

**For information
on 11 April 2008**

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

Provisions with “article” and “vector”

To facilitate Members’ consideration of the proposed definitions of “article” and “vector” under clause 2 of the Bill, the provisions of the Bill and the draft provisions of the Prevention and Control of Disease Regulation (draft Regulation) (submitted to the Bills Committee vide LC Paper No. CB(2)1304/07-08(02)) in which the two terms appear are summarized at **Annex**.

2. In the Bill and the draft Regulation, the term “article” is intended to cover both animals and plants where appropriate, in addition to things and substances that accord with the “ordinary” meaning of “articles” (i.e. particular objects (The Concise Oxford Dictionary)). To avoid doubt on whether “animal” includes human beings, the definition explicitly provides that human beings are excluded. On the other hand, “vector” is well understood in the public health field that it does not include human beings, and therefore its definition in the Bill does not explicitly exclude human beings.

3. However, having regard to the context in which the two terms are used in the Bill and the draft Regulation, we agree that it would be absurd to interpret them as including human beings. As such, we have no objection to deleting “(other than a human being)” from the definition of “article”.

**Food and Health Bureau
April 2008**

Provisions in the Bill and draft Prevention and Control of Disease Regulation where “article” and “vector” appear

A. “Article”

The Bill	Draft Prevention and Control of Disease Regulation
<p><u>Clause 2</u></p> <p>“contaminated” (污染) means the presence of a toxic agent or matter on the surface of or inside the body of, or in, a human being or an article in a manner that may pose a public health risk;</p> <p>“infected” (感染、受感染) means the presence of an infectious agent on the surface of or inside the body of, or in, a human being or an article;</p> <p>“isolation” (隔離) means –</p> <ul style="list-style-type: none"> (a) the isolation of an area or a place in such a manner as to prevent the spread of a disease or contamination; or (b) the segregation and detention of any person or article in such a manner as to prevent the spread of a disease or contamination; 	<p><u>Clause A2</u></p> <p>“point of entry” (入境口岸) means –</p> <ul style="list-style-type: none"> (a) an entry or exit passage for – <ul style="list-style-type: none"> (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;

The Bill	Draft Prevention and Control of Disease Regulation
<p><u>Clause 3</u></p> <p>(1) With the approval in writing of the Director, a health officer may, for the purpose of the control or preventing the spread of any disease that poses a public health risk, seize any article or part of an article if the health officer has reason to believe the article or the part –</p> <p>(a) is an infectious agent; or</p> <p>(b) contains an infectious agent.</p> <p>(2) A health officer may cause any tests to be performed on an article or part of it that is seized under subsection (1).</p> <p>(3) The owner of the article or part of the article or a person who has possession of the article or the part shall furnish such reasonable assistance as a health officer may require of that person for the purpose of exercising the health officer’s power of seizure.</p>	<p><u>Clause C1(2)(c)</u></p> <p>...</p> <p>(2) On entering a place under this section, a health officer may –</p> <p>...</p> <p>(c) seize any article or part of an article for examination or testing if he has reason to suspect that the article is –</p> <p>(i) a source of a specified infectious disease; or</p> <p>...</p>
<p><u>Clause 4</u></p> <p>(1) If a person lands or attempts to land, or otherwise brings into Hong Kong, any article in contravention of this Ordinance, the article shall be liable to be forfeited by a health officer.</p>	<p><u>Clause C3</u></p> <p>(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 –</p>

The Bill	Draft Prevention and Control of Disease Regulation
<p>(2) Subsection (1) does not apply to the landing of or bringing into a place of isolation or quarantine any article under the direction of a health officer.</p>	<p>(a) is maintained in a sanitary condition; and (b) is kept free from sources of an infectious disease or contamination.</p> <p>(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 –</p> <p>(a) seize any article or part of an article for examination or testing;</p> <p>...</p>
<p><u>Clause 7(2)</u> Without limiting the generality of subsection (1), the regulation may provide for any or all of the following –</p> <p>...</p> <p>(d) the prohibition or regulation of the disposal, importation, transit, transshipment, exportation or removal of –</p> <p>...</p> <p>(ii) infected articles; or</p> <p>...</p> <p>(e) the prohibition or regulation of –</p> <p>...</p>	<p><u>Clause E2</u> (Note: Clause E1 provides for isolation and quarantine of <u>persons</u>)</p> <p>(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.</p> <p>(2) A health officer may remove an article to any place for the purpose of placing the article under isolation.</p> <p>(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.</p> <p>(4) A person shall not remove an article that is placed</p>

The Bill	Draft Prevention and Control of Disease Regulation
<p>(ii) the importation, transit, transhipment or exportation of any article;</p> <p>...</p> <p>(f) the isolation or quarantine of any person, article or place and their management or disposal while under isolation or quarantine and the occupation of any place required for isolation or quarantine;</p> <p>(g) in relation to conveyances –</p> <p>...</p> <p>(ii) the disembarking of any person or the unloading of any article from them;</p> <p>...</p> <p>(m) the action that a health officer may take in any residential premises or other place referred to in paragraph (l) after entering or breaking into it, including –</p> <p>...</p> <p>(iii) the seizure of any article in the residential premises or place; and</p> <p>...</p>	<p>under isolation from the place where it is isolated without the permission of a health officer.</p> <p>...</p>

The Bill	Draft Prevention and Control of Disease Regulation
<p>(n) stopping, removing or detaining any person, conveyance or article;</p> <p>(o) different kinds of disease or contamination control measures, and ordering or applying such measures in respect of any person, place or article;</p> <p>(p) the destruction of any article referred to in paragraph (o) or the prohibition or regulation of its removal or the closing of any place for applying any measures referred to in paragraph (o);</p> <p>(s) seizing or destroying any infectious agent or any infected or contaminated article and the collection or submission of any sample or article for the purpose of examination or testing or regulating the sanitariness of any place or keeping any place free from contamination;</p>	
<p><u>Clause 12</u></p> <p>(1) Where any article is damaged, destroyed, seized, surrendered or is submitted to any person pursuant to this Ordinance, the Director may order the payment of such</p>	<p><u>Clause E7</u></p> <p>(1) Without the permission of a health officer, 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.</p>

The Bill	Draft Prevention and Control of Disease Regulation
<p>compensation as is just and equitable in the circumstances. ...</p>	<p>(2) A health officer may seize any article that is brought into or taken out of a place in contravention of subsection (1). ...</p>
	<p><u>Clause G1</u> ... (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). ...</p>
	<p><u>Clause G2</u> ... (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).</p>

The Bill	Draft Prevention and Control of Disease Regulation
	<p><u>Clause G5</u></p> <p>(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 –</p> <p>(a) order a disease control measure to be carried out in respect of the article; or</p> <p>(b) except where the article is a conveyance, destroy the article.</p> <p>(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 –</p> <p>(a) where the article is a conveyance, its operator; or</p> <p>(b) in the case of other articles, the owner or the person who has possession or control of the articles.</p>
	<p><u>Clause J3</u></p> <p>(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</p>

The Bill	Draft Prevention and Control of Disease Regulation
	<p>pratique.</p> <p>(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.</p> <p>...</p>
	<p><u>Clause J4</u></p> <p>(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.</p> <p>...</p>
	<p><u>Clause K1</u></p> <p>(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 –</p> <p>...</p> <p>(c) embarking or disembarking any person or</p>

The Bill	Draft Prevention and Control of Disease Regulation
	<p>loading or unloading any article except with the permission of a health officer.</p> <p>...</p>

B. “Vector”

The Bill	Draft Prevention and Control of Disease Regulation
<p><u>Clause 7(2)</u> Without limiting the generality of subsection (1), the regulation may provide for any or all of the following –</p> <p>...</p> <p>(d) the prohibition or regulation of the disposal, importation, transit, transshipment, exportation or removal of –</p> <ul style="list-style-type: none"> (i) organs, tissue, cells, dead bodies or remains (whether of human beings or animals); (ii) infected articles; or (iii) vectors; 	<p><u>Clause A2</u> “derat” (滅鼠) means to control or kill the rodent vector of any disease;</p> <p>“disinsect” (除蟲) means to control or kill the insect vector of any disease;</p>