

LEGISLATIVE COUNCIL BRIEF

Prevention and Control of Disease Ordinance (Chapter 599)

PREVENTION AND CONTROL OF DISEASE (AMENDMENT) (NO. 2) REGULATION 2014

INTRODUCTION

On 10 October 2014, 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) (No. 2) Regulation 2014 (“the Amendment Regulation”). The Amendment Regulation is at the [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. 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 of Health (“the Director”) if they have reason to suspect the existence of a case 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.

4. 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.

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.

5. The Director reviews the list of specified diseases in section 56 of the Regulation from time to time, in order to ensure maximal protection against infectious diseases.

Viral haemorrhagic fever, Plague and Smallpox

6. Viral haemorrhagic fever is a group of viral diseases. Some examples of the group are Ebola Virus Disease (“EVD”), Marburg virus haemorrhagic fever and Lassa fever. These diseases are similarly severe viral diseases and are reported in certain countries. For instance, EVD is a severe acute viral illness often characterised by the sudden onset of fever, intense weakness, muscle pain, headache and sore throat. This is followed by vomiting, diarrhoea, rash, impaired kidney and liver function, and in some cases, both internal and external bleeding. EVD in humans has a case fatality rate of up to 90%. Since March 2014, new cases and deaths of EVD have been continuously reported in the West Africa region. While Viral haemorrhagic fever (including EVD) is a statutorily notifiable disease, it is not a specified disease under section 56 of the Regulation which at present includes only four diseases, namely, Severe Acute Respiratory Syndrome, Middle East Respiratory Syndrome, Novel influenza A infection and Extensively Drug-Resistant Tuberculosis.

7. According to Section 57 of the Regulation, if a health officer has reason to believe that a person is suffering from a specified disease or has been exposed to the risk of infection of a specified disease, the health officer may, by order in writing, prohibit the person from leaving Hong Kong without the written permission of the health officer during a period specified in the order.

8. According to the World Health Organization (“WHO”) Statement on the Meeting of the International Health Regulations Emergency Committee regarding the 2014 Ebola Outbreak in West Africa issued on 8 August 2014, in order to minimize the risk of international spread of EVD –

- Confirmed cases should immediately be isolated and treated in an Ebola Treatment Centre with no national or international travel until 2 Ebola-specific diagnostic tests conducted at least 48 hours apart are negative;
- Contacts (which do not include properly protected health workers and laboratory staff who have had no unprotected exposure) should be monitored daily, with restricted national travel and no international travel until 21 days after exposure;

9. If there is an EVD case in Hong Kong, the Department of Health (“DH”) will isolate the case and put the close contacts who have been exposed to the risk of infection of EVD under quarantine for 21 days after exposure. Under section 26 of the Regulation, a health officer can issue a quarantine order to a close contact. Moreover,

as contact tracing of close contacts may take time, section 57 of the Regulation provides additional safeguard by empowering a health officer to stop the close contact from leaving Hong Kong even when the quarantine orders have not been served in time to the contact or when the contact could not be located. The measure is important in preventing the spread of the disease internationally and is in line with the recommendation of the WHO stated above.

10. We also take this opportunity to review the other statutorily notifiable diseases. Some diseases are not endemic in this part of the world or no human cases are known to occur currently in the whole world. Nonetheless, when the disease occurs, isolation of cases and quarantine of close contacts will need to be implemented promptly to prevent further transmission, both locally and internationally, as the diseases have grave outcomes and can be transmitted through human contact. These diseases include Plague and Smallpox.

- (a) Plague is a communicable disease of animals and humans caused by a bacterium called *Yersinia pestis*. Plague is transmitted from an infected animal (mainly rodent) to humans through the bite of infected fleas. People can also contract plague when cuts or other breaks in their skin come into contact with the body fluid or tissue of infected animals. Plague infection in human commonly manifests as three clinical forms including bubonic plague, septicaemic plague, and pneumonic plague. Among them, pneumonic plague is highly contagious and it can spread between humans by inhalation of respiratory droplets from an infected person. Pneumonic plague patient has fever, chills, cough with blood-stained sputum, shortness of breath and may die rapidly if not treated immediately. The disease is curable when appropriate antibiotics are given early enough (mortality rate less than 15%). Although Hong Kong has been free from plague since 1929, as the classic epidemic host and vectors are present both in ports and urban areas, and plague is reported in several neighbouring countries, the risk of introduction of plague to Hong Kong exists. Plague is also recognized as a potential agent of bioterrorism attack resulting in pneumonic plague. It is necessary to isolate cases and quarantine close contacts and travel collaterals of plague cases once identified in Hong Kong.
- (b) Smallpox is a disease caused by variola virus, spread by direct and fairly prolonged face-to-face contact with the infected, contact with infected body fluids or contaminated objects. Infected persons develop high fever and fatigue, followed by a characteristic rash, particularly on the face, arms and legs. The disease was fatal in up to 30% of cases. There is no cure for smallpox. The infection is preventable by vaccination but the vaccination has not been routinely available currently after disease eradication. While smallpox was declared eradicated in 1980 by a collaborative global vaccination programme led by WHO, in the aftermath of the events of September and October, 2001, the United States has heightened concern that the variola virus might be used as an agent of bioterrorism. As part of a response plan

for smallpox outbreak, isolation of cases and quarantine of close contacts is necessary to prevent the spread of the disease.

11. From the perspective of public health, these diseases are severe with high mortality rate without effective treatment. It is essential to impose quarantine on the close contacts. The lack of immunity in local population and some international communities render these diseases to be spread easily internationally. Hong Kong is obliged to prevent international spread of diseases as we are part of the international public health communities. While EVD has already been considered by WHO as the public health emergency of international concern, the other diseases can be agents of bioterrorism. We therefore propose to include all three diseases, namely, Viral haemorrhagic fever, Plague and Smallpox in the list of specified diseases under section 56 of the Regulation.

THE AMENDMENT REGULATION

12. The Amendment Regulation amends section 56 of the Regulation by adding the following items, namely, Viral haemorrhagic fever, Plague and Smallpox .

13. The Amendment Regulation is gazetted on 10 October 2014 for commencement of operation on the same date.

LEGISLATIVE TIMETABLE

14. The legislative timetable is as follows –

Publication in the Gazette	10 October 2014
Tabling at Legislative Council	15 October 2014

IMPLICATIONS OF THE PROPOSAL

15. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. The amendment will not affect the current binding effect of the Ordinance and have no economic, financial, civil service or family implications. It strengthens Hong Kong's capabilities in the prevention and control of disease and is in line with the sustainability principle of pursuing policies which promote and protect the health of the people of Hong Kong.

PUBLIC CONSULTATION

16. In view of the latest development and the potential severity of these diseases, and that containing epidemic is the obligation of DH and WHO, we expect our

proposal will generally be welcome by the public and healthcare professionals as it would strengthen our capability to control the spread of these diseases.

PUBLICITY

17. A spokesman from the DH is available to answer media enquiries.

OTHERS

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

**Food and Health Bureau
Department of Health
October 2014**

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

(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)

(1) Section 56, definition of *specified disease*, paragraph (b)—

Repeal

“and”.

(2) Section 56, definition of *specified disease*, paragraph (c)—

Repeal the full stop

Substitute a semicolon.

(3) Section 56, definition of *specified disease*, after paragraph
(c)—

Add

“(d) Plague;

(e) Smallpox; and

(f) Viral haemorrhagic fever.”.



Secretary for Food and Health

6 October 2014

Explanatory Note

The purpose of this Regulation is to add “Plague”, “Smallpox” and “Viral haemorrhagic fever” into the list of specified diseases set out in section 56 of the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A).