

Latest legislative amendments and specifications under Prevention and Control of Disease Ordinance gazetted

In view of the epidemic situation of COVID-19 in Hong Kong, the Government today (July 22) gazetted the latest legislative amendments and specifications under the Prevention and Control of Disease Ordinance (Cap. 599) to implement measures to further strengthen epidemic control efforts.

The latest legislative amendments and specifications include amendments to the Prevention and Control of Disease (Wearing of Mask) (Public Transport) Regulation (the title of which would be amended to Prevention and Control of Disease (Wearing of Mask) Regulation) (Cap. 599I) to expand the scope of places at which a person is required to wear mask to public places. The Secretary for Food and Health (SFH) has also specified for the purpose of implementation of Cap. 599I in the coming 14 days all indoor public places, public transport termini and interchanges as relevant public places.

In parallel, the Government gazetted the specifications under the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) to expand the scope of specified places, imposing conditions based on public health grounds on travellers who have visited specified high-risk places within 14 days before arrival in Hong Kong, in order to further enhance the anti-epidemic measures.

The spokesman for the Food and Health Bureau said that, as the epidemic situation remained severe, the Government strongly urged the public to stay at home as much as possible, refrain from going out unnecessarily, refrain from dining out and avoid unnecessary social activities (including private gatherings), to fight the epidemic together and prevent the virus from continuing to spread in the community.

The epidemic situation of COVID-19 in Hong Kong has undergone drastic changes since early this month. New cases recorded during the period from July 15 to July 21 include 393 cases without travel history during the incubation period and 56 imported cases. The recent emergence of local cases of unknown infection source indicates the existence of sustained silent transmission in the community. The latest public health risk assessment shows that the risk of a large-scale community outbreak is now the highest since the emergence of the epidemic in Hong Kong.

According to the World Health Organization and health experts, COVID-19 would not be eradicated without effective treatment and vaccination. The Government thus is required to incorporate work in relation to disease prevention and control as well as infection management into the new normal of the daily operation of the society. To this end, the Government has all along adopted the "suppress and lift" strategy in order to quickly adjust epidemic control measures should there be inevitable small-scale community

outbreaks. In view of the continued deterioration of the epidemic situation, the Government had announced on July 19 a series of epidemic prevention measures, including extension of the compulsory mask-wearing requirement to all indoor public places.

The spokesman said, "The detection of quite a number of local cases with unknown sources of infection over a short period of time raises an important alarm, reminding the community that members of the public must not let down their guard in terms of epidemic prevention and control. In view of the latest public health risk assessment, in particular the higher risks brought about by activities conducted without wearing masks as shown in recent cases, we are of the view that it is now necessary to introduce more stringent epidemic prevention measures, including requiring a person to wear a mask at all times in indoor public places, as well as public transport termini and interchanges."

Mask-wearing requirement

The amended Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) empowers SFH to, save for a public transport carrier or an MTR paid area, specify any or all public places for the purpose of implementation of Cap. 599I. During the specified period, a person must wear a mask at all times when the person is boarding or onboard a public transport carrier, is entering or present in an MTR paid area, or is entering or present in a specified public place.

SFH, by way of a notice published in the gazette, has specified all indoor public places, as well as public transport termini and interchanges, to mandate the wearing of mask at all times by any person entering or being present in those public places. The relevant public places are :

- (1) all indoor public places, where "indoor" is defined based on the relevant interpretation under the Smoking (Public Health) Ordinance (Cap. 371);
- (2) public transport facilities designated as no smoking areas as set out in the Schedule to the Smoking (Public Health) (Designation of No Smoking Areas) Notice (Cap. 371, sub. leg. D); and
- (3) public places that are bus interchanges and adjoining facilities designated as no smoking areas as set out in item 21 of Schedule 2 to the Smoking (Public Health) Ordinance (Cap. 371).

The relevant specifications will take effect on July 23, 2020 for a period of 14 days till August 5, 2020. 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 who does not wear a mask in accordance with the requirement or contravenes the above provision commits an offence and the maximum penalty is a fine at level 2 (\$5,000). 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 \$2,000.

Imposing conditions on travellers from high-risk places

The Government has earlier introduced Cap. 599H to impose conditions on travellers coming to Hong Kong from high-risk places to reduce the health risk they may bring to Hong Kong. SFH has earlier published in the gazette specifications on the new measures which would be applicable to seven specified places (i.e. Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines and South Africa) with effect from July 25. Taking into account the latest public health risk assessment, and the changes and developments of the epidemic situation, SFH published in the gazette new specifications to maintain the conditions imposed and include Kazakhstan and the United States of America as additional specified places with effect from July 29.

According to the latest specification, a traveller who, on the day on which the traveller boarded a civil aviation aircraft that arrives at, or is about to arrive at Hong Kong (specified aircraft), or during the 14 days before that day, has stayed in one of the aforementioned specified places must provide the following documents:

- (1) a letter or certificate in English or Chinese issued by a laboratory or healthcare institution bearing the name and identity card or passport number of the relevant traveller to show that:
 - (a) the relevant traveller underwent a nucleic acid test for COVID-19 the sample for which was taken from the relevant traveller within 72 hours before the scheduled time of departure of the specified aircraft;
 - (b) the test conducted on the sample is a nucleic acid test for COVID-19; and
 - (c) the result of the test is that the relevant traveller was tested negative for COVID-19; and
- (2) the original of the report for the test issued by the laboratory or healthcare institution bearing the name and identity card or passport number of the relevant traveller;
- (3) a letter in English or Chinese issued by the relevant authority of the government of the place in which the laboratory or healthcare institution is located certifying that the laboratory or healthcare institution is recognised or approved by the government; and
- (4) the relevant traveller has confirmation in English or Chinese of room reservation in a hotel in Hong Kong for not less than 14 days starting on the day of the arrival of the relevant traveller in Hong Kong.

The operator of the specified aircraft should submit to the Department of Health (DH) before the specified aircraft arrives at Hong Kong a document in a form specified by DH confirming that each relevant traveller has, before being checked-in for the flight to Hong Kong on the aircraft, produced for boarding on the aircraft the above documents.

If any conditions specified by SFH is not met in relation to any relevant traveller on the conveyance, each of the operators of the conveyance commits an offence, and is liable on conviction to the maximum penalty of a

fine at level 5 (\$50,000) and imprisonment for six months. If an operator fails to comply with a requirement to provide information, or knowingly or recklessly provides any information that is false or misleading in a material particular, he or she is liable on conviction to the maximum penalty of a fine at level 5 (\$50,000) and imprisonment for six months.

As for travellers, if a traveller coming to Hong Kong fails to comply with a requirement to provide information, or knowingly or recklessly provides any information that is false or misleading in a material particular, he or she is liable on conviction to the maximum penalty of a fine at level 3 (\$10,000) and imprisonment for six months.

Extension of validity of the public health emergency regulations

As the local and global epidemic situation remains severe, it is necessary for the Government to continue to, having regard to the "suppress and lift" strategy, adjust the epidemic control measures taking into consideration factors including public health protection, economic impact and social acceptance. To this end, it is necessary for the Government to maintain the statutory framework under the various existing public health emergency regulations and extend their validity.

The spokesman pointed out that, extending the validity of the relevant regulations did not imply that the restrictions currently imposed under those regulations would be maintained until the corresponding expiry dates. Rather, the relevant statutory framework had provisions in place to allow flexibility such that the Government may tighten or relax or even suspend specific requirements and conditions subject to development of the epidemic situation in line with the "suppress and lift" strategy.

The amendments concerned are technical in nature, and the specific expiry dates of the various regulations, as amended, are set out below:

- (1) the expiry date of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) is extended from August 7, 2020 to September 7, 2020.
- (2) the expiry date of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) is extended from August 31, 2020 to December 31, 2020.
- (3) the expiry date of the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) is extended from September 18, 2020 to December 31, 2020.
- (4) the expiry date of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) is extended from August 31, 2020 to December 31, 2020.
- (5) The expiry date of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) is extended from August 31, 2020 to December 31, 2020.

The spokesman added that, the directions issued by SFH on July 20 and July 13 pursuant to Cap. 599F and Cap. 599G would remain effective till July

28 to continue to impose stringent limits on the number of persons and capacity as well as other infection control requirements on catering business and require the closure of scheduled premises, as well as to prohibit group gatherings of more than four persons in public places.

"We will also continue to closely monitor the development of the epidemic situation and review the various measures in place from time to time with a view to making suitable adjustments taking into account all relevant factors," said the spokesman.