

Government responds to LegCo member's gathering with people in bar

In response to media enquiries concerning a gathering involving a member of the Legislative Council and some 40 persons in a bar on April 2 night, a government spokesman said the following today (April 4):

The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap.599G or the Regulation) has taken effect at 0.00am on March 29. The Secretary for Food and Health, in accordance with the Regulation, has prohibited any group gathering of more than four persons in any public places during a specified period from March 29 to April 11.

According to the report, a member of the Legislative Council participated in a group gathering of some 40 persons in a bar on April 2 night. It was alleged that the bar was not in business during the time of the gathering with metal gate closing down by half and participants of the group gathering maintained social distancing during the gathering.

According to the Regulation, a public place is referred to a place that members of the public or some members of the public can access to or be permitted for access from time to time. Even for private properties, if members of the public or some members of the public are allowed access from time to time, such as food premises, bars and cinemas, such private premises would fall under the definition of public places and hence the requirements of prohibiting group gathering under the Regulation would also be applicable. Whether the group gathering in the bar concerned was conducted in a public place would therefore depend on the actual situation. If the situation at that time allowed members of the public to enter the bar premises, it might have fulfilled the definition of a public place and the requirements of prohibiting group gathering under the Regulation could also be applicable. As stipulated in the Regulation, any person who participates in or organises a prohibited group gathering; or owns, controls or operates the place of the gathering, and knowingly allows the taking place of the gathering, commits an offence. Offenders are liable to a maximum penalty of a fine at level 4 (\$25,000) and imprisonment for six months.

The 12 exempted group gatherings are listed in the Schedule 1 to the Regulation. One exemption applies to "group gathering for performing any duty of a statutory body or an advisory body of the Government". A group gathering "necessary for the proceedings in the Legislative Council or a District Council" is another exempted group. Note however that the Legislative Council is not a statutory body or an advisory body of the Government. Legislative Councilors participating in or organising group gathering at occasions outside the council, whether or not as a function of the Legislative Council, are also not exempted by the Regulation.

Premises such as bars are high-risk venues in spreading virus. Among the

573 confirmed cases recorded between March 19 and April 1, there are 132 local infection cases (23%). Of which, 69 cases (52.3%, i.e. more than half) involved bars and similar premises, including 28 cases in which the patients had visited different bars in Central. In addition to Central, there are also cluster outbreaks involving customers and performing bands who had been to bars in Wan Chai and Tsim Sha Tsui. In light of these cases, in accordance with the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), the Secretary for Food and Health required the closure of premises including bars and pubs for a specified period on April 2, 2020.

The Government's legislative intent in prohibiting group gatherings is to reduce the risk of spreading the virus. Owing to the serious situation of COVID-19, members of the public should maintain social distancing to curb the spread of infection. Crowd gatherings are high-risk activities which pose risks to the lives and health of the participants as well as that of other people. Moreover, organisers may be liable to relevant legal responsibilities including criminal liability. The Government urges members of the public again to go out less and avoid social activities such as meal gatherings or other gatherings, and maintain an appropriate social distance with other people in order to break the chain of infection.