

立法會
Legislative Council

LC Paper No. LS106/20-21

**Paper for the House Committee Meeting
on 13 August 2021**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 10 August 2021**

Tabling in LegCo	: Council meeting of 18 August 2021
Amendment to be made by	: Council meeting of 15 September 2021 (or that of 6 October 2021 if extended by resolution)
Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 2) Regulation 2021	(L.N. 139)
Prevention and Control of Disease (Disclosure of Information) (Amendment) (No. 2) Regulation 2021	(L.N. 140)
Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 2) Regulation 2021	(L.N. 141)
Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 5) Regulation 2021	(L.N. 142)
Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 6) Regulation 2021	(L.N. 143)
Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) (No. 2) Regulation 2021	(L.N. 144)
Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 2) Regulation 2021	(L.N. 145)
Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) (No. 2) Regulation 2021	(L.N. 146)

L.N. 139 to L.N. 146 are made by the Chief Executive in Council under section 8 of the Prevention and Control of Disease Ordinance (Cap. 599) having regard to the latest situation of public health emergency relating to COVID-19.

L.N. 139

2. L.N. 139 extends the expiry date of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) from 30 September 2021 to 31 March 2022. In gist, Cap. 599C requires a person arriving at Hong Kong from a place in China other than Hong Kong to be placed under compulsory quarantine for a period specified by the Secretary for Food and Health ("Secretary") (which must not exceed 28 days) from the date of arrival if the person has stayed during the relevant period in a certain place in China or a certain foreign place specified by the Secretary immediately before his arrival at Hong Kong.

L.N. 140

3. L.N. 140 extends the expiry date of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) from 30 September 2021 to 31 March 2022. In gist, Cap. 599D empowers a health officer to require a person to give any information that the health officer reasonably believes is within the knowledge, in the possession or under the control of the person, and is relevant to the handling of the public health emergency.

L.N. 141

4. L.N. 141 extends the expiry date of the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) from 30 September 2021 to 31 March 2022. In gist, Cap. 599E requires a person arriving at Hong Kong from a place outside China to be placed under compulsory quarantine for a period specified by the Secretary (which must not exceed 28 days) from the date of arrival if the person has stayed during the relevant period in a certain foreign place or a certain place in China specified by the Secretary immediately before his arrival at Hong Kong.

L.N. 142

5. L.N. 142 extends the expiry date of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) from 30 September 2021 to 31 March 2022. In gist, Cap. 599F imposes certain requirements, and enables directions to be issued by the Secretary, in respect of any catering business and certain scheduled premises as set out in Part 1 of Schedule 2 to Cap. 599F.

L.N. 143

6. L.N. 143 extends the expiry date of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) from 30 September 2021 to 31 March 2022. In gist, Cap. 599G prohibits group gathering of more than a certain number of persons (currently set at four persons) at any public place during a period specified by the Secretary and provides for certain exemptions.

L.N. 144

7. L.N. 144 extends the expiry date of the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) from 30 September 2021 to 31 March 2022. In gist, Cap. 599H provides a mechanism under which regulatory measures may be imposed on cross-boundary conveyances (i.e. aircraft or vessels) arriving (or about to arrive) at Hong Kong from a place outside Hong Kong and certain persons on those conveyances.

L.N. 145

8. L.N. 145 extends the expiry date of the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) from 30 September 2021 to 31 March 2022. In gist, Cap. 599I requires a person, subject to certain exceptions, to wear a mask at all times while boarding or on board a public transport carrier, or entering or present in an MTR paid area or a specified public place (including any place to which for the time being the public or a section of the public may or are permitted to have access, whether on payment or otherwise) during a period specified by the Secretary.

L.N. 146

9. L.N. 146 extends the expiry date of the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) from 14 August 2021 to 31 March 2022. In gist, Cap. 599J introduces a mechanism for specified medical practitioners to issue written directions to require persons clinically suspected to have contracted COVID-19 to undergo a test for ascertaining whether the person has contracted COVID-19 ("specified test"), and for the Secretary to issue compulsory testing notices to require certain categories or descriptions of persons to undergo a specified test.

Consultation

10. According to paragraph 16 of the Legislative Council Brief (no file reference) issued by the Food and Health Bureau in August 2021, the Administration is of the view that given the exigency of the situation, public consultation is not feasible.

11. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 139 to L.N. 146.

Commencement

12. L.N. 139 to L.N. 146 came into operation on 11 August 2021.

Concluding remarks

13. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 139 to L.N. 146.

Other matters

Government notices made by the Secretary under Cap. 599C

14. The Secretary has specified different places in China outside Hong Kong as different categories of specified places in China, and the respective relevant periods and quarantine periods for different categories of persons arriving at Hong Kong from a place in China other than Hong Kong for the purposes of Cap. 599C. Members may refer to G.N. (E.)s 478 and 505 of 2021 published in the Gazette on 3 and 9 August 2021 respectively for details.

Government notice made by the Secretary under Cap. 599E

15. The Secretary has specified different relevant periods and quarantine periods for different categories of persons arriving at Hong Kong from a place outside China for the purposes of Cap. 599E. Members may refer to G.N. (E.) 498 of 2021 published in the Gazette on 6 August 2021 for details.

Government notices made by the Secretary under Cap. 599F

16. The Secretary has made the latest specification and directions in relation to the operation of catering businesses for the period of 14 days beginning on 5 August to 18 August 2021 ("specified period"). Members may refer to G.N. (E.) 474 of 2021 published in the Gazette on 3 August 2021 for details.

17. The Secretary has also made the latest directions in relation to the operation of scheduled premises as set out in Part 1 of Schedule 2 to Cap. 599F during the specified period. Members may refer to G.N. (E.) 475 of 2021 published in the Gazette on 3 August 2021 for details.

Government notice made by the Secretary under Cap. 599G

18. The Secretary has specified by G.N. (E.) 476 of 2021 published in the Gazette on 3 August 2021 the specified period for the purposes of the prohibition on group gathering under Cap. 599G.

Government notices made by the Secretary under Cap. 599H

19. The Secretary has specified different groups of specified places to which Cap. 599H is applicable and different conditions and specified periods applicable to different types of relevant travellers. Members may refer to G.N. (E.)s 499, 506 and 507 of 2021 published in the Gazette on 6 and 9 August 2021 for details.

Government notice made by the Secretary under Cap. 599I

20. The Secretary has specified the specified period and certain specified public places in respect of the requirement to wear masks under Cap. 599I. Members may refer to G.N. (E.) 477 of 2021 published in the Gazette on 3 August 2021 for details.

Government notices made by the Secretary under Cap. 599J

21. The Secretary has specified certain categories of persons who must undergo a specified test within the periods or dates as specified in the relevant Government notices. The Secretary has also specified certain periods as the periods during which a compulsory testing order may be issued under Cap. 599J for non-compliance with the relevant Government notices. In addition, the Secretary has specified classes of registered medical practitioners and the period during which the practitioner may require a person to undergo a specified test. Members may refer to G.N. (E.)s 455 to 456, 462 to 473, 481, 483 to 486, 490, 492 to 496, 504, 508 to 510, and 512 of 2021 published in the Gazette between 22 July and 10 August 2021 for details.

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