

立法會
Legislative Council

LC Paper No. LS2/14-15

**Paper for the House Committee Meeting
on 17 October 2014**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 10 October 2014**

Tabling in LegCo : Council meeting of 15 October 2014

Amendment to be made by : Council meeting of 12 November 2014 (or that of 3 December 2014 if extended by resolution)

**Prevention and Control of Disease
(Amendment) (No. 2) Regulation 2014** **(L.N. 118)**

L.N. 118 was made by the Secretary for Food and Health under section 7 of the Prevention and Control of Disease Ordinance (Cap. 599) to amend section 56 of the Prevention and Control of Disease Regulation (Cap. 599A) by adding Plague, Smallpox and Viral haemorrhagic fever (the Diseases) to the list of "specified diseases".

2. The effect of L.N. 118 is that upon its publication in the Gazette on 10 October 2014, the number of scheduled infectious diseases¹ which are "specified diseases" for the purposes of Part 12 of Cap. 599A is increased from four to seven. Under section 57 of Part 12, if a health officer has reason to believe that a person is suffering from, or has been exposed to the risk of infection of, a specified disease, the officer may, by order in writing, prohibit the person from leaving Hong Kong without the written permission of a health officer during a period specified in the order. A person who knowingly contravenes the order or fails to comply with a condition attached to the permission commits an offence and is liable on conviction to a fine at level 2 (i.e. \$5,000) and to imprisonment for six months.

¹ "Scheduled infectious disease" means an infectious disease specified in Schedule 1 to Cap. 599. The other four "specified diseases" are Severe Acute Respiratory Syndrome, Middle East Respiratory Syndrome, Novel influenza A infection and Extensively Drug-Resistant Tuberculosis.

3. According to paragraph 6 of the LegCo Brief (File ref: FH CR 4/3231/96) issued by the Food and Health Bureau and Department of Health in October 2014, viral haemorrhagic fever is a group of viral diseases including Ebola Virus Disease which has a case fatality rate of up to 90% in humans and has been continuously reported in West Africa since March 2014. According to paragraph 10 of the LegCo Brief, Plague and Smallpox can be used as agents of bioterrorism. The Administration further advises that the Diseases are severe with high mortality rate without effective treatment. Members may refer to the LegCo Brief for further details about the Diseases.

4. L.N. 118 contains no commencement provision. By virtue of section 20(2)(a) of the Interpretation and General Clauses Ordinance (Cap. 1), L.N. 118 came into operation upon gazettal on 10 October 2014.

5. Upon the Legal Service Division's enquiry, the Administration confirms that the public has not been consulted on L.N. 118. According to paragraph 16 of the LegCo Brief, the Administration expects the proposal will generally be welcome by the public and healthcare professionals as it would strengthen the Administration's capability to control the spread of the Diseases.

6. As advised by the Clerk to the Panel on Health Services (the Panel), the Administration has not consulted the Panel on L.N. 118.

7. No difficulties have been identified in the legal or drafting aspects of L.N. 118.

Prepared by

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