



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our ref.: L/M to FH CR 4/3231/96 Pt.48

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Your ref.: LS/S/27/08-09

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13 May 2009

Ms Winnie LO
Assistant Legal Adviser
Legislative Council Secretariat
Legal Services Division
(Fax: 2877 5029)

Dear Ms LO,

**Prevention and Control of Disease (Amendment) Regulation 2009
(L.N. 71 of 2009) and
Prevention and Control of Disease Ordinance (Amendment of Schedule 1)
(No. 2) Notice 2009 (L.N. 72 of 2009)**

Thank you for your letter of 8 May 2009.

Swine influenza is a respiratory disease of pigs caused by type A influenza. Originally known to circulate among pig populations, the swine influenza does occasionally infect human beings. In the present international swine influenza outbreak, human-to-human transmission has occurred. Having regard to this outbreak, we have stepped up our local surveillance of the disease since 25 April 2009. Doctors and hospitals are requested to report to the Centre for Health Protection (CHP) cases that fulfill reporting criteria¹ for

¹ Under the current reporting criteria, an individual fulfilling both the clinical criteria and epidemiological criteria should be reported to CHP for further investigation. Clinical criteria include person with acute respiratory illness, characterized with body temperature >38 degrees Celsius and cough and/or sore throat, or person with pneumonia, or person died of unexplained acute respiratory illness. Epidemiological criteria include person with history of recent (7 days before onset of illness) contact with patient with swine influenza or patient who has febrile respiratory illness and has visited the affected areas during the 7 days preceding their illness onset.

further investigation.

There are four main influenza A virus subtypes that have been isolated in pigs, namely H1N1, H1N2, H3N2, and H3N1. Owing to the pandemic potential of all subtypes of swine influenza A virus, we consider that the use of a more encompassing term of “swine influenza” for the purpose of surveillance and control of the infection a prudent measure. Besides, the name “swine influenza” has already been widely used by the local medical sector to be referring to this new virus affecting humans and commonly understood as such by the general public.

We note that the World Health Organization has recently informed the international community on 29 April 2009 of its decision to henceforth use the name “Influenza A (H1N1)” in public announcements concerning this new virus affecting humans. We have since carefully considered whether we should adopt the same name concerning this new virus in and for the purposes of the Prevention and Control of Disease Ordinance, Cap. 599 (“the Ordinance”). As the name “Influenza A (H1N1)” could be regarded as including all other influenza A (H1N1) infections (for example, seasonal influenza A (H1N1)) other than this new human swine influenza virus, we consider that the use of “Influenza A (H1N1)” in our domestic law may confuse the local medical sector as to whether they are required to report all seasonal influenza A (H1N1) infections to CHP as well.

In view of the foregoing and subject to further development on the nomenclature of this novel influenza virus, we would continue to use the name “Swine Influenza” in the Ordinance.

Yours sincerely,



(Miss Eliza Yau)

for Secretary for Food and Health

c.c. Director of Health (Attn: Dr Sarah Choi)
Law Officer(Civil Law) (Attn: Ms Cathy PM Wong)