

L.N. 150 of 2020

Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 5) 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 29 July 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 sections 3 to 9.

3. Section 3 amended (requirement to cease selling food or drink etc. during specified period)

(1) Section 3(3)(b) and (c)—

Repeal

“5(1)”

Substitute

“7A(1)”.

(2) Section 3—

Repeal subsection (5)

Substitute

- “(5) For the purposes of subsection (1), an area is to be regarded as part of the premises of a catering business if—
- (a) seating or tables are made available (whether or not by the business) in the area for customers of the business; and
 - (b) the area—
 - (i) is adjacent to the premises of the business; or
 - (ii) forms part of any premises within which the premises of the business are situated.

(5A) If subsection (1) imposes a requirement on a person (*responsible person*) in relation to the premises of a catering business, and an area is regarded under subsection (5) as part of those premises, then subsection (1) is to be construed as also imposing the same requirement, in relation to that area, on the following person (*provider*) as if the provider were the responsible person—

- (a) for subsection (5)(b)(i)—a person by whom the seating or tables are made available in that area;
- (b) for subsection (5)(b)(ii)—a manager of the premises of which that area forms part.”.

(3) Section 3(6), after “(1)”—

Add

“or (5A)”.

4. Section 5 repealed (Chief Secretary for Administration may designate certain catering business for section 3)

Section 5—

Repeal the section.

5. Section 6 amended (directions of Secretary in relation to catering business)

After section 6(1)—

Add

“(1A) A direction issued under subsection (1) does not apply to—

(a) a catering business designated under section 7A(1); or

(b) a catering business falling within a category of catering businesses designated under section 7A(1).”.

6. Section 7A added

Part 2, after section 7—

Add

“7A. Chief Secretary for Administration may designate certain catering businesses for sections 3 and 6

(1) The Chief Secretary for Administration (*Chief Secretary*) may designate any catering business or category of catering businesses for the purposes of section 3(3)(b) or (c) or 6(1A)(a) or (b) if satisfied that the designation—

(a) is necessary for governmental operation; or

(b) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.

(2) The Chief Secretary may, if considered necessary, attach conditions to a designation.

- (3) The Chief Secretary may cancel a designation or vary a condition attached to a designation.
- (4) A designation, attachment of conditions, cancellation or variation under this section must be made in writing.”.

7. Section 8 amended (directions of Secretary in relation to scheduled premises)

After section 8(1)—

Add

- “(1A) A direction issued under subsection (1) does not apply to—
- (a) any scheduled premises designated under section 9A(1); or
 - (b) any scheduled premises falling within a category of scheduled premises designated under section 9A(1).”.

8. Section 9A added

Part 3, after section 9—

Add

“9A. Chief Secretary for Administration may designate certain scheduled premises for section 8

- (1) The Chief Secretary for Administration (*Chief Secretary*) may designate any scheduled premises or category of scheduled premises for the purposes of section 8(1A)(a) or (b) if satisfied that the designation—
 - (a) is necessary for governmental operation; or

- (b) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.
- (2) The Chief Secretary may, if considered necessary, attach conditions to a designation.
- (3) The Chief Secretary may cancel a designation or vary a condition attached to a designation.
- (4) A designation, attachment of conditions, cancellation or variation under this section must be made in writing.”.

9. Schedule 2 amended (scheduled premises)

- (1) Schedule 2, Part 1, after item 12—

Add

“13. Sports premises

14. Swimming pool”.

- (2) Schedule 2, English text, Part 2, section 1, definition of *place of public entertainment*—

Repeal

“(Cap. 172).”

Substitute

“(Cap. 172);”.

- (3) Schedule 2, Chinese text, Part 2, section 1, definition of *遊戲機中心*, paragraph (c)—

Repeal the full stop

Substitute a semicolon.

- (4) Schedule 2, Part 2, section 1—

Add in alphabetical order

“*sports premises* (體育處所)—

- (a) means any premises (other than a fitness centre, a place of amusement and a swimming pool) designed for indoor or outdoor sporting activities (whether on land or not)—
 - (i) to which the public have access (whether on payment or otherwise); or
 - (ii) that are operated by any club, institution, association or other organization; and
- (b) includes the following land and structures within the premises—
 - (i) any pitch;
 - (ii) any running track;
 - (iii) any sidewalk immediately adjacent to the pitch or running track; and
 - (iv) any spectator stand;

swimming pool (泳池)—

- (a) means any artificially constructed pool used for swimming or bathing (other than a pool specifically designed for use for hydrotherapy or other treatment purpose and a bathhouse)—
 - (i) to which the public have access (whether on payment or otherwise); or
 - (ii) that is operated by any club, institution, association or other organization; and
- (b) includes—
 - (i) any sidewalk immediately adjacent to the pool;
 - (ii) any facility adjoining the pool; and
 - (iii) any spectator stand of the pool.”.

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Premises) (Amendment) (No. 5) Regulation 2020

L.N. 150 of 2020

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Wendy LEUNG
Clerk to the Executive Council

COUNCIL CHAMBER

27 July 2020

Explanatory Note

This Regulation amends the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599 sub. leg. F) (*principal Regulation*) to—

- (a) provide that if seating or tables are made available for customers of a catering business in an area adjacent to the premises of the business or in an area that forms part of any premises (*relevant premises*) within which the premises of the business are situated—
 - (i) the area is to be regarded as part of the premises of the business; and
 - (ii) the person providing those seating or tables or a manager of the relevant premises must comply with a requirement imposed under section 3(1) of the principal Regulation in relation to the premises of the business;
- (b) empower the Chief Secretary for Administration to exempt—
 - (i) any catering business or category of catering businesses from the application of section 6(1) of the principal Regulation; and
 - (ii) any scheduled premises or category of scheduled premises from the application of section 8(1) of the principal Regulation; and
- (c) add the following premises to Part 1 of Schedule 2 to the principal Regulation—
 - (i) sports premises; and
 - (ii) swimming pool.