

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1483/19-20

(These minutes have been  
seen by the Administration)

Ref : CB2/SS/2/19

**Subcommittee on Subsidiary Legislation  
Relating to the Prevention and Control of Disease**

**Minutes of the fifth meeting  
held on Monday, 15 June 2020, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

**Members present :** Hon CHAN Hoi-yan (Chairman)  
Hon YIU Si-wing, BBS  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, 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

**Member attending :** Hon CHAN Hak-kan, BBS, JP

**Members absent :** Hon MA Fung-kwok, SBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon KWOK Wai-keung, JP

**Public Officers attending :** Item II

Dr CHUI Tak-yi, JP  
Under Secretary for Food and Health

Mr Howard CHAN Wai-kee, JP  
Deputy Secretary for Food and Health (Health)<sup>1</sup>  
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 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

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

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

Miss Celia HO Wai-kwan  
Government Counsel  
Department of Justice

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

**Staff in attendance** : Miss Rachel DAI  
Assistant Legal Adviser 2

Miss Kay CHU  
Senior Council Secretary (2) 5

Mr Ronald LAU  
Council Secretary (2) 5

Miss Maggie CHIU  
Legislative Assistant (2) 5

Mr Kent CHAN  
Clerical Assistant (2)5

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**I. Confirmation of Chairmanship**

Members noted that as agreed at the House Committee meeting held on 5 June 2020, 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 should also study four items of subsidiary legislation made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) and gazetted on 2 June 2020 (i.e. L.N. 116 to L.N. 119 of 2020) and reopen its membership. The Subcommittee was renamed the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease with Mr YIU Si-wing joining as a new member.

2. Members confirmed Ms CHAN Hoi-yan as the Chairman of the Subcommittee.

**II. Meeting with the Administration**

[File Ref.: L.N. 116 to L.N. 119 of 2020, Legislative Council Brief issued by the Food and Health Bureau on 5 June 2020, LC Paper Nos. LS91/19-20, CB(2)1189/19-20(01) to (04)]

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

Examination of four items of subsidiary legislation relating to immigration control measures and social distancing measures

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

- (a) the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 3) Regulation 2020 (L.N. 116 of 2020);
- (b) the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 2) Regulation 2020 (L.N. 117 of 2020);

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- (c) the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 3) Regulation 2020 (L.N. 118 of 2020); and
- (d) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 4) Regulation 2020 (L.N. 119 of 2020).

Follow-up actions required of the Administration

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5. The Administration was requested to provide after the meeting the following information for onward circulation to members of the Subcommittee for consideration:

- (a) advise the progress of the development of a local health code system to enable persons arriving at the Mainland and Macao from Hong Kong who were tested negative for coronavirus disease 2019 ("COVID-19") by a recognized laboratory within a specified period of time be excluded from the 14-day compulsory quarantine requirement imposed by the relevant authorities, including the sharable data under the system, target implementation timetable, target groups and measures, if any, to be put in place to lower the cost of testing; and
- (b) advise its timetable to further relax and ultimately lift the social distancing measures under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) and the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) with a view to resuming social activities gradually and minimizing the adverse impact on businesses which have been hard hit by the COVID-19 pandemic and the anti-epidemic measures.

Legislative timetable

6. Members noted that the deadline for giving notice of amendment to L.N. 116 to L.N. 119 of 2020 was 17 June 2020. Since the Subcommittee had no opportunity to report its deliberation to the House Committee before the said date, members agreed that the Chairman would give notice to move a proposed resolution at the Council meeting of 24 June 2020 to extend the scrutiny period of these four items of subsidiary legislation. If the proposed resolution was passed at the relevant Council meeting, the

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period for amending these four items of subsidiary legislation would be extended to the first Council meeting of the next legislative session.

*(Post-meeting note:* The motion was not dealt with at the Council meeting of 24 June 2020 before the adjournment of the meeting. As such, the period for amending L.N. 116 to L.N. 119 of 2020 expired at the Council meeting of 24 June 2020.

The Administration's response was issued to members vide LC Paper No. CB(2)1264/19-20(02) on 26 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. 116 to L.N. 119 of 2020. The Chairman has reported the deliberations of the Subcommittee on these four items of subsidiary legislation to the House Committee on 3 July 2020.)

**III. Any other business**

7. There being no other business, the meeting ended at 12:36 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 September 2020

**Proceedings of the fifth meeting of the  
Subcommittee on Subsidiary Legislation  
Relating to the Prevention and Control of Disease  
on Monday, 15 June 2020, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
<i>Agenda item I: Confirmation of Chairmanship</i>			
000749 - 001047	Chairman	Opening remarks  Members confirmed Ms CHAN Hoi-yan as the Chairman of the Subcommittee	
<i>Agenda item II: Meeting with the Administration</i>			
001048 - 001324	Chairman Admin	Briefing by the Administration on L.N. 116 to L.N. 119 of 2020	
001325 - 002025	Chairman Mr CHAN Chun-ying Admin	Mr CHAN Chun-ying's enquiries about (a) whether the exemption from compulsory quarantine requirement would continue to be granted to relevant persons upon the implementation of mutual recognition of virus test results between Guangdong Province and Hong Kong and that between Macao and Hong Kong through the "Health Codes" of the three places; and (b) the scope of the to-be-introduced "Health Codes" system.  The Administration replied in the positive to the first question and advised that unless being excluded from the requirement subject to meeting certain specified conditions (such as obtaining a negative coronavirus disease 2019 ("COVID-19") test result) in respect of arrivals from a Category 2 specified place, or being exempted pursuant to section 4 of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) or the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E), arrivals from Category 1 and Category 2 specified places both within and outside China would be subject to compulsory quarantine. The Administration was in discussion with the relevant authorities of Guangdong Province and Macao on the implementation of "Health Codes" taking into account public health risks as well as administrative and capacity considerations.	
002026 - 002607	Chairman Mr Vincent CHENG Admin	Mr Vincent CHENG expressed disappointment about the slow progress of the introduction of the "Health Codes" system among the three places and called on the Administration to extend the coverage of the exemption from compulsory quarantine arrangement to grassroots workers. Holding the view that the cost for nucleic acid tests for COVID-19 in Hong Kong was too high when compared with that of the Mainland and Macao, he urged the Administration to make an effort to lower the costs	

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		<p>and introduce more service providers.</p> <p>The Administration assured members that it would announce the details of the implementation of the "Health Codes" system as soon as practicable after the relevant discussions with the relevant authorities of Guangdong Province and Macao had been concluded. Separately, there were currently more than 30 exemption schemes in place covering personnel of different trades. Given the volatility of the epidemic situation, it was necessary for the Administration to take a prudent approach in relaxing the border control measures. As regards the cost of viral tests, it was expected that the cost would be lowered with increase in market competition. The Administration was working with the service testing sector on streamlining the test work flow as well as bringing down the cost.</p>	
002608 - 003230	Chairman Mr YIU Si-wing Admin	Mr YIU Si-wing urged the Administration to strike a balance between upholding public health protection and allowing room for gradual resumption of economic activities and to reopen the boundary control points in phases, with resuming travel between Hong Kong and Macao as the first phase. The Administration elaborated on the existing port health and social distancing measures in place which were formulated with due regard to public health considerations as well as social and economic needs, and advised that the amendments to Cap. 599C and Cap. 599E introduced under L.N. 116 and L.N. 117 of 2020 would allow for imposition of differential quarantine measures based on the respective public health risk levels of different places.	
003231 - 003654	Chairman Mr Christopher CHEUNG Admin	Mr Christopher CHEUNG called for the Administration to cover management staff of the financial services sector in the scope of exemption from compulsory quarantine arrangement, and include Mainland residents working in Hong Kong in the coverage of the future "Health Codes" system to meet the travel needs of, among others, personnel of the financial services sector. The Administration advised that the Food and Health Bureau would relay member's views on the exemption schemes to the Financial Services and the Treasury Bureau for consideration.	
003655 - 004431	Chairman Ir Dr LO Wai-kwok Admin	<p>Expressing concern about the absence of arrangements for business travellers from Hong Kong to the Mainland to be exempted from the 14-day quarantine requirement imposed by the Mainland authority, Ir Dr LO Wai-kwok suggested the introduction of a "Health Code" system for the Guangdong-Hong Kong-Macao Greater Bay Area to facilitate cross-boundary flow of people within the Area.</p> <p>The Administration explained that, apart from health declaration purpose for entering the Guangdong Province, the "Yuekang Code" system of Guangdong was being used for various purposes. However, the "Hong Kong Health Code" system which was under development was intended to be used solely for the</p>	

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		purpose of enabling mutual recognition of COVID-19 test results for entering Guangdong, Hong Kong and Macao without collecting information on the movement of the person concerned within each place which might involve privacy issues.	
004432 - 005206	Chairman Mr SHIU Ka-fai Admin	<p>On Mr SHIU Ka-fai's enquiry about exempting personnel of the retail sector from compulsory quarantine, the Administration advised that a criterion for being designated as categories of persons for exemption from the quarantine requirement was that the travelling of the persons concerned was necessary for purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong's economic development. Member's views in this regard had been relayed to the relevant bureau(x) for consideration.</p> <p>Mr SHIU Ka-fai sought information on the privacy issue involved under the "Hong Kong Health Code" system and urged the Administration to set a timetable for the introduction of the system. The Administration reiterated the different functions of the "Yuekang Code" system and the "Hong Kong Health Code" system. It stressed that there was a need to take a prudent approach in lifting any quarantine requirements for persons travelling between the three places as the epidemic situation of Hong Kong remained volatile.</p>	
005207 - 010311	Chairman Admin	<p>The Chairman opined that the prudent approach taken by the Administration in the implementation of the "Health Codes" system was not consistent with its decisions to allow the reopening of theme parks and the holding of the Hong Kong Book Fair. The Administration advised that any lifting of the anti-epidemic measures in place would be made in a prudent and orderly manner with a view to gradually resuming normal economic activities of the society if situation permitted. It would continue to adopt a containment strategy to prevent community outbreaks of the disease.</p> <p>Noting that a remarkable number of foreign domestic helpers would come to work in Hong Kong in the coming months which might boost the demand for quarantine facilities, the Chairman urged the Administration to leave Chun Yeung Estate out of the list of quarantine facilities to enable an early intake of its prospective tenants. The Administration advised that employers had an obligation to bear the accommodation expenses of their foreign domestic helpers. While foreign domestic helpers were expected to stay at their employers' residence during the compulsory quarantine period, they could also stay at hotels if their employers had so arranged. The Administration had been exploring suitable arrangements with the hotel industry in this regard.</p>	
010312 -	Chairman	Mr YIU Si-wing expressed concern that it was more	



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011622	Mr YIU Si-wing Admin	<p>expensive to take nucleic acid tests in Hong Kong, where the cost of each test ranged from \$1,000 to \$4,000, than in Macao, Shenzhen and Zhuhai. In his view, the Administration should have a role to play in lowering the price of testing. For instance, the specimens collected for viral tests could be processed and tested centrally by the laboratory of The University of Hong Kong-Shenzhen Hospital to cut down the price. The Administration advised that it had been bringing down the price of nucleic acid tests by increasing market competition. At the same time, it was working with the private testing sector to actively explore ways to further lower the costs as much as possible.</p> <p>Mr YIU Si-wing urged the Administration to (a) broaden the scope of group gathering exemptions under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) to include group gatherings held at catering business premises such that wedding and other banquets and gathering of families or friends of a larger scale could be resumed; (b) further relax the number of persons constituting a prohibited group gathering as far as the health risk assessment permitted to meet the policy objective of the Green Lifestyle Local Tour Incentive Scheme earlier rolled out by the Commerce and Economic Development Bureau to boost local tourism and related sectors including catering; and (c) apply the "travel bubble" concept in Hong Kong to introduce bilateral arrangement of relaxation of essential travel with another country or place to a certain extent.</p> <p>The Administration took note of the suggestions and assured members that it would review the various measures in place from time to time according to the epidemic development and maintain communication with the trade. In the meantime, there was still a need to continue imposing suitable restrictions on public gatherings, especially to contain the risk of disease transmission in large-scale unrestricted group gatherings.</p>	
011623 - 012315	Chairman Mr Vincent CHENG Admin	<p>Mr Vincent CHENG was concerned about the higher costs of nucleic acid tests in Hong Kong as compared to those in nearby cities. He considered it undesirable to leave it to market forces to find the equilibrium price and the Administration should spare no efforts to reduce the price. He also urged the Administration to consider the travel need of not only those who were on official duty or business travel but also cross-boundary families and grassroots persons who had a genuine need to travel between Guangdong Province and Hong Kong for purposes such as taking care of family members or earning a living.</p> <p>The Administration reiterated the efforts it had made to bring down the price of viral tests, the latest amendments</p>	

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		to Cap. 599C and Cap. 599E introduced under L.N. 116 and L.N. 117 of 2020, and the progress of its discussion with the relevant authorities of the Guangdong Province and Macao on mutual recognition of viral test results to facilitate cross-boundary movement of people among the three places.	
012316 - 012652	Chairman Mr YIU Si-wing Admin	Mr YIU Si-wing remarked that the Administration should render assistance to those grassroots who had an urgent need to travel to the Mainland but were not able to afford the viral test services offered by the private sector. The Administration took note of the suggestion.  In reply to Mr YIU Si-wing's enquiry on the relaxation of social distancing measures, the Administration advised that adjustments, if any, to the measures implemented under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) and the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation could be made through directions to be published in the gazette and amendment regulations.	
012653 - 012710	Chairman	The Chairman requested the Administration to advise in writing the latest progress of the various issues raised by members on the "Hong Kong Health Code" system and the further relaxation of the social distancing measures, if any.	<b>Admin</b>
012711 - 012738	Chairman	Commencement of examination of the provisions of L.N. 116 to L.N. 119 of 2020	
012739 - 014013	Chairman Admin Mr YIU Si-wing	<u>Examination of L.N. 116 of 2020</u>  Mr YIU Si-wing enquired how the Administration could ensure that a person who arrived at Hong Kong from the Mainland, Macao or Taiwan had not stayed in high-risk place(s) before. The Administration advised that all inbound travellers had to self-declare the health and quarantine information truthfully to the staff of the Department of Health upon entering Hong Kong. It would be a criminal offence for any person to provide false or misleading travel history to the health officer.	
014014 - 015125	Chairman Admin Mr YIU Si-wing	<u>Examination of L.N. 117 of 2020</u>  Mr YIU Si-wing enquired whether a place outside China as referred to in Cap. 599E was confined to a country but not any region or area within a country. While replying in the negative, the Administration advised that consideration would be given to whether people were free to travel among places of different public health risks within the country concerned when different quarantine requirements were to be imposed on different regions or areas of a particular country.	
015126 - 015352	Chairman Mr YIU Si-wing	<u>Examination of L.N. 118 and L.N. 119 of 2020</u>	

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	Admin	Mr YIU Si-wing enquired whether all social distancing measures could be lifted before the expiry of Cap. 599F and Cap. 599G if the local public health situation so permitted. The Administration replied that the directions issued by the Secretary for Food and Health ("SFH") under Cap. 599F and Cap. 599G giving effect to the social distancing measures could not exceed 14 days each time. If and when the epidemic situation had been brought under complete control, the social distancing measures could be lifted simply by way of SFH not issuing any directions under the two regulations.	
<i>Agenda item III: Any other business</i>			
015353 - 015451	Chairman Admin	Legislative timetable  Closing remarks	

Council Business Division 2  
Legislative Council Secretariat  
14 September 2020