

**Bills Committee on the
Prevention and Control of Disease Bill**

**Draft provisions of the Prevention and Control of Disease Regulation
for consultation**

The Secretary for Food and Health is empowered to make regulations under clause 7 of the Prevention and Control of Disease Bill. The draft provisions of the Prevention and Control of Disease Regulation are attached at **Annex** to facilitate Members' scrutiny of the Bill and to consult Members' views on the provisions of the Regulation. The draft provisions are subject to amendments with reference to comments agreed by the Bills Committee and further revision by the Law Draftsman.

**Food and Health Bureau
March 2008**

PREVENTION AND CONTROL OF DISEASE REGULATION
(DRAFT PROVISIONS FOR CONSULTATION)

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PREVENTION AND CONTROL OF DISEASE REGULATION

(DRAFT PROVISIONS FOR CONSULTATION)

PART A: PRELIMINARY

A1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Food and Health by notice published in the Gazette.

A2. Interpretation

In this Regulation, unless the context otherwise requires –

“appointed person” (獲委任人員) means–

- (a) a police officer;
- (b) a health officer; or
- (c) a person appointed by the Director under section A3;

“cross-boundary aircraft” (跨境飛機) means an aircraft that is a cross-boundary conveyance;

“cross-boundary conveyance” (跨境運輸工具) means a conveyance that is engaged on a journey entering or leaving Hong Kong;

“cross-boundary public vehicle” (跨境公共車輛) means a public vehicle that is engaged on a journey entering or leaving Hong Kong;

“cross-boundary vessel” (跨境船隻) means a vessel that is a cross-boundary conveyance;

“decontamination” (除污) means to remove contamination;

“derat” (滅鼠) means to control or kill the rodent vector of any disease;

“disease control measure” (疾病控制措施) includes cleansing, deratting, disinfection, dissection and decontamination;

“disinfect” (消毒) means to control, kill or eliminate the infectious agent of a disease;

“disinsect” (除蟲) means to control or kill the insect vector of any disease;

“operator” (營運人) –

- (a) in relation to a conveyance, means its owner, charterer, master, pilot, commander or driver (as the case may be) or the person in charge of the conveyance or a person who is acting as an agent of the owner or the charterer or the person in charge of the conveyance; or
- (b) in relation to a point of entry, means the owner or the lessee, or a person who is in charge of the management of the point of entry or any part of it;

“point of entry” (入境口岸) means –

- (a) an entry or exit passage for –
 - (i) people entering or leaving Hong Kong;
 - (ii) cross-boundary conveyances entering or leaving Hong Kong; or
 - (iii) articles being transported into or out of Hong Kong; or
- (b) a place adjacent to the entry or exit passage in which any service is provided to the people or in respect of the cross-boundary conveyances entering or leaving Hong Kong or in respect of the articles being transported into or out of Hong Kong;

“quarantine anchorage” (檢疫碇泊處) has the same meaning as in the Shipping and Port Control Regulations (Cap. 313 sub. leg. A);

“specified infectious disease” (指明傳染病) means a scheduled infectious disease or a disease caused by a scheduled infectious agent;

“traveller” (旅客) means a person arriving in or seeking to leave Hong Kong.

A3. Appointment of appointed persons

- (1) The Director may appoint –
 - (a) a member of –
 - (i) the Auxiliary Medical Service; or
 - (ii) the Civil Aid Service; or
 - (b) a member of the Immigration Service established by section 3 of the Immigration Service Ordinance (Cap. 331) or any other public officer,

as an appointed person.

- (2) An appointment under subsection (1) may be made either by rank or office as specified by the Director.

PART B: NOTIFICATION OF INFECTIOUS DISEASES**B1. Duty of medical practitioners to make reports**

(1) If a medical practitioner has reason to suspect the existence of a case of a scheduled infectious disease, whether or not the person infected has died, he shall notify the Director immediately.

(2) A notification under subsection (1) is to be in the form specified by the Director and be signed by the medical practitioner.

(3) If after notifying the Director, the medical practitioner confirms either that the scheduled infectious disease existed or that it did not exist, he shall immediately notify the Director.

(4) A person who contravenes subsection (1) or (3) or knowingly gives the Director any information that is false in a material particular commits an offence and is liable on conviction to a fine at level 2.

B2. Medical practitioners to give information as required by health officers

(1) A health officer may, for the purpose of facilitating the investigation of a case or suspected case of a specified infectious disease, require

any medical practitioner to give to the health officer any information about the case as the health officer may require.

(2) A medical practitioner shall comply with a requirement made under subsection (1).

(3) A person who contravenes subsection (2) or knowingly gives to a health officer any information that is false in a material particular commits an offence and is liable on conviction to a fine at level 2.

B3. Duty of operators of cross-boundary conveyances to make reports

(1) If the operator of a cross-boundary aircraft, cross-boundary vessel or cross-boundary public vehicle has reason to suspect that there exists on board the aircraft, vessel or public vehicle –

(a) a case or source of a specified infectious disease; or

(b) a case or source of contamination,

he shall notify a health officer immediately.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

B4. Operators to give information according to requirement of health officers

(1) If a health officer has reason to suspect that there exists or existed in a point of entry or on board a cross-boundary conveyance –

(a) a case or source of an infectious disease; or

(b) a case or source of contamination,

the health officer may require the operator of the point of entry or cross-boundary conveyance to give to the health officer any information about the case or source as the health officer may require.

(2) An operator shall comply with a requirement made under subsection (1).

(3) A person who contravenes subsection (2) or knowingly gives to a health officer any information that is false in a material particular commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

B5. Travellers to give information as required by health officers

(1) A health officer may, for the purpose of preventing the occurrence or spread of an infectious disease or contamination, require a traveller to give to the health officer any information required by the health officer.

(2) A traveller shall comply with a requirement made under subsection (1).

(3) A person who contravenes subsection (2) or knowingly gives to a health officer any information that is false in a material particular commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

B6. Defence to charges under sections B2, B4 or B5

It is a defence to a charge under section B2, B4 or B5 to prove that the information required to be given was not within the knowledge of the person charged and could not reasonably have been ascertained by him.

**PART C: DISEASE PREVENTION, MEDICAL SURVEILLANCE,
EXAMINATION AND TEST**

C1. Power of entry and examination

(1) Subject to subsection (3), if a health officer has reason to suspect that –

- (a) a contact of or a person infected with a specified infectious disease is present in a place;
- (b) a case or suspected case of a specified infectious disease is connected with a place;

- (c) there is a leakage of a scheduled infectious agent in a laboratory that may pose a public health risk; or
- (d) a source of a specified infectious disease exists in a place other than a laboratory,

the health officer may enter the place or laboratory, and, where necessary, break into the place or laboratory in the presence of a police officer.

(2) On entering a place under this section, a health officer may –

- (a) ascertain whether a contact of or a person infected with a specified infectious disease is present in that place;
- (b) if there is a dead body in the place, examine the dead body for the purpose of ascertaining whether the body is infected with a specified infectious disease;
- (c) seize any article or part of an article for examination or testing if he has reason to suspect that the article is –
 - (i) a source of a specified infectious disease; or
 - (ii) connected with a case or suspected case of a specified infectious disease; and
- (d) take a photograph or make any audio or video recording.

(3) Unless authorized by a warrant issued under subsection (4), a health officer shall not –

- (a) enter any residential premises without the permission of its occupier or a person appearing to him to be in charge of the premises; or
- (b) break into such premises.

(4) A magistrate may issue a warrant authorizing any health officer to enter or break into any residential premises if the magistrate is satisfied by information on oath by a health officer that the health officer has reason to suspect that –

- (a) a contact of or a person infected with a specified infectious disease is present in the premises;

(b) a case or suspected case of a specified infectious disease is connected with the premises; or

(c) a source of a specified infectious disease exists in the premises.

(5) The power conferred by a warrant issued under subsection (4) on a health officer may be exercised by any health officer either alone or with the assistance of other persons.

(6) In this section, “residential premises” (住用處所) means a place or part of a place that is used wholly or principally for dwelling purposes and constitutes a separate household unit, but does not include the following –

(a) a home for the aged, child care centre, convalescent centre or a similar establishment;

(b) a point of entry;

(c) a cross-boundary conveyance; and

(d) a place of isolation or quarantine.

C2. Maintaining points of entry, cross-boundary aircrafts, vessels or public vehicles in sanitary condition

(1) The operator of a point of entry or a cross-boundary aircraft, cross-boundary vessel or cross-boundary public vehicle shall, as far as practicable, ensure that the point of entry or cross-boundary aircraft, cross-boundary vessel or cross-boundary public vehicle is maintained in a sanitary condition.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

C3. Health officers may enter and inspect points of entry and cross-boundary conveyances

(1) A health officer may enter, without a warrant, a point of entry or a cross-boundary conveyance for the purpose of inspecting whether the point of entry, the cross-boundary conveyance or any article in or carried in or on it –

(a) is maintained in a sanitary condition; and

(b) is kept free from sources of an infectious disease or contamination.

(2) On entering a point of entry or a cross-boundary conveyance under subsection (1), a health officer may, for the purpose of ascertaining the sanitary condition of the point of entry or the cross-boundary conveyance –

- (a) seize any article or part of an article for examination or testing;
- (b) place any device in the point of entry or in or on the cross-boundary conveyance for the collection of any sample; or
- (c) take a photograph or make any audio or video recording.

C4. Health officers may inspect journals, etc. of points of entry or cross-boundary conveyances

A health officer may, for the purpose of monitoring or investigating any matter concerning a case or source of an infectious disease or contamination, inspect and make copy of any journal, logbook or record kept in respect of –

- (a) a point of entry; or
- (b) a cross-boundary conveyance.

C5. Import of human corpse, etc.

(1) A person shall not, without a permit in writing from the Director, knowingly import into Hong Kong –

- (a) any human corpse or any part of it;
- (b) an infectious agent;
- (c) any human or animal tissue, or tissue fluid, or any part of a human or animal body, that the person has reason to suspect contains an infectious agent; or
- (d) any excreta, secretion, blood, or blood component, that the person has reason to suspect contains an infectious agent.

(2) The Director may specify in the permit referred to in subsection (1) any condition as he considers appropriate.

(3) A person to whom a permit is issued shall comply with the condition specified under subsection (2).

(4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

C6. Medical surveillance, examination or test of contacts or infected or contaminated persons

(1) If a health officer has reason to suspect that a person is a contact of or is infected with a specified infectious disease or is contaminated, the health officer may subject the person to medical surveillance or a medical examination or a test, which must not be more intrusive or invasive than is necessary for ascertaining the person's health condition.

(2) A health officer may specify conditions to be observed by the person.

(3) A person who fails to observe any condition specified under subsection (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

C7. Medical examination of persons arrested

A health officer may subject a person arrested under section 5 of the Ordinance to a medical examination or a test, which must not be more intrusive or invasive than is necessary for ascertaining the person's health condition.

PART D: VACCINATION AND PROPHYLAXIS

D1. Interpretation

In this Part –

“designated centre” (指定中心) means a hospital, clinic, health care centre or similar establishment designated by the Director as a designated centre under section D3;

“designated disease” (指定疾病) means a specified infectious disease designated by the Director as a designated disease under section D2.

D2. Designation of designated diseases

(1) The Director may designate a specified infectious disease as a designated disease.

(2) The Director shall notify in the Gazette a designation under subsection (1).

(3) A notification under subsection (2) is not subsidiary legislation.

D3. Designation of designated centres

(1) The Director may designate any hospital, clinic, health care centre or similar establishment as a designated centre.

(2) If the Director makes a designation under subsection (1), he may specify any condition as he considers appropriate.

(3) The Director shall notify in the Gazette a designation under subsection (1).

(4) A notification under subsection (3) is not subsidiary legislation.

D4. Vaccination and prophylaxis

(1) A health officer may, for the purpose of preventing the occurrence or spread of an infectious disease, require a traveller at a point of entry to produce for inspection a certificate of vaccination or prophylaxis in the form described as the “Model International Certificate of Vaccination or Prophylaxis” in the International Health Regulations, certifying that the traveller has been vaccinated or has received prophylaxis against a designated disease in accordance with the International Health Regulations.

(2) For the purposes of subsection (1), a health officer may accept a certificate that is substantially in accordance with the form referred to in that subsection.

D5. Certification of vaccination and prophylaxis by medical practitioners

- (1) A medical practitioner who –
- (a) practises in a designated centre; and
 - (b) has administered, or supervised the administration of, vaccination and prophylaxis against a designated disease, in the centre, to a person, in accordance with the International Health Regulations,

may issue a certificate of vaccination or prophylaxis certifying the matters referred to in paragraph (b).

(2) Any person who, not being a person referred to in subsection (1) or section D6, issues a certificate of vaccination or prophylaxis –

- (a) certifying that a person has been vaccinated or has received prophylaxis against a disease in accordance with the International Health Regulations;
- (b) containing a representation that it is issued pursuant to the International Health Regulations; or
- (c) containing any reference to or a diagram or a picture that is related to the WHO or a reference to the International Health Regulations,

commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

D6. Administration and certification of vaccination or prophylaxis by health officers on payment of fees

A health officer may, on request and on the payment of a fee prescribed in Schedule 1–

- (a) administer vaccination or prophylaxis against a designated disease, to a person, in accordance with the International Health Regulations; and
- (b) issue a certificate of vaccination or prophylaxis certifying the matters referred to in paragraph (a).

PART E: ISOLATION AND QUARANTINE

Isolation and quarantine of persons

E1. Isolation or quarantine of contacts or infected persons

(1) If a health officer has reason to believe that a person is a contact of or is infected with a specified infectious disease, the health officer may, by order in writing, place the person under isolation or quarantine until a health officer considers that –

- (a) the person is not infectious; or
- (b) the isolation or quarantine can be replaced by medical surveillance.

(2) Without limiting the generality of subsection (1), any of the following circumstances are regarded as a reason for a health officer to believe that a traveller is a contact of a specified infectious disease that is designated as a designated disease under section D2 –

- (a) the traveller fails to produce a certificate of vaccination or prophylaxis for inspection as required by a health officer under section D4(1);
- (b) a health officer has reason to believe that the traveller has not been vaccinated or received prophylaxis against a designated disease (whether or not a certificate of vaccination or prophylaxis has been produced for inspection under section D4(1)); and

- (c) a health officer has reason to believe that the vaccination and prophylaxis that the traveller has received is not effective (whether or not a certificate of vaccination or prophylaxis has been produced for inspection under section D4(1)).

Isolation of articles

E2. Isolation of infected articles

(1) If a health officer has reason to believe that an article is infected with a specified infectious disease, he may, by order in writing, place the article under isolation.

(2) A health officer may remove an article to any place for the purpose of placing the article under isolation.

(3) An article that is placed under isolation may be detained at any place appointed by a health officer for such period and subject to such conditions as he may specify.

(4) A person shall not remove an article that is placed under isolation from the place where it is isolated without the permission of a health officer.

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

Isolation of places

E3. Power to order places to be isolated

(1) Where the Director considers it necessary for the prevention of the spread of a specified infectious disease, he may, by order in writing, place any place under isolation.

(2) The isolation order may –

- (a) provide for the complete isolation of the place that is the subject of the order; or

- (b) provide for such degree of isolation of the place, and subject the place to such conditions or limitations, as the Director considers sufficient to prevent the spread of the disease concerned.

(3) An isolation order may be issued in such form or in such manner as, having regard to the circumstances, the Director considers best suited to bring the terms of such order to the notice of the public.

General provisions in relation to isolation and quarantine

E4. Isolation and quarantine orders in respect of persons

An order made by a health officer under section E1 to place a person under isolation or quarantine is to specify –

- (a) the reason for isolation or quarantine; and
- (b) the terms of isolation or quarantine.

E5. Power to remove and detain persons for isolation and quarantine

To place a person under isolation or quarantine, a health officer may –

- (a) remove the person to a place in which he is to be isolated or quarantined;
- (b) detain him at the place in which he is isolated or quarantined; and
- (c) subject him to such conditions as the health officer may specify.

E6. Entry and exit restrictions

- (1) No person other than a health officer shall –
 - (a) leave a place in which he is placed under isolation or quarantine;

(b) enter a place in which another person is placed under isolation or quarantine; or

(c) enter or leave a place that is placed under isolation,

without a permission granted under section E8.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

E7. Restrictions on bringing articles into or taking articles out of places placed under isolation

(1) No person other than a health officer shall bring any article into or take any article out of a place that is placed under isolation without a permission granted under section E8.

(2) A health officer may seize any article that is brought into or taken out of a place in contravention of subsection (1).

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

E8. General permission in respect of sections E6 and E7

A health officer may grant written permission to any person or persons of any class or category specified in the permission to do any act described in sections E6(1)(a), (b) and (c) and E7(1) subject to such exceptions, conditions or restrictions as are specified in the permission.

PART F: EXPOSURE OF PUBLIC TO INFECTION

F1. Persons not to expose others to infection

(1) A person shall not, knowing that he is a contact of or is infected with a specified infectious disease, expose other persons to the risk of infection –

(a) by his presence or conduct in –

(i) any public conveyance; or

(ii) any street, public place, place of entertainment or assembly, club, or hotel; or

(b) by carrying on any trade, business or occupation.

(2) A person who has the care of any person whom he has reason to believe is a contact of or is infected with a specified infectious disease shall make every reasonable endeavour to prevent the person from doing any act described in subsection (1).

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

F2. Examination of dead bodies

If a health officer has reason to believe that the body of a deceased person is infected with a specified infectious disease, a health officer may carry out a post-mortem examination on the body, and for that purpose, remove the body to a mortuary or other suitable place.

F3. Disposal of infected dead bodies

(1) If a health officer has reason to believe that the body of a deceased person is infected with a specified infectious disease, the health officer may make a direction concerning any or all of the following matters –

(a) the disease control measures to be carried out in respect of the body;

(b) the method of disposal of the body;

(c) the place of burial or cremation of the body;

(d) the time, route and method of removing the body to the place of burial or cremation.

(2) A health officer may cause the body to be disposed of if no person undertakes its disposal.

(3) A person who carries out the disposal of the body shall comply with the direction made by a health officer under subsection (1).

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

F4. No infected dead body to be dealt with otherwise

(1) A person shall not deposit or cause to be deposited the body of a deceased person that a health officer has reason to believe is infected with a specified infectious disease in a place other than –

- (a) such place of burial or cremation as a health officer may direct under section F3;
- (b) a mortuary (whether or not situated within the precincts or any hospital or similar institution) that is maintained or controlled by –
 - (i) the Government;
 - (ii) a public hospital as defined in section 2(1) of the Hospital Authority Ordinance (Cap. 113); or
 - (iii) a hospital as defined in section 2(1) of the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165); or
- (c) a funeral parlour that is licensed under section 4 of the Funeral Parlours Regulation (Cap. 132 sub. leg. AD).

(2) A person who knowingly contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

F5. Persons who die on cross-boundary conveyances

(1) If a person dies on a cross-boundary aircraft, cross-boundary vessel or cross-boundary public vehicle, its operator shall notify a health officer immediately.

(2) The operator of a cross-boundary aircraft, cross-boundary vessel or cross-boundary public vehicle shall comply with any directions as the health officer may make in respect of the disposal of the body.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

PART G: DISEASE CONTROL MEASURES

G1. Order to carry out disease control measures in respect of points of entry or premises

(1) If a health officer –

(a) has reason to believe that there exists or existed in a premises a case or source of a specified infectious disease; or

(b) finds a point of entry to be in an insanitary condition,

he may, by an order in writing served on the person described in subsection (2), require a disease control measure specified in the order to be carried out in respect of the premises or point of entry to the satisfaction of a health officer within the time specified in the order.

(2) The person referred to in subsection (1) is –

(a) in the case of a point of entry, its operator ; or

(b) in the case of other premises, its owner or occupier.

(3) A health officer may, for the purpose of carrying out a disease control measure required to be carried out under subsection (1), close the premises or remove any person from it.

(4) Except with the permission of a health officer, a person other than a health officer shall not –

(a) enter or occupy; or

(b) bring any article into or take any article out of,

any premises closed under subsection (3).

(5) A person who contravenes subsection (4) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

G2. Order to carry out disease control measures in respect of conveyances

(1) If a health officer –

- (a) has reason to believe that there exists or existed on board a conveyance a case or source of a specified infectious disease; or
- (b) finds a cross-boundary conveyance to be in an insanitary condition or being contaminated,

he may, by order in writing served on the operator of the conveyance, require a disease control measure specified in the order to be carried out in respect of the conveyance to the satisfaction of a health officer within the time specified in the order.

(2) A health officer may, for the purpose of carrying out a disease control measure required to be carried out under subsection (1), stop, detain or close the conveyance or remove any person from it.

(3) Except with the permission of a health officer, a person other than a health officer shall not –

- (a) board or remain in; or
- (b) bring any article into or take any article out of,

a conveyance closed under subsection (2).

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

G3. Wells

If in the opinion of a health officer that it is necessary to do so for the purpose of preventing the introduction or the spread of a specified infectious disease, he may, by an order in writing served on the owner of a well, require the

well to be filled up, cleansed or disinfected to his satisfaction within the time specified in the order.

G4. Enforcement of orders made under sections G1, G2 or G3

(1) Where an order made under section G1, G2 or G3 is not complied with within the time specified in the order, a health officer or any person authorized by him may –

- (a) enter or board, or where necessary, break into in the presence of a police officer, the point of entry, other premises or conveyance; and
- (b) carry out the disease control measures required by the order.

(2) The costs incurred under subsection (1) may be recovered from the following persons as a debt due to the Government –

- (a) in the case of an order under section G1, the operator of the point of entry or the owner or the occupier of other premises;
- (b) in the case of an order under section G2, the operator of the conveyance; or
- (c) in the case of an order under section G3, the owner of the well.

G5. Disinfection and destruction of articles

(1) If a health officer has reason to believe that an article is, or may have been, infected with a specified infectious disease, he may –

- (a) order a disease control measure to be carried out in respect of the article; or
- (b) except where the article is a conveyance, destroy the article.

(2) The costs of carrying out any disease control measure in respect of an article or the destruction of an article may be recovered, as a debt due to the Government, from –

- (a) where the article is a conveyance, its operator; or
- (b) in the case of other articles, the owner or the person who has possession or control of the articles.

PART H: CONTROL OF LABORATORY'S HANDLING OF SCHEDULED INFECTIOUS AGENTS

H1. Requirement to surrender scheduled infectious agents

(1) The Director may require the owner or the person in charge of a laboratory to surrender a scheduled infectious agent under his control or possession for disposal by the Director if, having regard to the circumstances, the Director has reason to believe that –

- (a) the laboratory does not have sufficient facilities and equipment to handle the scheduled infectious agent;
- (b) the person handling the agent in the laboratory does not have the necessary competency to do so; or
- (c) the agent is handled by the laboratory in a manner that may pose a public health risk.

(2) The owner or the person in charge of a laboratory shall comply with the requirement made under subsection (1).

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

H2. Laboratory shall report cases of leakage of scheduled infectious agents

(1) If it comes to the knowledge of the owner or the person in charge of a laboratory that there is a leakage of a scheduled infectious agent in the

laboratory that may pose a public health risk, he shall notify the Director immediately.

(2) The owner or the person in charge of the laboratory shall give to the Director any information that is required by a health officer to facilitate the investigation of the leakage.

(3) A person who contravenes subsection (1) or (2) or knowingly gives any information that is false in a material particular commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

PART I: DECLARATION AND CERTIFICATION IN RESPECT OF CROSS-BOUNDARY CONVEYANCES

II. Submission of Maritime Declaration of Health

(1) The operator or surgeon of a cross-boundary vessel that enters the waters of Hong Kong shall submit to a health officer a declaration in the form described as the “Model of Maritime Declaration of Health” in the International Health Regulations declaring the matters specified in the form.

(2) The person who signs or counter-signs the declaration that is submitted under subsection (1) shall ensure that the information contained in the declaration is not false in a material particular.

(3) A health officer may –

- (a) waive the requirement to submit the declaration under subsection (1); or
- (b) accept for the purpose of subsection (1) a declaration that is substantially in accordance with the form referred to in that subsection.

(4) Subject to subsection (3), a person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months..

(5) A person who knowingly contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

I2. Ship Sanitation Control Exemption Certificate and Ship Sanitation Control Certificate

(1) The operator or surgeon of a cross-boundary vessel that enters the waters of Hong Kong shall produce for inspection by a health officer a certificate that is –

- (a) in accordance with the form described as the “Model Ship Sanitation Control Exemption Certificate/Ship Sanitation Control Certificate” in the International Health Regulations; and
- (b) issued in respect of the vessel by a port of a State Party to the International Health Regulations being authorized to issue the certificate.

(2) A health officer may –

- (a) waive the requirement to submit the certificate under subsection (1); or
- (b) accept for the purpose of subsection (1) a certificate that is substantially in accordance with the form referred to in that subsection.

(3) Subject to subsection (2), a person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

I3. Issue of Ship Sanitation Control Exemption Certificate by health officer

(1) A health officer may, on the payment of a fee prescribed in Schedule 1, issue a Ship Sanitation Control Exemption Certificate, in a form

specified by the Director, in respect of a cross-boundary vessel certifying the matters specified in the form.

(2) A health officer shall not issue a certificate in respect of a cross-boundary vessel unless he is satisfied that the vessel is –

- (a) in a sanitary condition; and
- (b) free from evidence of infection or contamination.

I4. Issue of Ship Sanitation Control Certificate by health officer

(1) A health officer may, on the payment of a fee prescribed in Schedule 1, issue a Ship Sanitation Control Certificate, in a form specified by the Director, in respect of a cross-boundary vessel certifying the matters specified in the form.

(2) If a health officer has specified a disease control measure to be carried out in respect of the vessel, a health officer may state in the certificate that the measure has or has not been carried out to the satisfaction of a health officer.

I5. Endorsement on certificates

A health officer may endorse on a certificate that is produced for inspection under section I2(1) matters concerning any or all of the following –

- (a) whether or not any evidence of infection or contamination is found on the vessel in respect of which the certificate was issued;
- (b) if such evidence is found on the vessel, a description of such evidence;
- (c) the sanitariness of the vessel;
- (d) any disease control measure has been or is to be carried out in respect of the vessel;

- (e) if a certificate (the new certificate) is issued under section I4 in respect of the vessel, a statement declaring that the certificate is superseded by the new certificate.

I6. Health Part of Aircraft General Declaration

(1) The operator of a cross-boundary aircraft shall submit to a health officer a declaration in the form described as the “Health Part of the Aircraft General Declaration” in the International Health Regulations declaring the matters specified in the form.

(2) The person who signs or counter-signs the declaration that is submitted under subsection (1) shall ensure that the information contained in the declaration is not false in a material particular.

(3) A health officer may –

- (a) waive the requirement to submit the declaration under subsection (1); or
- (b) accept for the purpose of subsection (1) a declaration that is substantially in accordance with the form referred to in that subsection.

(4) Subject to subsection (3), a person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months..

(5) A person who knowingly contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

PART J: PRATIQUE

J1. Cross-boundary vessels to show quarantine signals

(1) Subject to subsection (3), an operator of a cross-boundary vessel that enters the waters of Hong Kong shall ensure that the appropriate quarantine signal set out in Schedule 2 is shown on the vessel.

(2) The quarantine signal shall not be lowered until the vessel has been granted free pratique.

(3) A cross-boundary vessel that is on a voyage to any place outside Hong Kong may, with the permission of a health officer, proceed with its voyage or tranship its passengers for the purpose of completing such voyage without showing any quarantine signal.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

J2. Cross-boundary vessels without free pratique required to proceed to quarantine anchorage

(1) An operator of a cross-boundary vessel that enters the waters of Hong Kong shall ensure that the vessel proceeds immediately to a quarantine anchorage or other anchorage as permitted by a health officer, unless the vessel has been granted free pratique.

(2) A health officer may permit a cross-boundary vessel that has not been granted free pratique to proceed to an anchorage that is other than a quarantine anchorage.

(3) The operator of a vessel that is in a quarantine anchorage or in an anchorage referred to in subsection (2) –

- (a) shall not remove the vessel from there until it is released with the permission of a health officer; and
- (b) shall move the vessel to any part of the anchorage as and when required by the Director of Marine.

(4) Despite subsection (3), the vessel may be removed from the quarantine anchorage because of stress of weather, but the operator shall move the vessel back to the quarantine anchorage immediately after such stress of weather subsides.

(5) A person who contravenes subsection (1), (3) or (4) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

J3. No disembarking of any person and unloading of articles without free pratique

(1) An operator of a cross-boundary vessel that enters the waters of Hong Kong shall ensure that no person is disembarked and no article is unloaded from the vessel, unless permitted by a health officer or the vessel has been granted free pratique.

(2) A health officer may permit the disembarking of persons and unloading of articles from a cross-boundary vessel that has not been granted free pratique.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

J4. Cross-boundary vessels shall not be approached without permission

(1) Where a cross-boundary vessel is showing a quarantine signal, except with the permission of a health officer, no person other than a health officer may approach within 30 m of the vessel or receive or take any person or article, directly or indirectly, from the vessel or from any person on board the vessel.

(2) A person who boards the vessel with the permission of a health officer shall observe such precautions as the health officer may require.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

J5. Free pratique

A health officer may grant free pratique in respect of a cross-boundary vessel that enters the waters of Hong Kong if, in his opinion, the vessel appears to be in a sanitary condition.

**PART K: REGULATION ON LANDING AND DEPARTURE OF
CROSS-BOUNDARY AIRCRAFTS**

K1. Restrictions on landing and departure of cross-boundary aircrafts

(1) If a health officer has reason to believe that there exists or existed on board a cross-boundary aircraft a case or source of a specified infectious disease or a case or source of contamination, he may direct the Director-General of Civil Aviation to prohibit the aircraft from –

- (a) landing at any aerodrome other than an aerodrome or a particular part of an aerodrome designated by a health officer;
- (b) leaving such aerodrome or such part of aerodrome except with the permission of a health officer; and
- (c) embarking or disembarking any person or loading or unloading any article except with the permission of a health officer.

(2) If a prohibition imposed pursuant to subsection (1)(a) or (b) is contravened, the operator of the aircraft concerned commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

(3) If a prohibition imposed pursuant to subsection (1)(c) is contravened, the operator of the aircraft concerned commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

**PART L: CONTROL MEASURES IN RESPECT OF SPECIFIED
DISEASES**

L1. Specified diseases

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

- (a) Severe Acute Respiratory Syndrome;
- (b) Influenza A (H2), Influenza A (H5), Influenza A (H7) or Influenza A (H9); and
- (c) Extensively Drug-Resistant Tuberculosis.

L2. Persons prohibited from leaving Hong Kong without permission of health officers

- (1) If a health officer has reason to believe that a person –
 - (a) is suffering from a specified disease; or
 - (b) has been exposed to the risk of infection of a specified disease,

a health officer may, by order in writing, prohibit the person from leaving Hong Kong without the permission of a health officer during a period specified in the order.

(2) A health officer shall serve a copy of the order on the subject of the order, either personally or by post, but whether or not it is served, the order comes into force immediately on being made.

(3) The subject of the order shall not leave Hong Kong without the permission of a health officer during the period specified in the order.

(4) A health officer may attach any condition as he considers appropriate to the permission referred to in subsection (3).

- (5) A person who –
 - (a) knowingly contravenes subsection (3); or
 - (b) fails to comply with a condition attached under subsection (4),

commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

L3. Power to stop and detain persons seeking to leave Hong Kong in contravention of section L2(3)

If a person seeks to leave Hong Kong in contravention of section L2(3), an appointed person may –

- (a) stop and detain the person in a point of entry; or
- (b) remove the person to and detain the person in another place,

so that a health officer may subject the person to a medical examination or a test.

L4. Measuring temperature of travellers

(1) As a measure for preventing the introduction into and the transmission from Hong Kong of a specified disease, any person authorized by the Director for the purpose of this subsection may take the body temperature of a traveller who is at a point of entry.

(2) An authorized person may stop and detain any traveller until the traveller's body temperature can be taken under subsection (1).

PART M: MISCELLANEOUS

M1. Operators to give assistance to health officers

(1) An operator of a point of entry or a cross-boundary conveyance shall give such reasonable assistance as may be required by a health officer in the execution of the health officer's duties under this Regulation.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

M2. Exercise of health officer's powers

Any act or thing that may be done by a health officer under a power given by this Regulation may be done by a person acting under the direction of a health officer.

SCHEDULE 1

[ss. D6, I3 & I4]

FEES

PART 1

ADMINISTRATION OF VACCINATION OR PROPHYLAXIS
AGAINST A DESIGNATED DISEASE AND ISSUE OF A
CERTIFICATE OF VACCINATION OR PROPHYLAXIS

Item	Designated disease	Amount \$
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PART 2

ISSUE OF SHIP SANITATION CERTIFICATES

1. Ship Sanitation Control Exemption Certificate
2. Ship Sanitation Control Certificate

SCHEDULE 2

[s. J1]

QUARANTINE SIGNALS

Signals to be shown by cross-boundary vessels

1. Every cross-boundary vessel that has not been granted free pratique shall show the following signals (whichever is appropriate) –

(a) by day –

- (i) the Flag Signal Q: meaning “my ship is healthy and I request free pratique”;
 - (ii) the International Code Signal “Q.Q.”: meaning “I require health clearance”; or
 - (iii) the International Code Signal “Z.V.”: meaning “I declare I have been in an infected area during the last 30 days”; and
- (b) by night, during the entire time between sunset and sunrise, but only when the vessel is within the waters of Hong Kong, a signal comprising a red light over a white light, the lights being not more than 2 m apart, and meaning “I have not free pratique”.

2. The day signal shall be shown at the vessel’s masthead or other conspicuous place where it can be best seen.

3. The night signal shall be shown at the vessel’s peak or other conspicuous place where it can be best seen.