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Panel on Health Services

Background brief prepared by the Legislative Council Secretariat for the meeting on 12 February 2007

Review of the Quarantine and Prevention of Disease Ordinance (Cap.141)

Purpose

This paper gives an account of the past discussions by the Subcommittee to Monitor the Implementation of the Recommendations of the SARS Expert Committee and the Hospital Authority Review Panel on the SARS Outbreak (the Subcommittee) on the review of the Quarantine and Prevention of Disease Ordinance (QPDO) (Cap. 141). The Subcommittee was formed under the Panel on Health Services.

Background

2. The QPDO and its subsidiary legislation provide the legislative framework for the prevention of infectious diseases among humans. The enactment of this piece of legislation was based on the principles stipulated in the International Health Regulations (IHR), which were adopted by the Fourth World Health Assembly in 1951 to prevent, protect against, control and provide a public health response to the international spread of infectious diseases.

3. Following the Severe Acute Respiratory Syndrome (SARS) epidemic in 2003, the Administration conducted a review of the QPDO to ensure its adequacy in dealing with threats posed by infectious diseases. The scope of the review covered the following -

- (a) examining the adequacy of the legal powers provided under the QPDO in the light of the operational experience in combating SARS and development in international best practices; and
- (b) ensuring that the legal framework provided by the QPDO was consistent with the development of the overall control mechanism for communicable diseases in Hong Kong, especially the establishment of the Centre for Health Protection (CHP).

Past discussions

4. The Administration briefed the Subcommittee on 15 December 2003 on the progress made on the review of the QPDO.

5. Members noted the Administration's plan to introduce legislative amendments to the QPDO in the early half of 2004 to effect the following changes -

- (a) to make clear the definitions of certain terms, such as "port", contained in the QPDO to better prevent import and export of infectious diseases;
- (b) to extend the existing powers provided under regulation 19 of the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) (PSIDR) for a health officer to require disinfection of buildings to cover vessels, aircrafts, vehicles and conveyances. For exigency, persons authorised by a health officer would be allowed to carry out disinfection and cleansing of contaminated areas;
- (c) in addition to sick persons, contacts or carriers of an infectious disease, to extend the coverage of regulations 10 to 12 of the PSIDR to persons whom a health officer suspected to be sick. These persons might be removed/treated/detained in an infectious disease hospital or such other places, including a vessel or conveyance, as the health officer might appoint. Where persons failed to cooperate, police assistance could be sought to break into the premises to effect removal actions; and
- (d) to spell out in the PSIDR powers for home confinement of close contacts of an infectious disease.

6. A member was of the view that the scope of the QPDO should be expanded to cover syndromes of any sudden upsurge of infectious disease of unknown nature or of significant public health concern, so that new disease threats could be recognised and outbreaks could be identified early. The Administration agreed to take this into account in its review of the QPDO.

7. The Administration was also urged to expeditiously transfer the statutory powers under the QPDO from the Director of Health to the Head of CHP, in order to avoid delaying and complicating the decision-making process in the fight against infectious diseases. The Administration responded that as CHP was part of the Department of Health, review of the statutory powers to be rested upon the Head of CHP would be covered in the review of the QPDO.

8. In response to members' call for a comprehensive revamp of the QPDO to better combat infectious diseases, the Administration advised that it would not be possible to do so in the short term, as a review of the IHR, being undertaken by the World Health Organization, would take up to 2005 to complete. Some members queried the need for the

wait, and requested the Administration to provide a timetable on introducing legislative amendments to the Ordinance in the short, medium and long terms.

9. The Administration advised the Subcommittee on 6 April 2004 that having consulted the Department of Justice, it had come to a view that the powers conferred upon the Administration in the QPDO and the various disease prevention and control measures in place already provided sufficient and comprehensive safeguard for public health. Nonetheless, the Administration considered it appropriate to undertake a comprehensive revamp of the QPDO to modernise the Ordinance, and more importantly, to bring it in line with the development of the overall control mechanism for communicable diseases in Hong Kong and international best practices. The exercise would take into account the statutory powers to be vested upon CHP to enable its effective operation, and the impending review of the IHR which would entail international best practices in the combat of infectious diseases. Opportunity would also be taken to make necessary amendments to other public health legislations. The Administration further advised that it should be in a position to seek the views of the Panel on Health Services on the revamp of the QPDO in the 2004-2005 legislative session.

Relevant papers

10. Members are invited to access the Legislative Council's website (<http://www.legco.gov.hk>) for details of the relevant papers and minutes of the meetings.

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