



Hong Kong

July 2020

HONG KONG GOVERNMENT INTRODUCES MOST RESTRICTIVE SOCIAL DISTANCING MEASURES YET

Hong Kong has seen a rapid rise in COVID-19 cases over the last two weeks. On 28 July 2020, the City recorded its seventh consecutive day of more than 100 confirmed COVID-19 cases. The Hong Kong Government announced¹ tightened social distancing measures on 27 July which took effect at 0.00 am on Wednesday, 29 July 2020. Amendments have been made to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) (**Business Premises Regulations**), the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) (**Prohibition on Group Gathering Regulations**) and the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) (**Mask Wearing Regulations**).

1. Hong Kong Catering Businesses

Catering businesses are required to suspend all 'dine-in' services and must close any premises, or part of their premises, on which food or drink is sold or supplied by the catering business for consumption on the premises.

Catering businesses may still sell and/or supply food and/or drinks for takeaway service and deliveries. Catering businesses are also required to display a sign at their premises to inform customers that food and/or drinks cannot be consumed in the areas adjacent to the catering premises.

Food courts operating in shopping malls which are affected by the latest Business Premises Regulations are required to close

the seating area adjacent to the catering business, including the seats that are provided in a food court.

2. Hong Kong Bars and Pubs

Bars and pubs in Hong Kong have been closed since 15 July 2020. Under the latest amendments to the Business Premises Regulations, the closure of bars and pubs has been extended until 4 August 2020. Bars and pubs are described as premises which are exclusively or predominantly used for the sale or supply of Intoxicating Liquors (defined below) for consumption on the premises.

Intoxicating liquor is 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).

3. Suspension of Hong Kong Scheduled Premises' Operations

The following scheduled premises under the Business Premises Regulations will be closed from 29 July 2020 to 4 August 2020:

- Amusement game centres;
- Bathhouses;
- Fitness centres;
- Places of amusement;

¹ <https://www.info.gov.hk/gia/general/202007/27/P2020072700650.htm>

- Places of public entertainment;
- Premises commonly known as party rooms that are maintained or intended to be maintained for hire for holding social gatherings;
- Beauty parlours;
- Establishments commonly known as nightclubs and clubs that are open late into the night, usually used for drinking, dancing and other entertainment;
- Karaoke establishments;
- Mahjong-tin kau premises; and
- Massage establishments (except for those described in Annex 3 of the Hong Kong Government's announcement which include among others, hospitals, maternity homes, physiotherapist practices, and premises used for the practice of Chinese Medicine);
- Sports premises; and
- Swimming pools.

Club-houses are also required to close but may maintain their catering business operations within the club-house provided the catering business adheres to the rules and regulations applicable to catering businesses.

Breach of the Business Premises Regulations is subject to a maximum fine of HK\$50,000 and imprisonment for six months.

4. Hong Kong Mask-wearing Regulations

On 22 July 2020, the Hong Kong Government announced² amendments to the Hong Kong Mask-wearing Regulations which made it compulsory for people in Hong Kong to wear masks when using public transport or entering or being present in an MTR paid area. The Mask-wearing Regulations required that masks be worn when entering the following public places:

- a) all indoor public places;
- b) public transport facilities designated as non-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

- c) public places that are classified as bus interchanges and their adjoining facilities as detailed in item 21 of Schedule 2 to the Smoking (Public Health) Ordinance (Cap. 371).

The Mask-wearing Regulations took effect on 23 July 2020 and were to last until 5 August 2020.

The Hong Kong Government's latest announcement³ extended the Mask-wearing Regulations to cover all indoor and outdoor public places in Hong Kong. Accordingly, masks must be worn when boarding or travelling on public transport, upon entering or being present in an MTR paid area, or upon entering or being present in a public place (indoor or outdoor). These new Mask-wearing Regulations took effect on 29 July 2020 and will remain in place until 4 August 2020. The previous Mask-wearing Regulations announced on 22 July 2020 have been suspended.

Under the Mask-wearing Regulations, an offender is liable to a maximum fine of HK\$5,000. A fixed penalty notice may also be issued to a person breaching the regulations who may discharge their liability for the offence by paying a fixed penalty of HK\$2,000.

5. Prohibition on Group Gatherings in Hong Kong

Under amendments to the Prohibition on Group Gathering Regulations, the limit on group gatherings in public places has been reduced to 2 persons (from 4 previously) effective from 29 July to 4 August 2020.

Offenders under the Prohibition on Group Gathering Regulations are liable to a maximum fine of HK\$25,000 and imprisonment for six months. However, persons who participate in a prohibited group gathering may discharge their liability for the offence by paying a fixed penalty of HK\$2,000.

² <https://www.info.gov.hk/gia/general/202007/22/P2020072200750.htm>

³ <https://www.info.gov.hk/gia/general/202007/27/P2020072700650.htm>

CHARLTONS

Award winning Hong Kong law firm

This newsletter is for information purposes only.

Its contents do not constitute legal advice and it should not be regarded as a substitute for detailed advice in individual cases.

Transmission of this information is not intended to create and receipt does not constitute a lawyer-client relationship between Charltons and the user or browser.

Charltons is not responsible for any third party content which can be accessed through the website.

If you do not wish to receive this newsletter please let us know by emailing us at unsubscribe@charltonslaw.com

Hong Kong Office

Dominion Centre

12th Floor

43-59 Queen's Road East

Hong Kong

Tel: + (852) 2905 7888

Fax: + (852) 2854 9596

www.charltonslaw.com