

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (Chapter 599)

PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT OF SCHEDULES 1 AND 2) NOTICE 2010

INTRODUCTION

On 4 October 2010, the Acting Director of Health, in exercise of powers conferred by section 15 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”), made the Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2010 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 of Health (“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.

3. Section 43 of the Regulation requires the owner or the person in charge of a laboratory to notify the Director immediately the leakage of any scheduled infectious agent specified in Schedule 2 to the Ordinance in the laboratory that may pose a public health risk. The reporting of leakage of infectious agents is important to ensure rapid response to prevent and control the spread of infectious diseases in and from laboratories. The Director regularly reviews the list of infectious agents in order to ensure maximal protection against laboratory-related infections.

4. 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 and 31 infectious agents listed in Schedule 1 and Schedule 2 to the Ordinance respectively.

5. Human cases of a new strain of swine influenza A (H1N1) virus infection have been identified since April 2009. 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) considered the condition constituted a public health emergency of international concern and urged that all countries intensify surveillance for the illness in April 2009. With a view to strengthening surveillance of the disease to ensure prompt implementation of effective public health preventive and control measures in Hong Kong, the Director amended the Ordinance by adding “Swine Influenza” to the list of statutorily notifiable diseases specified in Schedule 1 to the Ordinance and “human swine influenza virus type A (subtype H1)” to the list of infectious agents specified in Schedule 2 to the Ordinance in April and May 2009 respectively.

6. When the first imported case of human swine influenza (HSI) was detected in Hong Kong on 1 May 2009, the Government raised the response level under the Framework of Government’s Preparedness Plan for Influenza Pandemic to the highest “Emergency” Level. The activity of HSI in Hong Kong reached its peak in late September 2009. Since then, it has declined steadily and remains at a low level. The clinical severity of HSI has not changed over the past year. A total of 82 fatal cases have been recorded since 1 May 2009, of which 85% had at least one pre-existing chronic disease or risk factor. Serological studies showed that a considerable proportion of the local population has been infected.

7. Given the declining activity and unchanged clinical severity of HSI, and the fact that a good body of scientific knowledge on HSI has accumulated and an effective vaccine is available for protection, the Government decided to stand down the pandemic influenza response level from the “Emergency” to “Alert” Response Level with effect from 24 May 2010. On 10 August 2010, WHO announced that the world was no longer in phase 6 of influenza pandemic alert, indicating that the virus has run its course and the world has moved into the post-pandemic period. Locally, recent influenza surveillance

data has shown a gradual increase in influenza activity in the community since July 2010, consistent with that of summer influenza season. A total of 1,610 isolates of influenza were detected during the months of July and August 2010. Among these isolates, the majority were seasonal influenza A (H3) virus (58%) while only 24% were HSI. The HSI is no longer the dominant influenza strain. Based on experience with past pandemics, the HSI virus is expected to take on the behaviour of a seasonal influenza virus and continue to circulate for some years to come.

8. In view of the foregoing, we consider it no longer necessary to include swine influenza as one of the statutorily notifiable diseases, and its virus strain as one of the infectious agents subject to statutory reporting in case of leakage in the laboratories. With the deletion of “Swine Influenza” and “human swine influenza virus type A (subtype H1)” from Schedules 1 and 2 to the Ordinance respectively, the medical practitioners and the owner or person in charge of a laboratory are no longer required to notify the Director of cases of swine influenza and any leakage of the virus in the laboratory.

9. The Department of Health (DH) will maintain close liaison with the WHO and overseas health authorities in monitoring the development of any novel influenza. Locally, we will continue with our effort on surveillance of influenza on all fronts, including requiring notification of influenza A (H2, H5, H7, H9), monitoring of institution outbreaks, activity of influenza-like illness by sentinel surveillance and circulating strain by laboratory surveillance.

THE NOTICE

10. The Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2010 (“the Notice”) amends Schedules 1 and 2 to the Ordinance by deleting “Swine Influenza” from the list of infectious diseases specified in Schedule 1 to the Ordinance, and “human swine influenza virus type A (subtype H1)” from the list of infectious agents specified in Schedule 2 to the Ordinance.

11. The Notice will be gazetted on 8 October 2010 for commencement of operation on the same date.

LEGISLATIVE TIMETABLE

12. The legislative timetable is as follows –
- | | |
|--------------------------------|-----------------|
| Publication in the Gazette | 8 October 2010 |
| Tabling at Legislative Council | 13 October 2010 |

IMPLICATIONS

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

PUBLIC CONSULTATION

14. Members of the public and health professionals have been informed of the latest local and global situation of HSI through the media and various channels. The amendment is appropriate having regard to WHO's latest announcement of post-pandemic period for HSI.

PUBLICITY

15. The DH will issue a press release on 8 October 2010 regarding the Notice. The Centre for Health Protection (CHP) of DH has informed medical practitioners and the laboratory sector in Hong Kong of the changes in notification requirements arising from the Notice. A spokesman from DH will be available to answer media enquiries.

OTHERS

16. 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
October 2010**

**Prevention and Control of Disease Ordinance
(Amendment of Schedules 1 and 2) Notice 2010**

(Made by the Director of Health under section 15 of the Prevention and Control of Disease Ordinance (Cap. 599))

1. **Prevention and Control of Disease Ordinance amended**
The Prevention and Control of Disease Ordinance (Cap. 599) is amended as set out in sections 2 and 3.
2. **Schedule 1 amended (Scheduled infectious diseases)**
 - (1) Schedule 1, item 16—
Repeal
“, Swine Influenza”.
 - (2) Schedule 1, item 16—
Repeal
“, 豬型流行性感冒”.
3. **Schedule 2 amended (Scheduled infectious agents)**
 - (1) Schedule 2, item 11—
Repeal
“, human swine influenza virus type A (subtype H1)”.
 - (2) Schedule 2, item 11—
Repeal
“, 人類豬型甲型流行性感冒病毒(H1 亞型)”.

4 Oct 2010

Acting Director of Health

Explanatory Note

The objects of this Notice are—

- (a) to delete “Swine Influenza” from the list of scheduled infectious diseases specified in Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599); and
- (b) to delete “human swine influenza virus type A (subtype H1)” from the list of scheduled infectious agents specified in Schedule 2 to that Ordinance.