

# LEGISLATIVE COUNCIL BRIEF

## Prevention and Control of Disease Ordinance (Cap. 599)

### PREVENTION AND CONTROL OF DISEASE (PROHIBITION ON GROUP GATHERING) (AMENDMENT) (NO. 2) REGULATION 2021

#### INTRODUCTION

At the meeting of the Executive Council on 30 March 2021, the Council **ADVISED** and the Chief Executive **ORDERED** that, **the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 2) Regulation 2021** (“the Amendment Regulation”) (at Annex), which amended 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. The Amendment Regulation amended Cap. 599G to broaden the scope of exempted group gatherings to include group gatherings during a religious activity (other than a wedding ceremony) held at a place of worship. The Amendment Regulation restricts the capacity limit of the number of participants in such a religious activity to 30% of the number of persons that may normally be accommodated on the premises and requires that no food or drink may be served during the religious activity except as part of a religious ritual.

Annex

#### PRESENT SITUATION AND CONSIDERATION

##### Latest Local Situation

2. As of 28 March 2021, the Centre for Health Protection of the Department of Health had recorded a total of 11 447 cases of COVID-19. Over the past two weeks (15 – 28 March 2021), a total of 165 cases were reported, with 86 local cases (of which 19 cases involved unknown sources of infection) and 78 imported cases. Over the same period, the 7-day moving average number of local cases had decreased from 24.3 to 3.1, with the 7-day moving average number of local cases with unknown sources decreasing from 4.0 to 0.7.

3. Among the locally-acquired cases reported in the past two weeks, 22% were of unknown links/sources. While the average daily number of new cases had decreased from the peak level of the fourth wave in mid-December 2020, the persistence of local cases with unknown sources indicates that there is still silent transmission ongoing in the community. Notably, two large cluster outbreaks were reported in late February and mid-March 2021 respectively. A large outbreak was reported at a restaurant (“名潮食館” at K11 Musea) in late February which has led to over 50 related cases, with the last case reported on 10 March 2021. Another large outbreak involves a fitness centre (URSUS Fitness at Sai Ying Pun), with the first case reported on 10 March 2021. This cluster had increased rapidly in size, to a total of 155 cases by 28 March 2021. A significant proportion of the cases (about 40%) in this cluster were asymptomatic. This illustrates how silent transmission could have been actively ongoing, with asymptomatic cases transmitting the virus in the community. Furthermore, the two clusters illustrated that even a single superspreader could lead to explosive outbreaks within a very short period of time.

4. The cases of the fitness centre cluster involved staff who are required to take COVID-19 tests regularly in accordance with the requirements and restrictions imposed under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F). Despite the requirement, cases can still go undetected and cause potentially widespread transmission during the time between tests. While regular testing no doubt facilitates earlier identification of cases, until a majority of the population is vaccinated hence protected from infection, the risk of transmission persists so long as there is contact between people, particularly during activities when masks are taken off and there is a prolonged period of contact.

5. Over the first three months in 2021, the real-time effective reproductive number for local cases as estimated by the School of Public Health of the University of Hong Kong, having gone over 1.0 on 4 March 2021 as a result of the recent cluster outbreak involving a fitness centre, peaked at 1.44 on 8 March 2021 and had dropped below 1.0 since 12 March 2021, reaching the trough of 0.48 on 18 March 2021 but had slightly increased to 0.62 on 20 March 2021.

6. It can be seen from the above that, while the epidemic situation has improved substantially, we still need to maintain vigilance to guard against community outbreaks. There is therefore a continued need to adjust the social distancing measures in a precise, cautious and gradual manner with suitable epidemic control measures in place to minimise the risk of sporadic

cases developing into massive community outbreaks.

## **PROPOSED BROADENING OF THE SCOPE OF GROUP GATHERING EXEMPTIONS UNDER CAP. 599G**

7. Group gatherings during religious activities, subject to certain restrictions (see paragraph 9 below), were one type of exempted group gatherings during 2 October to 30 November 2020. This exemption was removed on 1 December 2020 in response to the fourth wave of the epidemic.

8. Though various religious bodies moved their religious activities online, many worshippers still preferred attending religious gatherings and celebrating some major religious festivals in a physical setting. Various religious liturgies and rituals such as baptism had also been cancelled or repeatedly postponed. Amidst the prolonged anti-epidemic battle which has lasted for more than one year, it is not uncommon for the public to experience stress, anxiety and fatigue. The calls from the religious leaders stemming from their wish to render spiritual and psychological support to their worshippers are understandable. As the epidemic continued to subside, the calls became stronger. In particular, as Easter was approaching (Good Friday on 2 April 2021), both the Catholics and Christians had been pushing hard for the early resumption of religious ceremonial gatherings in March 2021.

9. The religious community has all along been supportive of the Government's epidemic control measures. During the "lifting" stage after the third wave (from late August to mid-November 2020), the religious bodies had demonstrated ability and willingness to smoothly implement various restrictions and conditions subject to which the exemption was given under Cap. 599G. These include the capacity limit and the no-food-and-drinks requirements as stipulated in Cap. 599G, as well as various pre-cautionary measures recommended by the Centre for Health Protection's Health Advice on Prevention of COVID-19 for Religious Assembly ("CHP's Health Advice"). The key religious leaders indicated that they were prepared to continue with the above restrictions and pre-cautionary measures. Experience so far suggests that the key religious groups have generally been able to maintain vigilance and ensure compliance. Furthermore, there has been no large scale outbreak arising from religious activities since March 2020<sup>1</sup>.

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<sup>1</sup> There was a cluster related to a Buddhist temple "Fook Wai Ching She" in North Point in late February to March 2020.

10. Taking into account the above, we allowed resumption of religious gatherings by reinstating under Cap. 599G the exemption for group gatherings during religious activities (other than wedding ceremonies) at places of worship. Considering the fact that this is the first major relaxation for religious gatherings since the start of the fourth wave of the epidemic and bearing in mind the recent cluster outbreaks, we set the capacity limit at a prudent level of 30% based on the number of persons that may normally be accommodated on the premises, with a view to allowing religious activities to resume in a gradual and orderly manner while mitigating transmission risks. As in the previous conditional exemption, no food and drinks may be served during the religious activities (except being served as part of a religious ritual, such as Holy Communion<sup>2</sup>). The relevant legislative amendments took effect on 31 March 2021 so as to allow the religious community to start resuming religious activities ahead of Easter as soon as possible.

## **OTHER OPTIONS**

11. There is no other appropriate option that may enable the implementation of the measures as proposed under the Amendment Regulation.

## **THE AMENDMENT REGULATION**

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

## **LEGISLATIVE TIMETABLE**

13. The legislative timetable is as follows –

Publication in the Gazette	30 March 2021
Commencement	31 March 2021
Tabling at the Legislative Council	21 April 2021

## **IMPLICATIONS OF THE PROPOSAL**

14. The proposal under the Amendment Regulation is in conformity with

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<sup>2</sup> As some wedding ceremonies held at places of worship may comprise religious rituals that involve food and drink, we also propose making corresponding amendments to the exemption item concerning wedding ceremonies, i.e. while food and drink should remain to be prohibited at wedding ceremonies, food and drink served as part of a religious ritual would be allowed for the sake of consistency.

the Basic Law, including the provisions concerning human rights.

## **PUBLIC CONSULTATION**

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

## **PUBLICITY**

16. We gazetted the Amendment Regulation and issued a press release on 30 March 2021. A spokesperson was also made available to respond to public or media enquiries.

## **BACKGROUND**

17. The COVID-19 pandemic has caused an unprecedented health challenge across the globe. Before the wide availability and administration of vaccines, the absence of an effective treatment 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.

18. 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.

19. 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**

20. We introduced Cap. 599G in late March 2020 to prohibit group gatherings of more than four persons in a public place during any period not exceeding 14 days as 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. The number of persons allowed in a group gathering in a public place or at the Cap. 599F premises<sup>3</sup> as well as the list of exempted group gatherings have been adjusted from time to time in response to the development of the epidemic situation.

21. The cap on the number of persons allowed in a group gathering under Cap. 599G was adjusted to eight persons in early May 2020 and subsequently 50 persons in mid-June 2020; decreased to four persons in mid-July 2020 and two persons in late July 2020 in response to the outbreaks under the third wave; and increased to four persons again in September 2020 after the third wave subsided. With the arrival of the fourth wave, the maximum number of persons allowed in group gatherings in public places and at the Cap. 599F premises was again reduced to two persons in December 2020. The exemption for religious activities held at religious premises and that for group gatherings during local tours were also removed while the number of persons allowed at each wedding ceremony and that allowed in each partitioned area at an annual general meeting or extraordinary general meeting were reduced under the same exercise. Given that the fourth wave has been gradually subsiding since early February 2021, the cap was increased to four persons in late February 2021.

### **ENQUIRIES**

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

### **Food and Health Bureau March 2021**

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<sup>3</sup> Cap. 599F premises are any premises in relation to which a direction issued under section 6 or 8 of Cap. 599F is in force.

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- (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 30% of the number of persons that may normally be accommodated on the premises as a place of worship”.

(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 31 March 2021.

**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, after “served”—

**Add**

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

- (2) Schedule 1—

**Add**

“17. 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);

Clerk to the Executive Council

COUNCIL CHAMBER

2021

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### **Explanatory Note**

This Regulation amends Schedule 1 to the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599 sub. leg. G) to add an exemption for group gatherings during religious activities held at religious worship premises and to make a corresponding adjustment to the exemption for group gatherings during wedding ceremonies.