



Hong Kong

July 2020

HONG KONG FURTHER TIGHTENS SOCIAL DISTANCING MEASURES EFFECTIVE 15 JULY 2020

Tighter social distancing measures effective 15 July apply to Hong Kong catering businesses and scheduled premises until 21 July and limit group gatherings in public to 4 persons until 28 July, as set out in the Hong Kong SAR Government's announcement¹ issued on 13 July 2020. The new social distancing measures were implemented after 41 new locally transmitted cases were reported on 13 July and took effect at 0.00 am on 15 July 2020. They comprise further restrictions on:

- catering businesses and various "scheduled premises" (including fitness centres, nightclubs, karaoke, mahjong, massage and beauty establishments etc.) effective for 7 days from 15 to 21 July 2020; and
- group gatherings in public places which reduce the number of people who can gather in a public place to 4 (from 50) effective for 14 days from 15 to 28 July 2020.

As detailed below, the exemptions from the 4-person limit on public gatherings remain largely unchanged. However, the exemption for shareholders' meetings of companies listed on the Hong Kong Stock Exchange has reduced the number of shareholders that can meet in one room from 50 to 20. The exemption for religious congregations has also been removed.

The latest social distancing measures have been introduced under amendments to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises)

1 Government of the Hong Kong SAR. 15 July 2020. "Government further tightens social distancing measures". Available at <https://www.info.gov.hk/gja/general/202007/14/P2020071400010.htm>

Regulation (Cap. 599F) (the **Hong Kong Business Premises Regulations**) and the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) (the **Hong Kong Prohibition on Group Gathering Regulations**). A summary of the latest restrictions and requirements are summarised in the Annexes² to the latest HKSAR Government announcement and the Government's Frequently Asked Questions on New Requirements to Reduce Gatherings.³ The latest social distancing measures have replaced those issued on 3 and 11 July 2020 and the related amendments to the Hong Kong Business Premises Regulations and the Hong Kong Prohibition on Group Gathering Regulations were suspended from 15 July 2020.

1. Hong Kong Catering Businesses

The new requirements for catering businesses are:

i. Restrictions on Capacity and Seating

All catering businesses are required to limit the number of customers at their premises to 50% of their normal seating capacity and restrict the number of people seated together at one table to four persons.

2 Requirements imposed by the Secretary for Food and Health under Cap. 599F and Cap. 599G available at https://gja.info.gov.hk/general/202007/14/P2020071400010_345455_1_1594657888144.pdf

3 Government of the Hong Kong SAR. 15 July 2020. Government's Frequently Asked Questions on New Requirements to Reduce Gatherings. Available at https://www.coronavirus.gov.hk/eng/social_distancing-faq.html#FAQ2

ii. Restrictions on Food and Drink Consumption

Restricted hours will apply to the consumption of food or drink at catering businesses' premises:

- a) Food and drink can only be sold or supplied for takeaway services and deliveries between the hours of 6 pm to 4.59 am on the following day;
- b) No food or drink can be sold or supplied for consumption on business premises between the hours of 6 pm and 4.59 am. Catering businesses must close business premises, or parts of premises, normally used for food or drink consumption overnight.

iii. Closure of Bars and Pubs

Premises that are used exclusively or predominantly for the consumption of intoxicating liquors sold or supplied on the premises (i.e. bars and pubs) must be closed from 15 to 21 July.

Intoxicating Liquors are defined as "*spirits, liqueurs, wines, beer and all other liquors fit or intended for use as a beverage*" by section 53(1) of the Dutiable Commodities Ordinance (Cap. 109).

iv. Restriction on Specified Activities

No live performances, dancing, karaoke or mahjong-tin kau activities are allowed on catering premises.

v. Other Measures applicable to Catering Businesses

Other measures applicable to all catering businesses will continue and are summarised in the table below:

	Hong Kong Catering businesses
Mask requirement	Yes, customers must wear masks except when they are eating or drinking.
Headcount/seating capacity	Maximum of 4 persons per table and the number of customers is limited to 50% of the normal seating capacity of the premises.

	Hong Kong Catering businesses
Other requirements	Customers' body temperature must be screened, and hand sanitiser must be provided.
Distancing	Tables must be separated by a distance of 1.5 metres or an effective partition.

2. Suspension of Hong Kong Scheduled Premises' Operations

The following scheduled premises must suspend operations from 15 to 21 July 2020:

- a) Amusement game centres;
- b) Bathhouses;
- c) Fitness centres;
- d) Places of amusement;
- e) Places of public entertainment;
- f) Premises commonly known as party rooms that are maintained or intended to be maintained for hire for holding social gatherings;
- g) Beauty parlours;
- h) Establishments commonly known as nightclubs and clubs that are open late into the night, usually used for drinking, dancing and other entertainment;
- i) Karaoke establishments;
- j) Mahjong-tin kau premises; and
- k) Massage establishments (except for those specified in Annex 2 to the Government's announcement which include hospital, physiotherapy premises etc.).

Club-houses must also be closed although their catering premises can remain open subject to following the requirements for catering premises.

3. 4-Person Limit on Group Gatherings in Hong Kong Public Places

The limit on group gatherings in public places has been reduced to 4 persons (from 50 previously) effective from 15 to 28 July 2020 under amendments to the Hong Kong Prohibition on Group Gatherings Regulations.

There are a number of exemptions to the 4-person limit on group gatherings in public places under the Hong Kong Prohibition on Group Gatherings Regulations. These exemptions remain largely unchanged, the most notable amendments being that:

- a) A group gathering of not more than 20 persons during wedding ceremonies where no food or drink is served is exempt;
- b) There are exemptions for the following group gatherings where no food or drink is served and, if the group gathering is of more than 20 persons, the participants are separated into groups of 20 persons or less in separate rooms or partitioned areas:
 - i) a shareholders' meeting of a company listed on the Stock Exchange of Hong Kong Limited which is held in compliance with any ordinance or regulatory instrument;
 - ii) a group gathering of a body that must be held within the specified period in order to comply with any ordinance or other regulatory instrument that governs the operation of the body or its business.

For further information on the scope of company meetings covered by the exemptions for shareholders' meetings and group gatherings of other bodies under paragraph (b) above, please refer to Charltons' May 2020 newsletter.⁴

Group gatherings for religious activities are no longer exempt.

For a complete list of all the exemptions pursuant to the Hong Kong Prohibition on Group Gatherings Regulations, please see Annex 3⁵ to the HKSAR Government's latest announcement.⁶

⁴ <https://www.charltonslaw.com/easing-of-certain-social-distancing-measures-and-how-they-apply-to-shareholders-meetings/>

⁵ https://gia.info.gov.hk/general/202007/14/P2020071400010_345455_1_1594657888144.pdf

⁶ <https://www.info.gov.hk/gia/general/202007/14/P2020071400010.htm>

4. Penalties for Breach of Restrictions on Catering Businesses, Scheduled Premises and Public Gathering

Contravention of the restrictions under the Hong Kong Business Premises Regulations is a criminal offence. Persons responsible for the carrying on of catering businesses and the managers of scheduled premises in contravention of those regulations face a maximum fine of HK\$50,000 and 6 months' imprisonment on conviction.

Separately, any person who participates in a prohibited group gathering; organises a prohibited group gathering; owns, controls or operates the place of such gathering; and knowingly allows the taking place of such gathering, commits an offence under the Hong Kong Prohibition on Group Gathering Regulations. Offenders are liable to a maximum fine of HK\$25,000 and up to 6 months' imprisonment. Persons who participate in a prohibited group gathering may discharge liability for the offence by paying a fixed penalty of HK\$2,000.

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