

LEGISLATIVE COUNCIL BRIEF

PREVENTION AND CONTROL OF DISEASE ORDINANCE (CAP.599)

COMPULSORY QUARANTINE OF PERSONS ARRIVING AT HONG KONG FROM FOREIGN PLACES REGULATION

INTRODUCTION

At the meeting of the Executive Council on 18 March 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Annex A Places Regulation (“the Regulation”) at Annex A should be made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”) to mandate that a person who has stayed in a country / territory outside China or a place specified by the Secretary for Food and Annex B Health (“SFH”) by a notice published in the Gazette (see Annex B) for any period of time during 14 days preceding the date of arrival would, regardless of nationality and travel documents used, be subject to compulsory quarantine for 14 days, and be tabled at the Legislative Council (“LegCo”).

PRESENT POSITION

Latest global situation of COVID-19

2. The fight against Coronavirus Disease-19 (“COVID-19”) has been extremely challenging. With the implementation of various measures in China and Hong Kong to curb passenger traffic and flow, and with the implementation of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) on 8 February 2020 to deter cross-boundary traffic between Hong Kong and the Mainland China, the COVID-19 situation inside Mainland China and Hong Kong seemed to have stabilised.

3. Since mid-February 2020, however, there has been a surge in

COVID-19 cases globally. Widespread local transmission and deaths have been recorded in some countries including Korea, Italy and Iran. The situation further deteriorated since early March when countries like the United Kingdom (“UK”), the United States (“US”) and some other European countries recorded a rapid increase in local transmitted cases.

4. The World Health Organization (“WHO”) has declared that COVID-19 could be characterised as a pandemic on 11 March 2020. As at 16 March 2020, countries / territories / areas outside China reported more than 86 000 COVID-19 cases (including some 14 000 new cases and almost 3 400 deaths so far). There were more cases reported outside China than that reported in China (around 81 000 confirmed cases and only 29 new cases). Since 15 March 2020, the number of new cases imported into Mainland China has also exceeded its number of locally transmitted cases. WHO indicated that the epicentre of the outbreak has shifted from China to Europe.

5. As for Hong Kong, recently, the new cases were dominated by imported or import-related cases. In the past 14 days (from 3 to 16 March 2020), among the 57 cases reported in Hong Kong, 34 (59.6%) are imported cases and another 8 cases (14.0%) had travel history outside Hong Kong during part of their incubation period. For the remaining cases, 8 were close contacts of the above cases with travel history.

6. We have adopted a systematic framework to assess the public health risk of the global spread of COVID-19 and such risk posed to Hong Kong, taking into account the following factors –

- (a) **Epidemiological analysis:** the number of confirmed cases, the incidence per million population, the trends and fatality rates, etc.
- (b) **Government response:** how the government of the affected area has responded to COVID-19, like whether reporting has been transparent, whether testing has been conducted seriously and extensively, and whether the strategy is one of containment or mitigation; and
- (c) **Links with Hong Kong:** the risk assessment is affected by the intimacy of the travel and business/economic ties between Hong Kong and the affected place. Popular outbound tourist destinations like Korea, Japan have thus been our focus.

Outbound Travel Alerts (“OTAs”) and inbound surveillance measures

7. In the light of our public health risk assessments, the Government has actively implemented OTAs and inbound surveillance measures to reduce passenger flow between Hong Kong and the countries / territories as detailed below –

(a) Outbound travel alerts

Annex C 8. Over the past months since the outbreak of COVID-19, the Government has issued Red OTAs in COVID-19 high-risk countries / territories. Details of the OTAs are set out in Annex C. Members of the public are advised to adjust travel plans and avoid non-essential travel to these countries. On 17 March 2020, the Government further issued Red OTAs on **all overseas countries / territories** based on public health considerations.

(b) Inbound surveillance measures

Annex D 9. DH has been reviewing and will adjust in a timely manner the health quarantine measures in view of the latest developments and risk in different countries / territories. Details of the quarantine arrangements implemented so far are set out in Annex D.

CHALLENGES ENCOUNTERED

10. We have all along adopted a risk-based approach so that individuals more susceptible to risks of infecting COVID-19, including close contacts of confirmed COVID-19 cases and contacts in clusters (like passengers from the World Dream cruise, passengers from Diamond Princess, residents from Cheung Hong Estate, returnees from Hubei, residents of Fu Heng Estate, etc.) would be observed in quarantine centres, whereas for individuals with relatively lower risks, if an authorized officer considers it prudent and appropriate, a person can quarantine at a self-nominated location (as allowed under Cap 599C).

11. When we initially rolled out the quarantine arrangements to a limited number of high-risk areas (e.g. Daegu and Gyeongsangbuk-do in Korea on 25 February 2020; Lombardy, Veneto and Emilia-Romagna of Italy and Iran on 1 March 2020), we managed to require all inbound travellers who have visited these places to observe the quarantine requirement in our **quarantine**

centres. We were reasonably confident that this would not undermine our capacity to cope with the requirements for close contacts and occasional clusters.

12. However, as the extent of the inbound quarantine requirements keeps stretching – from covering parts of France, Spain, Germany and Hokkaido on 14 March 2020, to all 26 countries of the Schengen area on 17 March 2020 and the UK, US, Ireland and Egypt on 19 March 2020, it became increasingly obvious that sending travellers from the most part of the world to quarantine centres would undermine our ability to serve the needs of close contacts and higher risk contacts occasioned by incidents due to the finite capacity of the centres. We have adjusted our quarantine requirements and permitted travellers, who are individuals with risks relatively lower than those of close contacts and contacts in clusters, from affected places to serve their **quarantine at home**.

13. Further to our decision on 17 March 2020 to extend the Red OTA alert and quarantine requirements to the world outside of China, we see a real need to extend the quarantine options to **self-nominated places not limited to one’s residence**, when an authorized officer considers it prudent and appropriate. Since the quarantine provisions under the Prevention and Control of Disease Regulation (Cap 599A) only provide for quarantine of persons reasonably believed to be a contact and do **not** envisage individuals presenting themselves in hotels during a quarantine, there is a need to replicate the special scheme under Cap 599C so that we can allow quarantine of individuals with relatively lower risks in self-nominated places including one’s residence or a place nominated by the individual, e.g. hotel.

14. Cap 599A empowers “health officers” to serve quarantine orders. As we now intend to impose quarantine orders on nearly all travellers disembarking from the airport, which could be around 16 000 a day, there is a practical need for “authorized officers” instead of just “health officers” to help with the logistical arrangements of serving quarantine orders. Accordingly, we **propose** a replicate of Cap 599C, which **recognizes the role of “authorized officers”**, to better serve our current purpose.

15. Besides, the **penalties** for giving false and misleading information and for breaching the quarantine requirements under Cap 599C and the Regulation are pitched at **level 4 (currently \$25,000) and imprisonment of six months**, as against level 2 (currently \$5,000) and imprisonment of six

months as stipulated in Cap 599A. Given the global emergency that has emerged and the need to prevent a second wave of confirmed cases imported by travellers, the Cap 599C model is deemed more appropriate.

16. We also **propose** to replicate the provision to **allow exceptions by the Chief Secretary for Administration** (“CS”) in our new scheme so that CS may designate any person or category of persons for exemptions to the compulsory quarantine orders. As we roll out the surveillance to the whole world other than China, the need for exemptions is clear.

17. Some experts have suggested that the global COVID-19 pandemic could last a couple of months until summer. Whilst stepping up our surveillance through the quarantine measures, we need to plan for stepping down or stepping up again based on our public health risk assessments. Experience over the past week strongly suggests that we need to stay nimble and react extremely quickly. As such, we **propose** to have the **flexibility to set out the** specified place by SFH by way of a General Notice in the Gazette. As the authority overseeing the public health matters and assessment of public health risk, it is considered that SFH is the appropriate authority with the relevant expertise to be entrusted with the power to specify the place outside China under the Regulation.

18. As with Cap 599C, we also **propose** that the Regulation should be valid for a time-limited three-month duration, **expiring on 18 June 2020**. Meanwhile, changes to the specified place under the Regulation can be promulgated through a General Notice.

PROPOSED ENHANCEMENT MEASURES

19. The Government has announced on 17 March 2020, based on public health considerations as far as COVID-19 is concerned, that all visitors coming from countries / territories / places outside than China would be subject to compulsory quarantine from 0 a.m. on 19 March 2020. We therefore propose to introduce the Regulation as enhanced measures for the purposes of preventing, combating and alleviating the effects of the public health emergency and protecting public health and thus to mandate all persons arriving at Hong Kong from a place outside China or having stayed in a place outside China for any period of time during the 14 days before the date of arrival, regardless of nationality and travel documents used, to be

subject to a compulsory quarantine for 14 days from the date of arrival in Hong Kong. In SFH's view, at this stage, the compulsory quarantine arrangements should be applied to any place outside China in view of the public health risk of the global spread of COVID-19 and such risk posed to Hong Kong. Immediately upon commencement of the Regulation, SFH will by a notice published in the Gazette specify any place outside China for the purpose of the compulsory quarantine. Any updates to the specified place by SFH will be made by a notice published in the Gazette having regard to the extent of the spread of COVID-19 in the place and the public health risks posed to Hong Kong by people arriving from that place or who have stayed in that place.

20. As with the arrangement for arrivals from the Mainland under Cap. 599C, we propose to empower CS to exempt certain person or category of persons providing specified services etc. from the compulsory quarantine requirement. As such, the Regulation will provide exemption by the CS for the following persons / categories of persons that –

- (a) are necessary for the supply of goods or services required for the normal operation of Hong Kong or the daily needs of the people in Hong Kong;
- (b) are necessary for governmental operation;
- (c) are necessary for the protection of the safety or health of the people in Hong Kong or the handling of the health emergency; or
- (d) because of the exceptional circumstances of the case, otherwise serve the public interest of Hong Kong.

A breach of the compulsory quarantine requirement would be an offence and liable to a penalty of a fine at level 4 and imprisonment for six months.

OTHER OPTIONS

21. There are no other timely options other than making emergency regulations under the Ordinance having regard to the current situation of public health emergency.

THE REGULATIONS

22. The main provisions of the **Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation** are set out below

—

- (a) Section 3 provides for the compulsory quarantine arrangements and exceptions;
- (b) Section 4 empowers CS to grant exemption to persons who meet certain criteria;
- (c) Section 8 sets out the restrictions during a quarantine period;
- (d) Section 10 empowers an authorized officer to cancel a quarantine order in certain circumstances; and
- (e) Section 12 empowers SFH to specify places to which the Regulation applies.

The regulations would be valid for three months.

LEGISLATIVE TIMETABLE

23. The legislative timetable will be –

Publication in the Gazette	18 March 2020
Commencement	19 March 2020
Tabling at the Legislative Council	25 March 2020

IMPLICATIONS OF THE PROPOSAL

24. The proposal is in conformity with the Basic Law, including the provisions concerning human rights.

PUBLIC CONSULTATION

25. Given the exigency of the situation, public consultation is not feasible.

PUBLICITY

26. The Administration issued a press release on 18 March 2020. A spokesperson will be made available to respond to public or media enquiries.

BACKGROUND

27. Section 8 of the Ordinance empowers the Chief Executive in Council to make public health emergency regulation for the purposes of preventing, combating or alleviating the effects of a public health emergency and protecting public health. Among others, the occurrence of a novel infectious disease or the imminent threat of an epidemic that has a high probability of causing large number of deaths or serious disabilities (whether or not long term) constituted a public health emergency.

ENQUIRIES

28. For enquiries on this brief, please contact the Food and Health Bureau at 3509 8765.

**Food and Health Bureau
March 2020**

Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation

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Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation

(Made by the Chief Executive in Council under section 8 of the Prevention
and Control of Disease Ordinance (Cap. 599))

1. Commencement

This Regulation comes into operation on 19 March 2020.

2. Interpretation

In this Regulation—

assigned place of quarantine (指派檢疫地點) means a place
mentioned in section 6(a);

authorized officer (獲授權人員) means an authorized officer
appointed under section 11;

place of quarantine (檢疫地點) means—

(a) an assigned place of quarantine; or

(b) a place mentioned in section 6(b);

public health emergency (公共衛生緊急事態) means the public
health emergency within the meaning of section 8(5) of the
Ordinance concerning the disease specified in item 34AAA of
Schedule 1 to the Ordinance;

quarantine order (檢疫令) means an order made under section 3(1);

quarantine period (檢疫期) means the period of 14 days mentioned
in section 3(1).

3. Compulsory quarantine of certain persons arriving at Hong Kong

- (1) An authorized officer must, by written order, place a person who arrives at Hong Kong under quarantine for a period of 14 days beginning on the date of arrival if—
 - (a) the person arrives at Hong Kong from a place specified under section 12 (*specified place*); or
 - (b) the person has stayed in a specified place for any period of time during the 14 days before the date of arrival.
- (2) A quarantine order must specify the terms of quarantine.
- (3) An authorized officer may vary the terms of quarantine specified in a quarantine order.
- (4) The quarantine requirement under this section does not apply to a person—
 - (a) who arrives at the Hong Kong International Airport from a specified place or enters the waters of Hong Kong solely for the purpose of leaving Hong Kong and, while in Hong Kong, does not pass through immigration control;
 - (b) who falls within the description of subsection (1)(b) and, while in Hong Kong, does not pass through immigration control;
 - (c) who is designated under section 4(1); or
 - (d) who falls within a category of persons designated under section 4(1).
- (5) For the purposes of subsection (1)—
 - (a) a person who arrives at the Hong Kong International Airport on an aircraft that landed in Hong Kong after taking off in a specified place is not regarded as arriving

from that place if no person entered the cabin of the aircraft when the aircraft was in that place; and

- (b) a person on a ship that has stayed in or sailed through the waters of a place is not regarded as having stayed in that place if no person boarded the ship when the ship was in those waters.

4. Chief Secretary may exempt certain persons

- (1) The Chief Secretary for Administration (*Chief Secretary*) may designate any person or category of persons for the purposes of section 3(4)(c) or (d) if the Chief Secretary is satisfied 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.
- (2) The Chief Secretary may, if the Chief Secretary considers necessary, attach conditions to a designation.
- (3) The Chief Secretary may cancel or vary a designation or a condition attached to a designation.
- (4) A designation, attachment of conditions, cancellation or variation under this section must be made in writing.
- (5) A designation does not derogate from any power of a health officer under the Prevention and Control of Disease Regulation

(Cap. 599 sub. leg. A) concerning quarantine and isolation of persons.

5. Giving false or misleading information about status is offence

- (1) A person who is not designated under section 4(1) must not represent to any public officer that the person is so designated.
- (2) A person who does not fall within a category of persons designated under section 4(1) must not knowingly or recklessly give any information that is false or misleading in a material particular to any public officer with a view to making the officer believe that the person falls within that category of persons.
- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

6. Place of quarantine

A person placed under quarantine under section 3 must, during the quarantine period, be quarantined—

- (a) in a place assigned by an authorized officer; or
- (b) if an authorized officer considers it prudent and appropriate in the circumstances of the case—in a place nominated by the person when the quarantine order is made against the person.

7. Power to restrain persons for quarantine etc.

If a person placed under quarantine under section 3 is to be quarantined in an assigned place of quarantine (*the place*), an authorized officer may, for effecting the quarantine—

- (a) restrain the person and convey the person to the place; and

- (b) detain the person in the place.

8. Restrictions during quarantine

- (1) A person must not leave the place of quarantine in which the person is placed under quarantine under section 3 without permission given by an authorized officer.
- (2) A person must not, without permission given under subsection (3), knowingly enter an assigned place of quarantine in which another person is placed under quarantine under the Ordinance unless—
 - (a) the person is an authorized officer or a health officer; or
 - (b) the person is to be placed under quarantine under section 3 in the place.
- (3) An authorized officer may give written permission for the purposes of subsection (2) to any person or persons of any category specified in the permission to enter an assigned place of quarantine subject to the exceptions, conditions or restrictions specified in the permission.
- (4) A person against whom a quarantine order is made must not contravene the terms of quarantine specified in the order.
- (5) A person who, without reasonable excuse, contravenes subsection (1), (2) or (4) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

9. Giving false or misleading information to authorized officer is offence

A person who knowingly or recklessly gives any information that is false or misleading in a material particular to an authorized officer in connection with the performance of the officer's function under this Regulation commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

10. Cancellation of quarantine order

- (1) This section applies to a person placed under quarantine under section 3 if, during the quarantine period—
 - (a) the person is designated under section 4(1);
 - (b) a category of persons within which the person falls is designated under section 4(1); or
 - (c) the person establishes that when the quarantine order was made, the person—
 - (i) was a person designated under section 4(1); or
 - (ii) fell within a category of persons designated under section 4(1).
- (2) An authorized officer must, as soon as practicable after becoming aware that this section applies to the person, cancel the quarantine order made against the person.

11. Authorized officers

- (1) The Director may appoint any public officer as an authorized officer for the purposes of this Regulation.
- (2) No personal liability is incurred by an authorized officer or a person acting under the officer's direction in respect of anything done or omitted to be done by the officer or person in good faith in the performance or purported performance of a function under this Regulation.
- (3) A public officer appointed as an authorized officer within the meaning of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599 sub. leg. C) is deemed to have been appointed under subsection (1) as an authorized officer.

12. Secretary for Food and Health may specify places

- (1) For the purposes of section 3(1)(a), the Secretary for Food and Health may—
 - (a) specify any place outside China by notice published in the Gazette; and
 - (b) revoke or amend a specification under paragraph (a).
- (2) A notice published under subsection (1) is not subsidiary legislation.
- (3) Before exercising the power conferred by subsection (1) in relation to a place, the Secretary for Food and Health must have regard to—
 - (a) the extent of the spread of the disease specified in item 34AAA of Schedule 1 to the Ordinance in that place; and
 - (b) the public health risk posed to Hong Kong by persons arriving from that place or who have stayed in that place.

13. Expiry

This Regulation expires at midnight on 18 June 2020.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

Explanatory Note

The object of this Regulation is to introduce a temporary system of mandatory quarantine for—

- (a) persons arriving at Hong Kong from a specified place outside China; and
- (b) persons who have stayed in a specified place outside China during the 14 days before the date of arrival.

2. Section 1 prescribes the commencement date.
3. Section 2 contains the definitions used in this Regulation.
4. Section 3 empowers authorized officers to place the target persons under quarantine and prescribes several types of persons who are not subject to the measure.
5. Section 4 empowers the Chief Secretary to exempt individual persons or categories of persons who satisfy certain criteria. Section 5 provides for related offences.
6. Section 6 makes provisions for places of quarantine.
7. Section 7 confers enforcement powers on authorized officers.
8. Section 8 prescribes restrictions during quarantine.
9. Section 9 prohibits giving false or misleading information to authorized officers.
10. Section 10 empowers authorized officers to cancel quarantine orders in certain circumstances.
11. Section 11 makes provisions for authorized officers.
12. Section 12 empowers the Secretary for Food and Health to specify places for the purposes of this Regulation.

13. Section 13 provides for the expiry of this Regulation.

G.N. (E.) 12 of 2020

**COMPULSORY QUARANTINE OF PERSONS ARRIVING AT HONG KONG
FROM FOREIGN PLACES REGULATION**

I hereby exercise the power conferred by section 12 of the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation to specify, with effect from 19 March 2020, all places outside China for the purposes of section 3(1)(a) of that Regulation.

18 March 2020

Secretary for Food and Health

Outbound Travel Alerts

The Government has issued Red OTAs in the following countries/regions for COVID-19 outbreak –

- Korea (since 24 February 2020);
- Emilia-Romagna, Lombardy and Veneto regions in Italy (since 28 February 2020);
- Certain European countries (Schengen Area¹), including Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Principality of Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovak Republic, Republic of Slovenia, Spain, Sweden, and Switzerland (since 13 March 2020);
- Ireland, the United Kingdom and the United States (since 15 March 2020); and
- All overseas countries/territories (since 17 March 2020)

2. For the following countries on which a Red OTA is currently in force, the Government also alerted the public about the outbreak of COVID-19 cases and the associated health risks –

- Iran (on 28 February 2020); and
- Egypt (on 13 March 2020).

¹ Schengen Area in Europe (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Principality of Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovak Republic, Republic of Slovenia, Spain, Sweden, and Switzerland)

Quarantine Arrangements

As at 17 March 2020, DH implemented the following quarantine arrangements on inbound travellers from overseas:

- **Quarantine at quarantine centre:** People arriving in Hong Kong who have been to the following countries / areas in the past 14 days, regardless of whether they are Hong Kong residents, will have to stay in a quarantine centre for quarantine.

- 1) Daegu and Gyeongsangbuk-do in Korea (also applies to non-Hong Kong residents from 0.00am on 17 March 2020)
- 2) Iran
- 3) Emilia-Romagna, Lombardy and Veneto regions in Italy

- **Compulsory home quarantine:** Starting from 0 a.m. on 14 March 2020, people arriving in Hong Kong who have been to the following countries / areas in the past 14 days, regardless of whether they are Hong Kong residents, has been subject to compulsory home quarantine –

- 1) Italy (except Emilia-Romagna, Lombardy and Veneto regions)
- 2) Bourgogne-Franche-Comte and Grand Est regions in France
- 3) North Rhine-Westphalia region in Germany
- 4) Hokkaido in Japan
- 5) La Rioja, Madrid and Pais Vasco regions in Spain

Further, starting from 0 a.m. on 17 March 2020, people arriving in Hong Kong who have been to the following countries / areas in the past 14 days, regardless of whether they are Hong Kong residents, has been subject to compulsory home quarantine.

- 1) Korea (except Daegu and Gyeongsangbuk-do) (also applies to non-Hong Kong residents)
- 2) Schengen Area in Europe (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary,

Iceland, Italy (except Emilia-Romagna, Lombardy and Veneto regions), Latvia, Principality of Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovak Republic, Republic of Slovenia, Spain, Sweden, and Switzerland)

- **All overseas countries/territories:** Starting from 0.00am on March 19, the DH's Port Health Division officers will issue quarantine orders for quarantine to people arriving in Hong Kong who have been to all overseas countries/territories in the past 14 days, regardless of whether they are Hong Kong resident

We intend to allow quarantine in a place nominated by the person subject to quarantine order if the authorized officer considers it prudent and appropriate (Self-nominated Quarantine) to replace “Home Quarantine”. And this new form will apply to the quarantine extended to the whole world outside China.