 000 to 290 000 in late July, and up to around 250 000 to 320 000 in late September.

Latest Situation in the Mainland

3. In the Mainland, the number of cases had decreased to a very low level with less than five new cases on most days by late April to early May 2020. While there had been some local outbreaks in Beijing and Xinjiang Uygur Autonomous Region from mid-June to early August 2020, no new local case had been reported in the Mainland after 15 August 2020.

4. In Macao, the last case of local infection was reported on 28 March 2020, who was a close contact of an imported case. Since then, all the reported cases had been imported cases. As at late August 2020, a total of 46 cases had been reported in Macao. The 45th and 46th cases were reported on 9 April 2020 and 26 June 2020 respectively.

Latest Local Situation

5. Although the third wave of the epidemic in Hong Kong, which began in early July 2020, had subsided by end August 2020 with a decrease in the number of new cases reported, new cases and local clusters continued to be reported, indicating that transmission chains existed in the community and

the epidemiological situation was not yet fully stabilized then. With the relaxation of social distancing measures and the resumption of school, there was a discernible risk of rebound of the epidemic situation.

6. The larger cluster outbreaks in the third wave, including those related to Kwai Tsing Containers Terminal, foreign domestic helpers, residential care homes for the elderly and residential care homes for persons with disabilities, had all ended. Recent clusters included the Tai Wai Transport City Building (“TWTCB”), the Metropark Hotel, Do Shing Restaurant and an office in Lau Fau Shan. Apart from the TWTCB cluster which involved 17 cases, the other clusters were smaller in size with not more than 10 cases.

REGULATIONS UNDER CAP. 599

Cap. 599C

(a) the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 7) Regulation 2020

(i) To allow exclusion of certain categories of persons from compulsory quarantine arrangement

7. As COVID-19 is expected to be a part of our new normal, it would be necessary to have a legal framework that would allow us to differentiate places by their respective public health risks level and have built-in flexibility to allow for differential quarantine or other infection control safeguards to be imposed or lifted in a relatively quick but predictable, targeted and transparent manner. On that basis, the Government has earlier amended Cap. 599C (as well as Cap. 599E) to empower SFH to specify place(s) which would remain subject to the compulsory quarantine arrangement (“Category 1 places”) and place(s) which are to be excluded from the arrangement if certain specified conditions (e.g. having a negative COVID-19 test result) are met (“Category 2 places”), having regard to the extent of the spread of the COVID-19 in the place(s) and the public health risk posed to Hong Kong by persons arriving from such place(s) or who have stayed in such place(s). Due to the epidemic situation worldwide and locally, no Category 2 places have been specified so far and travellers from all places outside Hong Kong are at present still subject to compulsory quarantine arrangement unless exempted.

8. For the Government to be able to implement specific conditions or any quota systems unilaterally decided or bilaterally agreed with other places under mutual exemption arrangements, we considered that more flexibility would be necessary under the legal framework provided under Cap. 599C by introducing relevant amendments to empower SFH to exclude only certain categories of persons (e.g. Hong Kong residents, certain group of exempted persons, etc.) among those arriving from Category 2 places in China from the compulsory quarantine requirement subject to fulfilment of certain conditions (such as obtaining a negative COVID-19 test result from a recognised/accredited laboratory or healthcare institution) on the basis that –

- (i) such category of persons has a substantial connection with Hong Kong;
- (ii) the travelling of such category of persons is necessary for purposes that are in the interest of Hong Kong's economic development; or
- (iii) the travelling of such category of persons otherwise serves the public interest of Hong Kong.

(ii) *To extend the validity of Cap. 599C*

9. Cap. 599C provides the legal basis for the arrangements in relation to quarantine, including those for excluding arrivals from Category 2 specified places from compulsory quarantine subject to fulfilment of conditions, for arrivals from China (including the Mainland, Macao and Taiwan). It was to expire on 7 October 2020 before the amendment under the regulation.

10. As the implementation of exemption arrangements would most likely involve the imposition of specific conditions on travellers, we would have to rely on the legal framework of Cap. 599C and it is unrealistic to expect a lift of the compulsory quarantine requirement for all travellers coming from the Mainland and Macao completely at least within 2020. To provide a legal basis for us to implement the necessary border control measures, we have extended the expiry date of Cap. 599C for a longer period, to midnight on 31 December 2020, tallying it with the expiry date of Cap. 599E.

Cap. 599E

(b) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 4) Regulation 2020

11. Cap. 599E provides the legal basis for the quarantine arrangement for arrivals from all places outside China. Similar to Cap. 599C, we considered that more flexibility was required under the legal framework to allow exclusion of certain categories of persons from compulsory quarantine arrangement. We therefore introduced amendments to empower SFH to exclude only certain categories of persons among those arriving from Category 2 places outside China from the compulsory quarantine requirement subject to fulfilment of certain conditions on the basis that –

- (i) such category of persons has a substantial connection with Hong Kong;
- (ii) the travelling of such category of persons is necessary for purposes that are in the interest of Hong Kong's economic development; or
- (iii) the travelling of such category of persons otherwise serves the public interest of Hong Kong.

Cap. 599F

(c) Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 6) Regulation 2020

12. “Sports premises” was added as one of the scheduled premises under Cap. 599F in end July 2020 having regard to the severity of the epidemic situation then. Since such introduction, it came to our attention that the definition of “sports premises” adopted, which, inter alia, referred to premises designed for sporting activities, may cover multi-purpose premises where non-sporting activities are also held. In order to better reflect our intention of regulating premises where sporting activities are conducted through specific restrictions and requirements suitable for such premises, there was a need to refine the definition of “sports premises” under Cap. 599F, such that it would only include premises designed, and for the time being used, for indoor or outdoor sporting activities.

Cap. 599G

***(d) Prevention and Control of Disease (Prohibition on Group Gathering)
(Amendment) (No. 10) Regulation 2020***

13. Cap. 599G was introduced in end-March 2020 to prohibit any group gathering of more than four persons in any public places during any specified period. Since then, we have been adjusting the cap of the number of persons allowed in group gatherings in public places in light of the development of the epidemic situation. By way of background, the cap was adjusted to eight persons in early-May 2020; 50 persons in mid-June 2020; and decreased to four persons in mid-July 2020 and two persons in late-July 2020 in response to the outbreaks under the third wave.

14. Internationally, the restriction in group gatherings is commonly adopted in overseas countries even during the lifting stage. In the local context, we see a need to continue imposing restrictions on group gatherings in public places, especially to contain the risk of the congregation of people who may wish to enjoy their day off during Sundays and public holidays given that gatherings among family and friends remain a main source of transmission within the community as evident from locally acquired cases over the past few months. However, in early September 2020, there was room for increasing the number of persons permitted for group gatherings in public places given the health risk assessment.

15. While there is no strict science to determine the maximum number of persons allowed for group gatherings in public places, we had taken into account the social and economic considerations plus the latest public health risk and increased such number to no more than four per group gathering.

***(e) Prevention and Control of Disease (Prohibition on Group Gathering)
(Amendment) (No. 11) Regulation 2020***

(i) To refine the interface between Cap. 599F and Cap. 599G

16. Prior to the amendment, group gatherings at any premises that were allowed to be opened and to which a direction issued under section 6 and 8 of Cap. 599F applied were one type of exempted group gathering under Schedule 1 to Cap. 599G. The then formulation of the relevant exemption item provided a blanket exemption for group gatherings at such premises even when such group gatherings were not taking place in compliance with the conditions in relation to group gathering (such as the 4-person-per-table restriction at catering premises) set out in the directions issued under

Cap. 599F. Under Cap. 599F, only persons responsible for carrying on the catering business or managers of the scheduled premises would be held liable for any contravention of the relevant directions, and patrons of catering business premises or users of the scheduled premises would not be penalised for failing to comply with the relevant directions.

17. We have emphasised time and again that the level of compliance with the social distancing measures would have a significant impact on the effectiveness of the measures in preventing the spread of COVID-19 in the community. It is therefore important that members of the public must follow the relevant restrictions and requirements as far as possible. In order to provide deterrence against non-compliance with the group-gathering-related requirements under the relevant Cap. 599F directions, there was a need to amend the relevant exemption under Cap. 599G such that the exemption would no longer apply to group gatherings taking place in catering business premises or scheduled premises which are in violation of the group-gathering-related directions issued under Cap. 599F. In other words, individuals taking part in group gatherings at Cap. 599F premises would have to comply with the group-gathering-related restrictions and requirements under the relevant Cap. 599F directions (such as requirements in relation to the number of person allowed per table/facility and the distancing/partitioning between groups) in order to be exempted from Cap. 599G, or else they would be considered as participating in a prohibited group gathering under Cap. 599G at the time and be liable to a fixed penalty of \$2 000. As there may be many participants involved in activities taking place at Cap. 599F premises and our intention is only to subject those who violate the relevant requirements under the Cap. 599F directions, a defence is proposed to be added to the effect that a person (including the owner/operator/manager of the premises) would not be held liable if the person could establish that he/she had not contravened any group-gathering-related requirement or restriction specified in the direction and applicable to him/her at the time of the alleged offence.

(ii) To allow resumption of religious ceremonial gatherings

18. Group gatherings during religious activities, subject to certain restrictions (see paragraph 20), were one type of exempted group gathering during 22 May to 14 July 2020. This exemption was removed starting from 15 July 2020 in response to the third wave of the epidemic.

19. Though various religious bodies had moved their religious activities online, many worshippers still preferred celebrating some major religious festivals in a physical setting. Various religious liturgies and rituals such as baptism had also been cancelled or repeatedly postponed. The calls from the religious leaders stemming from their wish to render spiritual and psychological support to their worshippers amidst the anti-epidemic battle were understandable. As the epidemic continued to subside in September 2020, the calls had become stronger.

20. The religious community has been supportive of the Government's anti-epidemic efforts. During the last "lifting" stage (from late May to mid-July 2020), the religious bodies had demonstrated ability to smoothly implement various restrictions and conditions subject to which the exemption was given under Cap. 599G. These include capacity limit and no food and drinks (except being served as part of a religious ritual (e.g. Holy Communion)) requirements stipulated in Cap. 599G as well as putting in place various pre-cautionary measures in accordance with the Health Advice on Prevention of COVID-19 for Religious Assembly (e.g. distancing among worshippers) issued by the Centre for Health Protection of the Department of Health. The key religious leaders were prepared to continue with the above restrictions and pre-cautionary measures and indicated that their worshippers should have no problem with compliance with the experience gained in the previous "lifting" stage. Experience suggested that the key religious groups had generally been able to maintain vigilance and ensure compliance.

21. Taking into account the above, we allowed resumption of religious ceremonial gatherings by reinstating the exemption for group gatherings during religious activities at the place of worship under Cap. 599G. With regard to the capacity limit, being the first major relaxation for religious gatherings after the third wave of the epidemic, we set the capacity limit at 50%, modelling on the previous practice in late May 2020, so that religious ceremonial gatherings could similarly resume in a gradual and orderly manner along with other social and economic activities. This is also largely in line with the prevailing capacity limit imposed on other scheduled premises under Cap. 599F such as performance venues, museums and theme parks.

(iii) To make corresponding amendments to the conditions under which wedding ceremonies are allowed under Cap. 599G

22. We considered that, similar to the last round of exemption, corresponding relaxation should be introduced for wedding ceremonies (item 9A of Schedule 1 to Cap. 599G), i.e. while food and drink should remain to be prohibited at wedding ceremonies, food and drink being served as part of a religious ritual should be allowed for the sake of consistency. As the relaxation only aimed to achieve consistency on the restrictions applied among the exempted group gatherings, we maintained the limit on the maximum number of persons at wedding ceremonies at 20 persons.

Cap. 599H

(f) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2020

23. The Government introduced Cap. 599H in July 2020 to impose testing and quarantine conditions on travellers coming to Hong Kong from very high-risk places to reduce the health risk they may bring to Hong Kong. As at end September 2020, travellers from 10 specified places (i.e. Bangladesh, Ethiopia, India, Indonesia, Kazakhstan, Nepal, Pakistan, the Philippines, South Africa and the United States of America) were required to fulfill the specified conditions before being checked in for a flight to Hong Kong. The United Kingdom became one of these specified places with effect from 1 October 2020 while France and Russia would be added to the list with effect from 26 October 2020.

24. In view of the global pandemic developments, Hong Kong cannot afford to drop its guard on entry prevention and control measures. We expect that the entry prevention and control measures for high-risk place would continue to be required in the medium term and thus have extended the validity of Cap. 599H for a longer period, for it to expire at midnight on 31 December 2020, so that all Cap. 599 regulations related to border control (i.e. Cap. 599C, Cap. 599E and Cap. 599H) would expire on the same date.

Cap. 599I

(g) Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 2) Regulation 2020

25. We introduced Cap. 599I to impose mask-wearing requirement in light of the outbreak situation in July 2020. The regulation allows us to mandate the wearing of mask at all times by any person on public transport or in public places. As wearing of masks by members of the public is integral to the prevention of the spread of COVID-19 in the community and we are mindful of the message any adjustment to the social distancing measures would send to the community as we would still need individual members of the public to remain vigilant even when social and economic activities are allowed to resume, we consider there is a need to maintain such requirement at least for the near future. Therefore, the validity of Cap. 599I has been extended for a longer period, for it to expire at midnight on 31 December 2020.

OTHER OPTIONS

26. Section 8 of the Ordinance is the specific empowering provision to make regulations on the present occasion of a public health emergency and there is no other appropriate option that may enable the implementation of the measures set out in paragraph 1.

THE AMENDMENT REGULATIONS

27. The main provisions of the amendment regulations are set out in paragraph 1.

LEGISLATIVE TIMETABLES

28. The legislative timetables are as follows –

Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 10) Regulation 2020

Publication in the Gazette	8 September 2020
Commencement	11 September 2020
Tabling at the Legislative Council	14 October 2020

Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 7) Regulation 2020

Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 4) Regulation 2020

Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 6) Regulation 2020

Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 11) Regulation 2020

Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2020

Prevention and Control of Disease (Wearing of Mask) (Public Transport) (Amendment) (No. 2) Regulation 2020

Publication in the Gazette	29 September 2020
Commencement	
(i) <i>All amendments except those to Cap. 599G to allow resumption of religious group gatherings</i>	30 September 2020
(ii) <i>Amendments to Cap. 599G to allow resumption of religious group gatherings</i>	2 October 2020
Tabling at the Legislative Council	14 October 2020

IMPLICATIONS OF THE PROPOSALS

29. The proposals are in conformity with the Basic Law, including the provisions concerning human rights.

PUBLIC CONSULTATION

30. Given the exigency of the situation, public consultation was not feasible.

PUBLICITY

31. We announced the amendment regulations together with other measures to combat the epidemic situation through press releases. A spokesperson was also made available to respond to public or media enquiries.

BACKGROUND

32. The COVID-19 pandemic has caused an unprecedented health challenge across the globe. The absence of an effective treatment or a vaccine combined with an exponential growth in infections have led many countries/ places to implement measures with far-reaching implications, including temporary border closures or stringent control measures, restrictions on non-essential travel, confinement and quarantine arrangements, with the objective of preventing the transmission of the disease from other places, and worse still, leading to a major community outbreak. For Hong Kong, the Government has been implementing measures under the two-pronged strategy to reduce population mobility in and out of Hong Kong including imposing quarantine and other related requirements on arrivals as well as to enhance social distancing in the community.

33. 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

34. Section 8 of the Ordinance empowers the Chief Executive in Council to make regulation 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

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

**Food and Health Bureau
October 2020**

**Compulsory Quarantine of Certain Persons Arriving at
Hong Kong (Amendment) (No. 7) 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 30 September 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
sections 3 to 6.
3. **Section 3 amended (compulsory quarantine of certain persons
arriving at Hong Kong)**
 - (1) Section 3(4)(ba)(ii)(B)—
Repeal
“and”.
 - (2) Section 3(4)(ba)(iii)—
Repeal
“arrival;”
Substitute
“arrival (*last stayed place*); and”.
 - (3) After section 3(4)(ba)(iii)—
Add

- “(iv) if a category of persons is specified under section 12A(1)
of Cap. 599E or section 12A(1) (as may be appropriate)
for the last stayed place—falls within such category of
persons;”.
4. **Section 12 amended (Secretary for Food and Health may specify
places in China and conditions)**
After section 12(2)—
Add
“(2A) For the purposes of subsection (2), the Secretary may
specify different conditions for different categories of
persons specified under section 12A(1) for a Category 2
specified place in China.”.
 5. **Section 12A added**
After section 12—
Add
**“12A. Secretary for Food and Health may specify categories of
persons**
 - (1) For the purposes of section 3(4)(ba)(iv), the Secretary for
Food and Health (*Secretary*) may, by notice published in
the Gazette, specify any category of persons for a
Category 2 specified place in China if the Secretary is
satisfied that—
 - (a) the persons have a substantial connection with Hong
Kong;
 - (b) the persons’ travelling is necessary for purposes that
are in the interest of Hong Kong’s economic
development; or

(c) the persons' travelling otherwise serves the public interest of Hong Kong.

(2) A notice published under subsection (1) is not subsidiary legislation.”.

6. **Section 13 amended (expiry)**

Section 13—

Repeal

“7 October”

Substitute

“31 December”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

Explanatory Note

Section 3(4) of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599 sub. leg. C) (*principal Regulation*) provides that the quarantine requirement does not apply to certain persons.

2. This Regulation amends the principal Regulation to—
 - (a) provide that if a category of persons is specified by the Secretary for Food and Health (*Secretary*) for the place concerned, section 3(4)(ba) of the principal Regulation only applies to the category of persons;
 - (b) empower the Secretary to specify for such purpose any category of persons who satisfy any prescribed condition; and
 - (c) empower the Secretary to specify different conditions for different categories of persons specified for a place.
3. The Regulation also extends the expiry date of the principal Regulation from 7 October 2020 to 31 December 2020.

Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (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 30 September 2020.

2. Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation amended

The Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599 sub. leg. E) is amended as set out in sections 3, 4 and 5.

3. Section 3 amended (compulsory quarantine of certain persons arriving at Hong Kong)

(1) Section 3(4)(ba)(ii)(B)—

Repeal

“and”.

(2) Section 3(4)(ba)(iii)—

Repeal

“arrival;”

Substitute

“arrival (*last stayed place*); and”.

(3) After section 3(4)(ba)(iii)—

Add

“(iv) if a category of persons is specified under section 12A(1) of Cap. 599C or section 12A(1) (as may be appropriate) for the last stayed place—falls within such category of persons;”.

4. Section 12 amended (Secretary for Food and Health may specify foreign places and conditions)

After section 12(2)—

Add

“(2A) For the purposes of subsection (2), the Secretary may specify different conditions for different categories of persons specified under section 12A(1) for a Category 2 specified foreign place.”.

5. Section 12A added

After section 12—

Add

“12A. Secretary for Food and Health may specify categories of persons

(1) For the purposes of section 3(4)(ba)(iv), the Secretary for Food and Health (*Secretary*) may, by notice published in the Gazette, specify any category of persons for a Category 2 specified foreign place if the Secretary is satisfied that—

(a) the persons have a substantial connection with Hong Kong;

(b) the persons’ travelling is necessary for purposes that are in the interest of Hong Kong’s economic development; or

- (c) the persons' travelling otherwise serves the public interest of Hong Kong.
- (2) A notice published under subsection (1) is not subsidiary legislation.”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

Explanatory Note

Section 3(4) of the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599 sub. leg. E) (*principal Regulation*) provides that the quarantine requirement does not apply to certain persons.

2. This Regulation amends the principal Regulation to—
 - (a) provide that if a category of persons is specified by the Secretary for Food and Health (*Secretary*) for the place concerned, section 3(4)(ba) of the principal Regulation only applies to the category of persons;
 - (b) empower the Secretary to specify for such purpose any category of persons who satisfy any prescribed condition; and
 - (c) empower the Secretary to specify different conditions for different categories of persons specified for a place.

Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (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 30 September 2020.

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

The Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599 sub. leg. F) is amended as set out in section 3.

3. Schedule 2 amended (scheduled premises)

Schedule 2, Part 2, section 1, definition of *sports premises*, paragraph (a), after “designed”—

Add

“, and for the time being used.”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

Explanatory Note

This Regulation amends Schedule 2 to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599 sub. leg. F) to clarify the meaning of *sports premises*.

**Prevention and Control of Disease (Prohibition on
Group Gathering) (Amendment) (No. 10) Regulation
2020**

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

Clerk to the Executive Council

1. Commencement

This Regulation comes into operation on 11 September 2020.

COUNCIL CHAMBER

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 and 4.

3. Section 2 amended (interpretation)

Section 2, definition of *group gathering*—

Repeal

“2”

Substitute

“4”.

**4. Section 10 amended (power to disperse prohibited group
gathering etc.)**

Section 10(2), after “1.5 m”—

Add

“, and the total number of participants of the gatherings is more
than 4”.

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 under the principal Regulation from more than 2 to more than 4; and
- (b) amend the provision in the principal Regulation on gatherings that may be dispersed so as to adjust the number of persons constituting such gatherings to more than 4 as well.

**Prevention and Control of Disease (Prohibition on
Group Gathering) (Amendment) (No. 11) Regulation
2020**

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

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 30 September 2020.
- (2) Section 5(1) and (3) comes into operation on 2 October 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—

Add in alphabetical order

“*Cap. 599F direction* (《第 599F 章》指示) means 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);”.

4. Section 7 amended (defence for offence under section 6)

After section 7(1)—

Add

“(1A) It is a defence for a person who is charged with an offence
under section 6(1) in respect of a prohibited group
gathering that took place at premises in relation to which
a Cap. 599F direction was in force to establish that, at the
time of the alleged offence—

- (a) the person had not contravened any requirement or
restriction in relation to a group gathering at the
premises that was specified in the direction and
applicable to the person (*applicable requirement or
restriction*); or
- (b) there was no such applicable requirement or
restriction.”.

5. Schedule 1 amended (exempted group gatherings)

- (1) Schedule 1, item 9A, after “served”—

Add

“(except as part of a religious ritual)”.

- (2) Schedule 1—

Repeal item 13

Substitute

“13. Group gathering—

- (a) that takes place at any premises in relation to
which a Cap. 599F direction is in force, except
premises that, according to the direction, must
be closed; and
- (b) during which all requirements and restrictions
in relation to a group gathering at the premises
that are specified in the direction are complied
with”.

(3) Schedule 1—

Add

- “15. 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”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

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) provide that a group gathering at premises subject to 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) (*Cap. 599F premises*) is exempted under the principal Regulation only if certain conditions are met;
- (b) provide an additional defence for persons involved in a prohibited group gathering at Cap. 599F premises; and
- (c) add an exemption for religious activities held at religious worship premises and make a corresponding adjustment to the exemption of group gathering during a wedding ceremony.

Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2020

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

Clerk to the Executive Council

1. Commencement

This Regulation comes into operation on 30 September 2020.

COUNCIL CHAMBER

2. Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation amended

2020

The Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599 sub. leg. H) is amended as set out in section 3.

3. Section 9 amended (expiry)

Section 9—

Repeal

“14 October”

Substitute

“31 December”.

Explanatory Note

This Regulation amends the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599 sub. leg. H) to extend its expiry date from 14 October 2020 to 31 December 2020.

**Prevention and Control of Disease (Wearing of Mask)
(Amendment) (No. 2) 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 30 September 2020.

**2. Prevention and Control of Disease (Wearing of Mask)
Regulation amended**

The Prevention and Control of Disease (Wearing of Mask)
Regulation (Cap. 599 sub. leg. I) is amended as set out in section
3.

3. Section 7 amended (expiry)

Section 7—

Repeal

“14 October”

Substitute

“31 December”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 2)
Regulation 2020

Explanatory Note
Paragraph 1

3

Explanatory Note

This Regulation amends the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599 sub. leg. I) to extend its expiry date from 14 October 2020 to 31 December 2020.