

Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation gazetted

The Government published in the Gazette today (March 27) the Prevention and Control of Disease (Requirement and Directions) (Business and Premises) Regulation (the Regulation) (Cap. 599F) to implement temporary measures to address the current situation of public health emergency. The Regulation will commence at 0.00 am tomorrow (March 28) and will take effect for three months.

Meanwhile, the Secretary for Food and Health (SFH) issues two directions for 14 days through a notice published in the Gazette in accordance with the Regulation. The directions will take effect at 6pm on March 28.

Specific measures of the Regulation cover the following two aspects:

1. Catering Business

The Regulation empowers the SFH, for preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the specified disease, to issue requirements and directions in relation to catering business, including –

(a) Requiring catering business premises to cease selling or supplying food or drinks for on-site consumption, and to close whole or part of the premises where food or drink is sold or supplied

This restriction applies to restaurants, canteens, cafes, eateries, pubs, bars, etc. but does not cover a catering business carried on at private dwellings, or operating in hospitals and institutions, etc. The affected premises are still allowed to sell or supply food and/or drink for takeaway and deliveries. The Chief Secretary for Administration (CS) may exempt certain catering business premises from the requirements.

(b) Restricting the operation of catering business

The mode of operation carried on at the premises of the business (including but not be limited to specifying the permitted capacity for conducting business in the premises, the distance requirement for individuals in the premises, etc.) or the daily opening hours of the business are restricted.

The requirements are only effective through a notice made by the SFH published in the Gazette and each of the specified period must not exceed 14 days.

The person responsible for carrying on the catering business (i.e. the owner, proprietor and manager) commits an offence if he or she fails to

comply with the above requirements. Offences would attract a fine at level 5, i.e. \$50,000, and imprisonment for six months, which is the maximum penalty the Regulation may provide pursuant to section 8 of Cap. 599.

2. Scheduled Premises

In addition to catering business, the Regulation also empowers the SFH to issue directions to scheduled premises, including closing the scheduled premises for a specified period. Scheduled premises include amusement game centres, bathhouses, fitness centres, places of amusement, places of public entertainment and any premises that are maintained or intended to be maintained for hire for holding social gatherings (commonly known as "party room").

The requirements are only effective through a notice made by SFH published in the Gazette and each of the specified period must not exceed 14 days. The person responsible for the management of the scheduled premises commits an offence if he or she fails to comply with the requirements. Offences would attract a fine at level 5, i.e. \$50,000, and imprisonment for six months, which is the maximum penalty the Regulation may provide pursuant to section 8 of Cap. 599.

Latest directions issued by the SFH in accordance with the Regulation

SFH now issues the following two directions through notice in the Gazette in accordance with the Regulation. The directions will commence at March 28 at 6pm for a period of 14 days (i.e. till 5.59pm on April 11). Details of the two directions are set out below:

Direction 1 – Catering Business

The relevant requirements include:

- (a) the number of customers at any premises on which food or drink is sold or supplied for consumption on the premises (catering premises) at any one time must not exceed 50% of the normal seating capacity of the premises;
- (b) tables available for use or being used by customers within any catering premises must be arranged in a way to ensure there is a distance of at least 1.5 metres or some form of partition which could serve as effective buffer between one table and another table at the premises;
- (c) no more than 4 persons may be seated together at one table within any catering premises;
- (d) a person must wear a mask at any time within any catering premises, except when the person is consuming food or drink on the premises;
- (e) body temperature screening on a person must be conducted before the person is allowed to enter the catering premises; and
- (f) hand sanitisers must be provided at any catering premises for any person at the premises.

Direction 2 – Scheduled Premises

All premises as listed below must be closed –

- (a) Amusement game centres;
- (b) Bathhouses;
- (c) Fitness centres;
- (d) Places of amusement;
- (e) Places of public entertainment; and
- (f) Premises that are maintained or intended to be maintained for hire for holding social gatherings (commonly known as "party room").

A spokesperson for the Food and Health Bureau reminded the persons responsible for carrying on the catering business and the managers of scheduled premises that contravening the above requirements would be a criminal offence. Offenders are subject to a maximum fine of \$50,000 and imprisonment for six months.

The spokesperson said that the Government has been reviewing the feasibility of relevant measures and will make adjustments on a timely basis in view of the latest development of the disease. Putting in place the Regulation could help further enhance social distancing. When making the Regulation, the Government has taken into account the activities and premises / places with higher infection risks of COVID-19, as well as overseas practices.

The Regulations are made in accordance with the Prevention and Control of Disease Ordinance (Cap. 599). Section 8 of the Ordinance empowers the Chief Executive in Council to make public health emergency regulation for the purposes of preventing, combating or alleviating the effects of a public health emergency and protecting public health.

The Centre for Health Protection (CHP) urges members of the public to go out less and avoid social activities such as meal gatherings or other gatherings and maintain an appropriate social distance with other people as far as possible.

The CHP also strongly urges the public to maintain at all times strict personal and environmental hygiene, which is key to personal protection against infection and prevention of the spread of the disease in the community. On a personal level, members of the public should wear surgical masks when having respiratory symptoms, taking public transport or staying in crowded places. They should also perform hand hygiene frequently, especially before touching the mouth, nose or eyes.

The Department of Health will closely monitor the situation. Any updates will be issued through the media, the Government's "COVID-19 Thematic Website" (www.coronavirus.gov.hk/eng/index.html) and the DH's webpage (www.gov.hk/ncv). Any enquiries on health information on COVID-19 may be addressed to the DH's hotline at (852) 2125 1122 (operating daily from 8am to midnight).