

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (Chapter 599)

PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT OF SCHEDULES 1 AND 2) NOTICE 2013

PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT) REGULATION 2013

INTRODUCTION

On 7 June 2013, the Secretary for Food and Health, in exercise of powers conferred by section 7 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”), made the Prevention and Control of Disease (Amendment) Regulation 2013; 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 Schedules 1 and 2) Notice 2013. The Notice and Amendment Regulation are at the [Annex](#).

JUSTIFICATIONS

2. The Ordinance and its subsidiary legislations provide a legislative framework for the prevention and control of communicable diseases of public health importance. The Prevention and Control of Disease Regulation (Cap. 599A) (“the Regulation”) provides for various disease control measures for infectious diseases.¹

3. Section 4 of 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.

¹ Under the Ordinance –

- “infected” means the presence of an infectious agent on the surface of or inside the body of, or in, a human being or an article; and
- “infectious agent” means a parasite, a fungus, a bacterium, a virus, a prion or any other agent that can cause an infectious disease.

4. Section 43 of the Regulation requires persons in charge of a laboratory to notify the Director of leakage of any infectious agent specified in Schedule 2 to the Ordinance in the laboratory that may pose a public health risk. The reporting of infectious diseases is important to ensure laboratory safety and prevention of laboratory-acquired infections.

5. Section 56 of the Regulation defines specified diseases, which provides for Section 57 empowering the prohibition of cases and contacts of a specified disease from leaving Hong Kong, and Section 59 empowering the taking of body temperature of travellers at a point of entry.

6. 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. There are 48 infectious diseases listed in Schedule 1 to the Ordinance and 32 infectious agents listed in Schedule 2 to the Ordinance. With effect from 28 September 2012, Schedule 1 to the Ordinance and Section 56 of the Regulation included “Severe Respiratory Disease associated with Novel Coronavirus”; Schedule 2 to the Ordinance included “Novel Coronavirus associated with Severe Respiratory Disease”.

7. At present, the World Health Organization (“WHO”) maintains that the disease represents a significant public health risk and recommends enhanced surveillance and precautions of suspected cases. On 29 May 2013, the WHO adopted the name “Middle East Respiratory Syndrome Coronavirus” when referring to the “Novel Coronavirus associated with Severe Respiratory Disease”.

8. We consider it necessary to amend the Ordinance and the Regulation to reflect the latest nomenclature adopted by the WHO concerning the disease and the virus. The provisions of the Ordinance and its subsidiary legislations concerning the disease and the virus will continue to be applied as and when necessary.

THE NOTICE AND AMENDMENT REGULATION

9. The Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2013 amends Schedule 1 to the Ordinance by repealing “Severe Respiratory Disease associated with Novel Coronavirus” from the list of infectious diseases and replacing it by “Middle East Respiratory Syndrome”; and amends Schedule 2 to the Ordinance by repealing “Novel Coronavirus associated with Severe Respiratory Disease” from the list of infectious agents and replacing it by “Middle East Respiratory Syndrome Coronavirus”.

10. The Prevention and Control of Disease (Amendment) Regulation 2013 amends Section 56 of the Regulation by repealing “Severe Respiratory Disease

associated with Novel Coronavirus” from the list of specified diseases and replacing it by “Middle East Respiratory Syndrome”.

11. The Notice and Amendment Regulation will be gazetted on 14 Jun 2013 for commencement of operation on the same date.

LEGISLATIVE TIMETABLE

12. The legislative timetable is as follows –

Publication in the Gazette	14 Jun 2013
Tabling at Legislative Council	19 Jun 2013

IMPLICATIONS

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

PUBLIC CONSULTATION

14. Members of the public, health professionals and the medical laboratory sector are expected to have no objection to the amendment, which maintains our capabilities in the prevention and control of the disease.

PUBLICITY

15. The Department of Health issued a press release on 11 June 2013 regarding the Notice and Amendment Regulation. It has informed medical practitioners and the laboratory sector in Hong Kong of the changes in notification requirements. A spokesman from the Department of Health is available to answer media enquiries.

OTHERS

16. For any enquiries on this brief, please contact Dr S K CHUANG, Consultant Community Medicine (Communicable Disease), Centre for Health Protection of the Department of Health (tel: 2125 2200).

**Food and Health Bureau
Department of Health
June 2013**

**Prevention and Control of Disease Ordinance
(Amendment of Schedules 1 and 2) Notice 2013**

(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, after item 24—
Add
“24A. Middle East Respiratory Syndrome (中東呼吸綜合症)”.
 - (2) Schedule 1—
Repeal item 34AA.
3. **Schedule 2 amended (scheduled infectious agents)**
 - (1) Schedule 2, after item 17—
Add
“17A. Middle East Respiratory Syndrome Coronavirus (中東呼吸綜合症冠狀病毒)”.
 - (2) Schedule 2—
Repeal item 20A.


Director of Health

7 June 2013

Explanatory Note

The purposes of this Notice are—

- (a) to amend the list of scheduled infectious diseases specified in Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599) to rename “Severe Respiratory Disease associated with Novel Coronavirus” as “Middle East Respiratory Syndrome”; and
- (b) to amend the list of scheduled infectious agents specified in Schedule 2 to that Ordinance to rename “Novel Coronavirus associated with Severe Respiratory Disease” as “Middle East Respiratory Syndrome Coronavirus”.

Prevention and Control of Disease (Amendment) Regulation 2013

(Made by the Secretary for Food and Health under section 7 of the
Prevention and Control of Disease Ordinance (Cap. 599))

1. **Prevention and Control of Disease Regulation amended**
The Prevention and Control of Disease Regulation (Cap. 599 sub.
leg. A) is amended as set out in section 2.
2. **Section 56 amended (specified diseases)**
Section 56, definition of *specified disease*, paragraph (ab)—
Repeal
“Severe Respiratory Disease associated with Novel
Coronavirus”
Substitute
“Middle East Respiratory Syndrome”.



Secretary for Food and Health

7 June 2013

Explanatory Note

The purpose of this Regulation is to amend the list of specified diseases set out in section 56 of the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A) to rename “Severe Respiratory Disease associated with Novel Coronavirus” as “Middle East Respiratory Syndrome”.