

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (Cap. 599)

PREVENTION AND CONTROL OF DISEASE (PROHIBITION ON GROUP GATHERING) (AMENDMENT) (NO. 14) REGULATION 2020

INTRODUCTION

Annex At the meeting of the Executive Council on 1 December 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the **Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 14) Regulation 2020** (“the Amendment Regulation”) (at Annex), which amends the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G), 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 to –

- (a) reduce the number of persons constituting a prohibited “group gathering” (that is a group gathering in a public place or at a Cap. 599F premises where a relevant requirement or restriction imposed under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) is not complied with), or a gathering that may be dispersed, from more than four persons to more than two persons;
- (b) reduce the number of persons allowed at each wedding ceremony where no food or drink is served from 50 to 20;
- (c) reduce the number of persons allowed in each partitioned area at an annual general meeting or extraordinary general meeting from 50 to 20;
- (d) remove the exemption for religious activities held at religious premises; and
- (e) remove the exemption for group gatherings during local tours.

JUSTIFICATIONS

Latest Local Situation

2. As of 29 November 2020, the Centre for Health Protection of the Department of Health (“DH”) had recorded a total of 6 239 cases of COVID-19. Over the past two weeks (16 – 29 November 2020), a total of 780 cases were reported, with 694 local cases (of which 143 cases involved unknown sources of infection) and 84 imported cases and two cases with epidemiological link to imported cases. Over the same period, the 7-day moving average number of local cases had risen drastically from 3.4 to 81.3, with the 7-day moving average number of local cases with unknown sources increasing from 1.9 to 15.9. The fourth wave of the epidemic has arrived.

3. While no further new cases had been identified for the cluster relating to people participating in a “staycation” at a local hotel in early November, new clusters involving singing and/or dancing activities had emerged. These new clusters involved a large number of persons, with 479 cases identified within 11 days. These cases also involved people who had been very active socially and participated in many group gatherings in various venues across different districts, resulting in widespread transmission of the virus when such people gathered without wearing masks. The resurgence of local cases coincided with the relaxation of social distancing measures in end October 2020 when we allowed essentially all activities to resume and extended the dine-in hours up to 2:00 in the morning. This shows that the current community outbreaks are likely brought about by the increase in social activities that accompanied the relaxation of social distancing measures as well as the general epidemic fatigue that the community is experiencing.

4. Meanwhile, the resurgence of cases globally continues to pose challenges to our local situation. While the 7-day moving average of imported cases had decreased from 8.4 on 16 November 2020 to 5.7 on 29 November 2020, the dire epidemic situation globally continues to pose significant health risks to Hong Kong.

5. In overall terms, the surge in local cases in recent days shows that there is extensive silent transmission of the virus in the community and there is no sign that we are anywhere near the peak of the fourth wave. It is extremely important to heighten vigilance at this point in time in all aspects of epidemic control measures, especially measures on social distancing and border control.

THE MEASURES

6. Having regard to the resurgence of local cases set out in paragraphs 2 and 3 above, we were of the view that the public health risk level at the time was extremely high. In response, it was necessary for us to tighten our social distancing measures to a more stringent level, with reference to those in place in late July/early August 2020 at the peak of the third wave of the epidemic. Specifically, under Cap. 599G, we decreased the number of persons permitted in group gatherings in public places and premises where a relevant requirement or restriction imposed under Cap. 599F is not complied with, from four to two. This should provide a clear signal to the public that we needed to be extremely vigilant and avoid any form of social gathering, in particular that in a public place, in light of the development of the epidemic situation.

7. Having regard to the need to reduce the number and scale of social gatherings in the community as a whole, we also amended the list of 14 types of exempted group gatherings set out in Schedule 1 to Cap. 599G to –

- (a) reduce the number of persons allowed at each wedding ceremony where no food or drink is served from 50 to 20;
- (b) reduce the number of persons allowed in each partitioned area at an annual general meeting or extraordinary general meeting from 50 to 20;
- (c) remove the exemption for religious activities held at religious premises and make corresponding amendment to the exemption for wedding ceremonies; and
- (d) remove the exemption for group gatherings during local tours.

8. The Secretary for Food and Health (“SFH”) issued a specification on the period when group gatherings in public places and premises where the relevant Cap. 599F restriction or requirement is not complied with are to be prohibited. The specification has taken effect on 2 December 2020 for 14 days until 15 December 2020.

OTHER OPTIONS

9. 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 as set out in paragraph 1.

THE AMENDMENT REGULATION

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

LEGISLATIVE TIMETABLE

11. The legislative timetable is as follows –

Publication in the Gazette	1 December 2020
Commencement	2 December 2020
Tabling at the Legislative Council	9 December 2020

IMPLICATIONS OF THE PROPOSAL

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

PUBLIC CONSULTATION

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

PUBLICITY

14. We issued a press release on the latest measures under Cap. 599G on 1 December 2020. The measures were also foreshadowed at a press conference on 30 November 2020. In addition, a spokesperson was made available to respond to public or media enquiries.

BACKGROUND

15. 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 requirements on arrivals as well as to enhance social distancing in the community.

16. 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.

17. Section 8 of the Ordinance empowers the Chief Executive in Council 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. 599G

18. 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 SFH 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.

19. The 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 further to two in late July 2020 due to the third wave of local outbreak. Having regard to the subsiding epidemic situation in mid-September 2020, it was increased to four again.

20. In order to provide deterrence against non-compliance with the group-gathering-related requirements and restrictions under the relevant

Cap. 599F directions, we have introduced legislative amendments under the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 11) Regulation 2020 on 30 September which provided that the relevant exemption under Cap. 599G would no longer apply to group gatherings taking place in catering business premises or scheduled premises in public places that are in violation of the group-gathering-related requirements and restrictions under the relevant Cap. 599F directions. On the other hand, with effect from 2 October 2020, the exemption for group gathering during religious activities at places of worship subject to certain conditions has been reinstated. Subsequently, amendments were also made to Cap. 599G to increase the maximum number of persons allowed from 20 to 50 in wedding ceremonies, and 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; and to broaden the scope of exempted group gatherings to include group gatherings of not more than 30 persons during local tours organised by licensed travel agents and registered with the Travel Industry Council of Hong Kong, with effect from 23 October 2020.

21. To further enhance the interface between Cap. 599F and Cap. 599G, the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 13) Regulation 2020 was made to extend the scope of Cap. 599G to cover group gatherings at any catering business premises or scheduled premises regulated under Cap. 599F whether the premises are a public place or not if a direction related to group gathering imposed on the premises is not complied with. The amendments took effect on 20 November 2020.

Cap. 599F

22. Cap. 599F was introduced in end March 2020 to impose temporary measures on catering business and scheduled premises. Premises currently covered by Cap. 599F as scheduled premises are –

- (1) Amusement game centre
- (2) Bathhouse
- (3) Fitness centre
- (4) Place of amusement
- (5) Place of public entertainment
- (6) Premises (commonly known as party room) that are maintained or intended to be maintained for hire for holding social gatherings

- (7) Beauty parlour
- (8) Club-house
- (9) Establishment (commonly known as club or nightclub) that is open late into the night, usually for drinking, and dancing or other entertainment
- (10) Karaoke establishment
- (11) Mahjong-tin kau premises
- (12) Massage establishment
- (13) Sports premises
- (14) Swimming pool
- (15) Hotel or guesthouse

23. Both Cap. 599F and Cap. 599G will expire at the midnight on 31 December 2020.

ENQUIRIES

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

Food and Health Bureau
December 2020

**Prevention and Control of Disease (Prohibition on
Group Gathering) (Amendment) (No. 14) 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 2 December 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, definition of *group gathering*—

Repeal

“4”

Substitute

“2”.

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

Section 10(2)—

Repeal

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

5. Schedule 1 amended (exempted group gatherings)

(1) Schedule 1, item 9A—

Repeal

“50”

Substitute

“20”.

(2) Schedule 1, item 9A—

Repeal

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

(3) Schedule 1, item 11—

Repeal

“50” (wherever appearing)

Substitute

“20”.

(4) Schedule 1—

Repeal items 15 and 16.

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) tighten the number of persons constituting a “group gathering” prohibited under the principal Regulation from more than 4 to more than 2;
- (b) in view of the tightening of the number, amend the provision in the principal Regulation on gatherings that may be dispersed, so that if the distance between any 2 gatherings in a public place is less than 1.5 m, both gatherings may be dispersed;
- (c) tighten the conditions for the exemptions for group gatherings during wedding ceremonies and certain meetings; and
- (d) repeal the exemptions for group gatherings during religious activities and local tours.