

Government to relax social distancing measures under “vaccine bubble”

The Government will gazette 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 with conditions with "vaccine bubble" as the basis. The above directions and specifications will take effect from 0.00am on April 29, for a period of 14 days till May 12 (the specified period).

A spokesman for the Food and Health Bureau said, "Taking into account our enhanced anti-epidemic capabilities and with the steady progress of the Government's vaccination programme, we consider it an opportune time to adopt a new direction in fighting the pandemic and relax certain restrictions with 'vaccine bubble' as the basis, with a view to responding to the aspirations of various trades and the public to resume normal daily lives as soon as possible."

"Depending on the epidemic development and the implementation of the first phase of measures under the 'vaccine bubble', we will review and adjust the details of the measures and consider further relaxation of restrictions in respect of the operation of restaurants and other premises under the second phase."

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

Catering business

(1) Except for bars or pubs which are subject to other requirements, all catering business must operate according to one or more of the following operating mode(s). Among them, Types A and B Mode of Operation are existing arrangements, while Types C and D Mode of Operation are introduced under the "vaccine bubble".

(a) Type A Mode of Operation: The catering business can provide dine-in services from 5am to 5.59pm every day, with the number of customers at the catering premises at any one time not exceeding 50% of the normal seating capacity of the premises and no more than two persons seated together at one table.

(b) Type B Mode of Operation: A person responsible for carrying on a catering business must adopt specified infection control measures, including ensuring that patrons (excluding persons who only order takeaways) scan the "LeaveHomeSafe" QR code using the "LeaveHomeSafe" mobile application on their mobile phones or register their names, contact numbers and the dates and times of their visits before the patrons are allowed to enter the premises;

and arranging for all staff members involved in the operation of the premises to undergo a polymerase chain reaction-based nucleic acid test for COVID-19 using combined nasal and throat swabs starting from April 29, once every 14 days (or as alternative, complete a COVID-19 vaccination course). The catering business can provide dine-in services from 5am to 9.59pm every day, with the number of customers at the catering premises at any one time not exceeding 50% of the normal seating capacity of the premises and no more than four persons seated together at one table.

(c) Type C Mode of Operation: A person responsible for carrying on a catering business must ensure that all staff have received the first dose of COVID-19 vaccine. The person responsible for carrying on a catering business can designate the whole or part of the premises as "Designated Zone C", and must ensure that all customers in the zone scan the "LeaveHomeSafe" QR code using the "LeaveHomeSafe" mobile application on their mobile phones. Within the "Designated Zone C", the catering business can provide dine-in services from 5am to 11.59pm every day, with the number of customers at the catering premises at any one time not exceeding 50% of the normal seating capacity of the premises and no more than six persons seated together at one table.

(d) Type D Mode of Operation: A person responsible for carrying on a catering business must ensure that all staff have completed the full course of COVID-19 vaccination (which generally refers to having received two doses of COVID-19 vaccine plus 14 days). The person responsible for carrying on a catering business can designate the whole or part of the premises as "Designated Zone D", and must ensure that all customers in the zone have received the first COVID-19 vaccine dose and scan the "LeaveHomeSafe" QR code using the "LeaveHomeSafe" mobile application on their mobile phones. Within the "Designated Zone D", the catering business can provide dine-in services every day from 5am to 1.59am on the subsequent day, with the number of customers at the catering premises at any one time not exceeding 75% of the normal seating capacity of the premises and no more than eight persons seated together at one table.

(e) Under Types A, B and C Mode of Operation, the number of persons participating in any one banquet at any one time may not exceed 20 persons. Under Type D Mode of Operation, the maximum number of people participating in a banquet within the "Designated Zone D" can be raised to 100. Participants of a banquet of more than 20 persons are required to receive the first dose of COVID-19 vaccine. For persons who are unfit to receive vaccination because of health reasons, those who are aged 16 or above must duly complete a declaration form and present a medical certificate, as well as the negative result of a polymerase chain reaction-based nucleic acid test for COVID-19 test received on the banquet date or within the preceding three days. Those who are aged between 6 and 15 are required to present the aforementioned test result.

(f) Under Types C and D Mode of Operation, staff who are unfit to receive vaccination because of health reasons must submit a declaration form and present a medical certificate to the employer, and undergo a polymerase chain reaction-based nucleic acid test for COVID-19 using combined nasal and throat swabs every seven days.

(g) Regarding the requirement of using "LeaveHomeSafe" mobile application under Types C and D Mode of Operation, those aged 15 or below accompanied by an adult can be exempted from the requirement since the accompanying adult has to scan the "LeaveHomeSafe" QR code using the "LeaveHomeSafe" mobile application on his/her mobile phone. Those aged 65 or above, as well as those aged 15 or below not accompanied by an adult would be required to provide information on the visit with a specified form.

Bars and pubs

(2) Bars and pubs can be reopened, if the responsible person of the premises ensures that all staff and customers have received the first COVID-19 vaccine dose, and that all customers scan the "LeaveHomeSafe" QR code using the "LeaveHomeSafe" mobile application on their mobile phones. The premises may operate every day from 5am to 1.59am on the subsequent day, with the number of customers at the premises at any one time not exceeding 50% of the normal seating capacity of the premises and no more than two persons seated together at one table. Staff who are unfit to receive vaccination because of health reasons must duly complete a declaration form and present a medical certificate to the employer, and undergo a polymerase chain reaction-based nucleic acid test for COVID-19 using combined nasal and throat swabs every seven days.

Scheduled premises

(3) The following scheduled premises under Cap.599F can operate according to the specified operation mode if specified measures are adopted. 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; and
- (e) mahjong-tin kau premises.

(4) The specified measures regarding item (3) are as follows:

- (a) all staff must be ensured to have received the first COVID-19 vaccine dose. Staff who are unfit to receive vaccination because of health reasons must submit a declaration form and present a medical certificate to the employer, and undergo a polymerase chain reaction-based nucleic acid test for COVID-19 using combined nasal and throat swabs every seven days;
- (b) all customers must be ensured to have received the first COVID-19 vaccine dose (except for mahjong-tin kau premises); and
- (c) all customers must be ensured to scan the "LeaveHomeSafe" QR code using the "LeaveHomeSafe" mobile application on their mobile phones.

(5) The specified operation mode under item (3) are as follows:

- (a) The operating hours for bathhouses, party rooms, clubs or night clubs and karaoke establishments are from 9am to 1.59am on the subsequent day, while that for mahjong-tin kau premises is to end at 11.59pm in accordance with the

relevant licensing conditions;

(b) For clubs or nightclubs, no more than two persons can be seated together at one table;

(c) For party rooms, the maximum number of people allowed in each room is four;

(d) For karaoke establishments, the maximum number of people allowed to be seated together at one table is four; and

(e) The number of customers at any one time must not exceed 50% of the normal capacity of the premises (except for bathhouses).

(6) During the specified period, the existing requirements and restrictions applicable to other scheduled premises under Cap. 599F will be maintained. These scheduled premises can be opened when the relevant requirements and restrictions are fulfilled (including arranging for all staff members involved in the operation of the premises to undergo a polymerase chain reaction-based nucleic acid test for COVID-19 once every 14 days, or complete a COVID-19 vaccination course as an alternative).

(7) 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, the Executive Council has approved amendments to Cap.599F, to require persons who are present at any premises of a catering business or any scheduled premises 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 measures (1), (2) and (4) above would be regarded as non-compliance 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 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. The amendments have been published in the gazette and will take effect on April 29.

Group gathering

(8) 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 and scheduled premises regulated under Cap. 599F in which the relevant requirements or restrictions are not complied with.

(9) The scope of existing exempted group gatherings under Cap.599G will be adjusted under the principle of "vaccine bubble" (details at Annex 4) in accordance with the arrangements in items (10) and (11) below. The amendments

to Cap.599G have been published in the Gazette and will take effect on April 29.

(10) Group gatherings of not more than 30 persons each during tours organised by licensed travel agents and registered with the Travel Industry Council of Hong Kong are allowed, on condition that the frontline staff of such group tours must have received the first COVID-19 vaccine dose. Frontline staff who are unfit to receive vaccination because of health reasons must submit a declaration form and present a medical certificate to the licensee operating the tour and undergo a polymerase chain reaction-based nucleic acid test for COVID-19 using combined nasal and throat swabs within seven days prior to receiving the relevant group tours.

(11) The restrictions on group gatherings below will be relaxed, on the premise that all participants of the group gathering aged 16 or above must have received the first COVID-19 vaccine dose. Participants of the group gathering who are unfit to receive vaccination because of health reasons must submit a declaration form and present a medical certificate to the organiser of the group gathering or the manager of the premises, and present a negative result of a polymerase chain reaction-based nucleic acid test for COVID-19 conducted within 14 days prior to participating in the group gathering:

(a) The number of persons allowed at each wedding ceremony where no food or drink is served (except as part of religious ritual) would be increased from 20 at present to 50 for indoor premises and 100 for outdoor premises;

(b) The number of persons allowed at certain business meetings held in order to comply with any Ordinance or other regulatory instrument (e.g. annual general meetings) would be raised from 20 at present to 50 for indoor premises and 100 for outdoor premises. If the number of persons participating in such meetings exceed the maximum limit, arrangement must be made to separate participants in different rooms or partitioned areas; and

(c) The number of persons allowed at each religious gathering where no food or drink is served (except as part of religious ritual) would be increased from 30% of the normal capacity of the premises to 50% for indoor premises and 100% for outdoor premises.

(12) 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. A staff member or a customer who makes false declarations or provides false information under measures (10) and (11) above may be regarded as participating in a prohibited group gathering and subject to a fixed penalty of \$5,000.

Mask-wearing requirement

(13) 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)).

(14) 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.