

Government maintains existing social distancing measures and announces plan for expanding "vaccine bubble"

The Government announced today (January 4) the gazettal of extension of existing social distancing measures for 14 days from January 6 till January 19, and the plan for expanding "vaccine bubble" which will be put into effect from February 24 to allow sufficient time for preparatory work, including enabling residents to get vaccinated in an orderly manner.

Since the announcement of the new direction in fighting the epidemic by the Chief Executive on April 12, 2021, the Government has been adjusting relevant social distancing measures regarding the catering business and scheduled premises regulated under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) on the basis of a "vaccine bubble". In particular, staff members of certain premises (namely bars or pubs, bathhouses, party rooms, clubs or nightclubs, karaoke establishments, mahjong-tin kau premises and cruise ships) 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 visiting catering business premises under Type D Mode of Operation and all users of the scheduled premises operated under the "vaccine bubble" (namely the aforementioned premises save for mahjong-tin kau premises) must have received vaccination.

The Government will implement a series of measures to expand the requirements of "vaccine bubble". The scope of which will cover all catering business and scheduled premises regulated under Cap. 599F (namely bars or pubs, bathhouses, party rooms, clubs or nightclubs, karaoke establishments, mahjong-tin kau premises and cruise ships, as well as all catering premises that provide dine-in service, amusement game centres, fitness centres, places of amusement, places of public entertainment, beauty parlours and massage establishments, club-houses, sports premises, swimming pools, hotels and guesthouses, and event premises). Furthermore, "vaccine bubble" will cover schools and certain government cultural and leisure facilities such as public libraries.

According to the existing plan, staff members will be required to have received at least one dose of COVID-19 vaccine when "vaccine bubble" is expanded to cover all catering business and scheduled premises regulated under Cap. 599F as well as other cultural and leisure facilities on February 24, and then at least two doses of COVID-19 vaccine after eight weeks' time. As for premises where customers or users are required to receive vaccination for entry, the customers and users will need to have received at least one dose of COVID-19 vaccine. Only under two circumstances can the vaccination requirement be exempted: individuals are (1) ineligible for vaccination due

to age; or (2) unfit for vaccination due to health reasons with relevant proof from a medical practitioner. Staff members who are assessed by a medical practitioner to be unfit for vaccination will need to undergo regular tests as specified.

Understanding the need for trade sectors to make preparations, the Government will have discussion with stakeholders before announcing the specific details of the vaccination requirements and the targeted individuals regarding schools and certain cultural and leisure facilities etc. The Government will also look into appropriate measures to facilitate persons responsible for the premises in complying with relevant requirements.

Vaccination is a crucial part of the local anti-epidemic strategy. 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. Starting from January 1, the Government has further expanded the COVID-19 Vaccination Programme. Specific measures include extension of the opening hours of nine of the 10 Community Vaccination Centres to enable members of the public to receive a third dose of the COVID-19 vaccine; provision of a third dose vaccination service to all eligible persons who have received two doses of the Comirnaty vaccine with the second dose received six months ago; provision of a second dose vaccination service to persons who have recovered from COVID-19 infection; and provision of a second dose Comirnaty vaccination service to persons aged 12 to 17.

"Many places around the world have recently registered record number of new cases due to the global emergence of Omicron mutant strain. We are racing with the virus that has become increasingly transmissible, and thus it is essential to expedite our COVID-19 vaccination uptake. We urge all residents who have not yet received the first or second dose, and those who are eligible to receive the third dose, to get vaccinated as soon as possible when vaccine supply is still adequate in Hong Kong. It is the right time to get yourself protected and join our efforts in building a protective barrier for Hong Kong from the epidemic," a government spokesman said.

As for existing social distancing measures, 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 January 6 till January 19 (the specified period) are as follows (see Annex 1 for requirements and restrictions under Cap. 599F):

Catering business

(1) The existing requirements and restrictions applicable to the catering business, including the requirement of using the LeaveHomeSafe (LHS) mobile application, will be maintained during the specified period. Except for bars or pubs which are subject to other requirements, all catering business premises must operate according to one of the operating modes among Types B,

C and D Modes of Operation, with details in Annex 2.

Bars and pubs

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

Scheduled premises

(3) 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.

(4) The existing requirements and restrictions applicable to other scheduled premises under Cap. 599F, including the requirement of using the LHS mobile application, 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.

(5) 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

(6) 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.

(7) 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

(8) 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)).

(9) 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.