

Government begins to relax social distancing measures in gradual and orderly manner

The Government will gazette today (February 17) directions and specifications under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (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) to relax social distancing measures in a gradual and orderly manner. The above directions and specifications will take effect from 0.00am on February 18, 2021, for a period of 14 days till March 3 (the specified period).

A spokesman for the Food and Health Bureau said, "Thanks to the efforts of the whole community in Hong Kong, the epidemic situation has been gradually improving in the past month. With the epidemic situation under control, the Government will relax social distancing measures in a gradual and orderly manner in accordance with the latest developments of the epidemic situation and risk assessments, to allow social and economic activities to resume."

The details of the latest requirements and restrictions (see Annex 1 for requirements and restrictions under Cap. 599F) are as follows:

Catering business

(1) If a person responsible for carrying on a catering business adopts a series of infection control measures, including the following two newly added measures, the catering premises will fall under Category A. The two newly added measures are as follows:

Measure (a): To ensure that users scan the "LeaveHomeSafe" QR code or register their names, contact numbers and the dates and times of their visits before the persons are allowed to enter the premises, with records to be kept for 31 days; and

Measure (b): To arrange for all staff involved in the operation of the premises to undergo a polymerase chain reaction-based nucleic acid test for COVID-19 once every 14 days (the first test must be conducted within 14 days starting from February 11, 2021, i.e. by February 24, 2021), and ensure that the staff keep records of every SMS notification containing the result of the test for 31 days.

The responsible persons of Category A catering premises must comply with the following restrictions and requirements:

(a) From 10.00pm to 4.59am on the next day, save for specific premises (details in Annex 2), a person responsible for carrying on a catering business must cease selling or supplying food or drink for consumption on the premises of the business, and close any premises, or part of the premises, on which food or drink is sold or supplied by the business for consumption on the premises. The premises concerned may still sell or supply food and/or drink for takeaway services and deliveries. A person responsible for carrying on a catering business is also required to put up a notice at the entrance to the catering premises to remind customers that food or drink should not be consumed in areas adjacent to the catering premises; and

(b) The number of customers at the catering premises at any one time must not exceed 50 per cent of the normal seating capacity of the premises. No more than four persons may be seated together at one table within the catering premises.

(2) If a person responsible for carrying on a catering business does not adopt the two newly added measures as listed in paragraph (1) above, the catering premises will fall under Category B, and the responsible person has to comply with the following restrictions and requirements:

(a) From 6.00pm to 4.59am on the next day, save for specific premises (details in Annex 2), a person responsible for carrying on a catering business must cease selling or supplying food or drink for consumption on the premises of the business, and close any premises, or part of the premises, on which food or drink is sold or supplied by the business for consumption on the premises. The premises concerned may still sell or supply food and/or drink for takeaway services and deliveries. A person responsible for carrying on a catering business is also required to put up a notice at the entrance to the catering premises to remind customers that food or drink should not be consumed in areas adjacent to the catering premises; and

(b) The number of customers at any catering premises at any one time must not exceed 50 per cent of the normal seating capacity of the premises. No more than two persons may be seated together at one table within any catering premises; and

(c) The relevant person responsible for carrying on the catering business must put up at the entrance of the catering premises a notice to show that during the specified period, dine-in services can only be provided till 5.59pm every day and no more than two persons may be seated together at one table, as well as the relevant information of the business (such as the address of the business).

(3) If a person responsible for carrying on a Category A catering premises does not adopt the applicable infection control measures, the relevant premises will fall under Category B and must comply with the relevant restrictions and requirements for a period of 3, 7 or 14 days (see Note 4 of Annex 1), in order to reduce the transmission risks within the relevant premises.

(4) Furthermore, all persons responsible for carrying on a catering business

have to comply with the following requirements:

(a) Persons responsible for carrying on a catering business must display the poster containing the "LeaveHomeSafe" venue QR code at the entrance of the premises or at a conspicuous location which must be unobstructed at any one time so that it is readily accessible for scanning with a mobile phone by a person entering the catering premises and the size of the image of the poster displayed must not be less than 210 x 297mm (A4 size);

(b) Tables available for use or being used by customers within any catering premises must be arranged in a way to ensure there is a distance of at least 1.5 metres or some form of partition which could serve as an effective buffer between one table and another table at the premises;

(c) Any premises (commonly known as a bar or pub) that is exclusively or mainly used for the sale or supply of intoxicating liquors as defined in section 53(1) of the Dutiable Commodities Ordinance (Cap. 109) for consumption in that premises must be closed. Any part of a catering premises that is exclusively or mainly used for the sale or supply of intoxicating liquors for consumption in that part must be closed;

(d) No live performance, dancing activity, karaoke or mahjong-tin kau activity is allowed in catering premises;

(e) The number of persons participating in any one banquet at any one time may not exceed 20 persons; and

(f) Other requirements and restrictions, including that all persons must wear masks at any time in the premises except when eating or drinking, body temperature screening on persons before entering the premises and providing hand sanitiser, etc.

(5) Regarding the staff of catering business undergoing COVID-19 polymerase chain reaction-based nucleic acid testing every 14 days, in addition to the 19 Community Testing Centres, the designated post offices, 20 vending machines set up at MTR stations and 47 designated general outpatient clinics of the Hospital Authority, the Food and Environmental Hygiene Department (FEHD) will provide an additional testing route for staff of catering business as follows: starting from 9am on February 19, 2021 (Friday), the relevant persons may register via the FEHD webpage for the testing services provided by the FEHD's testing agency (Prenetics Limited). Responsible persons of licensed general restaurants, licensed light refreshment restaurants, licensed marine restaurants, licensed factory canteens, staff canteens and school canteens may register via Prenetics Limited's webpage the number of staff (with the first four types of premises inputting the licence number and the latter two inputting the Business Registration Certificate number), and choose to collect the specimen bottles at one of the four specified locations (Quarry Bay, Sham Shui Po, Sha Tin and Yuen Long) at a specified time slot. Starting from 9am on February 21, 2021 (Sunday), they may then collect the specimen bottles at the designated location at the designated time slot. The staff must return the specimen bottles to Prenetics Limited in person at any of the above specified locations in the next one to

two days for testing. Prenetics Limited will release the test result via SMS within the next one or two days. The daily quota for registration is limited and online registration will cease when the quota has been fully used up. For details, please browse the FEHD webpage (www.fehd.gov.hk) or contact the hotline of the testing agency (Prenetics Limited) at 3008 8319 from 9am on February 19, 2021, onwards.

(6) A patron staying at catering premises may take off his or her mask for most of the time in order to eat or drink. Having regard to this, anti-epidemic experts have recommended enhancing air ventilation in catering premises to a minimum level of six air changes per hour. If this could not be achieved, appropriate air purification equipment should be installed as an alternative. The FEHD launched a voluntary declaration scheme on air changes in catering premises in October 2020 and has set up an online platform for a licensed catering premises to declare the information of its air changes per hour under its ventilation system and/or air purification equipment installed in its catering premises. The Government strongly appeals to catering businesses to actively follow up on the guidelines and enhance the ventilation of food premises as soon as possible. In this way, the catering premises will be able to comply with the relevant requirements when the Government includes the relevant requirements relating to air change in the directions a number of weeks later. The efforts made by catering businesses can keep the risk of the epidemic under control and take a great step forward in bringing about the recovery of the economy. To this end, the FEHD will meet with the representatives of the catering trade again in the second half of February 2021 to deliberate the details further.

Scheduled premises

(7) Some of the scheduled premises under Cap. 599F can be open when the relevant requirements and restrictions are fulfilled. The two newly added measures among others are:

Measure (a): To ensure as far as practicable that users scan the "LeaveHomeSafe" QR code or register their names, contact numbers and the dates and times of their visits before the persons are allowed to enter the premises, with records to be kept for 31 days; and

Measure (b): To arrange for all staff involved in the operation of the premises to undergo a polymerase chain reaction-based nucleic acid test for COVID-19 once every 14 days (the first test must be conducted within 14 days starting from February 11, 2021, i.e. by February 24, 2021), and ensure that the staff keep records of every SMS notification containing the result of the test for 31 days.

(8) With the above two new measures listed out in paragraph (7) above adopted, the scheduled premises that can be open and the other relevant requirements and restrictions are as follows:

(a) Amusement game centre: The measures include that game stations, machines

or facilities next to one another and less than 1.5m apart must not be made available for use at the same time, or that there is some form of effective partitioning, and no more than four persons may be allowed at each game station, machine or facility, etc;

(b) Fitness centre: The measures include that any person within a fitness centre is required to wear a mask at all times (except when having a shower, eating or drinking); a person is not required to wear a mask when the person is doing exercise during a training group or class of no more than four persons; no more than four persons may be allowed at each fitness station, machine or equipment; and each training group or class must consist of no more than four persons and if there are more than four persons, there should be a distance of at least 1.5m between every participant and participants (including the coach) must wear masks, etc;

(c) Place of amusement: The measures include that any person within the premises including public bowling alleys and billiard establishments is required to wear a mask at all times (except when having a shower); no more than four persons may be allowed to play at each billiard table or each lane; only group/private lessons are allowed at ice skating rinks (except team sports), and a person is not required to wear a mask during a training group or class of no more than four persons; and for team sports, the maximum number of players and referees to be allowed in each skating rink should follow the rules and regulations of the respective team sports competition, and participants (including coaches and referees) must wear masks, etc;

(d) Place of public entertainment: The measures include that entertainment stations, machines or facilities next to one another and less than 1.5m apart must not be made available for use at the same time, or that there is some form of effective partitioning, and for cinemas, tickets to be sold and seats to be occupied of each house for film screening must not exceed 50 per cent of the seating capacity of the house, and seating must be arranged in a way that no more than four consecutive seats in the same row may be occupied. No eating or drinking inside a house is allowed, while for performance venues, performance with live audience can be resumed with adequate distancing or some form of effective partitioning between performers and the audience. A performer who does not wear a mask must undergo a polymerase chain reaction-based nucleic acid test for COVID-19 within seven days prior to the first entry to the place and every subsequent 14 days. Tickets to be sold and seats to be occupied must not exceed 50 per cent of the seating capacity of that place, and seating must be arranged in a way that no more than four consecutive seats in the same row may be occupied; the number of visitors in theme parks and museums must not exceed 50 per cent of the capacity of the premises; and ball pits must be closed, etc;

(e) Beauty parlour and massage establishment: The measures include that all staff must wear protective gear such as masks and face shields/goggles at all times when providing services to customers and the relevant gear has to be changed or sanitised after service is provided to a customer; customers may only be served upon appointment; and no more than four persons may be allowed in each partitioned service area, etc; and

(f) Sports premises: The measures include that any person is required to wear a mask at all times (except when having a shower, eating, drinking, or when the person is doing exercise within any outdoor sports premises). A person is not required to wear a mask when the person is doing team exercise of no more than four persons within indoor sports premises with a distance of at least 1.5m or some form of partition which could serve as an effective buffer between each group; each group of users must consist of no more than four persons; there must be a distance of at least 1.5m between each group of users, or some form of partition which could serve as an effective buffer between each group; for team sports, the maximum number of players and referees to be allowed in each playing field/court should follow the rules and regulations of the respective team sports competition; seats to be occupied must not exceed 50 per cent of the seating capacity of the spectator stands and no more than four consecutive seats in the same row may be occupied, etc.

(9) For club-houses as well as hotels and guesthouses, the catering premises therein must operate in accordance with the above restrictions and requirements stipulated for catering business, including the requirement to cease dine-in services during specific periods; amusement game centres, fitness centres, places of amusement, venues with public entertainment, beauty parlours and massage establishments and sports premises therein may also be open subject to compliance with the restrictions and requirements applicable to the relevant premises.

(10) The above premises have to be closed for 3, 7 or 14 days (see Note 4 of Annex 1) when the relevant measures applicable to the premises are not adopted, in order to reduce transmission risks.

(11) The below scheduled premises under Cap. 599F will 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) swimming pools.

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.

Group gathering

Unless exempted, the prohibition on group gatherings of more than two persons in public places will continue during the 14-day period from February

18, 2021 to March 3, 2021. The requirement is also applicable to group gatherings in catering business and scheduled premises regulated under Cap. 599F in which the relevant requirements or restrictions are not complied with. If there is no major change to the epidemic situation, the Government will seek the approval from the Executive Council shortly to relax the relevant group gathering restriction from two persons to four persons.

Any person who participates in a prohibited group gathering; organises a prohibited group gathering; owns, controls or operates the place of such a gathering; and knowingly allows the taking place of such a gathering commits an offence under Cap. 599G. 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.

Mask-wearing requirement

The mandatory mask-wearing requirement under Cap. 599I will be extended for a period of 14 days from February 18, 2021 to March 3, 2021. During the aforementioned period, a person must wear a mask all the time 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)).

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.