

## **LEGISLATIVE COUNCIL BRIEF**

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

#### **PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES (AMENDMENT) REGULATION 2005**

#### **INTRODUCTION**

At the meeting of the Executive Council on 22 November 2005, the Council ADVISED and the Chief Executive ORDERED that the Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2005 (the Amendment Regulation) at Annex A should be made.

#### **JUSTIFICATION**

2. The Quarantine and Prevention of Disease Ordinance (Cap. 141) (the Ordinance) and its subsidiary legislation provide a legislative framework for the control and prevention of infectious diseases among humans. Section 8 of the Ordinance provides that the Chief Executive in Council may make regulations for the purpose of preventing the introduction into, the spread in and the transmission from Hong Kong of any disease. Please see Annex B for a summary of the key powers conferred by the Ordinance and its subsidiary legislation.

3. Hong Kong is an international city with extensive cross-border movements. The experience from the Severe Acute Respiratory Syndrome (SARS) outbreak in 2003 indicates that effective measures to prevent the spread of infectious diseases across borders play a pivotal role in safeguarding the health of the local community and reassuring the international community of Hong Kong's safety. During the SARS outbreak, the Prevention of the Spread of Infectious Diseases Regulations (the Regulation) was amended by the addition of Part VIA to strengthen the measures for preventing the introduction into, the spread in, and the transmission from Hong Kong of SARS.

4. The existing Part VIA of the Regulation contains control measures for preventing the spread of SARS. Among other matters, the existing Part VIA –

- (a) empowers a health officer to make a direction prohibiting a person from leaving Hong Kong without permission if the health officer has reason to believe or suspect that the person is suffering from SARS, has been exposed to the risk of infection of SARS or is a carrier of SARS;
- (b) empowers certain public officers and authorized persons to stop and detain a person seeking to leave Hong Kong in contravention of such a direction; and
- (c) empowers an authorized person to take the body temperature of a person arriving in or leaving Hong Kong, and empowers a health officer or authorized medical practitioner to carry out a medical examination on such a person for the purpose of ascertaining whether he is likely to be infected with SARS.

5. In the case of temperature screening of SARS, the border crossings are manned by specially trained personnel under the supervision of a medical officer. Where a person is screened out by temperature checks, he/she will be referred to medical examination, and thereafter for treatment or isolation as necessary.

6. In the past decade, outbreaks of avian influenza infection in poultry have been reported worldwide, particularly in our neighbouring countries. Human infection by virus of Influenza A (H5), Influenza A(H7) and Influenza A(H9), commonly known as avian influenza, has also occurred, with increasing frequency during recent years. Some outbreaks, such as the H7N7 outbreak which affected over 80 persons in the Netherlands, were large in size. Moreover, human infection with avian influenza can be severe and life threatening with a case-fatality rate of around 50%, and a fatal case from H7 has been documented. More recently, the H5N1 virus has become established in some Southeast Asian countries, and there are signs that the virus is spreading across continents and has recently affected such countries as Mainland China, Kazakhstan, Romania and Turkey, etc.

7. The majority of avian influenza cases in humans are known to be caused by human contact with infected poultry. Apart from evidence that H5N1 viruses can be transmitted from patients to health care workers as

gathered by scientists in relation to the 1997 outbreak in Hong Kong, there has been increasing evidence indicative of person-to-person transmission. A report on probable person-to-person transmission occurring in Thailand was published by a prestigious medical journal<sup>1</sup>. A study conducted by the World Health Organization (WHO) in Viet Nam has also raised the possibility that avian influenza is becoming more capable of human-to-human transmission.

8. 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 easily. The emergence of new influenza strains that affect humans is possible. The 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 has published an updated pandemic influenza plan and encourages member states to enhance surveillance and preparedness to cover all novel influenza strains.

9. The WHO has recommended that every effort must be made to intensify preparedness. The Government has drawn up the Framework of Government's Preparedness Plan for Influenza Pandemic, which prescribes a set of public health measures. Taking into account the scientific evidence in relation to the disease, it is recommended in the Preparedness Plan that, when the situation warrants, travellers may be required to undergo temperature checks and be subject to some movement restriction measures on contact of cases or suspected cases.

10. While not all avian influenza patients have fever throughout the entire stage of their illnesses, conducting temperature screening at entry and exit points would assist identify some cases of avian influenza, thereby enabling appropriate medical examination and treatment to be carried out. In view of the serious global threat posed by novel influenza strains to human health, it is necessary to be able to stop persons suffering from or who have been exposed to the risk or who are carriers of Influenza A (H5), Influenza A(H7) and Influenza A (H9) from leaving Hong Kong to prevent and control the spread of the disease. It is also

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<sup>1</sup> The New England Journal of Medicine

necessary to be able to conduct temperature checks on or medically examine any person arriving in or leaving Hong Kong for the purpose of ascertaining whether that person is likely to have been infected with the disease. There is a need to expand the application of Part VIA of the Regulation to cover Influenza A (H5), Influenza A(H7) and Influenza A (H9) to enhance our preparedness for a possible influenza pandemic.

## **THE AMENDMENT REGULATION**

11. For the purpose of containing the spread of Influenza A (H5), Influenza A (H7) and Influenza A (H9), these diseases have already been specified as infectious diseases in the First Schedule to the Quarantine and Prevention of Disease Ordinance (Cap. 141). Under the existing Regulation, a person suffering from or having been exposed to the risk of infection of, or who is a carrier of any such disease may be removed to an infectious diseases hospital or such other appointed place, and be detained there until he is no longer infectious.

12. To further prevent the introduction into, the spread in and the transmission from Hong Kong of these diseases, the Amendment Regulation seeks to extend all the provisions on SARS specific border control measures under Part VIA of the Regulation to Influenza A (H5), Influenza A(H7) and Influenza A (H9). Section 27A is proposed to be amended so that a health officer may issue a direction prohibiting a person suffering from or having been exposed to the risk of infection of, or who is a carrier of Influenza A (H5), Influenza A (H7) or Influenza A (H9) from leaving Hong Kong without written permission during a period specified in the direction. As a result, section 27B, which empowers certain public officers and authorized persons to stop and detain a person seeking to leave Hong Kong in contravention of such a direction, will also apply in relation to these diseases.

13. Moreover, section 27C(1) is proposed to be extended to cover Influenza A (H5), Influenza A(H7) and Influenza A (H9) so that the body temperature of any person arriving in or leaving Hong Kong may be taken for the purpose of controlling the spread of the diseases in and the transmission of the diseases from Hong Kong.

14. We also propose to amend section 27C(2) so that a medical examination may be carried out on any person arriving in or leaving Hong Kong, for the purpose of ascertaining whether that person is likely to be infected with Influenza A (H5), Influenza A (H7) or Influenza A

(H9). Section 27C(4) will similarly be expanded so that after a medical examination, any person believed or suspected to be infected with any such disease may be detained and removed to an infectious diseases hospital or such other appointed place.

15. A copy of the existing sections 27A, 27B and 27C is at Annex C.

## **LEGISLATIVE TIMETABLE**

16. The legislative timetable will be-

Publication in the Gazette	25 November 2005
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Tabling at Legislative Council	30 November 2005
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The Amendment Regulation will come into force upon gazettal.

## **IMPLICATION OF THE PROPOSAL**

17. The proposal has economic, financial and sustainability implications as set out at Annex D. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The amendments will not affect the binding effect of the Regulation. It has no civil service implications.

## **PUBLIC CONSULTATION**

18. Prominent members of the medical community have expressed support for the proposal. The Legislative Council Health Services Panel and Food Safety and Environmental Hygiene Panel were briefed on the proposed port health measures and the need for the proposed legislative amendments on 5 November this year at a joint meeting when the Administration briefed them on its comprehensive preparedness plan for combating influenza pandemic.

## **PUBLICITY**

19. A press release will be issued. A spokesman will be made available to answer media and public enquiries. We will also brief the

consular corps on the legislative amendments. A list of the Government's recent initiatives for promoting the awareness of the possible influenza pandemic and enhancing the community's preparedness for it is attached at Annex E.

## **OTHERS**

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

Health, Welfare and Food Bureau  
23 November 2005

**PREVENTION OF THE SPREAD OF INFECTIOUS  
DISEASES (AMENDMENT) REGULATION 2005**

(Made by the Chief Executive in Council under section 8 of the Quarantine and Prevention of Disease Ordinance (Cap. 141))

**1. Part heading amended  
(Part VIA)**

The heading of Part VIA of the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) is amended by repealing “SEVERE ACUTE RESPIRATORY SYNDROME” and substituting “CERTAIN INFECTIOUS DISEASES”.

**2. Section added**

The following is added immediately before regulation 27A –

**“27AA. Interpretation of Part VIA**

In this Part, “specified disease” (指明疾病) means any of the following infectious diseases –

- (a) Severe Acute Respiratory Syndrome;
- (b) Influenza A (H5), Influenza A (H7) or Influenza A (H9).”.

**3. Persons restricted from leaving Hong Kong  
without permission in writing of health  
officer**

Regulation 27A(1)(a), (b) and (c) is amended by repealing “Severe Acute Respiratory Syndrome” and substituting “a specified disease”.

**4. Medical examination of persons arriving in  
or leaving Hong Kong**

Regulation 27C(1), (2) and (4) is amended by repealing “Severe Acute Respiratory Syndrome” and substituting “a specified disease”.

Clerk to the Executive Council

COUNCIL CHAMBER

2005

### **Explanatory Note**

The object of this Regulation is to extend the application of Part VIA of the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) (“the principal Regulations”) to Influenza A (H5), Influenza A (H7) and Influenza A (H9).

2. The existing Part VIA of the principal Regulations contains control measures that were originally designed for the purpose of preventing the spread of Severe Acute Respiratory Syndrome (SARS). Among other matters, the existing Part VIA –

- (a) empowers a health officer to make a direction prohibiting a person from leaving Hong Kong without permission if the health officer has reason to believe or suspect that the person is suffering from SARS, has been exposed to the risk of infection of SARS or is a carrier of SARS;
- (b) empowers certain public officers and authorized persons to stop and detain a person seeking to leave Hong Kong in contravention of such a direction; and



(c) empowers an authorized person to take the body temperature of a person arriving in or leaving Hong Kong, and empowers a health officer or an authorized medical practitioner to carry out a medical examination on such a person for the purpose of ascertaining whether he is likely to be infected with SARS.

3. Section 1 of this Regulation amends the heading of Part VIA to replace the specific reference to SARS with “certain infectious diseases”.

4. Section 2 adds a new interpretation provision to Part VIA - regulation 27AA - which defines a “specified disease” to mean SARS, Influenza A (H5), Influenza A (H7) or Influenza A (H9).

5. Sections 3 and 4 change all references to SARS in Part VIA to “a specified disease”. As a result, the provisions of that Part also apply to Influenza A (H5), Influenza A (H7) and Influenza A (H9).

**Key Powers conferred by the  
Quarantine and Prevention of Disease Ordinance (Cap 141) and  
its subsidiary legislation**

**Background**

The Quarantine and Prevention of Disease Ordinance (the Ordinance) and its subsidiary legislation provide the legal framework for the prevention and control of infectious diseases of public health importance in Hong Kong. Under the Ordinance, ‘infectious disease’ means any disease specified in the First Schedule (Appendix I). The Ordinance is administered by the Director of Health (the Director).

**Key Powers**

2. The powers conferred by the Ordinance and its subsidiary legislation can be broadly classified into two groups, namely, prevention of the spread of infectious diseases into/out of Hong Kong and prevention of the spread of infectious diseases within Hong Kong.

**Prevention of the spread of infectious diseases into/out of Hong Kong**

3. To prevent and control the cross boundary spread of infectious diseases, the Ordinance confers, for example, power -

- (a) to certify a place or port as an infected place or port in relation to any quarantinable disease and specify measures to be taken against such infected place or infected port;
- (b) to require all vessels to obtain free practiques for landing passengers or cargoes;
- (c) to inspect vessels and aircrafts and gather information relevant to the health of passengers and sanitation of vessels and aircrafts;
- (d) to regulate supply of water to wharfs and vessels;
- (e) to control the import of human corpses, human remains, noxious insects, pests, germs or microbes of disease or bacterial culture;
- (f) to require masters of vessels and aircraft to report infectious

diseases;

- (g) to require the guard of any train to report the presence of any quarantinable disease;
- (h) to order the manner of disposal of the body of any person, who died from an infectious disease, on a vessel or aircraft;
- (i) to prohibit persons from landing in Hong Kong from vessels and aircraft until they have been inspected by a health officer if so required;
- (j) to forfeit any animal or thing brought into Hong Kong in contravention of the provisions of the Ordinance;
- (k) to detain any person wanting to land in Hong Kong in a quarantine station if, upon arrival, he is found to be suffering from an infectious disease;
- (l) to require persons suffering from, persons exposed to the risk of infection of and carriers of infectious disease to be detained or released subject to conditions
- (m) to conduct temperature checks on or medical examination of passengers arriving in or leaving Hong Kong to prevent and control the spread of Severe Acute Respiratory Syndrome (SARS);
- (n) to prohibit persons suffering from SARS, persons who have come into contact with sufferers of and carriers of SARS from leaving Hong Kong ; and
- (o) to provide for public health measures specific to the quarantinable diseases, such as deratting for plague, stool examination for cholera, fumigation of mosquitoes for yellow fever, measures on departures, etc.

#### Prevention of the spread of infectious diseases within Hong Kong

4. To prevent and control the spread of infectious diseases within Hong Kong, the Ordinance confers, for example, power -

- (a) to require medical practitioners to notify the Director of the existence of the infectious diseases specified in Schedule 1 to the Ordinance in Hong Kong;
- (b) to require sufferers from, persons who have come into contact with sufferers of and carriers of infectious disease to

- submit to medical examination;
- (c) to enter premises for the purpose of ascertaining whether there are any sufferers, persons who have come into contact with sufferers and carrier of infectious disease and to examine dead bodies where death has not been certified or the diagnosis is uncertain;
  - (d) to carry out medical examination of sufferers, persons who have come into contact with sufferers and carriers of infectious disease and conduct post-mortem examination of bodies where infectious disease exists;
  - (e) to direct burial and cremation of dead bodies in which there existed an infectious disease at the time of death;
  - (f) to remove and detain sufferers, persons who have come into contact with sufferers and carriers of infectious disease;
  - (g) to permit the treatment of sufferers, persons who have come into contact with sufferers and carriers of infectious disease at places other than an infectious disease hospital;
  - (h) to prohibit sufferers from infectious disease from exposing others to risk of infection by his presence in public places, or carrying on trade, business or occupation;
  - (i) to order disinfection of buildings and disinfection, disinsection and deratting of conveyances;
  - (j) to order wells to be filled up, cleansed or disinfected;
  - (k) to disinfect and disinsect or destroy personal effects; and
  - (l) to order the isolation of areas or premises to prevent spread of infectious diseases.

### Regulation making power

5. The Ordinance (section 8) also confers the Chief Executive in Council with power to make regulations for the purpose of preventing the introduction into, the spread in and the transmission from Hong Kong of any diseases. Section 8(2) of the Ordinance details what may be provided for in such regulations. Please see Appendix II for section 8(1) and (2) of the Ordinance.

**Infectious diseases as listed in the First Schedule to the QPDO**

1. Acute poliomyelitis
2. Amoebic dysentery
3. Bacillary dysentery
- 3A. Chickenpox
4. Cholera
5. Dengue fever
6. Diphtheria
7. Food poisoning
- 7A. Influenza A (H5), Influenza A (H7) or Influenza A (H9)
- 7B. Japanese encephalitis
8. Legionnaires' disease
9. Leprosy
10. Malaria
11. Measles
12. Meningococcal infections
13. Mumps
14. Paratyphoid fever
15. Plague
16. Rabies
17. Relapsing fever
18. Rubella
19. Scarlet fever
- 19A. Severe Acute Respiratory Syndrome
- 19B. Streptococcus suis infection
20. Tetanus
21. Tuberculosis
22. Typhoid fever
23. Typhus
24. Viral hepatitis
25. Whooping cough
26. Yellow fever

**Section 8(1) and (2) of the Quarantine and Prevention of Diseases Ordinance**

Power to Make Regulations

(1) The Chief Executive in Council may make regulations for the purpose of preventing the introduction into, the spread in and the transmission from, Hong Kong of any disease. (Amended 86 of 1993 s. 17; 60 of 2000 s. 3)

(2) Without prejudice to the generality of the provisions of subsection (1) such regulations may provide for-

- (a) appointment of health officers, inspectors and other officers to carry out the provisions of this Ordinance or of any regulations made thereunder, and for regulating their duties and conduct and for investing them with all powers necessary for the due execution of their duties;
- (b) reporting to Government by medical practitioners or others of cases of disease;
- (c) the form and mode of service of delivery of notices and other documents;
- (d) fees to be paid under this Ordinance;
- (e) placing under isolation vessels and aircraft arriving or being at any port or place within Hong Kong or the waters of Hong Kong, and their management while under isolation, and granting certificates of the condition of vessels and aircraft or of Hong Kong or any part thereof in respect of disease; (Amended 38 of 1955 s. 2; 86 of 1993 s. 17)
- (f) deratting of vessels or aircraft; (Amended 38 of 1955 s. 2)
- (g) disinfection and disinsecting of vessels, aircraft, persons, animals and things; (Amended 38 of 1955 s. 2)
- (h) prohibiting either absolutely or conditionally, or for regulating, the importation, exportation or removal in Hong Kong of dead bodies; (Amended 86 of 1993 s. 17)
- (i) prohibiting or regulating-
  - (i) the admission of persons into or their movements within Hong Kong or their departure therefrom either absolutely or conditionally;
  - (ii) importation of merchandise, food and drink; (Amended 86 of 1993 s. 17)
- (j) establishing and maintaining quarantine stations for persons and for regulating the management of the same;
- (k) detention and seclusion in a quarantine station or on board of persons,

whether actually suffering from disease or not, arriving on vessels or aircraft subject to isolation, and for the payment to Government of any costs and expenses charged or incurred for the medical attendance and maintenance of any such persons; (Amended 38 of 1955 s. 2)

(l) measures to be taken for the prevention of the conveyance of infection by means of any vessel or otherwise from any area or port of Hong Kong, including- (Amended 86 of 1993 s. 17)

(i) measures that shall be applied to vessels or aircraft before departure;

(ii) measures that shall be taken to prevent the departure of persons infected with or suspected of being infected with plague, cholera or yellow fever, and of persons in such relation with the sick as to be rendered liable to transmit the infection of these diseases; (Amended 86 of 1993 s. 6)

(iii) measures that shall be applied with respect to merchandise, articles or clothing infected or suspected of being infected;

(iv) prohibition either absolutely or conditionally of the export of merchandise, or of articles or clothing infected or suspected of being infected;

(v) precautions with regard to drinking water and foodstuffs taken on board vessels, aircraft or trains and the water taken in as ballast by vessels; and (Amended 86 of 1993 s. 6)

(vi) measures for the prevention of access of mosquitoes to vessels or aircraft in the case of the prevalence of yellow fever;

(vii)-(viii) (Repealed 86 of 1993 s. 6)

(m) appointing, establishing and maintaining places for the sanitary control of aerial navigation and for prescribing the sanitary measures to be taken in respect thereof;

(n) the liability of any person to defray the expenses connected with the enforcement of this Ordinance or any regulation made thereunder, and for regulating questions of compensation in connection therewith; and

(o) the fine with which the contravention of any regulation made under this Ordinance shall be punishable, but so that no such fine shall exceed \$10000.

(Amended 38 of 1955 s. 9; 86 of 1993 s. 6)

**Sections 27A, 27B and 27C of  
the Prevention of the Spread of Infectious Diseases Regulations**

Chapter:	141B	Title:	PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES REGULATIONS	Gazette Number:	L.N. 107 of 2003
Regulation:	<b>27A</b>	Heading:	<b>Persons restricted from leaving Hong Kong without permission in writing of health officer</b>	Version Date:	17/04/2003

PART VIA

RESTRICTION ON DEPARTURE FROM HONG KONG  
AND MEDICAL EXAMINATION OF TRAVELLERS TO  
PREVENT SPREAD OF SEVERE ACUTE  
RESPIRATORY SYNDROME

- (1) Where a health officer has reason to believe or suspect that a person-
- (a) is suffering from Severe Acute Respiratory Syndrome;
  - (b) has been exposed to the risk of infection of Severe Acute Respiratory Syndrome by contact with a person suffering from that disease; or
  - (c) is a carrier of Severe Acute Respiratory Syndrome,
- the health officer may make a direction in writing prohibiting the person from leaving Hong Kong without the permission in writing of a health officer during a period specified in the direction.
- (2) A health officer shall serve a copy of the direction on the subject of the direction, either personally or by post, but whether or not it is served, the direction comes into force immediately upon being made.
- (3) The subject of a direction made under paragraph (1) may not leave Hong Kong without the permission in writing of a health officer during the period specified in the direction.
- (4) A health officer may attach any conditions that he considers appropriate to any permission referred to in paragraph (3).



(5) A person who knowingly contravenes paragraph (3) or fails to comply with a condition attached under paragraph (4) commits an offence and is liable to a fine of \$5000 and to imprisonment for 6 months.

(Part VIA added L.N. 107 of 2003)

Chapter:	141B	Title:	PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES REGULATIONS	Gazette Number:	L.N. 107 of 2003
Regulation:	<b>27B</b>	Heading:	<b>Power to stop and detain persons seeking to leave Hong Kong in contravention of regulation 27A</b>	Version Date:	17/04/2003

(1) Any-

- (a) police officer or health officer;
- (b) member of the Immigration Service, Auxiliary Medical Service or Civil Aid Service authorized by the Director of Health; or
- (c) public officer authorized by the Director of Health,

may stop and detain any person seeking to leave Hong Kong in contravention of regulation 27A.

(2) A person detained under paragraph (1) may be removed by any person referred to in subparagraph (a), (b) or (c) of that paragraph to an infectious diseases hospital or such other place as appointed by a health officer.

(3) An authorization under paragraph (1)(b) or (c) may be given by the Director of Health to a member of the Services referred to in paragraph (1)(b), or a public officer referred to in paragraph (1)(c), by rank or office as specified by the Director.

(4) A person who obstructs the exercise of a power under paragraph (2) by a person referred to in paragraph (1)(a), (b) or (c) commits an offence and is liable to a fine of \$5000 and to imprisonment for 6 months.

(Part VIA added L.N. 107 of 2003)

Chapter:	141B	Title:	PREVENTION OF THE SPREAD OF INFECTIOUS DISEASES REGULATIONS	Gazette Number:	L.N. 145 of 2003
Regulation:	<b>27C</b>	Heading:	<b>Medical examination of persons arriving in or leaving Hong Kong</b>	Version Date:	30/05/2003

(1) As a measure for preventing the introduction into, the spread in and the transmission from Hong Kong of Severe Acute Respiratory Syndrome, any person authorized by the Director of Health for the purposes of this paragraph may take the body temperature of any person arriving in Hong Kong or leaving Hong Kong. (L.N. 145 of 2003)

(2) A health officer, or a medical practitioner authorized by the Director of Health for the purposes of this paragraph, may carry out a medical examination on, and for that purpose stop and detain, any person arriving in Hong Kong or leaving Hong Kong, for the purpose of ascertaining whether that person is likely to be infected with Severe Acute Respiratory Syndrome.

(3) Without limiting paragraphs (1) and (2), any person referred to in regulation 27B(1)(a), (b) or (c) may stop and detain any person arriving in Hong Kong or leaving Hong Kong, until-

- (a) the person's body temperature can be taken under paragraph (1); or
- (b) a medical examination can be carried out on the person under paragraph (2).

(4) If after a medical examination on a person under paragraph (2), the health officer or the medical practitioner referred to in that paragraph has reason to believe or suspect that the person is likely to be infected with Severe Acute Respiratory Syndrome, that person may be detained and removed by any person referred to in regulation 27B(1)(a), (b) or (c) to an infectious diseases hospital or such other place as appointed by a health officer.

(5) A person who obstructs the exercise of a power-

- (a) under paragraph (1) by an authorized person;
- (b) under paragraph (2) by a health officer or an authorized medical practitioner; or
- (c) under paragraph (3) or (4) by a person referred to in regulation 27B(1)(a), (b) or (c),

commits an offence and is liable to a fine of \$5000 and to imprisonment for 6 months.

(Part VIA added L.N. 107 of 2003)

## **Implications of the Proposal**

### **Financial Implications**

The Department of Health (the Department) would closely monitor the global and local development of avian influenza and implement appropriate port health measures. Depending on the required scale of these measures, the Department would require an additional cost of about \$ 2.8 million to 5.6 million per month mainly for employing about 300 – 500 contract staff to station at various immigration control points and acquiring services for conducting temperature checks and handling persons reporting sick. The additional resources required will be absorbed by the Secretary for Health, Welfare and Food's envelope.

### **Economic Implications**

2. The proposal will help prevent the economic loss that may arise from the spread of the diseases. It will also contribute to a more favourable perception of Hong Kong being a safe place for the international community to do business.

### **Sustainability Implications**

3. The proposed measures should help control the spread of avian influenza into and out of Hong Kong, and would contribute to the sustainability principle of providing a living and working environment and pursuing policies which promote and protect the health and safety of the people of Hong Kong.

The following highlights some of the major initiatives/undertaking of government bureaux/departments/agencies in relation to disease prevention and control -

**Health, Welfare and Food Bureau (HWFB)**

- HWFB has assumed a proactive role in coordinating inter-departmental and inter-sectoral efforts to combat infectious diseases. The underlying tenet is a population-based, cross-sectoral approach vital for effective disease prevention and control.
- To enhance government and community preparedness to cope with various avian influenza emergencies, HWFB and the Department of Health (DH) have developed the Government's Preparedness Plan for Influenza Pandemic. Underpinning this Preparedness Plan is an overall Government emergency response mechanism to ensure Government's swift decision making in handling major infectious disease outbreaks. The mechanism categorizes virtually all possible scenarios into three levels, namely Alert Response Level, Serious Response Level and Emergency Response Level. They are based on different risk-graded epidemiological scenarios relevant to Hong Kong, and each of them prescribes a given set of public health measures required.
- The Preparedness Plan provides a clear command structure for strategic decision-making, sets out distinct roles and responsibilities for different parties and establishes line of command for launching various types of operations. In particular, when the Emergency Response Level is activated, the Chief Executive of the Hong Kong Special Administrative Region will chair an interdepartmental Steering Committee to facilitate formulation of territory-wide strategies in combating the outbreak and oversee their implementation.
- The Secretary for Health, Welfare and Food briefed over 50 Consulate Generals or their representatives in Hong Kong on 31 October about Hong Kong's preparedness for influenza pandemic. HWFB and CHP will issue an action checklist shortly to disseminate cross-agency efforts in preparedness.
- The Permanent Secretary for Health, Welfare and Food (PSHWF) has

been convening interdepartmental meetings since end October this year to review the readiness of Hong Kong to fight against avian influenza amid fears that migratory birds might spread the virus with the approach of winter. Representatives from over 30 government bureaux, departments and agencies were involved.

- PSHWF briefed Heads of Departments on 7 November to promote their awareness of the possible influenza pandemic and encouraging departments to enhance their contingency plans.
- HWFB also signed a "Cooperation Agreement on Response Mechanism for Public Health Emergencies" with the Mainland Ministry of Health and the Macao Special Administrative Region in October this year. Under the Agreement, in case of serious public health emergencies in the Mainland, Macao or Hong Kong, not only a notification system for timely exchange of information but also a mutual coordination and support mechanism in terms of manpower, techniques and resources would be in place. The three places could also send experts to take part in dealing with such crisis upon mutual agreement. If cross-boundary public health emergencies occur among the three places or between any two, the concerned places would immediately notify the other parties, activate the emergency mechanism, form a joint public health emergency response team to handle the crisis.
- HWFB and DH will conduct an exercise for avian influenza/ influenza pandemic on 24 November this year.

### **Department of Health (DH)**

- DH's major measures already in place in relation to influenza illness include –
  - (i) Surveillance (local and global) network;
  - (ii) Investigation and control measures;
  - (iii) Laboratory support;
  - (iv) Infection control measures;
  - (v) Anti-viral stockpiling;
  - (vi) Influenza Vaccination;
  - (vii) Port Health measures; and
  - (viii) Risk Communication and public health education.

- When there are human case(s) of avian influenza in Hong Kong without evidence of efficient human-to-human transmission, DH will enhance the surveillance of novel influenza virus, review surveillance criteria, and activate “e-flu” and other information systems to monitor cases and contacts in real-time. Necessary epidemiological investigation will be conducted to determine whether the case is acquired locally or outside Hong Kong. Contact tracing, medical surveillance and quarantine measures will be conducted as appropriate to the situation. DH would also increase laboratory capacity for rapid testing to assist diagnosis and would also coordinate with universities to perform gene sequencing on all avian influenza isolates. Isolates would be sent to World Health Organization Collaborating Centres for further analysis and comparison and to discuss on diagnostic and vaccine development.
- DH has been conducting forums and producing leaflets and handbooks in respect of avian influenza and influenza pandemic for the public and specific sectors in the community.

### **Hospital Authority (HA)**

- HA has formulated a comprehensive Contingency Plan for Avian Influenza/Influenza Pandemic to ensure early detection and timely isolation and treatment of patients.
- Public hospitals have always been on high vigilance since early this year following the activation of the Yellow Alert (under the three-tier alert system: Green, Yellow, Red Alert) by HA.
- In close collaboration with the CHP, HA will activate the following key measures which are covered in the Contingency Plan during the pandemic:
  - (i) Central command and coordination
  - (ii) Strengthened infection control measures
  - (iii) Close surveillance and reporting of symptomatic cases
  - (iv) Enhanced laboratory support for rapid test
  - (v) Clinical management guidelines & stockpile of antivirals
  - (vi) Management of Personal Protective Equipment and medical facilities
  - (vii) Collaboration with private sectors and the community
  - (viii) Deployment and training for staff
  - (ix) Provision of essential services

(x) Internal and external communication

- HA conducted drills to test inter-cluster cooperation effectiveness on 8 November this year.

### **Education and Manpower Bureau (EMB)**

- A circular memorandum on “Stepping up precautionary measures to prevent the spread of influenza in schools” was issued on 25 October 2005. It aims at reminding schools to adopt the preventive measures as advised by Department of Health (DH).
- All advice and guidelines issued to schools by DH and its Centre for Health Protection (CHP) regarding communicable diseases has been uploaded to EMB’s home page for reference by schools and parents.
- EMB has linked the relevant information on prevention of communicable diseases on the websites of DH and CHP to the guidelines and circulars issued by EMB to schools for their easy reference. It has also emailed schools drawing their attention to CHP’s website for fact sheets of avian influenza.
- EMB is updating school contact lists to facilitate EMB and CHP to implement control measures, if required, over weekends and during holidays.

### **Agriculture, Fisheries and Conservation Department (AFCD)**

- AFCD to publicize taking overall in-charge of disposal of dead pet birds.
- Increased surveillance and monitoring of local chicken farms.
- Strict enforcement of farm biosecurity measures.
- Reminder to all livestock farmers to immediately report the presence of sick and dead birds for collection and laboratory examination.
- Increased monitoring of chicken numbers to ensure all birds areas are accounted for.



- Continuation of avian influenza vaccination for local chickens.
- Re-issue guidelines to farmers to remind them of the importance of good biosecurity and penalties for non-compliance.
- Inspect and review stock of personal protective equipment (PPE) for poultry culling operations.
- Arrange for influenza vaccination for staff who might be potentially involved in culling operations.
- Conduct culling drills and training exercises for AFCD staff and CAS staff.
- Take a proactive role to provide free vaccination service against avian flu to these backyard chickens.

#### **Auxiliary Medical Service (AMS)**

- An Action Team with AMS members trained for handling communicable diseases has been formed since 2003. The existing strength of this Team is 1,229 including 924 completed Communicable Diseases Management Training conducted by AMS and 305 completed CHP Health Protection Training. The Team could be mobilized within 30-45 minutes.
- A set of guidelines on prevention and control of communicable diseases has been prepared.
- An AMS Contingency Plan for Communicable Diseases has been drawn up. The key roles of AMS are: (i) manning health posts at border control points for screening of body temperature and arrange conveyance of suspected patients to hospitals; (ii) setting up posts at lobby of buildings for temperature screening and dispatching of patients; (iii) manning health post at isolation centres; and (iv) assisting in contact tracing of suspected patients and answering hotlines.
- Stockpile PPEs for emergency operational use.

## **Buildings Department (BD)**

- BD stands ready to deal with any problems relating to the fabric of buildings in collaboration with other government departments.
- BD will effect actions on emergency inspections and investigation of private buildings upon request by DH to give advice on the building conditions, and to take any actions as may be necessary under the Buildings Ordinance.
- BD has stepped up publicity to increase public awareness on the importance of proper installation and maintenance of U-traps and drainage pipes to guard against the spread of infectious diseases. It has dispatched a leaflet on the subject matter to 1.3 million households living in private buildings.

## **Civil Aviation Department (CAD)**

- CAD has taken necessary steps to prepare for influenza pandemic and to ensure that disruption to airport operation would be minimized during a bird flu outbreak.
- Being a service provider in air traffic management, CAD has :
  - (i) developed a Departmental Contingency Plan to deal with Communicable Disease Outbreaks. The Plan contains the followings:
    - guidelines and procedures to follow when a staff member, a member of his household or any person with whom the staff has frequent and close contact contracted a communicable disease;
    - operational specific contingency plans according to specific functions and duties of each of its divisions; and
    - arrangement for internal administration of the Department, communication and reporting hierarchy in the event of an outbreak, cleaning and disinfection services to be provided to the various offices of the Department including the Air Traffic Control Tower.
  - (ii) issued internal circular to raise awareness of staff of the bird flu virus and the importance of ensuring personal hygiene;

and

(iii) ensured that sufficient stock of personal protective items, e.g. masks and alcohol wipes, are available for staff.

- As a regulatory authority of civil aviation, CAD has been in close liaison with the Airport Authority Hong Kong and local airlines to ensure that adequate preventive measures and contingency plans are in place to respond to a potential bird flu outbreak. Actions to be taken at the airport will include :

- (i) monitoring body temperature of airport staff;
- (ii) stepping up cleaning and disinfection of public installation;
- (iii) providing adequate facilities and cleaning material for hand washing;
- (iv) stepping up maintenance on indoor ventilation system;
- (v) ensuring adequate equipment for protection for frontline staff;
- (vi) restricting access control to critical operation control centres;
- (vii) reporting cases and maintaining close contact with DH; and
- (viii) ensuring procedures are set out in airline operational manuals for handling suspected passengers, cleaning of infected aircraft, and notification.

### **Civil Aid Service (CAS)**

- The CAS has a Standing Operations Procedure on Outbreak of Communicable Disease.
- The CAS is ready to provide the following services:
  - (i) crowd management at hospitals, clinics, temporary shelters etc.;
  - (ii) establishment and subsequent management of isolation centres;  
and
  - (iii) evacuation of residents affected by the disease.

- In addition to the above, the CAS is ready to provide the following services:
  - (i) assist AFCD in the culling operation; and
  - (ii) removal of residents/workers from poultry farms affected by the disease.

### **Customs and Excise Department**

The Department has stepped up enforcement against smuggling of pet birds and poultry.

### **Electrical and Mechanical Services Department (EMSD)**

- EMSD would strengthen their engineering services provided to other government departments & public bodies (e.g. to increase the air exchange rate of air-conditioning & ventilation systems as deemed necessary).
- EMSD would also provide professional engineering support to assist other government departments & public bodies in any necessary alteration and improvement of engineering systems (e.g. ventilation systems) so as to prepare for flu outbreak.

### **Food and Environmental Hygiene Department (FEHD)**

- Stepped up monitoring of live poultry at import and retail levels.
- Reminder letters issued to the retail trade on close observance of hygiene requirements and conditions and prompt report of dead/sick poultry.
- Culling drill completed in September and adequate stock of PPE for poultry culling operations available.
- Poultry trade and staff who have or are liable to have contact with

poultry and those may be deployed on massive culling operations have been arranged to receive free influenza vaccination in November/December.

- Import of live poultry and/or poultry products from affected countries/area suspended.

### **Fire Services Department (FSD)**

- All ambulance personnel will be arranged to have flu vaccination on a voluntary basis.
- FSD will keep in close contact with DH and HA for the most updated situations about flu outbreak and to implement necessary operational contingency reaction.
- PPE (surgical masks, N95 masks and disposable gowns) for ambulance personnel have been checked to have about six months' stocks.

### **Government Property Agency (GPA)**

- Stepping up cleaning service to the common areas in the government joint-user office buildings (JUBs) and quarters under the Agency's management by the outsourced Property Management Agents (PMAs).
- Coordinating with EMSD to step up cleaning of air-filters in the air-conditioning system and increase fresh air intake in the JUBs, when and where necessary.
- Coordinating with Architectural Services Department to inspect all the drainage systems and sanitary fitments in the JUBs and government quarters, when and where necessary, and institute suitable remedial/improvement actions.

### **Home Affairs Department (HAD)**

HAD will take the following actions during the outbreak situations -

- to assist in the publicity drive by distributing leaflets, guidelines and health advice to members of public through District Offices;
- to organise a Team Clean Day to mobilise members of the public to clean up hygiene black spots in their districts; and
- to mobilize the community to support the relevant campaigns launched by the Administration.

### **Housing Department (HD)**

- Action has been strengthened to preserve environmental hygiene and cleanliness in markets.
- Intensified cleansing of public housing estates by the way of “Operation Tai Ping Tei”.
- Messages for the purpose of reminding estate residents to upkeep personal hygiene will be promulgated.
- Enforcement action against misdeeds, such as littering and spitting, that may be conducive to the spread of infectious diseases, has been stepped up. Estate residents are liable to fixed penalty fine of \$1,500 and/or points be deducted under the Marking Scheme of Tenancy Enforcement, if they dirty the public areas while feeding feral birds/pigeons.
- Local management will be requested to identify hygiene black spots and areas with high density of feral birds/pigeons. Action will be taken to intensify cleansing operations to black spots so identified.
- Estate staff have been deployed to frighten away feral birds.
- Rolling text with message to remind estate residents not to feed feral birds/pigeons has been broadcasted on the Housing Channel.
- Cleansing contractors have been requested to clean/disinfect the press buttons of lifts in public residential housing blocks three times a day.
- In addition to setting up teams to inspect the drainage system, HD has asked tenants to take parallel action to report defective drains and to refill U-trap with water regularly.

- Leaflets on proper maintenance of drain pipes will be distributed to all public housing tenants.
- Tenants have been urged to upkeep environmental hygiene and not to feed wild birds through various channels in public housing estates.

### **Labour Department (LD)**

- Avian influenza arising out of and in the course of farming and handling poultry and poultry products has been made a notifiable occupational disease since February 2005.
- For each and every occupational avian influenza case notified to LD, detailed investigation will be conducted and control measures will be undertaken. As in all occupational infections, LD would liaise with the CHP to speed up all the necessary control measures.
- In case of an outbreak of avian influenza, LD would enhance our inspection to high-risk workplaces. If the avian influenza outbreak is found to be confined only to poultry, LD's inspections would be targeted mainly at poultry farms, markets, restaurants, etc. If there is evidence of human-to-human transmission, inspection would be extended to cover other high-risk workplaces such as hospitals, clinics and elderly homes. Inspections would be conducted to determine the adequacy of respiratory protection, indoor ventilation, cleansing as well as infection control measures.
- In the case of widespread human-to-human transmission of avian influenza, the doctors and nurses of LD are prepared to be re-deployed to the CHP to strengthen the medical team there in the control of this disease in Hong Kong.

### **Information Services Department**

- To step up publicity efforts to advise the public on precautionary measures. New announcements in the public interest (APIs) will be broadcast on TV and radio over the next few weeks.
- More leaflets, posters and other publicity materials in different

languages are being produced and distributed.

- Distributed leaflets on “What you should learn about avian influenza” (Tangalog, Thai and Indonesian) to domestic helpers.
- A dedicated webpage providing up-to-date information on prevention of avian flu can be viewed via the Centre for Health Protection website [www.chp.gov.hk](http://www.chp.gov.hk) or the Government website [www.info.gov.hk](http://www.info.gov.hk) .

### **Leisure and Cultural Services Department (LCSD)**

- LCSD has prepared a Departmental Action Plan on Influenza Pandemic, setting out the actions to be required of LCSD in different response levels.
- LCSD maintains a collection of about 1 500 birds in four major parks, namely Hong Kong Zoological & Botanical Gardens, Hong Kong Park, Kowloon Park and Yuen Long Park. Extra vigilance on the presence of bird disease has been maintained within our collection. LCSD’s Senior Veterinary Officer monitors the health of our bird collections closely.
- Bird-keeping staff have been reminded to follow strictly the departmental guidelines on contact with birds during the course of their work and to enhance their personal hygiene. All the cleansing staff and contractors have also been reminded to wear proper protective clothing/gear when clearing the bird droppings left on the ground.
- Precautionary measures have been stepped up to ensure health condition of our bird collections. These include increasing the frequency of faecal testing of birds and cleansing of bird cages; and suspending acquisition and transfer of birds.
- Any dead wild birds found in our venues will be safely handled by LCSD staff and sent to AFCD for avian flu checking.
- The public have been advised not to feed the wild birds in LCSD venues and LCSD staff has stepped up prosecution accordingly.
- Warning signs to advise the public against contact with birds or their dropping have been put up in the areas where there are bird collections



or where wild birds aggregate.

- To closely liaise with HWFB, AFCD and DH on the possible closure of the aviaries at Hong Kong Zoological & Botanical Gardens, Hong Kong Park, Kowloon Park and Yuen Long Park; and to liaise with the Penfold Park, Ocean Park and Kadoorie Farm so that they will also take corresponding precautionary actions.
- Drill programmes on closing the aviaries are conducted regularly to enhance our preparedness for the possible outbreak of bird flu.
- Arrangement has been made with DH for LCSD's field staff including staff of the contractors working at four aviaries and Yuen Po Street Birds Garden to receive influenza vaccine commencing 21 November.
- To make ready holiday villages for use as isolation centres and the provision of domestic support to the centres.

## **Marine Department (MD)**

### *Maintaining Port Safety*

- During an outbreak, MD will accord priority to managing port safety and maintaining port operations. The first priority will be to adequately manning the Vessel Traffic Centre (VTC) the primary function of which is to regulate and maintain traffic safety. In the next week or so, the Department will draw up a list of qualified and trained staff for manning the VTC. Should VTC staff be affected by an outbreak, trained staff from other offices will be deployed to the VTC such that services with a lower priority will be affected initially.

### *Inbound Traffic*

- The Pre-Arrival Notification (PAN) from ocean-going vessels will serve as an information collection tool for visiting ships. MD will follow the advice from DH as to what symptoms and information should be declared by such vessels. The requirements will be promulgated by a Marine Department Notice for ships to follow. Subject to advice by DH on how to manage/control vessels with reported/suspected cases of Avian Flu, MD can set aside anchorages for

quarantine/segregating vessels for inspection by DH.

- Rivertrade vessels are also covered by PAN and can be accordingly treated.

#### *Outgoing Traffic*

- MD will act in accordance with advice from DH as to whether any declaration is required by a ship or the need for an inspection by DH etc.

#### *MD Managed Cross-boundary Ferry Terminals*

- If a quarantine area is needed according to DH advice, MD will endeavour to designate an area within the terminals. MD will gear up to facilitate DH in implementing any measures that are considered necessary. The situations at the terminals will be closely monitored and cleansing services will be enhanced as necessary.

#### **Hong Kong Police Force (HKPF)**

- HKPF has developed a comprehensive set of guidelines for its response to all types of infectious disease, including influenza.
- HKPF has shared its knowledge and expertise with the CHP, and since 2003, has seconded a Superintendent and Chief Inspector to the CHP to help facilitate Government planning for any future infectious disease outbreak.

#### *Contact Tracing*

- Police will deploy the Major Incident Investigation and Disaster Support System (MIIDSS), for contact tracing and the identification of potential disease hot spots.
- Police Regional Missing Persons Units and if necessary Crime Formations, will be used to trace contacts, and locate individuals classified as defaulters.

#### *Major and Widespread Outbreaks*

- Where the infectious disease leads to large scale deaths, police will be

primarily concerned with the maintenance of public order, and ensuring that multi-disciplinary response teams and medical personnel are able to safely go about their business.

#### *Internal Measures to Safeguard Police Personnel*

- To ensure that police officers are available to discharge their duties during an infectious disease outbreak, HKPF has initiated a number of measures in respect of an alert system, staff, buildings, equipment, transport, prisoners, handling dead bodies and handling property and exhibits.

#### **Hong Kong Post (HKP)**

- HKP has issued an Action Plan for Highly Pathogenic Avian Influenza and Pandemic Influenza covering risk communications, PPE stockpiling, office disinfection, disease prevention and hygiene guidelines and special delivery arrangement, etc.

#### **Social Welfare Department (SWD)**

- SWD had in place the Contingency Plan for Influenza Outbreaks since January 2005. It is a three-tier action plan corresponding to the three-level response system of the Hong Kong. In Serious Response Level, District Social Welfare Officers will activate a 24-hour staff roster to provide welfare services to those citizens in home confinement.
- With the assistance of DH, SWD had compiled and issued guidelines in April 2005 to all residential services, day services and other general welfare service units to advise on prevention, precautionary measures, alert and emergency measures to be taken in Avian Influenza. These service units are also told to draw up their own contingency measures. Ongoing advices received from DH are also disseminated to the welfare service units
- An enhanced information exchange mechanism is in place among DH, HA and SWD to enable early detection and timely notification in residential care home for the elderly and people with disabilities to combat any infectious disease outbreaks.

- In collaboration with DH, briefing to SWD staff and NGO sector on Influenza Pandemic and the Government Preparedness Plan had been conducted in July 2005. Besides, for staff of residential homes, training classes have been organized for them on infection control measures in mid-2005.
- Influenza vaccination for elderly and people with disabilities living in institutions and their home staff are being arranged in November 2005.

### **Tourism Commission**

- The Tourism Commission also maintains close liaison with the travel trade to keep them updated of the latest news and development of potential infectious diseases in Hong Kong; and to remind them of the need to adopt relevant preventive measures.
- The tourism sector, including the airlines, hotels, restaurants, travel agents, tourist guides and tour coach operators have observed the guidelines and advice issued by the DH and have put in place measures to protect the health of their staff and visitors.
- Both the Tourism Commission and the Hong Kong Tourism Board are also in touch with Mainland international and regional tourism organizations to exchange the most up-to-date information on destinations and health-related matters in the region, and to collaborate on the appropriate plans and responses.

### **Transport Department**

- Letters are being sent to public transport operators providing rail, franchised bus, non-franchised bus, public light bus, taxi or ferry services appealing for their support to upkeep their cleaning standards and preparedness to prevent avian flu.