

LEGISLATIVE COUNCIL BRIEF

PREVENTION AND CONTROL OF DISEASE ORDINANCE (CAP.599)

COMPULSORY QUARANTINE OF CERTAIN PERSONS ARRIVING AT HONG KONG (AMENDMENT) REGULATION 2020

INTRODUCTION

At the meeting of the Executive Council on 24 March 2020, the Council **ADVISED** and the Chief Executive **ORDERED** that the Compulsory Quarantine of Persons Arriving at Hong Kong (Amendment) Regulation 2020 (“the Amendment Regulation”) at Annex A should be made under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) (“the Ordinance”) to extend the compulsory quarantine to mandate a person, regardless of nationality and travel documents used, who arrives at Hong Kong from the Mainland, Macao and Taiwan or a place outside the Mainland, Macao and Taiwan but has stayed in the Mainland, Macao and Taiwan for any period of time during 14 days preceding the date of arrival.

PRESENT POSITION AND PROPOSED AMENDMENT

2. The fight against COVID-19 is becoming more and more challenging. While the various measures implemented in the past months since 25 January 2020 to curb passenger traffic and flow between the boundary of Hong Kong and the Mainland, as well as the travel restrictions implemented through the Outbound Travel Alerts issued to COVID-19 high-risk countries/places seem to be effective in stabilising the situation in Hong Kong, we note a sharp increase in cases confirmed recently in Hong Kong mainly brought about by arrivals returning to Hong Kong from foreign places as well as close contacts associated with these imported cases. In the past 14 days (from 10 to 23 March 2020), among the 241 cases reported in Hong Kong, 134 (55.6%) are imported cases and another 51 cases (21.2%) had travel history outside Hong Kong during part of their incubation period.

For the remaining cases, 32 (13.3%) were close contacts of the above cases with travel history. The latest local situation, as reflected by the epidemic Annex B curve of confirmed and probable cases of COVID-19, is at Annex B.

3. Hong Kong's situation is highly vulnerable amidst the drastic increase in local transmitted cases in other countries/places across the globe. It remains our utmost concern to minimise the chance of local transmission through imported cases or cases with travel history. We have introduced Cap 599C on 8 February 2020 and subsequently Cap 599E on 19 March 2020 to impose compulsory quarantine respectively on persons arriving from the Mainland and all places outside China as well as those who had stayed in these places during the 14 days prior to their arrival in Hong Kong. Moreover, the Government has just announced that from 00 hours on 25 March, all non-Hong Kong residents ("non-HKRs") from countries/places outside China will not be allowed to enter Hong Kong by plane. All transit services at the airport will also be suspended. These measures, however, will not be applicable to arrivals from Macao and Taiwan. While Taiwan has already implemented travel restriction on visitors travelling from Hong Kong, there was reported incident earlier that a passenger who travelled from the United States deliberately detoured through Taiwan before arriving in Hong Kong to evade the compulsory quarantine arrangement. There is a need to plug this loophole to prevent possible circumvention of the law. On the other hand, we have seen a marked increase in the number of passengers travelling via the Hong Kong-Zhuhai-Macao Bridge ("HZMB") Hong Kong Port, mainly between Hong Kong and Macao. The total arrivals and departures at HZMB Control Point were 2 531 on 8 February 2020 when Cap 559C came into operation, among which 1 409 were Hong Kong Residents ("HKRs"). On 22 March 2020, the corresponding figures were 10 150 and 9 382 respectively, almost four-fold of the total passenger flow previously. With a surge in the number of COVID-19 cases in Macao recently, we consider that there is a need to extend the quarantine measure to arrivals from Macao, also serving to further discourage unnecessary travelling by HKRs to Macao.

4. With the proposed amendments to Cap 599C to extend the 14-day compulsory quarantine requirement to arrivals from **Macao and Taiwan**, regardless of nationality and travel documents used, the exemption arrangement by the Chief Secretary for Administration ("CS") under section 4 of Cap 599C would also be applicable to arrivals from Macao and Taiwan in addition to those from the Mainland.

OTHER OPTIONS

5. Cap 599C was made under Section 8 of the Prevention and Control of Disease Ordinance (Cap 599), which empowers the CE in Council to make emergency regulations for the purposes of preventing, combating or alleviating the effects of the public health emergency and protecting public health. The proposed changes can only be effected by way of amendments to Cap 599C under the same section. There is no other option that may enable the proposed measures.

THE AMENDMENT REGULATION

6. The main provisions of the **Amendment Regulation** are set out below –

- (a) section 1 provides that the amendments come into effect at midnight on 24 March 2020;
- (b) section 3 amends section 3 of the principal regulation to extend the scope of the mandatory quarantine regime to persons arriving from Macao or Taiwan or having stayed there during the 14-day period before the date of arrival; and
- (c) section 3 also add a provision to provide that persons on a ship that has stayed in or sailed through the waters of the Mainland, Macao or Taiwan are not regarded as having stayed there if no person boarded the ship when it was in those waters.

LEGISLATIVE TIMETABLE

7. The legislative timetable will be –

Publication in the Gazette	24 March 2020
Commencement	25 March 2020
Tabling at the Legislative Council	25 March 2020

IMPLICATIONS OF THE PROPOSAL

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

PUBLIC CONSULTATION

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

PUBLICITY

10. The Administration issued a press release on 24 March 2020. A spokesperson will be made available to respond to public or media enquiries.

BACKGROUND

11. Section 8 of the Prevention and Control of Disease Ordinance (Cap 599) empowers the CE in Council to make emergency regulations on an occasion of a public health emergency for the purposes of preventing, combating or alleviating the effects of the 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) in the population constitutes an occasion of a public health emergency.

ENQUIRIES

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

Food and Health Bureau
March 2020

Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) Regulation 2020

(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 25 March 2020.

2. Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation amended

The Compulsory Quarantine of Certain Persons Arriving at Hong
Kong Regulation (Cap. 599 sub. leg. C) is amended as set out in
sections 3 and 4.

3. Section 3 amended (compulsory quarantine of certain persons arriving at Hong Kong)

(1) Section 3(1)(a), after “Mainland”—

Add

“, Macao or Taiwan”.

(2) Section 3(1)(b)—

Repeal

“arrives at Hong Kong from a place outside the Mainland but
has stayed in the Mainland”

Substitute

“has stayed in the Mainland, Macao or Taiwan”.

(3) Section 3—

Repeal subsection (4)

Substitute

“(4) The quarantine requirement under this section does not
apply to a person—

- (a) who arrives at the Hong Kong International Airport
from the Mainland, Macao or Taiwan 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).”.

(4) Section 3(5)—

Repeal

everything after “purposes of”

Substitute

“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 the Mainland, Macao or Taiwan 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 the Mainland, Macao or Taiwan is not
regarded as having stayed in that place if no person

boarded the ship when the ship was in those waters.”.

(5) Section 3—

Repeal subsection (6).

4. Section 4 amended (Chief Secretary may exempt certain persons)

Section 4(1)—

Repeal

“3(4)(b) or (c)”

Substitute

“3(4)(c) or (d)”.

Clerk to the Executive Council

COUNCIL CHAMBER

2020

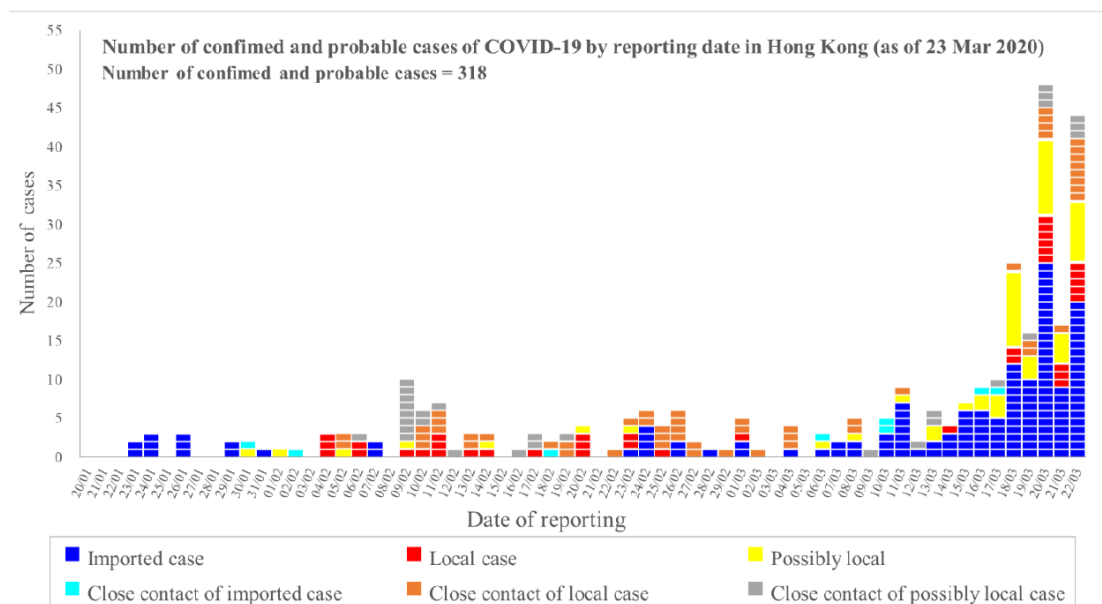
Explanatory Note

This Regulation amends the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599 sub. leg. C) (*principal Regulation*).

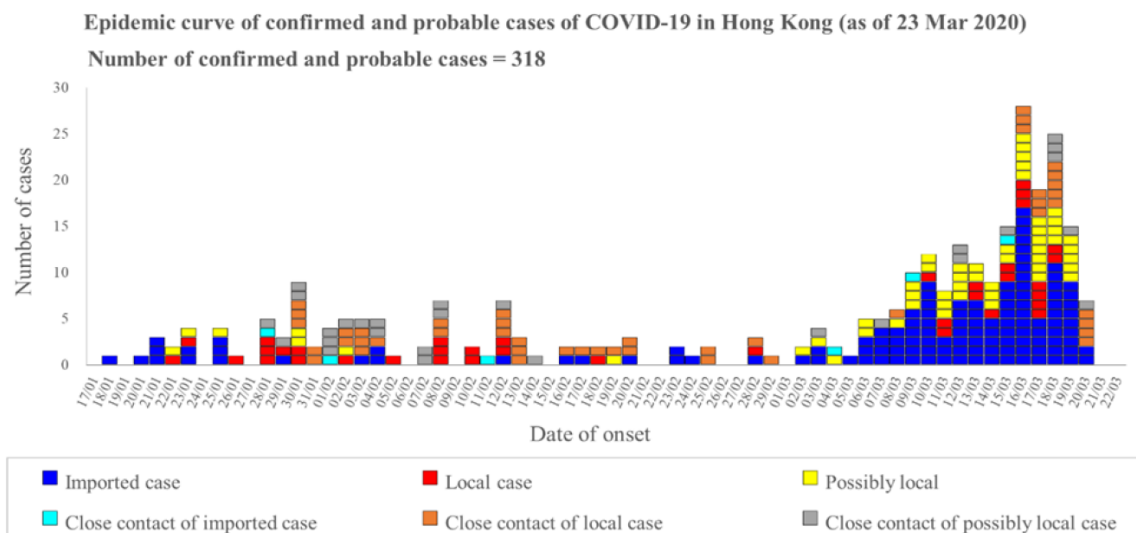
2. Section 1 provides for commencement.
3. Section 3 amends section 3 of the principal Regulation to—
 - (a) subject any person arriving at Hong Kong to quarantine if—
 - (i) the person arrives from Macao or Taiwan; or
 - (ii) the person has stayed in Macao or Taiwan during the 14 days before the date of arrival;
 - (b) extend the application of section 3(5) of the principal Regulation to any aircraft that lands in Hong Kong after taking off in Macao or Taiwan; and
 - (c) provide that persons on a ship that has stayed in or sailed through the waters of the Mainland, Macao or Taiwan are not regarded as having stayed in that place if a condition is met.
4. Section 4 makes a consequential amendment to section 4 of the principal Regulation.

Latest local situation by epidemic curve

1. **By date of reporting** (Number of confirmed and probable cases of COVID-19 by reporting date in Hong Kong as of 23 Mar)



2. **By date of onset** (Epidemic curve of confirmed and probable cases of COVID-19 in Hong Kong as of 23 Mar)¹



¹ Asymptomatic cases are not shown in this epidemic curve.