



Hong Kong

June 2020

## HKSAR GOVERNMENT EXTENDS SOCIAL DISTANCING TO 18 JUNE 2020 AND EASES IMMIGRATION CONTROLS

On 02 June 2020, the HKSAR Government announced that the prohibition on group gatherings in public places under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) (the “**Prohibition on Group Gatherings Regulations**”) would be extended for at least 14 days.

### 1. The prohibition on group gatherings

The implementation period of the social distancing measures has been extended numerous times by the HKSAR Government in their efforts to stop the spread of COVID-19. The previous extension under the Prohibition on Group Gatherings Regulations was set to expire on 4 June 2020. However, with the latest announcement by the HKSAR Government, the prohibition on group gatherings in public places will be in effect until at least 18 June 2020. For a detailed analysis on the Prohibition on Group Gathering Regulations please see Implementation period of social distancing measures extended by the Government of the HKSAR.<sup>1</sup>

### 2. Immigration control measures

The HKSAR Government from as early as 08 February 2020 introduced immigration control measures which included compulsory quarantine measures for people arriving at Hong Kong. The first of these measures was introduced under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) (“**Cap. 599C**”) which applied to people arriving at Hong Kong from China, Macao or

Taiwan. This was followed by the introduction of Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) (“**Cap. 599E**”) which applied to people arriving at Hong Kong from all places outside of Hong Kong and China (collectively the “**Compulsory Quarantine Regulations**”).

The HKSAR Government also announced on 02 June 2020, that immigration control which includes the Compulsory Quarantine Regulations would also be extended. However, the HKSAR Government is mindful that there is a need to allow for a gradual relaxation of the Compulsory Quarantine Regulations for persons who arrive from specific countries and places. To this extent, the HKSAR Government will make amendments to the Compulsory Quarantine Regulations which will become effective from 0h00am on 5 June 2020.

The amendments to the Compulsory Quarantine Regulations will include a categorisation of countries and places as follows:

- a) Category 1 places – people arriving from a category 1 place will be subject to compulsory quarantine.
- b) Category 2 places – people arriving from a category 2 place will be excluded from the requirements in respect of the compulsory quarantine arrangements, subject to these people meeting certain conditions (such as obtaining a negative COVID-19 test).

<sup>1</sup> <https://www.charltonslaw.com/implementation-period-of-social-distancing-measures-extended-by-the-government-of-the-hksar/>

The aforementioned categories will be applicable to people arriving from within China as well as from outside of China. On 02 June 2020, the HKSAR Government announced that all places in China outside of Hong Kong and all places outside of China fall into Category 1.

### 3. Exempt categories of persons

Pursuant to the Compulsory Quarantine Regulations, the Chief Secretary for Administration (the “**Chief Secretary**”) of the HKSAR Government can exempt certain people travelling into Hong Kong from being placed into quarantine. Cap. 599E now allows for the following categories of people to be exempt from being placed into quarantine upon their arrival at Hong Kong so long as the Chief Secretary is satisfied that the individual’s entry into Hong Kong:

- a) is necessary for the supply of goods or services required for the normal operation of Hong Kong or the daily needs of the people of Hong Kong;
- b) is necessary for governmental operation;
- c) is necessary for the protection of the safety or health of the people of Hong Kong or the handling of the public health emergency; or
- d) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.

In addition, Cap. 599C allows for the following people to be exempt from being placed into quarantine upon their arrival at Hong Kong from China, Macao or Taiwan so long as the Chief Secretary is satisfied that the individual’s entry into Hong Kong:

- a) is necessary for the supply of goods or services required for the normal operation of Hong Kong or the daily needs of the people of Hong Kong;
- b) is necessary for governmental operation;
- c) is necessary for the protection of the safety or health of the people of Hong Kong or the handling of the public health emergency;
- d) is necessary for the person’s or persons’ receiving nursery, kindergarten, primary or secondary education at any school registered under the

Education Ordinance (Cap. 279) in Hong Kong or for the provision of such education which includes persons necessary for the safe travelling of any person for the purposes mentioned herein;

- e) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong; or
- f) the person’s travelling is necessary for the purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong’s economic development.

### 4. Extension of the Compulsory Quarantine Regulations

The HKSAR Government has also announced that taking into account the prevailing circumstances with respect to COVID-19 in China and around the world, the expiry period of Cap. 599C will be extended to 07 July 2020 and the expiry period of Cap. 599E will be extended to 18 September 2020.

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