

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (14 of 2008)

PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT OF SCHEDULE 1) (NO.2) NOTICE 2009

PREVENTION AND CONTROL OF DISEASE (AMENDMENT) REGULATION 2009

INTRODUCTION

On 27 April 2009, the Secretary for Food and Health, in exercise of powers conferred by section 7 of the Prevention and Control of Disease Ordinance (14 of 2008) (“the Ordinance”), made the Prevention and Control of Disease (Amendment) Regulation 2009 and the Director of Health (“the Director”), in exercise of powers conferred by section 15 of the Ordinance, made the Prevention and Control of Disease Ordinance (Amendment of Schedule 1) (No.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 4 of the Prevention and Control of Disease Regulation (“the Regulation”) requires medical practitioners to notify the Director if they have reason to suspect the existence of any of the infectious diseases specified in Schedule 1 to the Ordinance in a form as specified by the Director. The reporting of infectious diseases is an important element in the surveillance, prevention and control of spread of infectious diseases. The Director regularly reviews the list of infectious diseases statutorily notifiable by medical practitioners in order to ensure maximal protection of the local community against infectious diseases. 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 47 infectious diseases listed in the Schedule 1 to the Ordinance.

3. The Regulation provides for various disease control measures for infectious diseases. In particular, as a measure for preventing the introduction into and transmission from Hong Kong of a specified disease, Section 59 of the Regulation empowers the taking of body temperature of travellers at a point of entry. Specified diseases are defined at Section 56 of the Regulation and include severe acute respiratory syndrome, Influenza A (H2, H5, H7, H9) and extensively drug-resistant tuberculosis. These regulations are made by the Secretary for Food and Health according to Section 7 of the Ordinance.

4. Human cases of a new strain of swine influenza A (H1N1) virus infection have been identified in April 2009 in Mexico, the United States and Canada. According to the World Health Organization (WHO), in Mexico, as of April 24, there were more than 854 cases of pneumonia from the capital. Of those, 59 have died. The majority of these cases have occurred in otherwise healthy young adults. Influenza normally affects the very young and the very old, but these age groups have not been heavily affected in Mexico. According to WHO, the swine influenza A (H1N1) viruses characterized in this outbreak had not been previously detected in pigs or humans. It is anticipated that the seasonal influenza vaccine is unlikely to provide protection against the swine influenza A (H1N1) infection. Investigation into these cases by WHO and national health authorities is ongoing. Owing to the occurrence of human cases associated with an animal influenza virus, the multiple community outbreaks, and unusual age groups affected, WHO considered these events are of international concern and has recommended all countries to intensify surveillance activities.

5. Swine influenza (Swine flu) is a respiratory disease of pigs caused by type A influenza virus that regularly causes outbreaks of influenza in pigs. There are four main influenza type A virus subtypes that have been isolated in pigs: H1N1, H1N2, H3N2, and H3N1. The classical swine flu virus (an influenza type A H1N1 virus) was first isolated in 1930 and was known to circulate among pig populations since then. The H1N1 swine flu viruses are antigenically different from human H1N1 viruses and thus swine flu viruses do not normally infect humans. However, sporadic human infections with swine flu had occurred and there have been documented cases of limited human-to-human spread of swine flu. Concerning the current cases

occurring in Mexico and the United States, person-to-person transmissions have observed. However, it is not known how easily this virus spreads between people. Importation of this infection could result in local outbreaks.

6. Two local sporadic cases of human swine flu were reported in 1999 and 2001 (a H3N2 swine flu in 1999 and a H1N1 swine flu in 2001). The case in 1999 was a 10-month-old girl who presented with fever and influenza like illness. She recovered uneventfully and no secondary spread was identified. The case in 2001 involved a 4-month-old girl who presented with bronchiolitis and also made uneventful recovery. Both cases have no known history of direct exposure to pigs. Since 2001, there has been no further case of swine influenza reported in Hong Kong.

7. In view of the recent major outbreaks of swine flu in Mexico and the United States and its pandemic potential, WHO considers the condition constitutes a public health emergency of international concern. There is a pressing need to strengthen the surveillance of swine flu and to implement effective public health preventive and control measures locally to prevent spread of this infection. We consider it necessary to amend the Prevention and Control of Disease Ordinance to include swine flu as one of the statutorily notifiable diseases and specified diseases for the purpose of border control measures for travellers.

THE NOTICE AND AMENDMENT REGULATION

8. The Prevention and Control of Disease (Amendment) Regulation amends Section 56 of the Regulation by adding swine influenza to the list of specified diseases, and the Prevention and Control of Disease Ordinance (Amendment of Schedule 1) Notice 2009 amends Schedule 1 to the Ordinance by adding swine influenza to the list of infectious diseases specified in that Schedule.

9. The Amendment Regulation and Notice will be gazetted on 27 April 2009 for commencement of operation on the same date.

LEGISLATIVE TIMETABLE

10. The legislative timetable is as follows –
- | | |
|--------------------------------|---------------|
| Publication in the Gazette | 27 April 2009 |
| Tabling at Legislative Council | 29 April 2009 |

IMPLICATIONS

11. 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

12. In view of the latest development and the pandemic potential of the new strain of swine influenza, members of the public and health professionals are expected to welcome the proposal which would strengthen our capability to prevent introduction of and spread of the disease in Hong Kong.

PUBLICITY

13. The Department of Health will issue a press release on 27 April 2009 regarding the Amendment Regulation and Notice. The Centre for Health Protection of the Department of Health (DH) has informed medical practitioners in Hong Kong of the requirement to notify the Director of cases of swine influenza. A spokesman from DH will be available to answer media enquiries.

OTHERS

14. For any enquiries on this brief, please contact Dr Christine WONG, Principal Medical and Health Officer (Surveillance Section) of the CHP at 2125 2288.

Food and Health Bureau
Department of Health
April 2009

PREVENTION AND CONTROL OF DISEASE (AMENDMENT) REGULATION 2009

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

1. Specified diseases

Section 56(b) of the Prevention and Control of Disease Regulation (L.N. 159 of 2008) is amended by repealing “or Influenza A (H9)” and substituting “, Influenza A (H9) or Swine Influenza”.



Secretary for Food and Health

27 April 2009

Explanatory Note

The object of this Regulation is to add “Swine Influenza” to the list of specified diseases set out in section 56 of the Prevention and Control of Disease Regulation (L.N. 159 of 2008).

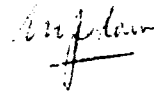
**PREVENTION AND CONTROL OF DISEASE
ORDINANCE (AMENDMENT OF SCHEDULE 1)
(NO. 2) NOTICE 2009**

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

1. Scheduled infectious diseases

Schedule 1 to the Prevention and Control of Disease Ordinance (14 of 2008)
is amended, in item 16 -

- (a) by adding “. Swine Influenza” after “Influenza A (H9)”;
- (b) by adding “、豬型流行性感冒” after “甲型流行性感冒
(H9)”.



Director of Health

27 April 2009

Explanatory Note

The object of this Notice is to add “Swine Influenza” to the list of
scheduled infectious diseases specified in Schedule 1 to the Prevention and
Control of Disease Ordinance (14 of 2008).