

立法會
Legislative Council

LC Paper No. CB(2)1431/19-20

(These minutes have been
seen by the Administration)

Ref : CB2/SS/2/19

**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**

**Minutes of the fourth meeting
held on Monday, 1 June 2020, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon CHAN Hoi-yan (Chairman)
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon CHAN Chun-ying, JP
Hon LUK Chung-hung, JP
Hon Vincent CHENG Wing-shun, MH, JP
- Members absent** : Hon MA Fung-kwok, SBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon KWOK Wai-keung, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
- Public Officers attending** : Item I
- Mr Howard CHAN Wai-kee, JP
Deputy Secretary for Food and Health (Health)1
Food and Health Bureau
- Mr Chris FUNG Pan-chung
Principal Assistant Secretary for Food and Health (Health)3
Food and Health Bureau
- Ms Maisie HO Mei-chi
Principal Assistant Secretary for Food and Health (Health)5
Food and Health Bureau

Dr Albert AU Ka-wing
Principal Medical & Health Officer (Surveillance)
Department of Health

Dr Heston KWONG Kwok-wai, JP
Head, Emergency Response and Programme Management
Branch
Department of Health

Dr LEUNG Yiu-hong
Chief Port Health Officer
Department of Health

Mr Gilbert MO Sik-keung
Dep Law Draftsman I
Department of Justice

Mr Michael LAM Siu-chung
Dep Law Draftsman II (Acting)
Department of Justice

Miss Emma WONG
Senior Assistant Law Draftsman (Acting)
Department of Justice

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Mr Mark LAM
Assistant Legal Adviser 7

Mr Ronald LAU
Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

Action

I. Meeting with the Administration

[File Ref.: L.N. 46 to 50 and 82 of 2020, FHB/H/16/123, Legislative Council Brief issued by the Food and Health Bureau on 20 May 2020, LC Paper Nos. LS68/19-20, LS81/19-20, CB(2)1051/19-20(02) to (06) and (14), CB(2)1095/19-20(01) to (03)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. Members noted that as agreed at the House Committee meeting held on 29 May 2020, the Subcommittee would also study the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 3) Regulation 2020 (L.N. 82 of 2020).

Follow-up to issues arising from previous meeting

3. Members noted the Administration's response to issues raised at the meeting on 26 May 2020 (LC Paper No. CB(2)1095/19-20(02)) and raised no queries.

Examination of six items of subsidiary legislation relating to exemption from the quarantine requirement and cancellation of a quarantine order, exempted group gatherings, and other related matters

4. The Subcommittee completed the examination of the provisions of the following six items of subsidiary legislation:

- (a) Prevention and Control of Disease Ordinance (Amendment of Schedules 1 and 2) Notice 2020 (L.N. 46 of 2020);
- (b) Prevention and Control of Disease (Amendment) (No. 2) Regulation 2020 (L.N. 47 of 2020);
- (c) Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 2) Regulation 2020 (L.N. 48 of 2020);
- (d) Prevention and Control of Disease (Disclosure of Information) (Amendment) Regulation 2020 (L.N. 49 of 2020);
- (e) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) Regulation 2020 (L.N. 50 of 2020); and

- (f) Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 3) Regulation 2020 (L.N. 82 of 2020).

Follow-up actions required of the Administration

Admin

5. The Administration was requested to:

- (a) in respect of the exemption from the compulsory quarantine arrangement for persons arriving at Hong Kong from the Mainland, Macao or Taiwan, and from other places but having stayed in the Mainland, Macao or Taiwan during the past 14 days before the date of arrival under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C),
 - (i) advise the mechanism and criteria for determining the categories of persons to be exempted from the compulsory quarantine arrangement, including the reason why personnel of financial institutions and securities companies were not exempted. It was noted that 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) and directors of the companies listed on Stock Exchange of Hong Kong ("SEHK") or directors of companies applying for listing on SEHK were amongst the categories of persons exempted;
 - (ii) advise whether application for exemption is available for the retail sector; and
 - (iii) with regard to the exemption for the owner of certain enterprises or companies with operations or factories in the Mainland, provided certain conditions were met, as well as up to one personnel employed and so authorized by the enterprise or the company concerned, advise whether the one personnel can be rotated on each occasion;
- (b) advise the risk of the import of coronavirus disease 2019 virus into Hong Kong through air freight from foreign places and consider conducting random viral tests on goods imported into Hong Kong via air; and

- (c) advise the target timetable for ceasing to use Chun Yeung Estate as a quarantine centre and, apart from the ex-gratia allowance of \$6,000 provided earlier under the Anti-epidemic Fund, consider providing eligible Public Rental Housing applicants who had accepted advance allocation of flats in Chung Yeung Estate with further financial relief so as to help them tide over problems and inconvenience caused by a deferred intake.

Legislative timetable

6. The Chairman said that she would make a verbal report on the deliberations of the Subcommittee on the above six items of subsidiary legislation to the House Committee on 5 June 2020. The deadline for giving notice of amendments, if any, to these six items of subsidiary legislation was 10 June 2020. Subject to any views members might have on the written response to be provided by the Administration on the issues set out in paragraph 5 above, the Subcommittee would complete scrutiny of these six items of subsidiary legislation.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)1140/19-20(02) on 5 June 2020. Since no views from members have been received on the above paper by the specified deadline, the Subcommittee has completed the scrutiny of L.N. 46 to L.N. 50 and L.N. 82 of 2020.)

II. Any other business

7. There being no other business, the meeting ended at 10:28 am.

Council Business Division 2
Legislative Council Secretariat
4 September 2020

**Proceedings of the fourth meeting 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
on Monday, 1 June 2020, at 9:00 am
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
000521 - 000655	Chairman	Opening remarks	
000656 - 001122	Chairman Admin	Briefing by the Administration on (a) its response to issues raised at the meeting on 26 May 2020 [LC Paper No. CB(2)1095/19-20(01)]; and (b) five items of subsidiary legislation relating to exemption from the quarantine requirement and cancellation of a quarantine order (i.e. L.N. 48 of 2020) and other related matters (i.e. L.N. 46 and L.N. 47 and L.N. 49 and L.N. 50 of 2020)	
001123 - 002315	Chairman Mr CHAN Chun-ying Admin Mr Christopher CHEUNG	<p>Mr CHAN Chun-ying enquired about the criteria and quota for being designated as categories of persons eligible for exemption from the compulsory quarantine arrangement under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) and the reason why exemption had yet been provided for personnel of financial institutions.</p> <p>Mr Christopher CHEUNG expressed concern about the progress of exempting management staff of the financial services sector from compulsory quarantine arrangement.</p> <p>The Administration advised that:</p> <p>(a) the exemption arrangement for various categories of persons would be formulated by the relevant bureaux taking into account among other stakeholders' views, before seeking the approval of the Chief Secretary for Administration ("the Chief Secretary"). The Chief Secretary would consider whether the travel was essential and was in the interest of Hong Kong's economic development, such that the total number of exempted persons were subject to control. Once approval was made by the Chief Secretary, the relevant bureaux would process the applications on their own. The Food and Health Bureau ("FHB") would relay the above concerns from members to the Financial Services and the Treasury Bureau for consideration;</p> <p>(b) in order to safeguard public health, an exempted person would be subject to certain conditions in the Mainland. For instance, the person must only travel to and stay in the Mainland area or city where the manufacturing operations concerned were located, or</p>	

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		<p>where the relevant business activities or professional services were performed, and took every precautionary measure to ensure personal hygiene and avoid unnecessary social contact whilst in the Mainland. After returning to Hong Kong, the exempted person would be subject to medical surveillance arranged by the Department of Health for a period of 14 days; and</p> <p>(c) it was in discussion with the relevant authorities of the Mainland and Macao on mutual recognition of the testing results of coronavirus disease 2019 ("COVID-19") conducted by recognized medical laboratories such that persons arriving Mainland and Macao from Hong Kong could be exempted from the quarantine arrangements imposed by these authorities.</p> <p>The Chairman sought elaboration on the criteria for determining the categories of persons to be exempted from the compulsory quarantine arrangement.</p>	Admin
002316 - 003228	Chairman Mr SHIU Ka-fai Admin	<p>Mr SHIU Ka-fai urged the Administration to expand the coverage of the exemption scheme to personnel of the retail sector. The Administration advised that at present, personnel of companies engaged in manufacturing goods for supply to Hong Kong for its normal operation or for the daily needs of the people in Hong Kong and personnel of Hong Kong enterprises with manufacturing operations in the Mainland were eligible for exemption application. An amendment to Cap. 599C introduced under L.N. 48 of 2020 was to expand the Chief Secretary's power to grant exemption from the quarantine requirement in respect of persons whose travelling was necessary for the purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong's economic development.</p> <p>Noting that two recent local cases of COVID-19 involved two employees of a logistics warehouse, Mr SHIU Ka-fai expressed concern about the risk of transmission of the disease through air freight and sought information on the arrangement in the handling of goods imported into Hong Kong via air.</p> <p>The Administration advised that the epidemiological investigations and relevant contact tracing on the two confirmed cases were ongoing. It stressed that the main mode of transmission of COVID-19 was through respiratory droplets and there was no scientific evidence indicating that COVID-19 could be transmitted via the packaging of goods.</p>	
003229 - 003827	Chairman Mr Wilson OR Admin	Mr Wilson OR considered that the Administration should make the information on the exemption arrangements easily accessible to members of the trade. He also urged the Administration to further expand the coverage of the exemption scheme to facilitate the travel needs of more	

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		<p>sectors and members of the public.</p> <p>The Administration advised that to enable the trade and the public to gain an overview of the exemption schemes in place, the relevant information had been posted on the COVID-19 Thematic Website. It had 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 was the coordination effort to arrange Hong Kong cross-boundary goods vehicle drivers to receive nucleic acid testing at the Mainland boundary crossing points in order to meet the relevant anti-pandemic requirement of the Mainland authorities.</p>	
003828 - 005000	<p>Chairman Mr SHIU Ka-fai Admin Mr CHAN Chun-ying</p>	<p>Mr SHIU Ka-fai queried about the risk of transmission of COVID-19 through contaminated packaging of imported goods. In response, the Administration reiterated that the main mode of transmission of COVID-19 was through respiratory droplets. On average, the virus causing COVID-19 could survive on a surface for about 72 hours. It was therefore necessary for members of the public to maintain strict personal and environmental hygiene.</p> <p>Mr SHIU Ka-fai and Mr CHAN Chun-ying requested the Administration to assess the risk of the import of COVID-19 virus into Hong Kong through air freight from foreign places and consider conducting random viral tests on goods imported into Hong Kong via air.</p>	Admin
005001 - 005437	<p>Chairman Mr CHAN Chun-ying Admin</p>	<p>Noting that the owner of certain enterprises or companies with operations or factories in the Mainland, provided certain conditions were met, as well as up to one personnel employed and so authorized by the enterprise or the company concerned, were eligible for exemption from the quarantine requirement, Mr CHAN Chun-ying sought clarification as to whether the one personnel could be rotated on each occasion. He remained concern about the reason why personnel of financial institutions and securities companies were not exempted and asked whether a mechanism was in place to ensure consistency in exemption criteria across bureaux.</p> <p>The Administration advised that the office of the Chief Secretary had maintained communication with different bureaux on the exemption criteria. FHB would also give advice from the public health perspective to the relevant bureaux on individual exemption schemes. It would reply in writing on the question of whether the one personnel could be rotated on each occasion.</p>	Admin
005438 - 010433	<p>Chairman Admin</p>	<p>The Chairman's concern about the serious inconvenience experienced by prospective tenants who had accepted the advance housing offer of Chun Yeung Estate due to the deferred intake arising from the Administration's use of the Estate as a temporary quarantine centre since February 2020. She expressed dissatisfaction that while</p>	

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		<p>there were other quarantine facilities to meet present needs, the Administration continued to use the Estate as its major quarantine centre and had yet announced a timetable for ceasing its use.</p> <p>The Administration advised that arrangements were 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 centres including Chun Yeung Estate. Hence, it was necessary for the Administration to keep the existing quarantine facilities, with the major one being Chun Yeung Estate which provided some 3 000 units, for the time being in order to cope with the quarantine need that might arise. If the epidemic situation stabilized and there was no local community outbreak with unknown sources of infection by the time the construction of the 1 500-odd additional quarantine units at Penny's Bay was completed in phases between July and September 2020, the Administration would cease the use of Chun Yeung Estate as the quarantine centre as soon as possible.</p> <p>The Chairman opined that 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. She requested the Administration to provide a target timetable for ceasing the use of Chun Yeung Estate as the quarantine centre and further financial relief to the affected tenants.</p>	Admin
010434 - 011357	Chairman Mr LUK Chung-hung Admin	Referring to the need of grassroots to commute between Hong Kong and the Mainland for family and work purposes, Mr LUK Chung-hung urged the Administration to step up its efforts to discuss proactively with the Mainland and Macao authorities to meet the travel needs in this regard. In particular, Hong Kong should develop its own health code system to enable mutual recognition of viral test results among Mainland, Macao and Hong Kong. The Administration reiterated its efforts made in this regard under the framework of joint prevention and control and advised that it was exploring the development of a "Hong Kong Health Code" system. Details of the arrangement would be announced when available.	
011358 - 011516	Chairman Mr SHIU Ka-fai Admin	At the request of Mr SHIU Ka-fai, the Administration undertook to advise in writing the eligibility of the retail sector for exemption from compulsory quarantine arrangement and the feasibility of conducting random viral tests on goods imported into Hong Kong via air.	Admin
011517 - 011536	Chairman Admin	Commencement of examination of the Chinese text of the provisions of L.N. 46 to 50 of 2020	
011537 - 011947	Chairman Admin	<u>Examination of L.N. 48 of 2020</u>	

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011948 - 012406	Chairman	<u>Examination of L.N. 46, 47, 49 and 50 of 2020</u>	
012407 - 012421	Chairman ALA3	Legal Adviser to the Subcommittee confirmed that no difficulties relating to the legal and drafting aspects of the English text of the above items had been identified.	
012422 - 012541	Chairman	Briefing by the Administration on the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 3) Regulation 2020 (L.N. 82 of 2020)	
012542 - 012909	Chairman Admin	The Chairman enquired about the requirements in place to minimize the health risk of group gathering during a religious activity. The Administration advised that it was provided for in L.N. 82 of 2020 that measures had to be in place for restricting the number of participants in the activity to not more than 50% of the number of persons that might normally be accommodated on the premises as a place of worship. However, having regard to the diversity of rituals and practices of different religions, only the overarching principles were set out in the legislative provision. As for other standard hygiene requirements and social distancing measures, they would 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 had already worked out individual sets of guidelines which could best suit their own religious needs based on the health advice of the Department of Health for religious assemblies.	
012910 - 012922	Chairman	At 10:25 am, the Chairman informed members of her decision to extend the meeting for not more than 15 minutes	
012923 - 013101	Admin	<u>Examination of L.N. 82 of 2020</u>	
013102 - 013115	ALA7	Legal Adviser to the Subcommittee confirmed that no difficulties relating to the legal and drafting aspects of the English text of the above item had been identified.	
<i>Agenda item II: Any other business</i>			
013116 - 013200	Chairman	Closing remarks	