

## **LEGISLATIVE COUNCIL BRIEF**

### **Quarantine and Prevention of Disease Ordinance (Chapter 141)**

#### **QUARANTINE AND PREVENTION OF DISEASE ORDINANCE (AMENDMENT OF FIRST SCHEDULE) ORDER 2004**

#### **PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES REGULATIONS (AMENDMENT OF FORM) ORDER 2004**

### **INTRODUCTION**

On 29 January 2004, the Director of Health (“the Director”), in exercise of powers conferred by sections 72 and 8(4) of the Quarantine and Prevention of Disease Ordinance (Cap.141) (“the Ordinance”), made –

- (a) the Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2004 at Annex A; and
- (b) the Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2004 at Annex B.

### **JUSTIFICATIONS**

2. The Ordinance and its subsidiary legislation provide a legislative framework for the prevention of communicable diseases of public health importance. Regulation 4 of the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) (“the Regulations”) requires medical practitioners to notify the Director if they have reason to suspect the existence of any of the infectious diseases specified in the First Schedule to the Ordinance in accordance with a form prescribed in the Schedule to the Regulations. The reporting of infectious diseases is an important element in the surveillance, prevention and control of the spread of infectious diseases. For the protection of public health, the Director regularly reviews the list of infectious diseases to which provisions of the Ordinance and its subsidiary

legislation apply. At present, there are 28 infectious diseases listed in the First Schedule to the Ordinance.

3. H5N1 avian influenza outbreaks among poultry have recently been reported in many places in Asia including Cambodia, Japan, South Korea, Thailand, Vietnam and the Mainland. Since 13 January 2004, two neighbouring countries have reported human cases of laboratory confirmed influenza A (H5N1) infection. As of 28 January 2004, Vietnam has reported eight cases including six deaths while Thailand has reported three cases including two deaths. Locally, there was one outbreak of influenza A (H5N1) in 1997 with 18 people affected, of whom six died; and in February 2003, two cases were detected and one of whom died.

4. In view of the recent widespread avian influenza infections among poultry in neighbouring areas as well as confirmed human cases in Vietnam and Thailand, there is an urgent need to strengthen the surveillance of Influenza A (H5) and to better prepare for the implementation of public health control measures locally. The Director therefore considers it necessary to amend the First Schedule to the Ordinance to include Influenza A (H5) so that the provisions of the Ordinance and its subsidiary legislation apply to the disease as appropriate. In addition, Influenza A (H5) is added to Form 2 of the Schedule to the Regulations, the form by which medical practitioners are requested to notify the Director if they have cause to suspect the existence of such disease.

## **THE ORDERS**

5. The Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) Order 2004 amends the First Schedule to the Ordinance by adding Influenza A (H5) to the list of infectious diseases specified in that Schedule. The Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) Order 2004 amends Form 2 of the Schedule to the Regulations by adding Influenza A (H5) to the list of infectious diseases in that Form. The Orders will come into operation on 30 January 2004 upon gazettal.

## **LEGISLATIVE TIMETABLE**

6. The legislative timetable is as follows –

|                                |                 |
|--------------------------------|-----------------|
| Publication in the Gazette     | 30 January 2004 |
| Tabling at Legislative Council | 4 February 2004 |

## **IMPLICATIONS OF THE ORDERS**

7. The Orders are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the Ordinance and have no economic, financial and civil service implications.

## **PUBLIC CONSULTATION**

8. Members of the public are concerned about the recent spate of avian influenza cases in neighbouring areas. They are expected to welcome the Orders which will strengthen surveillance, and facilitate early detection of the disease and the implementation of appropriate public health control measures when necessary.

## **PUBLICITY**

9. We will issue a press release on 29 January 2004 prior to the gazettal of the Orders. The Department of Health will also inform medical practitioners individually in Hong Kong of the requirement to notify the Director of cases of Influenza A (H5). A spokesman from DH will be available to answer media and public enquiries.

## **OTHERS**

10. For any enquiries on this brief, please contact Miss Noel TSANG, Assistant Secretary for Health, Welfare and Food at 2973 8118.

Health, Welfare and Food Bureau  
29 January 2004

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### **JUSTIFICATIONS**

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Health, Welfare and Food Bureau  
29 January 2004

**QUARANTINE AND PREVENTION OF DISEASE ORDINANCE  
(AMENDMENT OF FIRST SCHEDULE) ORDER 2004**

(Made under section 72 of the Quarantine and Prevention  
of Disease Ordinance (Cap. 141))

**1. Infectious diseases**

The First Schedule to the Quarantine and Prevention of Disease Ordinance (Cap. 141) is amended by adding -

"7A. Influenza A (H5)".



Director of Health

29 January 2004

**Explanatory Note**

This Order adds Influenza A (H5) to the list of infectious diseases specified in the First Schedule to the Quarantine and Prevention of Disease Ordinance (Cap. 141). Provisions relating to infectious diseases in that Ordinance and in the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) therefore apply to this disease.

**PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES  
REGULATIONS (AMENDMENT OF FORM) ORDER 2004**

(Made under section 8(4) of the Quarantine and  
Prevention of Disease Ordinance (Cap. 141))

**1. Forms**

The Schedule to the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) is amended, in Form 2, by adding after " Food Poisoning" -

" Influenza A (H5)".



Director of Health

29 January 2004

**Explanatory Note**

This Order adds Influenza A (H5) to Form 2 of the Schedule to the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) in consequence of this disease being added as an infectious disease to the First Schedule to the Quarantine and Prevention of Disease Ordinance (Cap. 141). Medical practitioners are required to report suspected cases of this disease to the Director of Health in accordance with that Form under regulation 4 of the Regulations.