

Government to raise penalties for offences against relevant Regulations under Prevention and Control of Disease Ordinance

The Government announced today (December 4) that it will gazette amendments to the subsidiary legislations under the Prevention and Control of Disease Ordinance (Cap. 599), increasing the penalties for breaching requirements under the relevant Regulations in order to create the necessary deterrence effect. The relevant legislative amendments will take effect from December 11, 2020.

A spokesman for the Food and Health Bureau said, "Anti-epidemic work requires the cooperation and self-discipline of all citizens by strictly complying with various anti-epidemic measures, including avoiding crowds, keeping social distance and maintaining personal hygiene. The Government has introduced a number of regulations under the Prevention and Control of Disease Ordinance in the past few months to reduce people flow and social contact so as to stop the virus from spreading in the community. Faced with the epidemic surge, apart from tightening various infection control measures, it is imperative to increase the relevant penalties in order to create the necessary deterrence effect and ensure strict compliance with relevant requirements."

The latest penalties as amended under relevant Regulations are as follows:

(1) under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G), any person who participates in a prohibited group gathering commits an offence. The fixed penalty for discharging liability for the offence is raised from \$2,000 to \$5,000;

(2) under the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I), anyone who fails to wear a mask in accordance with the requirement when boarding or on board a public transport carrier, entering or present in an MTR paid area, or entering or present in a specified public place (currently covering 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)) commits an offence. The fixed penalty for discharging liability for the offence is raised from \$2,000 to \$5,000; and

(3) Under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), anyone who fails to comply with a requirement of a compulsory testing direction or a compulsory testing notice commits an offence. The fixed penalty for discharging liability for the offence is raised from \$2,000 to \$5,000.

In tandem with the increase in fixed penalties, the maximum penalty upon conviction for the related offences under Cap. 599I and Cap. 599J would be increased accordingly. Details are at Annex.

The spokesman emphasised that the Government will step up inspections and law enforcement, taking stringent enforcement actions against offenders. If compliance is not satisfactory, the Government does not rule out the possibility of further raising the penalties.

The spokesman said, "At this critical juncture of anti-epidemic work, we need the collective efforts of the community to keep social distance and maintain personal hygiene, in order to protect ourselves, our families and the public at large, especially the high-risk and disadvantaged groups. Accordingly, the Government strongly urges all members of the public to stay at home as far as possible and stop all unnecessary social activities. We are confident that with solidarity and concerted efforts of all, we should be able to fight this wave of epidemic together with a view to resuming normal economic and social activities."