

Government announces latest social distancing measures under Prevention and Control of Disease Ordinance

The Government announced today (December 7) the gazettal of extension of existing social distancing measures for 14 days, which will take effect on December 9 till December 22. The Government is also considering extending the scope of "vaccine bubble" at suitable juncture in order to encourage more citizens to get vaccinated so as to strengthen Hong Kong's immune barrier against COVID-19.

The Government announced yesterday (December 6) the relevant arrangement for extending the requirement of using LeaveHomeSafe (LHS) mobile application to all premises regulated under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F). The modes of operation of catering business are adjusted accordingly while other existing social distancing measures remain unchanged.

"COVID-19 mutant strains including the latest Omicron are spreading rapidly around the world. We must stay vigilant and adopt stringent epidemic control measures to follow through on the anti-epidemic strategy of guarding against the importation of cases and the resurgence of domestic infections in order to attain the goal of dynamic 'zero infection'," a spokesman for the Food and Health Bureau said.

Vaccination is a crucial part of the local anti-epidemic strategy. Since the announcement of the new direction in fighting the epidemic by the Chief Executive on April 12, the Government had been adjusting relevant social distancing measures regarding catering business and scheduled premises regulated under Cap. 599F on the basis of "vaccine bubble". The existing "vaccine bubble" measures covering both staff and customers which are applicable to catering business premises under Type D Mode of Operation, bars/pubs, and a number of scheduled premises including karaoke establishments, clubs or nightclubs, bathhouses, party rooms, mahjong-tin kau premises and cruise ships. Under the measures, staff members involved in the operation of the premises are required to complete full vaccination, or undergo regular tests if he or she has been assessed by a medical practitioner to be medically unfit for vaccination. Also, at least two-thirds of customers of Type D catering business premises and all users of the abovementioned scheduled premises must have received vaccination.

The Government is keeping a close watch on the development of the pandemic. If the situation eventually warrants a significant increase in the vaccination coverage in order to protect all Hong Kong citizens, particularly the elderly, as well as to ensure that the risk levels faced by the Hong Kong Special Administrative Region and the Mainland are on par so as to maintain the basic conditions for quarantine-free travel, the Government will consider extending the scope of "vaccine bubble" to all premises regulated under Cap.

599F. When considering the extension of "vaccine bubble", the Government will also take into account appropriate exemption arrangements (such as allowing individuals who are not eligible for vaccination or have been assessed by a medical practitioner to be medically unfit for vaccination to enter the premises), and consider further relaxing the restrictions for premises under "vaccine bubble" taking into consideration the need for epidemic control.

The Comirnaty and CoronaVac vaccines are highly effective in preventing severe cases and death from COVID-19. They can provide effective protection to those vaccinated in preventing serious complications and even death after infection. The Government continues to call on persons who are not yet vaccinated, especially senior citizens, chronic patients and other immunocompromised persons who face a much higher chance of death after COVID-19 infection, to get vaccinated as early as possible for better self-protection and preparation of cross-boundary travel.

According to Cap. 599F, the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) and the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I), the details of the requirements and restrictions which will take effect from December 9 till December 22 (the specified period) are as follows (see Annex 1 for requirements and restrictions under Cap. 599F):

LHS mobile application arrangement

(1) Customers or users of all catering business premises and scheduled premises must scan the LHS venue QR code using the LHS mobile application before entering the premises. Having considered that some individuals are unable to meet the requirement of using of the LHS mobile application due to reasonable reasons, the following three categories of persons may fill in a specified form as an alternative to the use of the LHS mobile application:

- (a) persons aged 65 or above and aged 15 or below;
- (b) persons with disability; and
- (c) other persons recognised by the Government or organisation(s) authorised by the Government.

For persons aged 15 or below entering the catering business premises and scheduled premises, he or she would not have to register his or her personal information using the specified form if he or she is accompanied by an adult who has complied with the LHS requirement (i.e. he or she has used the LHS mobile application or used the specified form to register relevant information as an alternative in accordance with the requirement).

The current requirement that all customers of bars or pubs, bathhouses, party rooms, clubs or nightclubs, karaoke establishments and mahjong-tin kau premises must use the LHS mobile application shall remain unchanged.

Scheduled premises managed by the Government will continue to implement the requirement on the use of the LHS mobile application following the prevailing arrangement applicable to government buildings and offices.

Catering business

(2) Type A Mode of Operation for catering businesses will no longer be applicable. All catering business premises (except for bars or pubs which are subject to other requirements) must operate according to one of the operating modes among Types B, C and D Mode of Operation. In the light of the above arrangement, the period during which dine-in services are allowed under Type B Mode of Operation will be extended for one hour to 10.59pm. Other existing requirements and restrictions for catering businesses will be maintained. Details are in Annex 2.

Bars and pubs

(3) The existing requirements and restrictions applicable to bars or pubs will be maintained during the specified period. Details are in Annex 2.

Scheduled premises

(4) During the specified period, the existing requirements and restrictions applicable to the following scheduled premises under Cap. 599F will be maintained. They can operate according to the specified Mode of Operation if specified measures are adopted (details in Annex 1 and Annex 2). Otherwise, they should continue to be closed:

- (a) bathhouses;
- (b) premises (commonly known as party rooms) that are maintained or intended to be maintained for hire for holding social gatherings;
- (c) establishments (commonly known as clubs or nightclubs) that are open late into the night, usually for drinking and dancing or other entertainment;
- (d) karaoke establishments;
- (e) mahjong-tin kau premises; and
- (f) cruise ships.

(5) Except for the requirement of using the LHS mobile application under (1), the existing requirements and restrictions applicable to other scheduled premises under Cap. 599F will be maintained during the specified period. These scheduled premises can be opened when the relevant requirements and restrictions are fulfilled, including the persons responsible for carrying on the premises arranging for all staff members involved in the operation of the premises to undergo a polymerase chain reaction (PCR)-based nucleic acid test for COVID-19 once every 14 days. The samples of which must be taken through combined nasal and throat swabs and by professionals. Staff may complete a COVID-19 vaccination course as an alternative.

(6) Persons responsible for carrying on catering businesses and managers of scheduled premises that contravene the statutory requirements under Cap. 599F would have committed a criminal offence. Offenders are subject to a maximum fine of \$50,000 and imprisonment for six months. In addition, persons who are present at any premises of a catering business or any scheduled premises have to comply with directions applicable to them. Non-compliance with the relevant directions would be an offence and offenders are subject to a maximum fine of \$10,000. The liability may be discharged by paying a fixed penalty of \$5,000. In particular, a staff member or a customer who makes

false declarations or provides false information under the relevant measures would be regarded as non-compliant with the directions issued under Cap. 599F and would be subject to a fixed penalty of \$5,000. Any contravention against group gathering requirements within a premises under Cap. 599F would continue to be handled according to the requirements under Cap. 599G, which means that participants of the group gathering would be subject to a fixed penalty of \$5,000.

Group gathering

(7) Unless exempted, the prohibition on group gatherings of more than four persons in public places will continue during the specified period. The requirement is also applicable to group gatherings in catering business premises and scheduled premises regulated under Cap. 599F in which the relevant requirements or restrictions are not complied with.

(8) According to Cap. 599G, any person who participates in a prohibited group gathering; organises a prohibited group gathering; or owns, controls or operates the place of such a gathering and knowingly allows the taking place of such a gathering commits an offence. Offenders are liable to a maximum fine of \$25,000 and imprisonment for six months. Persons who participate in a prohibited group gathering may discharge liability for the offence by paying a fixed penalty of \$5,000. Any participant, staff member or customer who makes false declarations or provides false information under the relevant measures may be regarded as participating in a prohibited group gathering and subject to a fixed penalty of \$5,000.

Mask-wearing requirement

(9) The mandatory mask-wearing requirement under Cap. 599I will be extended during the specified period. A person must wear a mask at all times when the person is boarding or on board a public transport carrier, is entering or present in an MTR paid area, or is entering or present in a specified public place (i.e. all public places, save for outdoor public places in country parks and special areas as defined in section 2 of the Country Parks Ordinance (Cap. 208)).

(10) Under Cap. 599I, if a person does not wear a mask in accordance with the requirement, an authorised person may deny that person from boarding a public transport carrier or entering the area concerned, as well as require that person to wear a mask and disembark from the carrier or leave the said area. A person in contravention of the relevant provision commits an offence and the maximum penalty is a fine at level 3 (\$10,000). In addition, authorised public officers may issue fixed penalty notices to persons who do not wear a mask in accordance with the requirement and such persons may discharge liability for the offence by paying a fixed penalty of \$5,000.