

## LEGISLATIVE COUNCIL BRIEF

### Prevention and Control of Disease Ordinance (Chapter 599)

#### PREVENTION AND CONTROL OF DISEASE ORDINANCE (AMENDMENT OF SCHEDULE 1) NOTICE 2020 PREVENTION AND CONTROL OF DISEASE (AMENDMENT) REGULATION 2020

### INTRODUCTION

On 8 January 2020, the Secretary for Food and Health, in exercise of the powers conferred by section 7 of the Prevention and Control of Disease Ordinance (Cap. 599) (the “Ordinance”), will make the Prevention and Control of Disease (Amendment) Regulation 2020 (the “Amendment Regulation”) and the Director of Health (the “Director”), in exercise of the powers conferred by section 15 of the Ordinance, will make the Prevention and Control of Disease Ordinance (Amendment of Schedule 1) Notice 2020 (the “Notice”). The Amendment Regulation and Notice are at [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 control measures for infectious diseases.<sup>1</sup>

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<sup>1</sup> 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.

3. Section 4 of the Regulation requires medical practitioners to notify the Director if they have reason to suspect the existence of a case of any of the scheduled infectious diseases set out 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. The Director regularly reviews the list of infectious diseases in Schedule 1 to the Ordinance, which are statutorily notifiable by medical practitioners in order to ensure maximal protection against infectious diseases. Under section 15 of the Ordinance, the Director may by notice published in the Gazette amend the Schedules to the Ordinance. At present, there are 50 scheduled infectious diseases listed in Schedule 1 to the Ordinance.

5. Section 56 of the Regulation defines specified diseases. Section 57 empowers prohibition of suspected patients and contacts of a specified disease from leaving Hong Kong, and section 59 empowers the taking of body temperature of travellers at a point of entry as a measure for preventing the introduction into and transmission from Hong Kong of a specified disease.

#### “Severe Respiratory Disease associated with a Novel Infectious Agent”

6. “Severe Respiratory Disease associated with a Novel Infectious Agent” refers to a cluster of pneumonia cases of unknown aetiology with serious clinical condition in some of the cases which started in Wuhan of the Mainland in December 2019. It is a respiratory disease caused by a novel pathogen with potential significant public health impact, e.g. the possibility to cause widespread epidemics, causing significant morbidity and mortality in the community. The novel pathogen causing the disease, which may or may not have the property of efficient human-to-human transmission, could be an unknown pathogen or a known pathogen that is not known to cause disease in human before but has subsequently changed its property and become capable of causing disease in human. The disease may have the potential to lead to international spread and public health emergency and pose major public health risks in terms of serious disease burden, morbidity and mortality.

7. Hong Kong was hit by a few novel infectious diseases in the last two decades: avian influenza in 1997, Severe Acute Respiratory Syndrome (“SARS”) in 2003 and Influenza A(H1N1) pandemic in 2009. In 2018, the

World Health Organization (“WHO”) also added “Disease X”, an infectious disease of unknown pathogen, to its Blueprint list of priority diseases because of its public health risk and epidemic potential, and call for its Member States to strengthen their preparedness and response to “Disease X” as far as possible.

8. According to the latest information, there were a total of 59 pneumonia cases in the Mainland with unknown cause with epidemiological linkage to a local market in Wuhan of Hubei (as of 5 January 2020). Among them, at least 11 cases were in serious condition.

9. The Wuhan Municipal Health Commission reported that there was so far no evidence of definite human-to-human transmission and no healthcare workers have been infected. However, infectious disease experts in Hong Kong considered that the outbreak situation appeared to be similar to the early phase of the SARS outbreak in 2003 and the possibilities of human-to-human transmission could not be excluded.

10. The causative pathogen and cause of “Severe Respiratory Disease associated with a Novel Infectious Agent” are still under investigation by the Mainland health authorities. Since the causative pathogen is still unknown, there is no vaccine to prevent the disease at present. The mainstay of prevention is to identify any cases of severe respiratory symptoms caused by novel pathogen with possible exposure to high risk areas, i.e. Wuhan, and to promptly carry out public health measures to prevent the spread of disease to Hong Kong. At present, “Severe Respiratory Disease associated with a Novel Infectious Agent” is not a notifiable disease under the Ordinance and hence the Director does not have the legal power to effectively handle confirmed or suspected cases if the patients are uncooperative and refuse to, for example, be isolated or quarantined.

11. If “Severe Respiratory Disease associated with a Novel Infectious Agent” turns out to be a very serious disease with efficient human-to-human transmission like SARS, it would be disastrous to Hong Kong if there were any delay in implementing preventive and control measures. The addition of “Severe Respiratory Disease associated with a Novel Infectious Agent” as a scheduled infectious diseases to Schedule 1 of the Ordinance is important to the effective prevention and control of infectious diseases in Hong Kong.

12. Apart from control and prevention of spread of infectious diseases in Hong Kong, the Regulation also provide measures to prevent the introduction into and transmission from Hong Kong of specified diseases. In particular, section 57 provides for prohibiting suspected persons and contacts of a specified disease from leaving Hong Kong and section 59 empowers the taking of body temperature of travellers at a point of entry. Specified diseases are defined in section 56 of the Regulation as a scheduled infectious disease specified in that provision and include SARS. The Regulation was made by the Secretary for Food and Health by virtue of the power under section 7 of the Ordinance. The addition of “Severe Respiratory Disease associated with a Novel Infectious Agent” to the list of specified diseases in section 56 is important to the effective prevention and control of infectious diseases being exported from Hong Kong.

13. At present, there is a sensitive laboratory surveillance system in Hong Kong for known infectious agents associated with respiratory diseases, such as Middle East Respiratory Syndrome Coronavirus and SARS coronavirus. Given the potential unpredictable behaviour of the present novel infectious agent and the fact that majority of the population has no immunity against this novel infectious agent, vigilance and close monitoring is needed for “Severe Respiratory Disease associated with a Novel Infectious Agent”. Upon detection of any such cases, the Centre for Health Protection (“CHP”) will conduct epidemiological investigation, contact tracing and other necessary control measures, to ascertain and contain the extent of transmission of infection.

14. Once a specific infectious agent related to “Severe Respiratory Disease associated with a Novel Infectious Agent” is identified, the name of the disease in Schedule 1 will be revised and the identified infectious agent will be added to Schedule 2 to the Ordinance.

#### **THE NOTICE AND AMENDMENT REGULATION**

15. The Notice amends Schedule 1 to the Ordinance by adding “Severe Respiratory Disease associated with a Novel Infectious Agent” as item 34AAA under the Schedule.

16. The Amendment Regulation 2020 amends section 56 of the Regulation by adding “Severe Respiratory Disease associated with a Novel Infectious Agent” to the list of specified diseases.

17. The Notice and Amendment Regulation will be gazetted on 8 January 2020 for commencement of operation on the same date.

## **LEGISLATIVE TIMETABLE**

18. The legislative timetable is as follows –

Publication in the Gazette	8 January 2020
Tabling at Legislative Council	15 January 2020

## **IMPLICATIONS**

19. The Notice and Amendment Regulation are in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance and have no economic, financial, civil service, environmental, family or gender implications. It strengthens Hong Kong's capabilities in the prevention and control of diseases 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**

20. In view of the latest development and the severity of the disease, members of the public and healthcare professionals are expected to welcome the proposal which would strengthen our capability to enhance the surveillance of the disease in Hong Kong.

## **PUBLICITY**

21. The Department of Health ("DH") issued a press release on 7 January 2020 regarding the Notice. It has also informed medical practitioners in Hong Kong of the changes in notification requirements. A spokesman from the DH is available to answer media enquiries.

## **OTHERS**

22. For enquiries on this brief, please contact Dr S K CHUANG, Head, Communicable Disease Branch, CHP (Tel: 2125 2200).

**Food and Health Bureau  
Department of Health  
7 January 2020**

## Prevention and Control of Disease Ordinance (Amendment of Schedule 1) Notice 2020

(Made by the Director of Health under section 15 of the Prevention and Control of Disease Ordinance (Cap. 599))

### 1. Prevention and Control of Disease Ordinance amended

The Prevention and Control of Disease Ordinance (Cap. 599) is amended as set out in section 2.

### 2. Schedule 1 amended (scheduled infectious diseases)

Schedule 1, after item 34—

#### Add

“34AAA. Severe respiratory disease associated with a novel infectious agent (嚴重新型傳染性病原體呼吸系統病)”.



Director of Health

7 January 2020

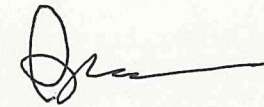
## Explanatory Note

This Notice adds “Severe respiratory disease associated with a novel infectious agent” to the list of scheduled infectious diseases in Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599). Under section 4 of the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A), a medical practitioner who has reason to suspect the existence of a case of the newly added infectious disease must notify the Director of Health immediately.

## **Prevention and Control of Disease (Amendment) Regulation 2020**

(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(e)—  
**Repeal**  
“and”.
  - (2) Section 56(f)—  
**Repeal the full stop**  
**Substitute a semicolon.**
  - (3) After section 56(f)—  
**Add**  
“(g) Severe respiratory disease associated with a novel  
infectious agent.”.



Secretary for Food and Health

7 January 2020



**Explanatory Note**

This Regulation adds “Severe respiratory disease associated with a novel infectious agent” to the list of specified diseases set out in section 56 of the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A).