

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1173/19-20

Ref : CB2/SS/2/19

**Paper for the House Committee**

**Second report of the Subcommittee on Twelve Pieces of Subsidiary  
Legislation Relating to the Prevention and Control of Disease and  
Gazetted Respectively on 27 March, 28 March, 1 April,  
28 April, 5 May and 19 May 2020**

**Purpose**

This paper reports on the deliberations of the Subcommittee on Twelve Pieces of Subsidiary Legislation Relating to the Prevention and Control of Disease and Gazetted Respectively on 27 March, 28 March, 1 April, 28 April, 5 May and 19 May 2020 ("the Subcommittee") on another six items of subsidiary legislation under its study which are in relation to exemption from the quarantine requirement and cancellation of a quarantine order, exempted group gatherings, and other related matters ("the other six items of subsidiary legislation").

**The other six items of subsidiary legislation**

2. The Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2020 (L.N. 46 of 2020), the Prevention and Control of Disease (Amendment) (No. 2) Regulation 2020 (L.N. 47 of 2020), the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 2) Regulation 2020 (L.N. 48 of 2020), the Prevention and Control of Disease (Disclosure of Information) (Amendment) Regulation 2020 (L.N. 49 of 2020) and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) Regulation 2020 (L.N. 50 of 2020) were published in the Gazette on 28 April 2020. L.N. 46 of 2020 is made by the Director of Health ("the Director") under section 15 of the Prevention and Control of Disease Ordinance (Cap. 599) ("the Ordinance"). L.N. 47 of 2020 is made by the Secretary for Food and Health ("the Secretary") under section 7 of the Ordinance, whereas L.N. 48 to

50 of 2020 are made by the Chief Executive in Council under section 8 of the Ordinance respectively.<sup>1</sup>

3. L.N. 46, L.N. 47, L.N. 49 and L.N. 50 of 2020 mainly amend the Ordinance, the Prevention and Control of Disease Regulation (Cap. 599A), the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) to align the nomenclature of "coronavirus disease 2019 (COVID-19)" ("the Disease") adopted by the World Health Organization ("WHO"). The above apart, L.N. 46 of 2020 adds "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)" to the list of scheduled infectious agents under the new item 26A in Schedule 2 to the Ordinance so that the handling of the virus SARS-CoV-2 by laboratories is subject to the control of the Prevention and Control of Disease Regulation.<sup>2</sup> L.N. 48 of 2020 amends the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) to, among others, expand the power of the Chief Secretary for Administration ("the Chief Secretary") to grant exemption from the quarantine requirement in respect of certain persons, and empower a health officer to cancel a quarantine order made against a person arriving from the Mainland or Macao if certain conditions are met. It also includes a consequential amendment to align the nomenclature adopted by WHO. L.N. 46 to L.N. 50 came into operation on 29 April 2020.

4. The Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 3) Regulation 2020 (L.N. 82 of 2020), which was made by the Chief Executive in Council under section 8 of the Ordinance, was published in the Gazette on 19 May 2020 to provide an exemption for group gathering during a religious activity (other than a wedding ceremony). It came into operation on 22 May 2020.

5. L.N. 46 to L.N. 50 and L.N. 82 of 2020 were tabled before the Legislative Council ("LegCo") at its meetings of 29 April and 20 May 2020 respectively and are subject to negative vetting by LegCo.

---

<sup>1</sup> Section 7 of the Ordinance empowers the Secretary to make regulations for the purpose of preventing the introduction into, the spread in and the transmission from, Hong Kong of any disease or contamination; and for the prevention of any disease. Under section 8 of the Ordinance, the Chief Executive in Council may make regulations for the purposes of preventing, combating or alleviating the effects of a public health emergency and protecting public health on an occasion of a public health emergency.

<sup>2</sup> Part 8 of the Prevention and Control of Disease Regulation sets out the requirements on the owner or the person in charge of a laboratory to surrender scheduled infectious agents under his control or possession for disposal by the Director under certain circumstances and to notify the Director immediately in case of any leakage of the scheduled infectious agents that may pose a public health risk.

## **The Subcommittee**

6. Under the chairmanship of Ms CHAN Hoi-yan, the Subcommittee has held one meeting with the Administration to discuss the other six items of subsidiary legislation.

## **Deliberations of the Subcommittee**

### Exemption from compulsory quarantine requirement for inbound travelers from the Mainland, Macao or Taiwan

7. Under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation,<sup>3</sup> persons arriving at Hong Kong from Mainland, Macao or Taiwan; and persons arriving at Hong Kong from other places but having stayed in Mainland, Macao or Taiwan during the 14 days before the date of arrival, would be subject to compulsory quarantine for a period of 14 days beginning on the date of arrival. Under section 4 of the Regulation, the Chief Secretary is empowered to designate any person or category of persons to be exempted from the quarantine requirement if certain criteria are satisfied.<sup>4</sup> L.N. 48 of 2020 amends the Regulation to expand the Chief Secretary's power to grant exemption from the quarantine requirement in respect of persons: (a) whose entry into Hong Kong is necessary for his or her receiving nursery, kindergarten, primary or secondary education at any school registered under the Education Ordinance (Cap. 279) in Hong Kong or for the provision of such education; (b) whose entry into Hong Kong is necessary for the safe travelling of any person for the purposes mentioned in item (a) above; and (c) whose travelling is necessary for purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong's economic development.

8. The Administration has informed the Subcommittee that in respect of item (c) above, the Chief Secretary has designated, among others, directors of listed companies or listing applicants who need to attend shareholders' meetings

---

<sup>3</sup> As amended by the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) Regulation 2020 (L.N. 28 of 2020).

<sup>4</sup> Before the amendments introduced by L.N. 48 of 2020 to section 4 of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation which came into operation on 29 April 2020, the criteria to be satisfied were that the person's or persons' entry into Hong Kong (a) is necessary for the supply of goods or services required for the normal operation of Hong Kong or the daily needs of the people of Hong Kong; (b) is necessary for governmental operation; (c) is necessary for the protection of the safety or health of the people of Hong Kong or the handling of the public health emergency; or (d) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.

or regulatory hearings to fulfil their regulatory requirements; and certified public accountants (practising), partners, directors or employees of practice units registered with the Hong Kong Institute of Certified Public Accountants under the Professional Accountants Ordinance (Cap. 50) who need to travel to the Mainland to conduct audit work for Hong Kong listed companies with Mainland operations and hence assist those companies to fulfil their regulatory requirements to be exempted from the compulsory quarantine requirement. Exemption schemes are also in place for personnel of companies engaged in manufacturing goods for supply to Hong Kong for its normal operation or for the daily needs of the people of Hong Kong, and personnel of Hong Kong enterprises with manufacturing operations in the Mainland. Pointing out that personnel of many sectors are required to travel to the Mainland, members including Mr Christopher CHEUNG, Mr SHIU Ka-fai and Mr CHAN Chun-ying have enquired about the criteria for being designated as categories of persons eligible for the exemption. In particular, they have strongly urged the Administration to further expand the coverage of the exemption scheme to more companies and personnel of the financial and retail sectors.

9. The Administration has explained that the amendment is aimed to continue the safeguards against any sudden turn in the COVID-19 situation in Hong Kong while allowing for adjustments of the public health measures. The exemption arrangement for various categories of persons would be hammered out by the relevant bureaux for consideration of the Chief Secretary taking into account whether the travel is essential and is in the interest of Hong Kong's economic development, such that the total number of exempted persons are subject to control. In response to the above call from members, the Food and Health Bureau has conveyed the request to further expand the coverage of the exemption scheme to the relevant bureaux for consideration after the meeting, and the Administration would continue to review the relevant exemptions having regard to the development of the epidemic. In the meantime, companies and personnel including those of financial institutions and securities companies, and the retail sector which fulfil the criteria for the above categories of persons are eligible for applying exemption.

10. The Administration has further advised that in order to safeguard public health, an exempted person will be subject to certain conditions. For instance, the person must only travel to and stay in the Mainland area or city where the manufacturing operations concerned are located, or where the relevant business activities or professional services are performed, and take every precautionary measure to ensure personal hygiene and avoid unnecessary social contact whilst in the Mainland. After returning to Hong Kong, the exempted person will be subject to medical surveillance arranged by the Department of Health ("DH") for a period of 14 days. The person will be required to wear masks and check body temperature daily, and report to DH if he or she feels unwell.

11. Mr CHAN Chun-ying notes that at present, the owner of certain enterprises or companies with operations or factories in the Mainland, provided certain conditions are met, as well as up to one personnel employed and so authorized by the enterprise or the company concerned, are eligible for exemption from the quarantine requirement. He has sought clarification as to whether the one personnel can be rotated on each occasion.

12. The Administration has advised that cases in point in respect of the above arrangement are personnel of companies engaged in manufacturing goods for supply to Hong Kong for its normal operation or for the daily needs of the people of Hong Kong and personnel of Hong Kong enterprises with manufacturing operations in the Mainland. Under these two categories, only up to two persons from each eligible company or enterprise will be granted exemption. In general, a company or enterprise is not allowed to change the exempted persons after its application is approved. However, if the change of the exempted person(s) is necessary for sustaining the operation and business of the company or enterprise (e.g. when an exempted person has left the job), the company or enterprise can submit a written request to the Trade and Industry Department, which is responsible for processing applications for these two categories of exemption, with justifications for such change. The Department will consider whether to accede to such requests having regard to the merits of individual cases.

13. Mr CHAN Chun-ying and Mr Wilson OR consider that the Administration should make the information on the exemption arrangements easily accessible to members of the trade, and set a performance pledge for processing an application. The Administration has advised that to enable the trade and the public to gain an overview of the exemption schemes in place, the relevant information has been posted on the COVID-19 Thematic Website.

#### Cancellation of a quarantine order

14. L.N. 48 of 2020 empowers a health officer to cancel a quarantine order made against a person arriving from the Mainland or Macao if conditions as set out in the new section 10(1A) are met. These conditions are: (a) the person produces to the health officer a certificate issued by a public authority in the Mainland or Macao (as may be appropriate) specified by the Director certifying that the person completed, on the date of arrival at Hong Kong or the day before, a quarantine of not less than 14 days administered by the authority; (b) the person makes a declaration in a form specified by the Director to the health officer that the person has not been exposed, in a way specified in the form, to any risk of contracting the Disease after the completion of the quarantine; and (c) the health officer is satisfied on the basis of the result of a medical laboratory test conducted after the person's arrival, that the person is tested negative for the Disease.

15. Members consider that the above measure could provide flexibility for travellers arriving from Guangdong and Macao. However, they are concerned that there is no similar arrangement for travellers from Hong Kong to the Mainland and Macao, who are currently required to observe the 14-day compulsory quarantine requirement imposed by the Mainland and Macao authorities. Noting that there is an established mechanism between DH, the Health Commission of Guangdong Provinces and the Macao Health Bureau to exchange information on COVID-19 cases to achieve joint prevention and control purpose, members including Mr SHIU Ka-fai and Mr Wilson OR have called on the Administration to step up its efforts to discuss proactively with the two authorities on mutual recognition of COVID-19 nucleic acid testing results conducted by recognized medical laboratories. Mr LUK Chung-hung has gone further to suggest that Hong Kong should develop its own health code system to facilitate Hong Kong residents to commute among Hong Kong, Mainland and Macao.

16. The Administration has assured members that it has all along been closely liaising and coordinating with the Mainland and Macao authorities with a view to achieving the target of joint prevention and control. A case in point is the co-ordination effort to arrange Hong Kong cross-boundary goods vehicle drivers to receive nucleic acid testing centrally at the site of ports in order to meet the relevant anti-pandemic requirement of the Shenzhen Municipal Government. The Administration is in discussion with authorities in the Mainland and Macao on mutual recognition of COVID-19 testing results conducted by recognized medical laboratories. Efforts are also being made to study the development of a local health code system. Details of the arrangement will be announced when available.

#### Use of Chun Yeung Estate as temporary quarantine centre

17. Under the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E), an authorized officer appointed by the Director must, by written order, place persons arriving at Hong Kong from a specified place outside China, and persons who have stayed in a specified place for any period of time during the 14 days before the date of arrival under quarantine for a period of 14 days beginning on the date of arrival. These persons may serve their quarantine in a place assigned by an authorized officer, who is empowered to restrain these persons and convey them to the assigned place and detain them in such place. L.N. 50 of 2020 amends the Regulation to update the references to the name of the Disease appearing in the definition of "public health emergency" in section 2, and in section 12(3)(a) of the Regulation which relates to the specification of a foreign place by the Secretary having regard to the extent of the spread of the Disease in that place.

18. Members in general agree that given that the global situation of COVID-19 remains severe, there is a need that Hong Kong residents returning from high-risk overseas places be put under compulsory quarantine at quarantine centres in order to prevent community outbreaks. According to the Administration, quarantine centres currently being in use include Lei Yue Mun Park and Holiday Village in Chai Wan (including the extra constructed units at basketball court and football field), Heritage Lodge of Jao Tsung-I Academy, Junior Police Call Permanent Activity Centre in Pat Heung and Chun Yeung Estate, providing 379, 53, 208 and 3 121 units respectively. Ms CHAN Hoi-yan is particularly concerned that prospective tenants who have accepted the advance housing offer of Chun Yeung Estate have experienced serious inconvenience or problems due to the deferred intake arising from the Administration's use of the Estate as a temporary quarantine centre since February 2020. She expresses dissatisfaction that while the construction works at the government site and the site reserved for future tourism development at Penny's Bay is expected to be completed by phases between July and September 2020 to provide 1 500-odd additional units, the Administration has yet announced a timetable for ceasing the use of Chun Yeung Estate as quarantine centre to enable the prospective tenants of the Estate to plan ahead their arrangements for moving in, including switching schools for their young children.

19. The Administration has advised that the outbreak of COVID-19 in Hong Kong has slightly stabilized in May 2020 or so, but the situation remains very volatile. At the same time, COVID-19 has already become a global pandemic and its future development is difficult to predict. Apart from admitting patients confirmed or suspected to be infected to hospitals for isolation and treatment, putting close contacts who may have been exposed to the risk of contracting COVID-19 (including close contacts of confirmed patients) under compulsory quarantine at quarantine centres is also a crucial element of the Administration's anti-epidemic work. Arrangements are also being made to take batches of Hong Kong residents stranded in overseas places, such as Nepal and India, back to Hong Kong through chartered or special flight and subject them to 14-day compulsory quarantine in quarantine centre including Chun Yeung Estate. Hence, it is necessary for the Administration to keep the existing quarantine facilities for the time being in order to cope with the quarantine need that may arise. If the epidemic situation stabilizes and there is no local community outbreak with unknown sources by the time the construction of additional quarantine facilities at Penny's Bay is completed, the Administration will cease the use of Chun Yeung Estate as quarantine centre as soon as possible, and complete thorough disinfection and relevant repair works such that the prospective tenants can move in as early as possible.

20. Ms CHAN Hoi-yan remains dissatisfied with the Administration's response. In her view, better arrangements in relation to the taking back of Hong Kong residents stranded in overseas places could avoid intensifying the demand for quarantine facilities within a short period of time. As a related matter, she urges the Administration to provide further financial relief to the prospective tenants of Chun Yeung Estate, albeit that a one-off ex-gratia allowance of \$6,000 per household has already been granted under the Anti-epidemic Fund to eligible tenants to help them tide over the problems and inconvenience caused by the deferred intake.

21. The Administration has advised that it understands that the ex-gratia allowance under the Anti-epidemic Fund may not be able to resolve all the problems of the prospective tenants but hope that this could provide some relief to meet their pressing needs. It should also be noted that the Hong Kong Housing Authority ("the Housing Authority") has earlier issued letters to the prospective tenants concerned in February 2020, informing them of the special arrangements that they may opt to retain the advance allocated unit until flat intake and, where necessary, apply for admission to Po Tin Interim Housing in Tuen Mun during the period; or cancel the current offer and be reallocated to another suitable unit in other housing estates in their original chosen district. The Housing Authority has undertaken that it would endeavour to meet and accord priority to their needs, subject to public housing resources available for deployment and availability of suitable vacant public rental housing units.

#### Exemption for group gathering during a religious activity

22. Under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G), group gatherings of more than eight persons in any public place are prohibited and group gatherings set out in Schedule 1 to the Regulation are exempted from the prohibition. L.N. 82 of 2020 amends the Regulation to provide an exemption for group gathering during a religious activity (other than a wedding ceremony) (a) held at any premises constructed or regularly used as a place of worship (including a church, monastery or nunnery, mosque, synagogue or temple); (b) in which no food or drink is served (except as part of a religious ritual); and (c) in which measures are in place for restricting the number of participants in the activity to not more than 50% of the number of persons that may normally be accommodated on the premises as a place of worship. Members have enquired about the additional safeguards that would be put in place to ensure that the resumption of religious gatherings in public places would not cause undue public health risks.

23. The Administration has advised that having regard to the diversity of rituals and practices of different religions, only the overarching principles are set out in the legislative provision. As for other standard hygiene requirements and social



distancing measures, they will be dealt with administratively in the form of guidelines, so as to avoid undue interference with the practice of religion and maintaining parity with other exempted group gatherings under the Regulation. Key religious leaders have already worked out individual sets of guidelines which could best suit their own religious needs based on DH's health advice for religious assemblies.

### **Recommendation**

24. The Subcommittee raises no objection to L.N. 46 to L.N. 50 and L.N. 82 of 2020 and will not propose any amendment to them.

### **Advice sought**

25. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 2  
Legislative Council Secretariat  
10 June 2020