

LEGISLATIVE COUNCIL BRIEF

Quarantine and Prevention of Disease Ordinance (Chapter 141)

QUARANTINE AND PREVENTION OF DISEASE ORDINANCE (AMENDMENT OF FIRST SCHEDULE) (NO. 3) ORDER 2004

PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES REGULATIONS (AMENDMENT OF FORM) (NO. 3) ORDER 2004

INTRODUCTION

On 24 December 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) (No. 3) Order 2004 at Annex A; and
- (b) the Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) (No. 3) Order 2004 at Annex B.

JUSTIFICATIONS

2. The Ordinance and its subsidiary legislation provide a legislative framework for the prevention of infectious diseases among humans. 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 their surveillance, prevention and control. To better protect public health, the Director regularly reviews the list of infectious diseases to which provisions of the Ordinance and its subsidiary legislation apply. There are currently 30 infectious diseases listed in the First Schedule to the Ordinance.

3. Over the past decade, outbreaks of avian influenza infection among poultry have been reported worldwide, particularly in neighbouring countries. While authorities have attempted to curb the spread of the disease by culling poultry, human avian influenza infection by Influenza A (H5), Influenza A (H7) and Influenza A (H9) virus has occurred, with increasing frequency during recent years (Annex C). Some outbreaks, such as the H7N7 outbreak which affected over 80 persons in the Netherlands, were large in size. Moreover, avian influenza infection in humans can be severe and life-threatening – 30 – 70% of patients infected with H5 died, and a fatal case due to H7 has been documented. Locally, there was one outbreak of Influenza A (H5N1) in 1997 with 18 people affected, of whom six died; and in February 2003, two imported cases were detected, one of whom died. Another outbreak of Influenza A (H9N2) occurred in 1999 with two persons affected; and one case was reported in 2003. Reports of H9 affected humans have also been published in Guangdong, China (1999).

4. Highly pathogenic avian influenza is a threat to public health because it may evolve into an efficient and dangerous human pathogen. It is well recognized that influenza viruses have the propensity to change very readily, therefore the emergence of new influenza strains that affect humans is possible. The World Health Organization (WHO) has expressed concern that avian influenza virus may reassort its genes with those from a human influenza virus, thereby acquiring the ability to move easily from human to human and thus triggering a pandemic. Pandemics recur periodically yet unpredictably, and are invariably associated with high morbidity and mortality and great social and economic disruption. For example, during the last pandemic in 1968, 15% of Hong Kong's population were affected. The WHO is in the process of renewing its pandemic influenza plan and encourages member states to enhance surveillance and preparedness to cover all novel influenza strains.

5. While Influenza A (H5), which is one of the most typical avian influenza strains affecting humans, has been included in the list of infectious diseases specified in the First Schedule to the Ordinance, human infection with other new strains of avian influenza, namely Influenza A (H7) and Influenza A (H9), has occurred in Hong Kong and other places in recent years. To strengthen surveillance of these new strains, the Director considers it necessary

to amend the Ordinance to include Influenza A (H7) and Influenza A (H9) so that provisions of the Ordinance and its subsidiary legislation, in particular the requirement for medical practitioners to report infectious diseases, apply. We also propose that the reference to “Influenza A (H5)” in the Form 2 of the Schedule to the Regulations, the form by which medical practitioners are required to notify the Director if they have cause to suspect the existence of such disease, should be expanded to become “Influenza A (H5), Influenza A (H7) or Influenza A (H9)”.

THE ORDERS

6. The Quarantine and Prevention of Disease Ordinance (Amendment of First Schedule) (No. 3) Order 2004 amends the First Schedule to the Ordinance by adding Influenza A (H7) and Influenza A (H9) to the list of infectious diseases specified in that Schedule. The Prevention of the Spread of Infectious Diseases Regulations (Amendment of Form) (No. 3) Order 2004 amends Form 2 of the Schedule to the Regulations by adding Influenza A (H7) and Influenza A (H9) to the list of infectious diseases in that Form. The Orders will come into operation on 31 December 2004 upon gazettal.

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows –

Publication in the Gazette	31 December 2004
Tabling at Legislative Council	5 January 2005

IMPLICATIONS OF THE ORDERS

8. The Orders are in conformity with the Basic Law, including the provisions concerning human rights and will not affect the current binding effect of the Ordinance. While these proposals will enhance public health and have positive economic implications, they have no financial and civil service implications.

PUBLIC CONSULTATION

9. Members of the public are concerned about recent cases of avian influenza occurring in neighbouring areas and the global threat of an influenza pandemic. Meetings convened by the Centre for Health Protection (CHP) of the Department of Health (DH) with healthcare providers from both the public and private sectors revealed that healthcare providers agree about strengthening surveillance for avian influenza. Community leaders and members of the public are expected to welcome the proposal, which protects Hong Kong against the disease, given the recent international and local publicity concerning avian influenza. The Scientific Committee on Emerging and Zoonotic Diseases of the CHP is also supportive of the proposal.

PUBLICITY

10. DH will issue a press release prior to the gazettal of the Orders, and will inform medical practitioners individually in Hong Kong of the requirement to notify the Director of cases of Influenza A (H7) and Influenza A (H9), in addition to Influenza A (H5). A spokesman from DH will be available to answer media enquiries.

OTHERS

11. For any enquiries on this brief, please contact Dr Teresa CHOI, Principal Medical and Health Officer (Surveillance Section) of the CHP at 2768 9602.

Health, Welfare and Food Bureau
28 December 2004

**QUARANTINE AND PREVENTION OF DISEASE ORDINANCE
(AMENDMENT OF FIRST SCHEDULE)(NO. 3) 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, in item 7A, by adding “, Influenza A (H7) or Influenza A (H9)” after “(H5)”.



Director of Health

24th December 2004

Explanatory Note

This Order adds Influenza A (H7) and Influenza A (H9) 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 those diseases.

**PREVENTION OF THE SPREAD OF INFECTIOUS
DISEASES REGULATIONS (AMENDMENT
OF FORM) (NO. 3) 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 “, Influenza A (H7) or Influenza A (H9)” after “(H5)”.



Director of Health

24th December 2004

Explanatory Note

This Order adds Influenza A (H7) and Influenza A (H9) to Form 2 of the Schedule to the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) in consequence of those diseases being added as infectious diseases to the First Schedule to the Quarantine and Prevention of Disease Ordinance (Cap. 141). Medical practitioners are required to report suspected cases of those diseases to the Director of Health in accordance with that Form under regulation 4 of the Regulations.

Annex C

Human avian influenza infection by Influenza A H5, H7 and H9 virus

Year	Place	Subtype	No. of Cases	No. of Deaths
1997	Hong Kong	H5N1	18	6
1999	Hong Kong	H9N2	2	0
2003	Hong Kong	H5N1	2	1
		H9N2	1	0
	Netherlands	H7N7	83	1
2004	Canada	H7	2	0
	Thailand	H5N1	17	12
	Viet Nam	H5N1	27	20