

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (Chapter 599)

PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT OF SCHEDULES 1 AND 2) NOTICE 2012

PREVENTION AND CONTROL OF DISEASE (AMENDMENT) REGULATION 2012

INTRODUCTION

On 27 September 2012, 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 2012; 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 2012. The Notice and Amendment Regulation are at the [Annex](#).

JUSTIFICATIONS

2. The Ordinance and its subsidiary legislation, the Prevention and Control of Disease Regulation (Cap. 599A) (“the Regulation”), provide a legislative framework for the prevention and control of communicable diseases of public health importance. 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 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. At present, there are 47 infectious diseases listed in the Schedule 1 to the Ordinance. Severe Acute Respiratory Syndrome (“SARS”), which is caused by a coronavirus, is among the list of 47 infectious diseases in Schedule 1 of the Ordinance; it is also a specified disease under section 56 of the Regulation. The SARS-coronavirus is among the 31 infectious agents under Schedule 2 of Ordinance.

Severe Respiratory Disease associated with Novel Coronavirus

7. Coronaviruses are a large family of viruses that can be found in humans and animals. In humans, coronaviruses can cause mild illness like the common cold, as well as severe illness like SARS. Coronaviruses are typically spread like other respiratory infections such as influenza.

8. On 23 September 2012, the World Health Organization (“WHO”) reported a case of acute respiratory syndrome with renal failure from the United Kingdom (“the UK”) involving a 49 year-old male Qatari national. He developed symptoms on 3 September 2012 and had travel history to the Kingdom of Saudi Arabia prior to onset of illness. On 7 September, he was admitted to an intensive care unit in Doha, Qatar. On 11 September, he was transferred to the UK by air ambulance from Qatar. The Health Protection Agency of the UK (“HPA”) conducted laboratory testing and confirmed the presence of a novel coronavirus. The patient is currently being managed in strict respiratory isolation in UK. HPA has compared the sequencing of the virus from this patient with the isolate from another fatal case in a 60 year-old male, Saudi national, reported earlier on 20 September. This comparison indicated that the gene sequence was 99.5% identical over the regions compared.

9. WHO is currently in the process of obtaining further information about the novel coronavirus to determine the public health implications of the two confirmed cases. Investigation into these cases by WHO and national health authorities is ongoing. Locally, the Centre for Health Protection of the Department of Health (“CHP”) is closely monitoring the latest situation of this novel coronavirus infection.

In particular, CHP is in close liaison with WHO and relevant overseas authorities to obtain latest epidemiological and laboratory information on the infection.

10. Hong Kong has an effective laboratory diagnostic system for respiratory viruses including coronaviruses. The Public Health Laboratory Services Branch of CHP is able to conduct characterization of coronaviruses including genetic analysis. No human infections with this novel coronavirus have been identified in Hong Kong so far.

11. Our experience of the 2003 SARS outbreak showed that effective measures to control the spread of the infection include early detection of cases and swift control measures such as isolation, quarantine and disinfection. Information of this novel coronavirus is limited at this stage and it is not known how easily this virus spreads between people. However, owing to the severity of the two known cases, it would be prudent to heighten surveillance and to implement effective public health control measures, including border control measures promptly, to prevent spread of this infection both within and across the boundary Hong Kong.

12. Some SARS cases were associated with possible incidents of virus leakage in laboratories. In light that this novel coronavirus is a potentially dangerous pathogen, it is important that any incidents of leakage of the virus from laboratories shall be notified to the Director to ensure appropriate control measures are implemented in a timely manner for the protection of laboratory workers and prevention of laboratory-acquired infection.

13. In view of the foregoing, we consider it necessary to amend the Ordinance and its subsidiary legislation to include this severe respiratory coronavirus and its infection as a statutorily notifiable disease, scheduled infectious agent and specified disease. This would enable the provisions of the Ordinance and its subsidiary legislation be applied as and when necessary for the purposes of prevention and control measures.

THE NOTICE AND AMENDMENT REGULATION

14. The Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2012 amends Schedule 1 to the Ordinance by adding “Severe Respiratory Disease associated with Novel Coronavirus” to the list of infectious diseases; and amends Schedule 2 to the Ordinance by adding “Novel Coronavirus associated with Severe Respiratory Disease” to the list of infectious agents.

15. The Prevention and Control of Disease (Amendment) Regulation amends section 56 of the Regulation by adding “Severe Respiratory Disease associated with Novel Coronavirus” to the list of specified diseases.

16. The Notice and Amendment Regulation is gazetted on 28 September 2012 for commencement of operation on the same date.

LEGISLATIVE TIMETABLE

17. The legislative timetable is as follows –

Publication in the Gazette	28 September 2012
Tabling at Legislative Council	10 October 2012

IMPLICATIONS

18. 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

19. In view of the latest development and the potential severity of the disease, members of the public, health professionals and medical laboratory sector are expected to welcome the amendment, which will strengthen Hong Kong's capability to prevent the introduction and spread of the disease, to ensure laboratory safety and to protect laboratory workers.

PUBLICITY

20. The Department of Health issued a press release on 27 September 2012 regarding the Notice and Amendment Regulation. CHP has informed medical practitioners and the laboratory sector in Hong Kong of the changes in notification requirements. A spokesman from DH is available to answer media enquiries.

OTHERS

21. For any enquiries on this brief, please contact Dr S K CHUANG, Consultant Community Medicine (Communicable Disease) of CHP (tel: 2125 2200).

**Food and Health Bureau
Department of Health
September 2012**

Prevention and Control of Disease (Amendment) Regulation 2012

Prevention and Control of Disease (Amendment) Regulation 2012

Section 1

L.N. 143 of 2012

B6333

Explanatory Note

L.N. 143 of 2012

Paragraph 1

B6335

L.N. 143 of 2012**Explanatory Note****Prevention and Control of Disease (Amendment)
Regulation 2012**

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

The purpose of this Regulation is to include “Severe Respiratory Disease associated with Novel Coronavirus” in the list of specified diseases set out in section 56 of the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A) in order to prevent and control the spread of that disease.

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*, after paragraph (a)—

Add

“(ab) Severe Respiratory Disease associated with Novel Coronavirus;”.

Dr. KO Wing-man
Secretary for Food and Health

27 September 2012

L.N. 144 of 2012

**Prevention and Control of Disease Ordinance
(Amendment of Schedules 1 and 2) Notice 2012**

(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)

Schedule 1, after item 34—

Add

“34AA. Severe Respiratory Disease associated with Novel Coronavirus (新型冠狀病毒致嚴重呼吸系統病)”.

3. Schedule 2 amended (scheduled infectious agents)

Schedule 2, after item 20—

Add

“20A. Novel Coronavirus associated with Severe Respiratory Disease (致嚴重呼吸系統病新型冠狀病毒)”.

Dr. Thomas TSANG
Acting Director of Health

27 September 2012

Explanatory Note

The purpose of this Notice is to add—

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

in order to prevent and control the spread of that disease.