

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (Cap. 599)

PREVENTION AND CONTROL OF DISEASE (PROHIBITION ON GROUP GATHERING) (AMENDMENT) (NO. 12) REGULATION 2020

INTRODUCTION

At the meeting of the Executive Council on 20 October 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the **Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 12) Regulation 2020** (“the Amendment Regulation”) (at Annex) 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 effects of the current public health emergency and protecting public health in Hong Kong. The Amendment Regulation amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) to –

- (i) broaden the scope of exempted group gatherings to include group gatherings of not more than 30 persons each during local tours organised by licensed travel agents and registered with the Travel Industry Council of Hong Kong (“TIC”); and
- (ii) to increase the maximum number of persons allowed in wedding ceremonies, and that in each room/partitioned area at a meeting of a body that must be held within a specified period under any ordinance or regulatory instruments, including annual general meeting or extraordinary general meeting, from 20 to 50.

JUSTIFICATIONS

Latest Local Situation

2. As of 17 October 2020, the Centre for Health Protection of the Department of Health had recorded a total of 5 238 cases of Coronavirus Disease 2019 (“COVID-19”), including 5 237 confirmed cases and one probable case. The cases included 2 598 males and 2 640 females ranging from 40 days to 100 years in age (median age is 43 years).

3. Although the third wave of the epidemic in Hong Kong, which began in early July 2020, subsided from its peak in late July, new cases and local clusters continue to be reported and there are signs of a rebound in epidemic situation. The seven-day moving average number of local cases increased from 1.1 on 1 October 2020 to its recent peak of 6.6 on 12 October 2020, while local cases of unknown sources increased from its last trough of 0.1 on 28 September 2020 to its recent peak of 1.4 on 8 October 2020. While the figures have come down over the past few days, the persistence of local cases with unknown source indicates that silent transmission chains continue to exist in the community and the current epidemiological situation is not yet stable. The recent upsurge of sporadic local cases and clusters has also clearly indicated that the epidemic situation is still volatile and the risk of a rebound is real if we do not exercise vigilance.

4. Since 1 October 2020, there have been new clusters related to bars and within the Thai community in Hong Kong, with no obvious source identified. Other recent clusters include an outbreak at a residential care home for persons with disabilities, a cluster related to the Royal Garden Hotel and a cluster of cases affecting workers of different pharmacies in Mong Kok.

THE AMENDMENT REGULATION

5. Instead of adjusting social distancing measures in a one-size-fits-all manner, the Government has been adopting a more refined and sophisticated approach. Having regard to the latest development of the epidemic situation and risk assessment, the Government has relaxed social distancing measures in a gradual and orderly manner since late August, so as to allow social and economic activities to resume in phases under the new normal. The relaxation so far includes raising the limit on the number of persons allowed in group gatherings in public places, extending the hours when dine-in

services are allowed and relaxing the number of persons allowed to be seated together at one table in catering premises, and reopening all catering business premises and scheduled premises. These premises are required to operate in accordance with infection prevention and control requirements.

6. As we have made clear to the general public, under the new normal, we must accept that there would be sporadic cases and clusters in the community from time to time. We cannot and should not wait until there is no confirmed case in the community for an extended period of time before considering relaxation of social distancing measures. As far as group gatherings are concerned, while the number of persons allowed in a group gathering has been maintained at four since 11 September 2020, there are currently 14 types of exempted group gatherings under Schedule 1 to Cap. 599G such that certain larger group gatherings for specific purposes which are considered necessary for the normal operation of the society can take place subject to appropriate infection control measures being put in place. Permission may also be given by the Chief Secretary for Administration (“CS”) for other group gatherings 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.

Exemption for local group tours

7. The public has been under strain, if not already in a state of fatigue, of a prolonged lockdown from travelling. Currently, local group tours of more than four persons cannot be organised due to the group gathering restriction under Cap. 599G. The popularity of the re-opened theme parks and flooding of visitors to our country parks clearly demonstrate a common urge among our people to go out for a break.

8. The tourism trade strongly appealed to the Government to lift the group gathering restriction to a maximum of 30 persons to allow for the organisation of local group tours, which is the last lifeline of the tourism trade when all outbound and inbound leisure travel has come to a standstill. The trade also indicated willingness to make all the extra efforts needed in mitigating health risk of such group tours by putting in place various health protection measures. With these assurances and preparations, we are of the view that the health risk of such local group tours may be much better managed. We therefore consider it appropriate to add a new type of exempted group gatherings under Schedule 1 to Cap. 599G for the group

gatherings of not more than 30 persons taking place during local group tours¹, provided that such tours are organised by licensed travel agents and registered with TIC². TIC, being the self-regulatory body for the travel trade, will be responsible for ensuring compliance with the social distancing or infection control measures by travel agents under the registration arrangement. The exemption should enable travel agents to organise local group tours which are commercially viable taking into account the cost for providing transportation and tourist guides, etc.

9. By registering with TIC, travel agents organising the local group tours will have to commit to observing a set of health and management protocol as follows –

- (a) local group tours must be organised by licensed travel agents. At registration, the organising travel agents would be required to subscribe to, by signing an undertaking, a set of health and management protocol (e.g. mandatory wearing of masks throughout the tour except during eating and drinking, provision of hand sanitisers, transportation used during the tour can only be filled up to 50% etc.) designed to minimise the risk of cross-infection among participants and to improve hygiene; and
- (b) TIC would act on complaint for quality assurance and also conduct on-site spot checks. Should there be any substantiated reports or complaints of breaches of the protocol, the travel agents concerned could be suspended from registration for local group tours for a month.

10. The exemption for local group tours would help “regularise” local tours by subjecting them to a set of health protection protocol, bring immediate business to the travel trade and keep tourist guides in the job, and allow the travel trade to take advantage of the Green Lifestyle Local Tour Incentive Scheme and Hong Kong Tourism Board’s “Free Tour” programme. This can also benefit tourism related industries such as catering and tour service coach businesses.

¹ If a tour group visits any catering business premises or scheduled premises under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), the group will be subject to the applicable directions issued under Cap. 599F.

² TIC would publish the list of registered tours online such that potential participants of the tours may verify if the tours are registered with TIC (and hence fulfil one of the conditions for the exemption) before sign-up.

Increase the maximum number of persons allowed for wedding ceremonies and annual/extraordinary general meetings

11. Group gatherings of not more than 20 persons each during wedding ceremonies and in each partitioned area for relevant meetings including annual general meetings or extraordinary general meetings are currently exempted under Cap. 599G. As no food or drink is allowed to be served at the ceremonies/ meetings and all participants should wear masks at all times during the events, we consider that the infection risk associated with such events is reduced. Having regard to calls from the community and in order to allow gradual resumption of social and economic activities, we would therefore increase the maximum number of persons allowed in such events from 20 to 50 to allow weddings and meetings of slightly larger scale to take place. Having regard to the similar health risks involved in annual general meetings or extraordinary general meetings, we would also increase the number of persons allowed in each partitioned area correspondingly.

OTHER OPTIONS

12. 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 REGULATION

13. The main provisions of the Amendment Regulation are set out in paragraph 1.

LEGISLATIVE TIMETABLE

14. The legislative timetable is as follows –

Publication in the Gazette	20 October 2020
Tabling at the Legislative Council	21 October 2020
Commencement	23 October 2020

IMPLICATIONS OF THE PROPOSAL

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

PUBLIC CONSULTATION

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

PUBLICITY

17. We issued a press release and announced the Amendment Regulation together with the social distancing measures which will take effect on 23 October 2020 at a press conference on 20 October 2020. A spokesperson was also made available to respond to public or media enquiries.

BACKGROUND

18. 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.

19. 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

20. 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.

Cap. 599G

21. Cap. 599G was introduced in end March 2020 to prohibit group gatherings of more than four persons in a public place during any period of not exceeding 14 days specified by Secretary for Food and Health by a notice published in the Gazette, except for a list of exempted group gatherings. CS may permit certain group gatherings.

22. The maximum number of persons allowed in a group gathering in a public place was increased to eight persons in early May 2020 and to 50 persons in early June 2020 as part of the relaxation measures implemented in view of the stabilisation of the epidemic situation then. It was reduced to four again in mid-July 2020 and subsequently to two in late-July 2020 due to the third wave of local outbreak. The number has been increased to four again with effect from 11 September 2020. Religious gatherings, which were a type of exempted group gatherings during 22 May to 14 July 2020, were re-introduced to the list of exempted group gatherings with effect from 2 October 2020.

ENQUIRIES

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

Food and Health Bureau
October 2020

Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 12) 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 23 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 section 3.

3. Schedule 1 amended (exempted group gatherings)

(1) Schedule 1, item 9A—

Repeal

“20”

Substitute

“50”.

(2) Schedule 1, item 11—

Repeal

“20” (wherever appearing)

Substitute

“50”.

(3) Schedule 1—

Add

“16. Group gathering of not more than 30 persons during a tour that—

- (a) is organized by a licensee as defined by section 2 of the Travel Agents Ordinance (Cap. 218);
- (b) does not involve the passage through any immigration control; and
- (c) is registered with the Travel Industry Council of Hong Kong,

except when taking place at any premises in relation to which a Cap. 599F direction is in force”.

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) to—

- (a) relax the conditions for the exemption for group gatherings during wedding ceremonies and certain meetings; and
- (b) add an exemption for group gatherings of not more than 30 persons each during local tours organized by licensed travel agents and registered with the Travel Industry Council of Hong Kong.