

立法會
Legislative Council

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

**Minutes of the fifth meeting
held on Tuesday, 12 January 2021, at 10:00 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Dr Hon CHIANG Lai-wan, SBS, JP (Chairman)
Hon YIU Si-wing, BBS (Deputy Chairman)
Hon Frankie YICK Chi-ming, SBS, JP
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
Dr Hon CHENG Chung-tai
- Members absent** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon CHAN Han-pan, BBS, JP
Hon LUK Chung-hung, JP
- Public Officers attending** : Item I

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

Ms Leonie LEE Hoi-lun
Principal Assistant Secretary for Food and Health (Health)1
Food and Health Bureau

Ms Joan HUNG Sze-man
Principal Assistant Secretary for Food and Health (Health)6
Food and Health Bureau

Ms Ellen CHAN Sheung-man
Principal Assistant Secretary for Food and Health (Health)7
Food and Health Bureau

Mr Michael KWAN Ke-lin
Principal Assistant Secretary for Food and Health (Health)
Special Duties
Food and Health Bureau

Ms Tiffany CHUNG Wai-ting
Principal Assistant Secretary for Food and Health (Health)
Special Duties 2
Food and Health Bureau

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

Mr Frank CHAN Ling-fung
Assistant Director (Drug), Drug Office
Department of Health

Dr Karen LEE Ka-yin
Senior Medical & Health Officer (Epidemiology)3
Department of Health

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

Mr Manuel NG Man-chun
Acting Senior Assistant Law Draftsman
Department of Justice

Miss Annet LAI Chau-mei
Government Counsel
Department of Justice

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

Staff in attendance : Miss Joyce CHAN
Assistant Legal Adviser 1

Mr Alvin CHUI
Assistant Legal Adviser 3

Mr Ronald LAU
Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

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I. Meeting with the Administration

[File Ref.: L.N. 251 and 258 to 261 of 2020, Legislative Council Briefs issued by the Food and Health Bureau on 11 December 2020, in December 2020 and on 28 December 2020, LC Paper Nos. LS22/20-21 and LS26/20-21, CB(2)517/20-21(11) to (12), CB(2)569/20-21(01) and CB(2)624/20-21(01) to (05)]

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

2. Members noted that the Chairman had moved a motion at the Council meeting of 6 January 2021 to extend the scrutiny periods of the following 11 items of subsidiary legislation to the Council meeting of 27 January 2021:

- (a) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 15) Regulation 2020 (L.N. 241 of 2020);
- (b) the Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 3) Regulation 2020 (L.N. 242 of 2020);
- (c) the Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) Regulation 2020 (L.N. 243 of 2020);
- (d) the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 8) Regulation 2020 (L.N. 244 of 2020);

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- (e) the Prevention and Control of Disease (Disclosure of Information) (Amendment) (No. 4) Regulation 2020 (L.N. 245 of 2020);
- (f) the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 5) Regulation 2020 (L.N. 246 of 2020);
- (g) the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 8) Regulation 2020 (L.N. 247 of 2020);
- (h) the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 16) Regulation 2020 (L.N. 248 of 2020);
- (i) the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) (No. 2) Regulation 2020 (L.N. 249 of 2020);
- (j) the Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 4) Regulation 2020 (L.N. 250 of 2020); and
- (k) the Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) (No. 2) Regulation 2020 (L.N. 251 of 2020).

The deadline for amending these items of subsidiary legislation would be 20 January 2021.

3. Members noted that as agreed at the House Committee meeting held on 8 January 2021, the Subcommittee should also study the following four items of subsidiary legislation gazetted on 23 December 2020:

- (a) Prevention and Control of Disease (Use of Vaccines) Regulation (L.N. 258 of 2020);
- (b) Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 9) Regulation 2020 (L.N. 259 of 2020);
- (c) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 6) Regulation 2020 (L.N. 260 of 2020); and

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- (d) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) (No. 3) Regulation 2020 (L.N. 261 of 2020).

Members agreed that the Chairman would give notice to move a proposed resolution at the Council meeting of 27 January 2021 to extend the scrutiny period of these four items of subsidiary legislation to the Council meeting of 24 February 2021. If the scrutiny period was extended, the deadline for amending these items of subsidiary legislation would be 17 February 2021.

Examination of four items of subsidiary legislation

4. The Subcommittee completed the examination of the provisions of L.N. 251, and L.N. 259 to L.N. 261 of 2020.

5. The Chairman decided that L.N. 258 of 2020 would be examined at the next meeting of the Subcommittee upon receipt of the Administration's response to the letter dated 7 January 2021 from the Assistant Legal Adviser responsible for advising members on the legal and drafting aspects of this item of subsidiary legislation [LC Paper No. CB(2)624/20-21(04)].

Follow-up actions required of the Administration

Admin

6. The Administration was requested to:
 - (a) in respect of the compulsory testing notices issued under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) and published in the Gazette on 30 and 31 December 2020, directing that persons who had been present on any of the specified premises in any capacity for more than two hours at any time during the specified periods had to undergo a polymerase chain reaction-based nucleic acid test for the coronavirus disease 2019 ("COVID-19") ("the specified test") by 4 January 2021, provide details on the number of persons who had failed to undergo the specified test in compliance with the requirement under the relevant notices and the follow-up actions taken by the Administration against such persons (including the last required date(s) for undergoing the specified test (if applicable) and whether any prosecution had been instituted);
 - (b) provide details on the number of confirmed cases of COVID-19 among persons who were in transit at the Hong Kong International

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Airport since 2020 and the mechanism for the handling of any such cases; and

- (c) advise on how unused doses of the COVID-19 vaccines procured by the Administration, if any, would be disposed of, including whether they would be returned to the manufacturers concerned, or be sold or donated to any other places.

7. Members noted that subject to any views members might have on the written response to be provided by the Administration on the issues set out in paragraphs 6(a) and (b) above, the Subcommittee would complete the scrutiny of the four items of subsidiary legislation referred to in paragraph 3 above. The Chairman would make a verbal report on the deliberations of the Subcommittee on these four items of subsidiary legislation to the House Committee on 15 January 2021.

(Post-meeting note: The Administration's response to the issues set out in paragraphs 6(a) and (b) and paragraph 6(c) above was provided vide LC Paper Nos. CB(2)639/20-21(02) and CB(2)663/20-21(02) on 14 and 18 January 2021 respectively. Since no views from members have been received on LC Paper No. CB(2)639/20-21(02) by the specified deadline, the Subcommittee completed the scrutiny of the four items of subsidiary legislation referred to in paragraph 3 above.)

II. Any other business

- 8. There being no other business, the meeting ended at 12:29 pm.

Council Business Division 4
Legislative Council Secretariat
20 December 2021

**Proceedings of the fifth meeting of the
Subcommittee on Subsidiary Legislation
Relating to the Prevention and Control of Disease
on Tuesday, 12 January 2021, at 10:00 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Meeting with the Administration</i>			
000659 - 001038	Chairman	Opening remarks Extension of the scrutiny period of four items of subsidiary legislation (L.N. 258 to 261 of 2020)	
001039 - 001311	Admin	Briefing by the Administration on four items of subsidiary legislation (L.N. 258 to 261 of 2020)	
001312 - 002047	Chairman Mr CHAN Chun-ying Admin	<p>Mr CHAN Chun-ying enquired whether monitoring of the level of coronavirus disease 2019 ("COVID-19") virus in sewage would be conducted for all residential buildings with confirmed cases and their neighboring blocks. Expressing concern that it could take a few hours to queue up for undergoing test at the community testing centres and mobile specimen collection stations, he urged the Administration to deploy additional manpower to shorten the waiting time for registration and testing.</p> <p>The Administration advised that:</p> <p>(a) whether or not a particular premises would be included in a compulsory testing notice would be subject to epidemiological data collected. The University of Hong Kong was supported by the Health and Medical Research Fund to conduct waste water surveillance in, among others, housing estates to provide a complementary and systematic means to monitor virus activity at the general population level and to detect a resurgence of COVID-19 at an early stage. The study had earlier revealed that the sewage samples in Fung Chak House of Choi Wan (II) Estate were consistently tested positive. While there were no confirmed cases at Fung Chak House at the time, for prevention purposes and after taking into account expert views, Fung Chak House was included in the compulsory testing notice; and</p> <p>(b) it would continue to review the public's demand for the testing service and discuss with the service providers accordingly. It should be noted that apart from community testing centres and mobile specimen collection stations, persons subject to compulsory testing could undergo testing through other routes as set out in the relevant notices.</p> <p>Mr CHAN Chun-ying enquired whether members of the public who encountered severe adverse events after vaccination but failed to seek legal recourse for damages or loss against the vaccine manufacturers concerned would receive compensation payout from the proposed indemnity fund for adverse events</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>following immunization with COVID-19 vaccines ("the proposed indemnity fund"). The Administration advised that the indemnity fund would provide financial support to persons who had proof of being affected by unexpected serious adverse events associated with COVID-19 vaccine. Details of the proposed indemnity fund would be announced in due course.</p>	
002048 - 002844	Chairman Mr YIU Si-wing Admin	<p>Expressing concern about the dire global pandemic situation, Mr YIU Si-wing considered that the quarantine period of inbound travellers should be further extended. He also sought information on the handling of persons who were in transit at the Hong Kong International Airport ("HKIA") since 2020. Noting that all arrivals from specified places were required to undergo compulsory quarantine at designated quarantine hotels for 21 days starting from 22 December 2020, he asked if there were still cases of home quarantine, and if so, the type of persons subject to home quarantine and whether virus testing at the community testing centres would be required for these persons which would pose a threat to the community by going out for testing.</p> <p>The Administration advised that there was a transitional arrangement for persons arriving at Hong Kong from a place outside China just before the effective date of 22 December 2020 to continue to undergo quarantine at home if needed. At present, persons arriving at Hong Kong from a place outside China had to present confirmation of a room reservation for 21 nights in a designated quarantine hotel at boarding. There was no such requirement for persons arriving at Hong Kong from a place in China who could choose to quarantine at home or at a hotel ("home quarantine"). For those who chose home quarantine, specimen bottles would be distributed for testing and collection on the 12th day of their 14-day quarantine period.</p>	
002845 - 003255	Chairman Mr POON Siu-ping Admin	<p>Mr POON Siu-ping suggested that consideration should be given to include in the compulsory testing notice all buildings in the district concerned rather than only buildings with confirmed cases so as to cut the transmission chain in the district as soon as possible. The Administration took note of the suggestion and advised that it would take into account various considerations in drawing up the scope of compulsory testing notices in accordance with the actual circumstances.</p>	
003256 - 003950	Chairman Mr SHIU Ka-fai Admin	<p>Mr SHIU Ka-fai urged the Administration to communicate with the relevant Mainland authorities for the resumption of the flow of people between Hong Kong and the Mainland following the launch of the vaccination programme, and enquired (a) whether members of the public would be allowed to choose their preferred type of vaccine for administration; (b) whether the Administration would make vaccination compulsory; (c) the minimum percentage of vaccinated persons required to achieve herd immunity in the community; and (d) how unused doses of the COVID-19 vaccines procured by the Administration, if any, would be disposed of, including whether they would be returned to the manufacturers concerned, or be sold or donated to any other places.</p> <p>Replying in the positive to item (a) above, the Administration</p>	

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		<p>advised that it had no plan for mandatory administration of COVID-19 vaccines and it would be for the Expert Committee to consider the vaccination rate required for achieving herd immunity. It would provide a written response to item (d) above.</p>	<p>Admin</p>
<p>003951 - 005021</p>	<p>Chairman Dr CHENG Chung-tai Admin</p>	<p>Dr CHENG Chung-tai's remarks and the Chairman's response regarding the meeting arrangements.</p> <p>In respect of the compulsory testing notices issued under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) and published in the Gazette on 30 and 31 December 2020 that persons who had been present on any of the specified premises in any capacity for more than two hours at any time during the specified periods had to undergo a polymerase chain reaction-based nucleic acid test for COVID-19 ("the specified test") by 4 January 2021, Dr CHENG Chung-tai was concerned about how the specified periods were computed, and whether there would be any defence available for persons prosecuted for failing to undergo the specified test. He also enquired the criteria for determining whether a particular person present on the premises and units located at the ground floor of a building would fall within the scope of the compulsory testing notice. The Administration advised that any units at the ground floor of a building would be included in the compulsory testing, provided that the persons concerned were present in the specified premises for more than two hours during the designated period.</p>	
<p>005022 - 010037</p>	<p>Chairman Mr Wilson OR Admin</p>	<p>Mr Wilson OR urged the Administration to (a) proactively trace persons who were covered by compulsory testing notices but had not undergone the specified test; (b) fully utilize mobile specimen collection stations during idle hours by opening them to members of the public who were not covered by compulsory testing notices but wished to undergo voluntary testing; and (c) further enhance publicity on compulsory testing.</p> <p>The Administration advised that information of compulsory testing would be set out clearly in and disseminated by way of, inter alia, a notice posted on the premises covered by compulsory testing notice. The Home Affairs Department ("HAD") would work with relevant government departments, owners' corporations and management offices of the housing estates concerned to monitor the compulsory testing work and residents' compliance with the notice. Reminders would be issued to those residents who had not undergone testing. As regards the usage of mobile specimen collection stations, the Administration would discuss with the contractors concerned for possible service enhancement.</p> <p>Mr Wilson OR further asked about immunity from personal liability in relation to the administering of recognized vaccines and the protection for members of the public who encountered severe adverse events after vaccination. On the other hand, noting from the letter dated 15 December 2020 from the Assistant Legal Adviser to the Administration concerning L.N. 251 of 2020 that under the new section 19E of Cap. 599J, it was</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>a defence if a person could prove that his or her failure to comply with the requirement to take the test was due to any physical or mental illness, impairment or disability, he enquired on why the new sections 19H and 19K of Cap. 599J did not provide similar defence(s) explicitly.</p> <p>The Administration advised that under the Prevention and Control of Disease (Use of Vaccines) Regulation (Cap. 599K), immunity from personal liability was given to the members of the government advisory panel and specified medical practitioners administering recognized vaccines. The vaccine must be administered with the informed consent of the recipient or a person who was legally capable of giving the relevant consent on the recipient's behalf. The Department of Health would keep monitoring the conditions of the vaccinated persons. The indemnity fund was set up to provide immediate financial assistance to persons who had severe adverse events after vaccination. Details would be confirmed as soon as possible.</p>	
010038 - 011258	Chairman Ms Elizabeth QUAT Admin	<p>Ms Elizabeth QUAT suggested that the Administration should deploy additional manpower, such as those from the disciplined services departments, for the registration for persons queuing up for undergoing tests at the community testing centres and mobile specimen collection stations. The Administration advised that it would maintain communication with the contractors concerned for shortening the waiting time.</p> <p>Ms Elizabeth QUAT sought information on the time required for mobile specimen collection stations to come into operation; when the testing results would be made available; and the number of persons who had failed to undergo the specified test in compliance with the requirement under the relevant compulsory testing notices and the follow-up actions taken by the Administration against these persons (including the last required date(s) for undergoing the specified test (if applicable) and whether any prosecution had been instituted).</p> <p>The Administration advised that mobile specimen collection station would come into operation latest on the day following the gazettal of the compulsory testing notice. Relevant departments would arrange with contractors to deploy additional manpower to shorten the waiting time if necessary. Persons undergoing compulsory testing would be notified of the results within three days. For persons who failed to undergo the specified test, the Administration would contact such persons individually and would issue a compulsory testing order requiring him or her to undergo testing within a specified time frame. In respect of the enforcement action taken in relation to the compulsory testing notice covering Ming Yan Lau of Jat Min Chuen in Sha Tin on 24 December 2020, there were 150 cases where the test records could not be verified on that day. Amongst those cases, it was verified that 133 cases out of the 150 cases did comply with the requirements of the compulsory testing notice. A compulsory testing order had been served on a case and the Department of Health was</p>	

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		<p>following up on the remaining cases. Under Cap. 599J, more than 80 compulsory testing orders and over 10 fixed penalties had been issued.</p>	
011259 - 012313	<p>Chairman Dr CHENG Chung-tai Admin</p>	<p>Dr CHENG Chung-tai noted that for the purpose of reducing contact among restricted persons during the effective period of a restriction-testing declaration, it was provided under the new section 19H of Cap. 599J that a prescribed officer might require a restricted person to stay in a particular area on the restricted premises unless permitted by a prescribed officer. Given that many buildings in Hong Kong were of a high density, he expressed concern about the enforcement of the above requirement in order to achieve the goal of zero infection in the community.</p> <p>Dr CHENG Chung-tai considered the arrangement that the Secretary for Food and Health ("SFH") might authorize a vaccine if it satisfied any of the following conditions too relaxed: (a) a regulatory authority in a place outside Hong Kong that performed the function of approving pharmaceutical products for use in that place had approved, whether or not with any condition, limitation or restriction, the vaccine for administration to persons other than on an experimental or trial basis, including for emergency use; (b) the vaccine was listed in accordance with the emergency use listing procedure by the World Health Organization ("WHO") or was in the list of prequalified vaccines published by WHO. He enquired whether persons involved in the distribution, delivery and administration of vaccines would be exempted from liability and whether the indemnity fund could assist vaccinated persons if problems were later found in such vaccines.</p> <p>The Administration advised that before authorizing a vaccine, SFH had to, having regard to the advice of the advisory panel, take into consideration the safety, efficacy and quality of the vaccine. In response to Dr CHENG Chung-tai's enquiry as to whether members of the advisory panel had declared interests in relation to the use of vaccines, the Administration replied in the affirmative.</p>	
012314 - 013053	<p>Chairman Mr YIU Si-wing Admin</p>	<p>Mr YIU Si-wing remarked that the Administration might need to enhance its border control and quarantine arrangements in relation to persons returning from those cities in the Mainland where the epidemic situation was relatively volatile; and enquired about the number of confirmed cases of COVID-19 amongst persons who were in transit at HKIA since 2020 and the mechanism for handling any such cases. The Administration advised that it did not maintain statistics on the number of COVID-19 cases involving persons who were in transit at HKIA and would provide further information after the meeting.</p> <p>Mr YIU Si-wing urged the Administration to provide information relating to the disposal of vaccines as requested by Mr SHIU Ka-fai before the next meeting; and enquired (a) whether the indemnity fund would be the main bearer of responsibility in case of adverse events for vaccinated persons;</p>	<p>Admin</p>

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>(b) whether incentives would be introduced to encourage members of the public to receive vaccination; and (c) if a mechanism was in place for the replacement of a particular type of vaccine if defects were found.</p> <p>The Administration advised that it had no plan to introduce incentives to boost the vaccination rate at the present stage but information concerning vaccination would be made available in the interest of informed consent. The Administration claimed that it was keeping an eye on the global development in relation to vaccination and would gather information on the side effects and adverse events, if any, from members of the public once the local vaccination programme commenced. The indemnity fund would provide immediate financial assistance to members of the public who encountered severe adverse events after vaccination if they failed to take action against the drug manufacturer.</p>	
013054 - 013721	Chairman Mr Wilson OR Admin	<p>Mr Wilson OR called on the Administration to enhance the dissemination of information regarding the development of the epidemic and the anti-epidemic measures. The Administration advised that it would enhance the dissemination of information in relation to latest legislative frameworks and details of specimen collection and compulsory testing. It would closely monitor the services of mobile specimen collection stations and better inform local residents, and members of the public could also make use of other channels to have their specimens collected. Upon Mr Wilson OR's request, the Administration undertook to provide information on persons failing to comply with the compulsory testing notices and the number of non-compliance cases and follow-up actions taken against these persons after the meeting.</p> <p>In response to the Chairman's enquiry, the Administration advised that asymptomatic patients would normally show symptoms at a later stage but the time taken before the onset of symptoms varied.</p>	Admin
013722 - 014724	Chairman Mr Frankie YICK Admin	<p>In response to Mr Frankie YICK's enquiry, the Administration advised that with the introduction of the new rapid nucleic acid tests recently introduced at HKIA, those who received the tests had their waiting time nearly shortened by half to four hours. Mr Frankie YICK called on the Administration to explore ways to further reduce the waiting time to less than two hours to facilitate the work arrangements of cabin crews who were in transit at HKIA. This apart, the Administration should arrange testing service for those workplaces that were involved in the provision of public services if a certain number of staff had tested positive for COVID-19.</p> <p>Mr Frankie YICK urged the Administration to consider procuring the COVID-19 vaccine developed by Sinopharm, and enquired about the type(s) of persons who were unfit for vaccination. The Administration advised that a scientific committee under the Centre for Health Protection would study whether COVID-19 vaccines would be suitable for a particular type of persons including pregnant women.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
014725 - 015346	Chairman Mr SHIU Ka-fai Admin	<p>At 11:44 am, the Chairman informed members of her decision to extend the meeting for not more than 15 minutes.</p> <p>In response to Mr SHIU Ka-fai's query, the Administration elaborated on the respective commencement schedules for the public to receive the BioNTech, Sinovac and AstraZeneca vaccines and advised that its target was for all residents to receive vaccination within 2021. It had been communicating with vaccine manufacturers for delivery schedule but the actual arrival of vaccines would be subject to various factors.</p>	
015347 - 015435	Chairman ALA1	Commencement of examination of the Chinese text of the provisions of L.N. 251, 259, 260 and 261 of 2020	
015436 - 020520	Chairman Admin	<p><u>Examination of L.N. 251 of 2020</u></p> <p><i>Examination of sections 1 to 6</i></p> <p>The Chairman's enquiry and the Administration's advice regarding the power of the prescribed officer under the new section 10(3)(d)(ii) of Cap. 599J.</p>	
020521 - 020630	Chairman Admin	<i>Examination of sections 7 to 10</i>	
020631 - 021443	Chairman ALA1 Admin	<p><i>Examination of section 11</i></p> <p>The Legal Adviser to the Subcommittee responsible for advising members on the legal and drafting aspects of L.N. 251 of 2020 drew the attention of members to the new section 19E of Cap. 599J, which provided for the power to require a person to undergo a specified test, and it was a defence if a person could prove that his or her failure to comply with the requirement to take the test was because of any physical or mental illness, impairment or disability. The Legal Adviser pointed out that unlike the new section 19E, the new sections 19H and 19K of Cap. 599J, which provided for, among others, the power to regulate movement in restricted premises and the power to demand information or assistance respectively, did not provide similar defence(s) explicitly.</p> <p>The Administration explained that the general defence of lawful authority or reasonable excuse was applicable to the new section 19E of Cap. 599J. To put things beyond doubt in situations where dispute might more readily be anticipated, it was expressly provided that any physical or mental illness, impairment or disability amounted to a defence for non-compliance with the requirement under the new section 19E. The defence provided under the new section 19H(3) of Cap. 599J was one of lawful authority or reasonable excuse, or that the person's complying with the requirement concerned would cause unreasonable hardship to the person or any other person. As regards the new section 19K(3) of Cap. 599J, the general defence provided thereunder was based on reasonable excuse. The view of the Administration was that the defence of reasonable excuse and the defence of causing unreasonable hardship might, in appropriate circumstances, be able to include a defence based on physical or</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		mental illness, impairment or disability, and the absence of an express reference to physical or mental illness, impairment or disability did not imply that it might not amount to a defence based on reasonable excuse under the new section 19H or the new section 19K.	
021444 - 021904	Chairman ALA1 Admin	The Legal Adviser enquired as to why the powers under the new sections 19H and 19K of Cap. 599J were applicable to vulnerable persons (which meant a child or a mentally incapacitated person under L.N. 251 of 2020) without being accompanied by a responsible person, whereas the power to require test under the new section 19E of Cap. 599J could only be exercised when a vulnerable person was being accompanied by a responsible person. The Administration explained that a different arrangement was provided for the exercise of the power to require test under the new section 19E of Cap. 599J as the nature of the requirement was different from that of those under the new 19H and 19K of Cap. 599J which related to regulation of movement and demand for information or assistance.	
021905 - 022033	Chairman Admin	The Chairman's concern and the Administration's reply in relation to persons who were unable to report for duty at work due to compulsory testing arrangements.	
022034 - 022121	Chairman Admin	<i>Examination of sections 12 to 14</i>	
022122 - 022529	Chairman Admin	<u>Examination of L.N. 259 of 2020</u>	
022530 - 022602	Chairman ALA3	The Legal Adviser to the Subcommittee responsible for advising members on the legal and drafting aspects of L.N. 259 of 2020 confirmed that no difficulties relating to the legal and drafting aspects of the English text of L.N. 259 of 2020 had been identified.	
022603 - 022811	Chairman Admin	<u>Examination of L.N. 260 of 2020</u>	
022812 - 022838	Chairman ALA3	The Legal Adviser to the Subcommittee responsible for advising members on the legal and drafting aspects of L.N. 260 of 2020 confirmed that no difficulties relating to the legal and drafting aspects of the English text of L.N. 260 of 2020 had been identified.	
022839 - 023110	Chairman	<u>Examination of L.N. 261 of 2020</u>	
023111 - 023129	Chairman ALA3	The Legal Adviser to the Subcommittee responsible for advising members on the legal and drafting aspects of L.N. 261 of 2020 confirmed that no difficulties relating to the legal and drafting aspects of the English text of L.N. 261 of 2020 had been identified.	
023130 - 023225	Chairman	The Chairman's decision to examine L.N. 258 of 2020 at the next meeting.	

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item II: Any other business</i>			
023226 - 023252	Chairman	Closing remarks	

Council Business Division 4
Legislative Council Secretariat
20 December 2021