

L.N. 201 of 2020

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

Section 5

(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”.

Wendy LEUNG
Clerk to the Executive Council

COUNCIL CHAMBER

29 September 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.