

L.N. 13 of 2020

Prevention and Control of Disease (Disclosure of Information) 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 8 February 2020.

2. Interpretation

In this Regulation—

disease (疾病) means the disease specified in item 34AAA of Schedule 1 to the Ordinance;

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.

3. Requirement to give information to health officer

- (1) A health officer may require a person to give any information that the health officer reasonably believes—
 - (a) is within the knowledge, in the possession or under the control of the person; and
 - (b) is relevant to the handling of the public health emergency.
- (2) A person commits an offence if the person fails to comply with a requirement made under subsection (1).

- (3) It is a defence to a charge under subsection (2) to prove that the information required to be given was not within the knowledge, in the possession or under the control (as the case may be) of the person charged, and could not reasonably have been ascertained or obtained (as the case may be) by the person.
- (4) A person commits an offence if the person, in purported compliance with a requirement made under subsection (1), knowingly gives to a health officer any information that is false or misleading in a material particular.
- (5) A person who commits an offence under subsection (2) or (4) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

4. **Giving false or misleading information to medical practitioner is offence**

- (1) A person commits an offence if the person, when attended by a medical practitioner acting in the course of professional practice, knowingly gives to the medical practitioner any false or misleading information of the person that is relevant to the risk of exposure to or contracting the disease.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (3) In this section—
information (資料), in relation to a person, means any information about—
 - (a) the places where the person has been to;
 - (b) the medical history of the person; or
 - (c) any contact between the person and other persons.

5. Expiry

This Regulation expires at midnight on 7 May 2020.

Wendy LEUNG
Clerk to the Executive Council

COUNCIL CHAMBER

7 February 2020

Explanatory Note

The object of this Regulation is to provide for certain offences in respect of the public health emergency concerning the disease specified in item 34AAA of Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599), which is also known as the 2019-nCoV acute respiratory disease.

2. Section 1 prescribes the commencement date.
3. Section 2 contains the definitions used in the Regulation.
4. Section 3 makes it an offence for failing to give information required by a health officer, or giving to a health officer information that is false or misleading in a material particular.
5. Section 4 makes it an offence for giving to a medical practitioner false or misleading information on specified particulars.
6. Section 5 provides for the expiry of the Regulation.