

Prevention and Control of Disease Bill

《預防及控制疾病條例草案》

1 February 2008
二零零八年二月一日

Objectives

目的

- **To bring the local legal provisions in line with the requirements of the International Health Regulations (2005)**

使本港法律條文符合《國際衛生條例 (2005)》的規定

- **To update the local legal framework for the prevention and control of disease**

更新本港預防及控制傳染病的法律架構

IHR (2005)

《國際衛生條例(2005)》

- **Adopted at the 58th World Health Assembly in May 2005**
在二零零五年五月於第五十八屆世界衛生大會通過
- **Has entered into force on 15 June 2007**
已於二零零七年六月十五日生效

IHR (2005)

《國際衛生條例(2005)》

- **Binding on State Parties to WHO (including China)**
對世衛成員國(包括中國)具約束力
- **Extended to Hong Kong in accordance with Article 153 of the Basic Law**
已根據基本法第一百五十三條延伸至香港

IHR (2005)

《國際衛生條例(2005)》

Purpose

Prevent, protect against, control and provide a public health response to international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade

目的

針對公共衛生風險，同時又避免對國際交通和貿易造成不必要的干擾的適當方式，預防、抵禦和控制疾病在國際間傳播，並提供公共衛生應對措施

IHR (2005)

《國際衛生條例(2005)》

- **Broadened scope to cover any disease of public health importance that can spread internationally**

擴展範圍以涵蓋任何與公眾健康有關並可在國際間蔓延的疾病

- **Requires States Parties to have core capacity for surveillance and response, including at points of entry**

規定締約國須在傳染病監測及應變方面具備核心能力，包括在入境口岸的措施

IHR (2005)

《國際衛生條例(2005)》

- **A new system for the WHO to make recommendations on areas affected by public health threats**

訂立新制度，讓世衛向受到公共衛生威脅的地區作出建議

- **Updated routine measures on conveyance and goods and standard of health documents**

更新有關運輸工具及貨物的常規措施和衛生文件的標準

IHR (2005)

《國際衛生條例(2005)》

- **Key obligations of States Parties –**
締約國的主要責任 —
 - **To notify WHO of all events that may potentially result in the international spread of disease**
就所有可能引致疾病在國際間蔓延的事件向世衛作出通報
 - **To provide routine inspection and preventive measures at points of entry, such as granting of sanitation certificates and pratiques**
在入境口岸提供常規檢查和預防措施，例如發出衛生證書和無疫通行
 - **To make every effort to implement the recommendations of WHO**
盡力實施世衛的建議

New statutory framework

新法律架構

- **Prevention and Control of Disease Bill**

《預防及控制疾病條例草案》

- **Replace existing Quarantine and Prevention of Disease Ordinance (Cap. 141)**

取代現行《檢疫及防疫條例》(第141章)

- **Includes only fundamental and enabling provisions**

只包括基本和賦權的條文

New statutory framework

新法律架構

- **Subsidiary Legislation 附屬法例**
 - **Prevention and Control of Disease Regulation**
《預防及控制疾病規例》
 - **Prevention and Control of Disease (Public Health Emergency) Regulation – to be made only in times of public health emergency**
《預防及控制疾病(公共衛生緊急事態)規例》 - 只在公共衛生緊急事態情況出現時訂立
 - **Include provisions that are operational in nature**
包括屬運作層面的條文

Main provisions in the Bill

條例草案主要條文

- **Regulations making power**

制定規例的權力

- **In relation to public health emergency –**

- Chief Executive in Council**

- 與公共衛生緊急事態情況有關 — 行政長官會同行政會議

- **All others – Secretary for Food and Health**

- 其餘所有規例 — 食物及衛生局局長

Main provisions in the Bill

條例草案主要條文

- **Power to seize infectious agents or articles containing them – health officers with written approval of Director of Health**
檢取傳染性病原體或含有傳染性病原體的物品之權力 — 獲衛生署署長書面授權之衛生主任
- **Power to forfeit articles taken into Hong Kong in contravention of the Ordinance – health officers**
沒收違反條例之情況下被帶進香港之物品之權力 — 衛生主任
- **Power to prescribe measures in the light of temporary recommendations of WHO – Director of Health**
因應世衛之臨時建議訂明措施之權力 — 衛生署署長

Main provisions in the Bill

條例草案主要條文

- **The Director may order compensation for articles damaged, destroyed, seized, etc.**
衛生署署長可指令為被損壞、銷毀、檢取等物品支付賠償
- **Police to furnish assistance to health officer**
警方須向衛生主任提供協助
- **Schedule 1: 45 infectious diseases under control**
附表一：45種受管制的傳染病
- **Schedule 2: 31 infectious agents under control**
附表二：31種受管制傳染性病原體

The future Prevention and Control of Disease Regulation

未來的《預防及控制疾病規例》

- **The Prevention and Control of Disease Regulation will provide enhanced powers with respect to:**

日後制訂的《預防及控制疾病規例》將針對以下範圍賦予加強的法定權力：

- **Travellers** 旅客
- **Points of Entry (PoE) and Cross-boundary Conveyances** 入境口岸及跨境運輸工具
- **Surveillance and Control of infectious diseases within Hong Kong** 香港境內傳染病的監測及控制

Main measures to be included in the Prevention and Control of Disease Regulation

將納入《預防及控制疾病規例》的主要措施

Travellers 旅客

- **Produce health declaration when necessary**
在有需要時提交健康申報
- **Produce proof of vaccination or prophylaxis**
出示接種疫苗或預防措施證明
- **Conduct medical examination / tests on travellers**
對旅客進行健康檢驗／測試

Main measures to be included in the Prevention and Control of Disease Regulation

將納入《預防及控制疾病規例》的主要措施

Travellers 旅客

- **Prohibit exit (for contact of or person infected with SARS, Avian Flu or Extensively Drug-Resistant Tuberculosis or on WHO's temporary recommendation)**

禁止出境(適用於嚴重急性呼吸系統綜合症、禽流感或廣泛耐藥結核病的接觸者或感染者，或按世衛的臨時建議)

Main measures to be included in the Prevention and Control of Disease Regulation

將納入《預防及控制疾病規例》的主要措施

Points of Entry (PoE) and Cross-boundary Conveyances

入境口岸及跨境運輸工具

- **Operator of PoE and cross-boundary conveyances** 入境口岸營運人及跨境運輸工具營運人
 - **Maintain PoE and cross-boundary conveyances in sanitary condition** 保持入境口岸及跨境運輸工具衛生
 - **Provide information concerning report cases of infectious disease, or sources of infectious disease or contamination** 提供傳染病個案，或傳染病／污染來源的資料
- **Inspect PoE and conveyances** 視察入境口岸及運輸工具

Main measures to be included in the Prevention and Control of Disease Regulation

將納入《預防及控制疾病規例》的主要措施

Points of Entry (PoE) and Cross-boundary Conveyances (cont'd)

入境口岸及跨境運輸工具 (續)

- **Isolate any PoE or cross-boundary conveyance**
隔離任何入境口岸或跨境運輸工具
- **Seize, isolate, disinfect, destroy infected articles**
檢取、隔離、消毒或銷毀受感染的物品
- **Prohibit departure from or entry into Hong Kong of conveyances or articles, having regard to circumstances and recommendations of the WHO**
參照世衛建議及當時情況，禁止運輸工具及物口進出香港

Main measures to be included in the Prevention and Control of Disease Regulation

將納入《預防及控制疾病規例》的主要措施

Surveillance and Control of infectious diseases within Hong Kong 香港境內傳染病的監測及控制

- **Update and expand the list of notifiable diseases**
更新及擴大需呈報的疾病清單
- **Require notification of release of controlled infectious agents**
規定須通報洩漏受管制的傳染性病原體的事件
- **Empower Director of Health to require surrender of controlled infectious agent for proper disposal to prevent the spread of diseases in the community, or for gathering information for disease prevention and control purpose.**
賦權衛生署署長要求有關方面交出受管制傳染性病原體以供妥善處理，以防止疾病在社區內傳播，或收集資料作預防或控制疾病用途

Main measures to be included in the Prevention and Control of Disease Regulation

將納入 《預防及控制疾病規例》 的主要措施

Surveillance and Control of infectious diseases
within Hong Kong (cont'd) 香港境內傳染病的監測及
控制(續)

- **Place sick persons, contacts and carriers under isolation, quarantine, or medical surveillance**

對患者、接觸者及帶菌者進行隔離，檢疫或醫學監察

- **Require medical practitioners to provide information relevant to notified cases**

要求醫生就通報個案提供相關資料

Public Health Emergency (under the Bill)

公共衛生緊急事態(根據條例草案)

- **The occurrence of or the imminent threat of a disease, an epidemic or a pandemic**
某疾病、流行病或疾病大流行的出現或逼切威脅
- **The occurrence of a novel, or highly infectious, agent or matter**
前所未見的病原體或物體，或高度傳染性病原體的出現
- **The widespread exposure or the imminent threat of widespread exposure of human beings to an infectious agent**
人類廣泛暴露於某傳染性病原體的情況或逼切威脅

that has a high probability of causing a large number of deaths in the population or a large number of serious disabilities (whether or not long-term) in the population

可能導致大量人口死亡或罹患嚴重殘疾（不論是否長期）

Public Health Emergency Regulation

《公共衛生緊急事態規例》

- **To be made by CE in Council when he considers that there is a public health emergency for combating and controlling the emergency situation**

當行政長官會同行政會議認為出現公共衛生緊急事態的情況時訂立，以應付和控制緊急情況

- **May provide the following matters:**

可訂定以下事宜:

- (1) **Empower the Government to access and disclose information to the public relating to the state of public health emergency for the purpose of protecting public health**

為保障公眾健康，賦權政府查閱和向公眾披露與公共衛生緊急事態狀況有關的資料

The Public Health Emergency Regulation

《公共衛生緊急事態規例》

- (2) Empower the Government to requisition private property (e.g. vaccines, medicine, personal protective gear, vehicles, vessels, etc.) with compensation**

賦權政府在提供補償的情況下，徵用私人產業(例如疫苗、藥物、個人保護裝備、車輛、船隻等)

- (3) Enable temporarily appointment of qualified but unregistered healthcare personnel to perform duties as prescribed by the Director of Health**

讓合資格但非註冊醫護人員獲暫時委派，在衛生署署長指示下執行職務

The Public Health Emergency Regulation

《公共衛生緊急事態規例》

- **Powers under the Regulation will only be exercised in very exceptional situation**
只會在非常特殊情況下才會行駛規例下的權力
- **The Public Health Emergency Regulation made for a particular public health emergency will be repealed when that emergency has ceased to exist**
當公共衛生緊急事態情況不再出現時，為該特定情況而訂立的公共衛生緊急事態規例會予以廢除

Timetable

時間表

- **Secretary for Food and Health will make the Prevention and Control of Disease Regulation after the enactment of the Bill**

條例草案通過後，食物及衛生局局長會訂立《預防及控制疾病規例》

- **The new Ordinance and Regulation will commence on the same date to be appointed by the Secretary for Food and Health**

新條例和規例將於食物及衛生局局長指定的日期同時生效