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PREVENTION AND CONTROL OF DISEASE REGULATION

(Made by the Secretary for Food and Health under section 7 of the Prevention and Control of Disease Ordinance (14 of 2008))

PART 1

PRELIMINARY

1. 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.

2. 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 3;

“contact” (傳染病接觸者) means any person who has been, or is likely to have been, exposed to the risk of contracting a specified infectious disease;

“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 a cross-boundary conveyance;

“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 a disease;

“disease control measure” (疾病控制措施) includes cleansing, deratting, disinfection, disinsection 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 a disease;

“military hospital” (軍方醫院) means a hospital of the Hong Kong Garrison;

“operator” (營運人)—

- (a) in relation to a conveyance, means—
 - (i) its owner, charterer, master, pilot, commander or driver;
 - (ii) the person in charge of the conveyance; or
 - (iii) a person who is acting as an agent of the owner, the charterer or the person in charge of the conveyance; and
- (b) in relation to a point of entry, means—
 - (i) its owner or lessee; or
 - (ii) 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—
 - (i) to people entering or leaving Hong Kong;
 - (ii) in respect of cross-boundary conveyances entering or leaving Hong Kong; or
 - (iii) in respect of articles being transported into or out of Hong Kong;

“prescribed fee” (訂明費用), in relation to any purpose of this Regulation, means the fee prescribed for that purpose in Schedule 1;

“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.

3. 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 2

NOTIFICATION OF INFECTIOUS DISEASES

4. Duty of medical practitioners to notify Director

(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) must be in a form specified by the Director and be signed by the medical practitioner.

(3) If after notifying the Director, the medical practitioner verifies 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.

5. 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 a 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.

6. Duty of operators of cross-boundary conveyances to notify health officer

(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.

7. Operators to give information as required by 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.

8. 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.

9. Defence to charges under section 5, 7 or 8

It is a defence to a charge under section 5, 7 or 8 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 3

DISEASE PREVENTION, MEDICAL SURVEILLANCE,
EXAMINATION AND TEST**10. Power of entry and examination**

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

- (a) a contact 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, or, where necessary, break into the place or laboratory in the presence of a police officer.

(2) On entering a place or laboratory under this section, a health officer may—

- (a) ascertain whether a contact 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 photographs 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 any residential premises.

(4) A magistrate may issue a warrant authorizing any health officer to enter or break into any premises if the magistrate is satisfied by information on oath by a health officer that admission into the premises has been refused and that the premises is residential premises and—

- (a) the health officer has reason to suspect that a contact or a person infected with a specified infectious disease is present on the premises;
- (b) the health officer has reason to suspect that a case or suspected case of a specified infectious disease is connected with the premises; or
- (c) the health officer has reason to suspect that a source of a specified infectious disease exists on 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 quarantine or isolation.

11. 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 ensure, as far as practicable, 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.

12. 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 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 photographs or make any audio or video recording.

13. 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 a copy of any journal, logbook or record kept in respect of—

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

14. Import of human corpse, etc.

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

- (a) a human corpse or any part of a human corpse;
- (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 any condition that he considers appropriate in a permit referred to in subsection (1).

(3) A person to whom a permit is issued shall comply with any 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.

15. 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 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.

16. 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 4

VACCINATION AND PROPHYLAXIS

17. Interpretation

In this Part—

“designated centre” (指定中心) means a hospital, clinic, health care centre or a similar establishment designated by the Director as a designated centre under section 18;

“designated disease” (指定疾病) means a specified infectious disease specified in column 2 of Part 1 of Schedule 1.

18. Designation of designated centres

(1) The Director may—

(a) designate any hospital, clinic, health care centre or similar establishment as a designated centre; and

(b) specify any condition that he considers appropriate in respect of the designation.

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

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

19. 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.

20. Certification of vaccination or 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 or 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 21, 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 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.

21. 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 the prescribed fee—

- (a) administer to a person vaccination or prophylaxis against a designated disease, 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 5

QUARANTINE AND ISOLATION

*Quarantine and isolation of persons***22. Quarantine of contacts**

(1) If a health officer has reason to believe that a person is a contact, the health officer may, by order in writing, place the person under quarantine until a health officer considers that—

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

(2) Without limiting subsection (1), any of the following circumstances are regarded as a reason for a health officer to believe that a traveller is a contact—

- (a) the traveller fails to produce a certificate of vaccination or prophylaxis for inspection as required by a health officer under section 19(1);
- (b) a health officer has reason to believe that the traveller has not been vaccinated or has not received prophylaxis against a designated disease (whether or not a certificate of vaccination or prophylaxis has been produced for inspection under section 19(1));
- (c) a health officer has reason to believe that the vaccination or 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 19(1)).

23. Isolation of infected persons

If a health officer has reason to believe that a person is infected with a specified infectious disease, the health officer may, by order in writing, place the person under isolation until a health officer considers that—

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

Isolation of articles

24. 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

25. 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) An 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 quarantine and isolation

26. Quarantine and isolation orders in respect of persons

An order made by a health officer under section 22 or 23 to place a person under quarantine or isolation must specify—

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

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

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

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

28. Escape from quarantine or isolation in hospitals or other establishments

(1) If a person who is placed under quarantine or isolation in a hospital, home for the aged, child care centre, convalescent centre or a similar establishment escapes, the person may be—

- (a) stopped and detained by any member of the staff of the establishment from which the person escaped;
- (b) conveyed to—
 - (i) the establishment from which the person escaped; or
 - (ii) any other place authorized by a health officer; and
- (c) detained in the establishment or place.

(2) A person shall not obstruct, or assist in obstructing, a member of the staff of an establishment referred to in subsection (1) in the exercise of a power under this section.

(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 2 months.

29. Entry and exit restrictions

(1) A person shall not leave a place in which that person is placed under quarantine or isolation.

(2) A person other than a health officer shall not—

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

without a written permission given under section 31.

(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.

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

(1) A person other than a health officer shall not bring any article into or take any article out of a place that is placed under isolation without a written permission given under section 31.

(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.

31. General permission in respect of sections 29 and 30

A health officer may give written permission to any person or persons of any class or category specified in the permission to do any act described in sections 29(2)(a) and (b) and 30(1), subject to such exceptions, conditions or restrictions as are specified in the permission.

PART 6

EXPOSURE OF PUBLIC TO INFECTION

32. Persons not to expose others to infection

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

(a) by the person's 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 the first mentioned has reason to believe is a contact 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.

33. 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.

34. 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 issue directions 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 other person undertakes its disposal.

(3) A person who undertakes the disposal of the body shall comply with any direction issued 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.

35. 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) a place of burial or cremation directed by a health officer under section 34;
- (b) a mortuary (whether or not situated within the precincts of 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);

- (c) a mortuary situated within the precincts of a military hospital; or
- (d) 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.

36. 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 give 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 7

DISEASE CONTROL MEASURES

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

- (1) If a health officer—
- (a) finds that a point of entry is in an insanitary condition; or
 - (b) has reason to believe that there exists or existed on any premises a case or source of a specified infectious disease,

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

- (2) The appropriate 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.

38. 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 that a cross-boundary conveyance is in an insanitary condition or is contaminated,

the health officer 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.

39. Wells

(1) If a health officer is of the opinion that it is necessary to do so for the purpose of preventing the introduction or spread of a specified infectious disease, the health officer may, by an order in writing served on the owner of a well, require the well to be filled up, cleansed or disinfected to the satisfaction of a health officer within the time specified in the order.

(2) Except with the permission of a health officer, a person other than a health officer shall not draw water from a well in respect of which an order is made under subsection (1) before the well is filled up, cleansed or disinfected as required by the order.

(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.

40. Enforcement of orders made under section 37, 38 or 39

(1) Where an order made under section 37, 38 or 39 is not complied with within the time specified in the order, a health officer or any person authorized by that officer 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 made under section 37, the operator of the point of entry or the owner or the occupier of other premises;
- (b) in the case of an order made under section 38, the operator of the conveyance; or
- (c) in the case of an order made under section 39, the owner of the well.

41. 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, the health officer 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 incurred under subsection (1) may be recovered from the following persons as a debt due to the Government—

- (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 8**CONTROL OF LABORATORY'S HANDLING OF
SCHEDULED INFECTIOUS AGENTS****42. 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 the 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.

43. Laboratory shall notify Director of 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, the owner or that person 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 9

DECLARATION AND CERTIFICATION IN RESPECT OF CROSS-BOUNDARY CONVEYANCES

44. Submission of Maritime Declaration of Health

(1) The operator 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, signed by the operator and, if a surgeon is carried, counter-signed by the surgeon.

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

(3) A health officer may—

- (a) waive the requirement to submit the declaration under subsection (1); or
- (b) accept for the purposes 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.

45. Ship Sanitation Control Exemption Certificate and Ship Sanitation Control Certificate

(1) The operator 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 purposes 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.

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

(1) A health officer may, on the payment of the prescribed fee, 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 may 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 any evidence of infection or contamination.

47. Issue of Ship Sanitation Control Certificate by health officer

(1) A health officer may, on the payment of the prescribed fee, 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.

48. Endorsement on certificates

A health officer may endorse on a certificate that is produced for inspection under section 45(1) matters concerning any or all of the following—

- (a) whether or not any evidence of infection or contamination was found on the vessel in respect of which the certificate was issued;
- (b) if such evidence was found on the vessel, a description of the evidence;
- (c) the sanitariness of the vessel;
- (d) whether any disease control measure has been or is to be carried out in respect of the vessel;
- (e) if a certificate (the new certificate) has been issued under section 47 in respect of the vessel, a statement declaring that the certificate is superseded by the new certificate.

49. Submission of 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 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 purposes 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 10

PRATIQUE

50. 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 operator of a cross-boundary vessel shall ensure that the quarantine signal is not 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.

51. 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 not a quarantine anchorage.

(3) The operator of a cross-boundary 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.

52. 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 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.

53. 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, a person other than a health officer shall not 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.

54. 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 11**REGULATION ON LANDING AND DEPARTURE OF
CROSS-BOUNDARY AIRCRAFTS****55. 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, that officer 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 12**CONTROL MEASURES IN RESPECT OF
SPECIFIED DISEASES****56. 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.

57. Persons prohibited from leaving Hong Kong without written 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 written 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 written permission of a health officer during the period specified in the order.

(4) A health officer may attach any condition in writing 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.

58. Power to stop and detain persons seeking to leave Hong Kong in contravention of section 57(3)

If a person seeks to leave Hong Kong in contravention of section 57(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.

59. Measuring temperature of travellers

(1) As a measure for preventing the introduction into and 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 13

MISCELLANEOUS

60. 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 functions 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.

61. 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. 2, 17, 21,
46 & 47]

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 \$
1.	Yellow fever	200

PART 2

ISSUE OF SHIP SANITATION CERTIFICATES

Item	Certificates	Amount \$
1.	Ship Sanitation Control Exemption Certificate for—	
	(a) a vessel below 1 001 net tonnage	2,030
	(b) a vessel from 1 001 to 10 000 net tonnage	2,850
	(c) a vessel above 10 000 net tonnage	3,940
2.	Ship Sanitation Control Certificate for—	
	(a) a vessel below 1 001 net tonnage	2,030
	(b) a vessel from 1 001 to 10 000 net tonnage	2,850
	(c) a vessel above 10 000 net tonnage	3,940

SCHEDULE 2

[s. 50]

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.

Dr. York Y. N. CHOW
Secretary for Food and Health

3 June 2008

Explanatory Note

The object of this Regulation is to consolidate and bring up-to-date measures to prevent the introduction into Hong Kong of infectious diseases and to prevent and control their spread in or transmission from Hong Kong. (These measures were formerly in the Quarantine and Prevention of Disease Ordinance (Cap. 141) and the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B)). The Regulation also gives effect to the International Health Regulations (2005) promulgated by the World Health Organization.

2. The Regulation is divided into 13 Parts.

Part 1—Preliminary

3. Sections 1 and 2 provide for the commencement of the Regulation and the interpretation of the terms used in it.

Part 2—Notification of infectious diseases

4. This Part contains provisions to require information and the giving of information.

5. A medical practitioner must notify the Director of Health (“the Director”) of any cases of a scheduled infectious disease (a disease specified in Schedule 1 to the Prevention and Control of Diseases Ordinance (14 of 2008) (“the Ordinance”). A health officer may require a medical practitioner to give particulars of suspected cases of a scheduled infectious disease or a disease caused by a scheduled infectious agent (an infectious agent specified in Schedule 2 to the Ordinance) (“specified infectious diseases”). (Sections 4 and 5)

6. The operator of a cross-boundary aircraft, vessel or public vehicle must notify a health officer of cases or sources of a specified infectious disease or contamination on board the aircraft, vessel or public vehicle and a health officer may require the operator of a point of entry or a cross-boundary conveyance to give information about cases or sources of an infectious disease or contamination in the point of entry or on board the conveyance. (Sections 6 and 7)

7. A health officer may require a traveller to give information specified by the health officer to prevent the occurrence or spread of an infectious disease. (Section 8)

8. It is a defence to a charge under section 5, 7 or 8 to prove that the information was not within the person's knowledge and could not reasonably have been ascertained by him. (Section 9)

Part 3—Disease prevention, medical surveillance, examination and test

9. This Part contains measures for disease prevention and medical surveillance etc.

10. A health officer is given power to enter laboratories or other places (under a warrant in the case of residential premises) for various purposes designed to prevent the spread of disease. These include powers to ascertain the presence of contacts or infected persons or a source of a specified infectious disease, examine dead bodies, seize articles for examination, take photographs or make audio or video recordings, examine the sanitary condition, place any device for collecting samples (in the case of a point of entry or a cross-boundary conveyance) and to inspect journals or logbooks of a point of entry or a cross-boundary conveyance. (Sections 10, 12 and 13)

11. Points of entry and cross-boundary aircrafts, vessels and public vehicles are required to be maintained in a sanitary condition. (Section 11)

12. It is an offence for a person to import a human corpse, human remains, infectious agents or any human or animal tissues, tissue fluid or body parts or excreta that contains an infectious agent, without a permit in writing from the Director. (Section 14)

13. A health officer may subject a contact or a person infected with a specified infectious disease 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. (Sections 15 and 16)

Part 4—Vaccination and prophylaxis

14. The Director may designate a hospital or a similar establishment as a designated centre, and if a medical practitioner who practises in a designated centre has administered, or supervised the administration of, vaccination or prophylaxis in the centre to a person, the medical practitioner may issue a certificate of vaccination or prophylaxis certifying this matter. (Sections 18 and 20)

15. A health officer may—

- (a) require a traveller to produce in respect of a disease specified in column 2 of Part 1 of Schedule 1 to the Regulation a certificate of vaccination or prophylaxis; (Section 19) and
- (b) on request and on the payment of a fee, administer vaccination or prophylaxis to a traveller and issue a certificate of vaccination or prophylaxis certifying this matter. (Section 21)

Part 5—Quarantine and isolation

16. This Part provides for the quarantine and isolation of persons, articles and places.

17. A health officer may by order place a person under quarantine or isolation respectively if he has reason to believe that the person is a contact or is infected with a specified infectious disease or place an article in isolation if he believes that it is infected with a specified infectious disease. (Sections 22 to 24)

18. A health officer may isolate a place to prevent the spread of a specified infectious disease. (Section 25)

19. An order of quarantine or isolation must specify the reason for and terms of the order, and in order to execute it, a health officer may remove and detain the subject of the order and subject him to conditions. (Sections 26 and 27)

20. If a person who is placed under quarantine or isolation in a hospital or a similar establishment escapes, he may be stopped, detained and conveyed back to the place or any other place authorized by a health officer. (Section 28)

21. Without the permission of a health officer, a person who is placed under quarantine or isolation shall not leave his place of quarantine or isolation and no other person can enter it. Also, a person cannot bring into or take out from such a place any article. (Sections 29 and 30)

Part 6—Exposure of public to infection

22. A person who knows he is a contact or an infected person is prohibited from exposing others to the risk of infection by being in any public place or public conveyance or carrying on a trade, business or occupation. A person who has the care of a contact or an infected person shall make every reasonable endeavour to prevent the contact or infected person from exposing others to the risk of infection. (Section 32)

23. A health officer may carry out a post-mortem examination on the body of a person if he believes that the body is infected with a specified infectious disease. (Section 33)

24. The body of a deceased person that is infected with a specified infectious disease has to be disposed of according to the direction of a health officer and can only be deposited in a place specified in the Regulation. (Sections 34 and 35)

25. An operator of a cross-boundary conveyance is required to notify a health officer of the death of a person on the conveyance and to dispose of the body according to the direction of a health officer. (Section 36)

Part 7—Disease control measures

26. A health officer may direct an owner or occupier of any premises, an operator of a point of entry, an operator of a conveyance (whether or not it is a cross-boundary conveyance) to carry out a disease control measure (defined to include cleansing, deratting, disinfection, disinsection and decontamination) in respect of the premises, point of entry or conveyance. This power can be exercised if the health officer believes that a case or source of a specified infectious disease exists or existed in the place or conveyance concerned. A health officer may also exercise the power in respect of a point of entry or a cross-boundary conveyance if he believes that it is in an insanitary condition. A health officer may also require an owner of a well to clean and disinfect it. If any such direction or requirement is not carried out by the person concerned, the health officer can carry it out and the relevant costs can be recovered as a debt due to the Government. (Sections 37 to 40)

27. A health officer may order a disease control measure to be carried out in respect of an article that is infected with a specified infectious disease, and may order the destruction of an infected article. The relevant costs can be recovered as a debt due to the Government. (Section 41)

Part 8—Control of laboratory's handling of scheduled infectious agents

28. The Director may require an owner or a person in charge of a laboratory to surrender scheduled infectious agents under his control or possession if the laboratory does not have the facilities or the staff is not competent to handle the agent or the agent is handled in a manner that may pose a public health risk. (Section 42)

29. The owner or the person in charge of a laboratory has to notify the Director of any leakage of a scheduled infectious agent that may pose a public health risk. (Section 43)

Part 9—Declaration and certification in respect of cross-boundary conveyances

30. The operator of a cross-boundary vessel entering Hong Kong waters is required to submit a Maritime Declaration of Health and produce for inspection a Ship Sanitation Control Exemption Certificate or a Ship

Sanitation Control Certificate, to a health officer. A health officer may endorse on the Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate produced for inspection matters relating to the evidence of infection or contamination found on the relevant vessel, the sanitariness of the vessel and the disease control measure that has been or is to be carried out, and may state on the relevant certificate that the certificate has been superseded by another certificate. (Sections 44, 45 and 48)

31. A health officer may issue a Ship Sanitation Control Exemption Certificate if satisfied of the sanitary condition of the vessel and the vessel is free from evidence of infection or contamination, or a Ship Sanitation Control Certificate stating whether the disease control measure specified by him has or has not been carried out to his satisfaction. (Sections 46 and 47)

32. A cross-boundary aircraft entering the air space of Hong Kong has to submit the Health Part of the Aircraft General Declaration. (Section 49)

Part 10—Pratique

33. In the absence of free pratique, persons or articles cannot be disembarked or unloaded, a quarantine signal (set out in Schedule 2) has to be shown on the vessel, a person cannot approach within 30 metres of it and the vessel has to proceed to a quarantine anchorage. (Sections 50 to 53)

34. A health officer may give free pratique to a cross-boundary vessel that is in a sanitary condition. (Section 54)

Part 11—Regulation on landing and departure of cross-boundary aircrafts

35. A health officer may direct the Director-General of Civil Aviation to require an aircraft that has a case or source of a specified infectious disease or contamination to land at a specified aerodrome, regulate its leaving from the aerodrome, and to regulate the disembarking or unloading of persons or articles from the aircraft. (Section 55)

Part 12—Control measures in respect of specified diseases

36. This Part provides for control measures to be applied to persons leaving Hong Kong to prevent the introduction into or transmission from Hong Kong of specified diseases.

37. Persons who are suffering from or are exposed to the risk of infection of a specified disease can be directed not to leave Hong Kong without the written permission of a health officer. If a person seeks to leave Hong Kong after being directed not to do so, he may be stopped and detained. The temperature of a person who is arriving or seeking to leave Hong Kong can be taken at a point of entry. (Sections 56 to 59)

Part 13—Miscellaneous

38. An operator of a point of entry or a cross-boundary conveyance is required to give assistance to a health officer in the execution of the health officer's functions under the Regulation. (Section 60)

39. A person may carry out anything that a health officer may do under the Regulation, but only under the direction of a health officer. (Section 61)