

Government tightens social distancing measures in view of changes in epidemic situation

The Government announced on February 8 the gazettal of legislative amendments under the Prevention and Control of Disease Ordinance (Cap. 599), and the tightening of social distancing measures to take effect from February 10 till February 23.

Given the drastic deterioration of the epidemic situation in Hong Kong, the Chief Executive in Council approved the following four legislative proposals on February 8 with a view to further strengthening epidemic containment measures in light of the currently severe epidemic situation.

The first one involves amendments to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F). On top of the original 17 scheduled premises, six scheduled premises will be added, including religious premises, shopping malls, department stores, supermarkets, markets and barber shops or hair salons. In future, any person who enters these premises will be required to use the "LeaveHomeSafe" mobile application and comply with the relevant requirements under the "vaccine pass".

The second one involves amendments to the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G). The relevant restriction on the number of persons allowed per group gathering in a public place will be reduced from four to two. Provisions prohibiting multi-household gatherings at private premises involving more than two households will also be introduced, which enable the Secretary for Food and Health (SFH) to prohibit such multi-household gatherings during a specified period. As religious premises has been included as a scheduled premises regulated under Cap. 599F, religious activity will thus be removed from the original scope of exemption under Cap. 599G.

The third one involves the enactment of a new Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599L). This will provide a legislative framework enabling the SFH to make a "vaccine pass" direction in order to specify the application of "vaccine pass" in relation to any category of premises. The regulation also sets out exempted scenarios, such as children aged under 12, persons who cannot be vaccinated due to health reasons certified by medical practitioners, mere purchase of takeaway food or drinks, or persons who are seeking medical attention, etc.

The fourth one involves amendments to the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), which will raise the current level of fixed penalty from \$5,000 to \$10,000 in discharging relevant legal liabilities for non-compliance with compulsory

testing notices (including operations under restriction-testing declarations) or directions.

The above regulations will take effect from February 10. To ensure smoother implementation of the "vaccine pass" arrangement, the Government will first implement the "vaccine pass" arrangement with effect from February 10 in catering premises operating under Type D Mode of Operation that are currently allowed to open. Meanwhile, other premises will be allowed time to make preparations for the extension of the "vaccine pass" arrangement to other types of catering premises and scheduled premises regulated under Cap. 599F starting from February 24. Persons who wish to enter specified premises will be required to have received at least one dose of COVID-19 vaccine by then.

Specific measures (details in Annex 1) to be in force during the period from February 10 to February 23 include:

(I) Catering business

(1) From 6pm to 4.59am of the subsequent day, save for specific premises (details in Annex 3), 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 (whichever is applicable) 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. Catering premises under Type D Mode of Operation will be required to operate under the "vaccine pass" arrangement, with all customers required to have received at least one dose of COVID-19 vaccine while allowing a maximum of four persons per table. As for catering premises under Types B and C Modes of Operation which are not yet about to comply with the requirements of the "vaccine pass", the maximum number of persons per table will be reduced to two and they will need to prepare for the full implementation of the "vaccine pass" from February 24. The maximum numbers of customers per catering premises under Types B, C and D Modes of Operation are 50 per cent, 75 per cent and 100 per cent of the capacity limit of the premises respectively. No banquet will be allowed for all catering premises.

(2) No live performance and dancing activity is allowed in catering premises. Karaoke or mahjong-tin kau activity should also be suspended therein.

(3) Other requirements and restrictions on catering premises will remain in force, including that all customers, when they are away from the table, must not consume food or drink and must wear a mask, and they must scan the "LeaveHomeSafe" venue QR code using the "LeaveHomeSafe" mobile application on their mobile phones/other mobile devices before entering the premises (excluding persons who only order takeaway).

(4) Bars or pubs will be closed.

(II) Scheduled premises

(5) Except for club houses and hotels or guesthouses, all scheduled premises regulated under Cap. 599F as listed below must suspend operation:

- (a) Amusement game centres;
- (b) Bathhouses;
- (c) Fitness centres;
- (d) Places of amusement;
- (e) Places of public entertainment;
- (f) Premises (commonly known as party rooms) that are maintained or intended to be maintained for hire for holding social gatherings;
- (g) Beauty parlours;
- (h) Establishments (commonly known as clubs or nightclubs) that are open late into the night, usually for drinking, and dancing or other entertainment;
- (i) Karaoke establishments;
- (j) Mahjong-tin kau premises;
- (k) Massage establishments;
- (l) Sports premises;
- (m) Swimming pools;
- (n) cruise ships (i.e. suspension of "cruise-to-nowhere" itineraries);
- (o) event premises;
- (p) religious premises (except for funerals); and
- (q) barber shops or hair salons.

(6) For club houses and hotels or guesthouses, managers must comply with the relevant restrictions under Cap. 599F, including closing the facilities therein that are being used or operated as premises mentioned in points (4) and (5) above, and the catering premises therein must comply with all applicable requirements, including that of suspension of dine-in service during dinnertime.

(III) Mask-wearing requirement

(7) The mandatory mask-wearing requirement under the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) will be extended during the period from February 10 to February 23. 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)).

(8) 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 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 at \$5,000.

(IV) Cessation of mass events to avoid group gatherings

(9) Unless exempted, group gatherings of more than two persons in public places will be prohibited during the period from February 10 to February 23. 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.

(10) From February 10 to February 23, multi-household gatherings at private premises involving more than two households will be prohibited.

(11) 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 gathering commits an offence under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (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 at \$5,000.

A Government spokesperson said, "Hong Kong is now facing a dire epidemic situation, with the number of new cases growing daily in an unprecedented pace. To protect public health, the Government needs to reduce social contacts among citizens through various measures and urge them to get vaccinated as early as possible with a view to reducing the risks of severe cases or even death when infected. With the concerted efforts of citizens in our fight against the virus, Hong Kong will certainly contain the epidemic."