

# **LEGISLATIVE COUNCIL BRIEF**

## **Prevention and Control of Disease Ordinance (14 of 2008)**

### **PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT OF SCHEDULE 2) NOTICE 2009**

#### **INTRODUCTION**

On 19 May 2009, the Director of Health (“the Director”), in exercise of powers conferred by section 15 of the Prevention and Control of Disease Ordinance (14 of 2008) (“the Ordinance”), made the Prevention and Control of Disease Ordinance (Amendment of Schedule 2) Notice 2009 at Annex.

#### **JUSTIFICATIONS**

2. The Ordinance and its subsidiary legislation provide a legislative framework for the prevention and control of communicable diseases of public health importance. Section 43 of the Prevention and Control of Disease Regulation (“the Regulation”) requires the owner or the person in charge of a laboratory to notify the Director immediately the leakage of any infectious agent specified in Schedule 2 to the Ordinance (“scheduled infectious agent”) in the laboratory that may pose a public health risk. The reporting of leakage of infectious agents is an important element in the prevention and control of spread of infectious diseases in laboratories. The Director regularly reviews the list of infectious agents in order to ensure maximal protection against laboratory-related infections. In accordance with section 15 of the Ordinance, the Director may by notice published in the Gazette amend the Schedules to the Ordinance. At present, there are 31 infectious agents listed in Schedule 2 to the Ordinance.

3. Human cases of a new strain of swine influenza A (H1N1) virus infection have been identified since April 2009. As of 21 May 2009, 41 countries / areas have officially reported over 10 200 confirmed cases and with 82 fatal cases. In view of the major outbreaks of human swine influenza in Mexico and the United States and its pandemic potential, the World Health Organization (WHO) considers the condition constitutes a public health emergency of international concern. To strengthen the

surveillance of swine flu and to implement effective public health preventive and control measures locally to prevent the spread of this infection, we have included swine influenza as a statutorily notifiable disease and a specified disease under Schedule 1 to the Ordinance and the Regulation respectively on 27 April 2009.

4. As at 21 May 2009, there were three imported cases of human swine influenza in Hong Kong. Virus isolation has been and will continue to be performed by laboratories in Hong Kong. In line with the recommendation of the WHO to ensure biosafety, laboratories performing virus isolation for the human swine influenza A virus (subtype H1) are required to comply with the stringent requirements of biosafety level 3 practices. As the virus is a potentially dangerous pathogen, it is important for incidents of leakage of human swine influenza A virus (subtype H1) from laboratories to be subject to the statutory notification requirement, so as to facilitate early detection of such incidents, and to enable appropriate control measures to be implemented in a timely manner for the protection of laboratory workers and prevention of spread of diseases. These measures may include disinfection, medical surveillance of contacts, prophylaxis, surrender and proper disposal of the virus.

5. In view of the potential of human swine influenza virus type A (subtype H1) to cause severe human disease and the serious hazard to the community if laboratory leakage of the virus is not handled with the appropriate safety precautions, the Director considers it necessary to add this infectious agent causing human swine influenza, human swine influenza virus type A (subtype H1)<sup>1</sup>, to the list of infectious agents specified in the Schedule 2 to the Ordinance. With that, the owner or person in charge of a laboratory is required to immediately notify the Director on leakage of the virus in the laboratory that may pose a public health risk.

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<sup>1</sup>Schedule 1 to the Ordinance refers to human diseases for the purpose of disease control and surveillance. It therefore requires a more encompassing term, “swine influenza”, to ensure responsiveness and effective surveillance system in relation to the human swine influenza infection. On the other hand, Schedule 2 to the Ordinance specifies infectious agents that can cause human diseases for the purpose of implementing specific control measures in the case of leakage in laboratories. In order to avoid catching inadvertently other swine influenza A virus (H1) with no evidence of causing human infection, “human swine influenza virus type A (subtype H1)” is proposed to be added as an amendment to Schedule 2 to the Ordinance.

## **THE NOTICE**

6. The Prevention and Control of Disease Ordinance (Amendment of Schedule 2) Notice 2009 amends Schedule 2 to the Ordinance by adding human swine influenza virus type A (subtype H1) (人類豬型甲型流行性感冒病毒(H1亞型)) to the list of infectious agents specified in that Schedule.

7. The Notice will be gazetted on 22 May 2009 for commencement of operation on the same date.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is as follows –

Publication in the Gazette	22 May 2009
Tabling at Legislative Council	27 May 2009

## **IMPLICATIONS**

9. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the Ordinance and have no economic, financial and civil service implications.

## **PUBLIC CONSULTATION**

10. In view of the latest development and the pandemic potential of the new strain of swine influenza and the biosafety recommendation of WHO, members of the public, health professionals and the laboratory sector are expected to welcome the proposal which would strengthen our capability to prevent spread of the disease, ensure laboratory safety and protect laboratory workers.

## **PUBLICITY**

11. The Department of Health (DH) will issue a press release on 22 May 2009 regarding the Notice. The Centre for Health Protection (CHP) of DH has informed laboratory sector in Hong Kong of the requirement to notify the Director of leakage of human swine influenza virus type A (subtype H1). A spokesman from DH will be available to answer media enquiries.

## **OTHERS**

12. For any enquiries on this brief, please contact Dr Janice LO, Consultant Medical Microbiologist of the CHP at 2319 8254.

**Food and Health Bureau  
Department of Health  
May 2009**

**PREVENTION AND CONTROL OF DISEASE  
ORDINANCE (AMENDMENT OF SCHEDULE 2)  
NOTICE 2009**

(Made by the Director of Health under section 15 of the Prevention and Control of Disease Ordinance (14 of 2008))

**1. Scheduled infectious agents**

Schedule 2 to the Prevention and Control of Disease Ordinance (14 of 2008) is amended, in item 11 –

- (a) by adding “, human swine influenza virus type A (subtype H1)” after “Influenza virus type A (subtype H2, H5 and H7)”;
- (b) by adding “、人類豬型甲型流行性感冒病毒 (H1 亞型)” after “甲型流行性感冒病毒 (H2、H5 及 H7 亞型)”.



Director of Health

*19 May* 2009

**Explanatory Note**

The object of this Notice is to add “human swine influenza virus type A (subtype H1)” to the list of scheduled infectious agents specified in Schedule 2 to the Prevention and Control of Disease Ordinance (14 of 2008).