

L.N. 107 of 2003

Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003
(Made by the Chief Executive in Council under section 8 of the
Quarantine and Prevention of Disease Ordinance (Cap. 141))

1. Detention of persons removed

Regulation 12 of the Prevention of the Spread of Infectious Diseases Regulations
(Cap. 141 sub. leg. B) is amended by adding ", 27B(2) or 27C(4)"
after "10".

2. Entry to infectious diseases hospitals

Regulation 13 is amended---

(a) by adding ", 27B(2) or 27C(4)" after "10";

(b) by repealing "such" where it first appears and substituting "a".

3. Part VIA added

The following is added after regulation 27---

"PART VIA

Restriction on departure from hong kong
and medical examination of travellers to
prevent spread of severe acute
respiratory syndrome

27A. Persons restricted from leaving Hong
Kong without permission in writing
of health officer

(1) Where a health officer has reason to believe or suspect that a person---

(a) is suffering from Severe Acute Respiratory Syndrome;

(b) has been exposed to the risk of infection of Severe Acute Respiratory Syndrome
by contact with a person suffering from that disease; or

(c) is a carrier of Severe Acute Respiratory Syndrome,

the health officer may make a direction in writing prohibiting the person from leaving
Hong Kong without the permission in writing of a health officer during a period
specified in the direction.

(2) A health officer shall serve a copy of the direction on the subject of the
direction, either personally or by post, but whether or not it is served, the direction
comes into force immediately upon being made.

(3) The subject of a direction made under paragraph (1) may not leave Hong Kong
without the permission in writing of a health officer during the period specified
in the direction.

(4) A health officer may attach any conditions that he considers appropriate to
any permission referred to in paragraph (3).

(5) A person who knowingly contravenes paragraph (3) or fails to comply with a condition attached under paragraph (4) commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

27B. Power to stop and detain persons

seeking to leave Hong Kong in
contravention of regulation 27A

(1) Any---

(a) police officer or health officer;

(b) member of the Immigration Service, Auxiliary Medical Service or Civil Aid Service authorized by the Director of Health; or

(c) public officer authorized by the Director of Health,

may stop and detain any person seeking to leave Hong Kong in contravention of regulation 27A.

(2) A person detained under paragraph (1) may be removed by any person referred to in subparagraph (a), (b) or (c) of that paragraph to an infectious diseases hospital or such other place as appointed by a health officer.

(3) An authorization under paragraph (1)(b) or (c) may be given by the Director of Health to a member of the Services referred to in paragraph (1)(b), or a public officer referred to in paragraph (1)(c), by rank or office as specified by the Director.

(4) A person who obstructs the exercise of a power under paragraph (2) by a person referred to in paragraph (1)(a), (b) or (c) commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.

27C. Medical examination of persons

arriving in or leaving Hong Kong

(1) Any person authorized by the Director of Health for the purposes of this paragraph may take the body temperature of any person arriving in Hong Kong or leaving Hong Kong.

(2) A health officer, or a medical practitioner authorized by the Director of Health for the purposes of this paragraph, may carry out a medical examination on, and for that purpose stop and detain, any person arriving in Hong Kong or leaving Hong Kong, for the purpose of ascertaining whether that person is likely to be infected with Severe Acute Respiratory Syndrome.

(3) Without limiting paragraphs (1) and (2), any person referred to in regulation 27B(1)(a), (b) or (c) may stop and detain any person arriving in Hong Kong or leaving Hong Kong, until---

(a) the person's body temperature can be taken under paragraph (1); or

(b) a medical examination can be carried out on the person under paragraph (2).

(4) If after a medical examination on a person under paragraph (2), the health officer or the medical practitioner referred to in that paragraph has reason to believe or suspect that the person is likely to be infected with Severe Acute Respiratory Syndrome, that person may be detained and removed by any person referred to in regulation 27B(1)(a), (b) or (c) to an infectious diseases hospital or such other place as appointed by a health officer.

(5) A person who obstructs the exercise of a power---

(a) under paragraph (1) by an authorized person;

(b) under paragraph (2) by a health officer or an authorized medical practitioner;
or

(c) under paragraph (3) or (4) by a person referred to in regulation 27B(1)(a), (b) or (c),

commits an offence and is liable to a fine of \$5,000 and to imprisonment for 6 months.
27D. This Part not to derogate from other provisions

This Part is in addition to and not in derogation from the other provisions of these regulations. "

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

15 April 2003

Explanatory Note

This Regulation amends the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141 sub. leg. B) and empowers a health officer to make a written direction prohibiting a person from leaving Hong Kong without the written permission of a health officer, if a health officer has reason to believe or suspect that the person is suffering from Severe Acute Respiratory Syndrome or has been exposed to the risk of infection of that disease by contact with a person suffering from that disease or is a carrier of that disease.

2. It is an offence punishable with a fine of \$5,000 and imprisonment of 6 months for a person to leave Hong Kong in contravention of a direction made by a health officer.

3. The Regulation also empowers certain public officers to stop and detain a person seeking to leave Hong Kong in contravention of a health officer's direction.

4. Further, the Regulation empowers an authorized person to take the body temperature of a person arriving in or leaving Hong Kong, and empowers a health officer or an authorized medical practitioner to carry out a medical examination on a person arriving in or leaving Hong Kong for the purpose of ascertaining whether the person is likely to be infected with Severe Acute Respiratory Syndrome.

