

立法會
Legislative Council

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**Subcommittee on Subsidiary Legislation
Relating to the Prevention and Control of Disease**

**Minutes of the second meeting
held on Monday, 16 November 2020, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Dr Hon CHIANG Lai-wan, SBS, JP (Chairman)
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon YIU Si-wing, BBS
Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon LUK Chung-hung, JP
Dr Hon CHENG Chung-tai

Members absent : Hon Frankie YICK Chi-ming, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung

Public Officers attending : Item II

Dr CHUI Tak-yi, JP
Under Secretary for Food and Health

Ms Maisie HO Mei-chi
Principal Assistant Secretary for Food and Health (Health)5
Food and Health Bureau

Ms Ellen CHAN Sheung-man
Principal Assistant Secretary for Food and Health (Health)
Food and Health Bureau

Dr Heston KWONG Kwok-wai, JP
Head, Emergency Response and Programme Management
Branch
Department of Health

Dr LEUNG Yiu-hong
Chief Port Health Officer
Department of Health

Mr Gilbert MO Sik-keung
Dep Law Draftsman I
Department of Justice

Mr Peter Sze Chun-fai
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Ms Maisie LAM
Chief Council Secretary (2) 5

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Wendy KAN
Assistant Legal Adviser 6

Miss Kay CHU
Senior Council Secretary (2) 5

Mr Ronald LAU
Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

Mr Kent CHAN
Clerical Assistant (2) 5

Action

I. Election of Chairman

Dr CHIANG Lai-wan was elected Chairman of the Subcommittee.

2. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[File Ref.: L.N. 141 to 151, 158 to 160, 162, 198 to 203 and 209 of 2020, Legislative Council Briefs issued by the Food and Health Bureau on 17 July 2020 and in October 2020, LC Paper Nos. LS113 to LS115/19-20, LS118 to LS119/19-20, LS122/19-20, LS1/20-21, LS4/20-21, CB(2)174/20-21(01) to (24), CB(2)202/20-21(01) to (03)]

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Extension of scrutiny period

4. Members noted that among the 22 items of subsidiary legislation under the study of the Subcommittee, the period for amending the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 7) Regulation 2020 (L.N. 141 of 2020), the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (L.N. 142 of 2020) and the Prevention and Control of Disease (Wearing of Mask) (Public Transport) Regulation (L.N. 143 of 2020) had expired at the Council meeting of 21 October 2020. Separately, the period for amending the following 18 items of subsidiary legislation had expired at the Council meeting of 11 November 2020:

- (a) the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 5) Regulation 2020 (L.N. 144 of 2020);
- (b) the Prevention and Control of Disease (Disclosure of Information) (Amendment) (No. 2) Regulation 2020 (L.N. 145 of 2020);
- (c) the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 3) Regulation 2020 (L.N. 146 of 2020);

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- (d) the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 4) Regulation 2020 (L.N. 147 of 2020);
- (e) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 8) Regulation 2020 (L.N. 148 of 2020);
- (f) the Prevention and Control of Disease (Wearing of Mask) (Public Transport) (Amendment) Regulation 2020 (L.N. 149 of 2020);
- (g) the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 5) Regulation 2020 (L.N. 150 of 2020);
- (h) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 9) Regulation 2020 (L.N. 151 of 2020);
- (i) the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 6) Regulation 2020 (L.N. 158 of 2020);
- (j) the Prevention and Control of Disease (Disclosure of Information) (Amendment) (No. 3) Regulation 2020 (L.N. 159 of 2020);
- (k) the Prevention and Control of Disease (Wearing of Mask) (Amendment) Regulation 2020 (L.N. 160 of 2020);
- (l) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 10) Regulation 2020 (L.N. 162 of 2020);
- (m) the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 7) Regulation 2020 (L.N. 198 of 2020);
- (n) the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 4) Regulation 2020 (L.N. 199 of 2020);
- (o) the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 6) Regulation 2020 (L.N. 200 of 2020);

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- (p) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 11) Regulation 2020 (L.N. 201 of 2020);
- (q) the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2020 (L.N. 202 of 2020); and
- (r) the Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 2) Regulation 2020 (L.N. 203 of 2020).

Members further noted that for the remaining item of subsidiary legislation (i.e. the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 12) Regulation 2020 (L.N. 209 of 2020)), Mrs Regina IP, the Member who had the highest precedence among members of the Subcommittee, had given notice to move a proposed resolution at the Council meeting of 18 November 2020 to extend its scrutiny period to the Council meeting of 9 December 2020.

5. Members agreed to adopt the proposed order of study as set out in LC Paper No. CB(2)202/20-21(03) to examine the 22 items of subsidiary legislation.

Examination of seven items of subsidiary legislation relating to border control measures

6. The Subcommittee completed the examination of the provisions of L.N. 144, L.N. 158, L.N. 198, L.N. 146, L.N. 199, L.N. 142 and L.N. 202 of 2020 in relation to border control measures.

Follow-up actions required of the Administration

Admin

7. The Administration was requested to:
- (a) advise the respective average daily number of persons arriving in Hong Kong who were exempted from the compulsory quarantine requirements under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) in each month since the introduction of the exemption arrangement, with breakdown by their last stayed places and the boundary control points; and

Action

- (b) in respect of the prevailing arrangement that all persons arriving at Hong Kong via the Hong Kong International Airport from any places outside China or who had stayed in any places outside China during the 14 days before the date of the person's arrival (except for exempted persons under the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E)), who did not have any symptoms and had passed temperature checks upon entry, would be subject to 14-day compulsory quarantine at hotels, consider the following suggestions from members:
 - (i) making it a mandatory requirement that guestrooms for confinees and non-confinees had to be separated on different floors; and
 - (ii) making it a mandatory requirement that a minor confinee under the age of 18 years had to be accompanied by an adult in the guestroom at all times during the quarantine period.

III. Any other business

8. Members agreed that the Subcommittee would hold a further meeting for the discussion of the remaining 15 items of subsidiary legislation with the Administration.

9. There being no other business, the meeting ended at 5:58 pm.

Council Business Division 4
Legislative Council Secretariat
12 November 2021

**Proceedings of the second meeting of the
Subcommittee on Subsidiary Legislation Relating
to the Prevention and Control of Disease
on Monday, 16 November 2020, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Election of Chairman</i>			
000445 - 000604	Mr YIU Si-wing Mr SHIU Ka-fai Mr CHAN Chun-ying Dr CHIANG Lai-wan	Election of Chairman	
<i>Agenda item II: Meeting with the Administration</i>			
000605 - 001108	Chairman	Extension of the scrutiny period of L.N. 209 of 2020 Members agreed to adopt the proposed order of study prepared by the Legislative Council Secretariat [LC Paper No. CB(2)202/20-21(03)].	
001109 - 001246	Chairman Admin	Briefing by the Administration on the 22 items of subsidiary legislation under the study of the Subcommittee	
001247 - 002441	Chairman Dr Pierre CHAN Admin Dr CHENG Chung-tai	<p>Dr Pierre CHAN's call for stricter border control measures and higher transparency in the arrangement for exempting persons arriving in Hong Kong from the compulsory quarantine requirements under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) and the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E). In his view, it was not reasonable for the Administration to impose strict social distancing measures on various business sectors and members of the public while creating loopholes in border control.</p> <p>Dr CHENG Chung-tai sought information on the respective average daily number of persons arriving in Hong Kong who were exempted from the compulsory quarantine requirements in accordance with section 4 of Cap. 599C and Cap. 599E in each month since the introduction of the exemption arrangement, with breakdown by their last stayed places and the boundary control points. He urged the Administration to make transparent the management of these categories of exempted persons before the coming into effect of the Return2hk Scheme and the Hong Kong-Singapore Air Travel Bubble ("ATB") arrangement which would increase the number of persons who would not be subject to the relevant compulsory quarantine requirements.</p> <p>The Administration advised that the exemption arrangement was essential for maintaining the necessary operation of society and the economy, and for ensuring an uninterrupted supply of daily necessities to the public. It had tightened the testing and self-isolation arrangements for exempted persons</p>	Admin

		<p>with a view to further preventing the importation of cases by, among others, requiring the exempted persons to obtain a negative result of coronavirus disease 2019 ("COVID-19") nucleic acid test within 48 hours prior to boarding; taking a post-arrival COVID-19 nucleic acid test at the Temporary Specimen Collection Centre of the Department of Health ("DH") upon arrival at the Hong Kong International Airport ("HKIA") and where applicable, waiting for the results there or any other location as designated by DH; and returning their deep throat saliva sample on the 12th day upon their arrival. The Administration would continue to closely monitor the development of the epidemic situation and review the various measures in place. As regards the Return2hk Scheme and the ATB arrangement, it should be noted that both the Mainland and Singapore had a relatively stable epidemic situation and had put in place robust mechanisms to manage and control the disease.</p>	
002442 - 003025	<p>Chairman Mr YIU Si-wing Admin</p>	<p>Expressing support for ATB, Mr YIU Si-wing called on the Administration to lower the Red Outbound Travel Alert on Singapore to facilitate the travel arrangements of ATB travellers including travel insurance arrangement. Given that hotels in Hong Kong in general only allowed minors under 16 years old (18 years old for some hotels) to stay if they were accompanied by adults, he called on the Administration to consider making it a mandatory requirement that a minor under quarantine under the age of 18 years had to be accompanied by an adult in the guestroom at all times during the quarantine period. In his view, the Administration should provide clearer guidelines to the hotel industry in this regard.</p> <p>The Administration advised that it would work out details of ATB to facilitate travellers. Persons who were subject to compulsory quarantine in hotels should be familiar with hotel policies before making a reservation. Besides, a minor under quarantine under the age of 18 years could be accompanied by a carer in the guestroom at all times during the quarantine period, provided that the carer was to remain in the same guestroom until the end of the quarantine period. The Administration would continue to work with the hotel industry to enhance coordination.</p>	<p>Admin</p>
003026 - 003435	<p>Chairman Mr POON Siu-ping Admin</p>	<p>Mr POON Siu-ping enquired about the law enforcement actions since the implementation of the relevant legislation on border control measures and the Administration's plan to further tighten these measures if the epidemic situation worsened. The Administration advised that as at mid-November 2020, 92 and 32 persons were prosecuted under Cap. 599C and Cap 599E respectively. It had been tightening the anti-epidemic measures including, among others, exploring a legal framework for compulsory testing and requiring all inbound travellers to undergo compulsory quarantine in hotels.</p>	
003436 - 004114	<p>Chairman Mr Wilson OR Admin</p>	<p>Mr Wilson OR enquired (a) whether the Administration would impose further restrictions and testing requirements on persons exempted from compulsory quarantine; (b) how persons subject to compulsory quarantine in hotels would be</p>	

		<p>traced and monitored; (c) the rationale for excluding children under six years old from taking virus tests at community testing centres and how their testing need could be addressed; and (d) the reason for leaving out Kowloon East when setting up community testing centres.</p> <p>The Administration advised that:</p> <p>(a) under the latest arrangements, all exempted persons would generally be required to be tested upon their arrival in Hong Kong and undergo the "test-and-hold" arrangement to wait for their test results at a designated location. Only with negative test results would they be allowed to continue with their designated activities. The above apart, point-to-point transportation had to be arranged by respective organizations for these exempted persons and use of public transportation was prohibited. Exempted persons entering Hong Kong at land boundary control points had to possess valid negative COVID-19 nucleic test result with effect from 23 November 2020 in order to be exempted from compulsory quarantine;</p> <p>(b) it had strengthened communications with hotels on the guidelines on restrictions on persons under quarantine in hotels; and</p> <p>(c) it would study how children under six years old could be tested as the current method of specimen collection at the community testing centres might be unfit for all of them, and review the need for making adjustments to arrangements at testing centres subject to the response to the testing programme.</p>	
004115 - 004609	Chairman Mr SHIU Ka-fai Admin	<p>In response to Mr SHIU Ka-fai's enquiry, the Administration affirmed that the case referred to in the media whereby a staff of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region was tested positive was a local confirmed case.</p> <p>On Mr SHIU Ka-fai's concern about the legal backing for not subjecting travellers arriving from Singapore under ATB to any quarantine arrangements upon arrival, the Administration advised that special bilateral arrangements had been made under ATB to facilitate cross-border travel without the need for compulsory quarantine, provided that travellers had to comply with a set of anti-epidemic protocols, as the epidemic situations and infection control measures of the two places were at a comparable level.</p> <p>Mr SHIU Ka-fai questioned why, contrary to the lukewarm response to free testing services under the Universal Community Testing Programme in September 2020, the self-paid testing service at the existing community testing centres was well received by members of the public. In response, the Administration said that different members of the public would use the testing service in accordance with their own needs and it would take time to assess the effectiveness of the testing service provide by community testing centres.</p>	

004610 - 004822	Chairman Admin	On the Chairman's enquiry, the Administration advised that among persons who arrived in Hong Kong and underwent compulsory quarantine, no confirmed cases had been recorded among those from the Mainland, Macao and Taiwan, whereas there were more than 1 100 confirmed cases among those arriving from foreign places.	
004823 - 010815	Chairman Dr Pierre CHAN Admin Dr CHENG Chung-tai Mr Wilson OR	<p>Dr Pierre CHAN urged the Administration to make available the number of exempted persons arriving from the Mainland, Macao and Taiwan as well as foreign places with a breakdown by categories of exemption. He sought information on the department(s) responsible for setting out guidelines on compulsory quarantine in hotels and urged the Administration to devise clearer instructions in this regard to avoid creating loopholes.</p> <p>Expressing concern about the shortcomings in the existing border control measures, Dr CHENG Chung-tai enquired whether the Administration could arrange compulsory quarantine for all persons subject to quarantine in designated hotels to facilitate monitoring and, if so, the criteria for hotel selection.</p> <p>The Administration advised that the communication with and the delivery of quarantine requirements to the hotel industry was a collaboration effort among different departments. It had given advice to hotels on environmental hygiene and infection control based on the actual environment of individual hotels. It undertook to further enhance communications with the hotel industry to facilitate implementation of the compulsory quarantine arrangements. In case certain hotels would be designated as hotels for quarantine, the criteria for choosing suitable hotels included the infection control measures in place and the suitability of hotel settings including the ventilation system and the availability of an en suite toilet.</p> <p>On Dr CHENG's further enquiry, the Administration advised that the wearing of monitoring wristbands by persons under quarantine could serve the purpose of restricting them from leaving their guestrooms. Mr Wilson OR urged the Administration to increase the transparency of measures to monitor persons subject to compulsory quarantine in hotels.</p>	
010816 - 011206	Chairman Mr Wilson OR Admin	Mr Wilson OR reiterated the need for providing appropriate virus testing for children under six years old at community testing centres and the setting up of a testing centre in Kowloon East. The Administration replied that it would review the current practice of testing to cater for the need of young children as soon as practicable. As regards the location of testing centres, four centres had been set up so far and it would review the demand for self-paid testing service and any additional service needs in different districts.	
011207 - 011923	Chairman Mr YIU Si-wing Admin	Mr YIU Si-wing called on the Administration to further tighten the relevant quarantine measures in hotels, including making it a mandatory requirement on hotel operators that guestrooms for persons under quarantine and other guests had	Admin

		<p>to be located on different floors. In addition, the Administration had to make clear the respective responsibilities of the persons under quarantine and the hotels concerned. The Administration advised that it would meet with the hotel industry to supplement details regarding the implementation.</p> <p>Mr YIU Si-wing urged the Administration to require all public venues in Hong Kong to post QR codes at their premises for scanning using the "LeaveHomeSafe" mobile application. The Administration took note of the view and would relay the suggestion to relevant bureaux. The Chairman called on the Administration to maximize team efforts among different bureaux in fighting the epidemic.</p>	
011924 - 012043	Chairman	Commencement of examination of seven items of subsidiary legislation relating to border control measures	
012044 - 012334	Admin	<p>Examination of the three items of subsidiary legislation in respect of Cap. 599C</p> <p><u>Examination of L.N. 144, 158 and 198 of 2020</u></p>	
012335 - 012534	Chairman Admin	<p>Examination of the two items of subsidiary legislation in respect of Cap. 599E</p> <p><u>Examination of L.N. 146 and 199 of 2020</u></p>	
012535 - 013041	Chairman Admin ALA6	<p>Examination of the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) and the amendment to section 9 of Cap. 599H</p> <p><u>Examination of L.N. 142 and 202 of 2020</u></p> <p>One of the Legal Advisers to the Subcommittee advised that no further follow-up actions on the legal and drafting aspects of L.N. 142 of 2020 were required in respect of the Administration's reply [LC Paper No. CB(2)174/20-21(22)] to the Legal Service Division's letter dated 31 July 2020 [LC Paper No. CB(2)174/20-21(21)].</p>	
<i>Agenda item III: Any other business</i>			
013042 - 013202	Chairman	Closing remarks	