

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

**Minutes of the eighth meeting
held on Friday, 5 March 2021, at 11:00 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Dr Hon CHIANG Lai-wan, SBS, JP (Chairman)
Hon YIU Si-wing, BBS (Deputy Chairman)
Hon CHAN Han-pan, BBS, 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
Hon LUK Chung-hung, JP
Dr Hon CHENG Chung-tai
- Members absent** : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
- Public Officers attending** : Dr CHUI Tak-yi, JP
Under Secretary for Food and Health
- Ms Ellen CHAN Sheung-man
Principal Assistant Secretary for Food and Health (Health) 7
Food and Health Bureau

Miss Winnie CHUI Hiu-lo
Principal Assistant Secretary for Food and Health (Health)
Special Duties 2
Food and Health Bureau

Miss Diane WONG Shuk-han, JP
Acting Director of Food and Environmental Hygiene /
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

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

Miss Carol LAM Ka-lo
Government Counsel
Department of Justice

Clerk in attendance : Mr Colin CHUI
Chief Council Secretary (4) 3

Staff in attendance : Mr Alvin CHUI
Assistant Legal Adviser 3

Ms Peggy CHUNG
Council Secretary (4) 3

Miss Ariel SHUM
Legislative Assistant (4) 3

Action

I. Meeting with the Administration

[L.N. 18, 24 to 30 of 2021, Legislative Council Briefs issued by the Food and Health Bureau on 16 and 26 February 2021, LC Paper Nos. LS35/20-21 and LS43/20-21, CB(4)582/20-21(01) to (09)]

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

2. The Subcommittee requested the Administration to advise:

Action

- (a) if domestic cruises resumed operation when the COVID-19 epidemic situation subsided further, whether the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) or the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) would be applicable to persons on domestic cruise ships which had travelled into international waters;
- (b) the number of usage (by industry) of the testing services at the Community Testing Centres;
- (c) the number of medical testing institutions which had been recognized by the Administration for conducting COVID-19 nucleic acid tests in Hong Kong and the number of such institutions the Administration had engaged for conducting such tests. Whether the Administration would set up and operate such testing institutions or engage more private testing institutions for conducting such tests;
- (d) details of the External Quality Assessment Programmes ("EQAP") for monitoring the quality of medical testing; and
- (e) whether the operators of the Community Vaccination Centres ("CVC") were selected by open tender or by invitation and details of the criteria for such selection or invitation. Whether the Administration would set up more CVCs to cope with the demand and, if so, how the operators of such CVCs would be selected.

(Post-meeting note: The Administration's written response had been issued to members vide LC Paper No. CB(4)617/20-21(02) on 11 March 2021.)

3. The Chairman concluded that the Subcommittee had completed the scrutiny of and generally supported the following eight items of subsidiary legislation:
 - (i) Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) Regulation 2021 (L.N. 18 of 2021);
 - (ii) Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) Regulation 2021 (L.N. 24 of 2021);

Action

- (iii) Prevention and Control of Disease (Disclosure of Information) (Amendment) Regulation 2021 (L.N. 25 of 2021);
 - (iv) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) Regulation 2021 (L.N. 26 of 2021);
 - (v) Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Amendment Regulation 2021 (L.N. 27 of 2021);
 - (vi) Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) Regulation 2021 (L.N. 28 of 2021);
 - (vii) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2021 (L.N. 29 of 2021); and
 - (viii) Prevention and Control of Disease (Wearing of Mask) (Amendment) Regulation 2021 (L.N. 30 of 2021)
4. The Chairman informed members that a verbal report of the Subcommittee on its deliberations would be made to the House Committee ("HC") at its meeting on 12 March 2021. A written report thereof would be submitted to HC on 17 March 2021.

II. Any other business

5. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 4
Legislative Council Secretariat
17 June 2021

**Proceedings of the eighth meeting of the
Subcommittee on Subsidiary Legislation
Relating to the Prevention and Control of Disease
on Friday, 5 March 2021, at 11:00 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
Agenda item I: Meeting with the Administration			
000845-001326	Chairman Administration	Briefing by the Administration	
001327-002143	Mr YIU Si-wing Administration Chairman	<p>Mr YIU asked if domestic cruises resumed operation when the COVID-19 epidemic situation subsided further, whether Cap. 599C or Cap. 599E would be applicable to persons on domestic cruise ships which had travelled into the high seas. He also enquired whether the Administration would extend the Return2hk Scheme, which was currently applicable to Hong Kong residents in Guangdong Province and Macao, to other provinces (such as Fujian). Mr YIU also urged the Administration to resume its discussion with Singapore on the arrangement of Hong Kong-Singapore Air Travel Bubble.</p> <p>The Administration explained that the epidemic situation at the time did not permit domestic cruises to resume operation. The Administration would provide members with information about the applicability of Cap. 599C and Cap. 599E to persons on domestic cruise ships when such cruises resumed operation. The Administration further advised that relevant bureaux would explore the feasibility of extension of the Return2hk Scheme and would continue the discussion on the Air Travel Bubble with Singapore.</p>	Supplementary information was provided by the Administration on 11 March 2021 vide LC Paper No. CB(4)617/20-21(02)
002144-002837	Dr Pierre CHAN Administration Chairman	<p>Dr CHAN expressed concern that some Hong Kong residents had encountered difficulties in returning to Hong Kong as boarding restrictions had been imposed on the places where these persons were currently located. He asked whether the Administration would assist these people.</p> <p>Pointing out that the boarding restrictions were imposed in view of the development of the global COVID-19 epidemic situation, particularly the fact that cases of people contracting the more transmissible new virus variant were found in an increasing number of places, the Administration advised that it would review these boarding restrictions regularly and make adjustments as necessary.</p> <p>The Chairman also urged the Administration to review the border control measures timely in the light of the</p>	

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		development of the COVID-19 epidemic situation.	
002838-003619	Mr POON Siu-ping Chairman Administration	<p>Mr POON enquired whether there were any criteria for the Administration to relax the anti-epidemic measures as he opined that the cases of COVID-19 would not be cleared completely. The Chairman shared a similar view as she noted that the number of new cases had decreased.</p> <p>Mr POON also asked whether the Administration had decided to take tightened measures if there was a new wave of COVID-19. He further asked whether there were any alternative measures if the new requirements which were imposed on catering business (e.g. dedicated staff for cleaning-up duties) were not practicable.</p> <p>The Administration replied that it would review and adjust the epidemic control measures, including social distancing measures, having regard to, inter alia, experts' advice to cope with the latest situation of COVID-19. For the latest requirement imposed on catering business premises, the Administration elaborated that operators of the catering business had to ensure their customers to scan the "LeaveHomeSafe" ("LHS") venue QR code or register their names, contact telephone numbers as well as the dates and times of their visits. Also the operators had to arrange dedicated staff for cleaning-up duties, or to ensure that the staff carrying out any of the cleaning-up duties must adopt hand hygiene measures before switching to perform other duties. The Administration would continue to communicate with the industry and make timely and appropriate adjustments according to the situation.</p>	
003620-004450	Dr CHENG Chung-tai Administration Chairman	<p>Dr CHENG opined that the requirement on arrangement of dedicated staff for cleaning-up duties would place an operational burden on catering business premises. He said that such requirement was not practicable for small catering business premises as only a small number of frontline staff worked in the premises. He also pointed out that restaurant operators had already been required under the Public Health and Municipal Services Ordinance (Cap. 132) to provide ventilation system for supplying sufficient fresh air to the restaurants concerned. Nevertheless, arising from the experts' suggestion that the outbreak of COVID-19 in a restaurant in Tsim Sha Tsui might be caused by poor ventilation therein, the Administration planned to impose an additional requirement on air change to restaurants on infection control grounds in Secretary for Food and Health ("SFH")'s directions under Cap. 599F. He expressed concern that restaurant operators might have difficulties in meeting the additional requirement.</p>	

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		<p>The Administration reiterated the requirement on arrangement of dedicated staff for clean-up duties as detailed above.</p> <p>On ventilation, the Administration clarified that the proposed requirement on air change or air purifiers for catering business premises under Cap. 599F and the requirement of provision of fresh air for restaurants under Cap. 132 were different, with the former being an enhancement to infection control measures having regard to the risks involved in operation of the premises during the current epidemic and the latter being premised on municipal services (licensing of food business). The proposed additional requirement of a higher air change level or the alternative of using air purifiers would have its own defined effective period under Cap. 599F, which itself was a public health emergency regulation. The Administration would discuss with the industry, experts, the Hong Kong Institute of Engineers and relevant stakeholders details of the proposed additional requirement and would release such details in due course.</p>	
004451-005224	Ms Elizabeth QUAT Administration Chairman	<p>Ms QUAT also raised concern that the requirement of dedicated staff for cleaning-up duties would place an operational burden on small restaurants. She noticed that there were suspected serious adverse events following COVID-19 vaccination and asked about the Administration's follow-up action. She opined that the Administration should consider opening quota of vaccination to public other than the priority groups and asked whether quarantine requirements for travels to/from the Mainland could be relaxed for members of the public who had received vaccination. She further enquired about the capacity for conducting COVID-19 tests.</p> <p>The Administration advised that causality investigations into the reported serious adverse events following COVID-19 vaccination were underway. The investigation results would be released in a timely manner. Chronic patients, particularly those suffering from uncontrolled chronic diseases, who would intend to receive vaccination, should seek medical advice beforehand on whether they could do so. For the quota of vaccination, the Administration would convey member's view to the Civil Services Bureau for consideration. The Administration also advised that there were many other factors to be considered for relaxing quarantine requirements for travels to/from the Mainland, discussion with relevant parties was still underway.</p> <p>Regarding the capacity for conducting COVID-19 tests, the Administration informed members that over 5 million tests had been conducted since the start of the</p>	

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		<p>fourth wave of COVID-19. The daily testing quota at Community Testing Centres ("CTCs") was around 32 000 and the quota had not been used up. The Administration had also set up mobile specimen collection stations for persons subject to compulsory testing or in targeted groups. Members of the public could also take such tests by collecting deep throat saliva specimen packs, leaving their specimens in the bottles and returning them to the collection points. The maximum number of daily distribution was between 40 000 and 60 000 packs. The daily return was 25 000 to 30 000 packs.</p>	
005225-005904	Mr CHAN Chun-ying Administration Chairman	<p>Noting that the Commissioner for Labour was added to Cap. 599G in relation to the enforcement of fixed penalty, Mr CHAN opined that other frontline public officers, such as the Immigration Department and the Customs and Excise Department, should be included as well to enforce the Regulation. He also observed that some operators of catering business premises were sloppy in taking the infection control measure to ensure that, before entering catering business premises, users scan the LHS venue QR code or register their names, contact telephone numbers as well as the dates and times of their visits. He was also concerned whether operators of catering business premises had taken the infection control measure to arrange for all staff involved in the operation of the premises to undergo a COVID-19 test once every 14 days. He asked whether the Administration had conducted inspections to ensure proper implementation of these measures. Mr CHAN also considered that live performance in catering business premises should be allowed if the performer wore a mask in the course of the performance.</p> <p>The Administration advised that the Food and Environmental Hygiene Department had conducted 14 778 inspections and initiated prosecutions on 16 cases on catering business premises alone (not inclusive of bars) since 18 February 2021. The prosecutions were not related to the use of the LHS mobile app nor the compulsory testing requirement for staff of catering business premises. The Administration said that, for new measures, it first started with an education and advisory phase and conducted publicity work and advised the operators concerned to implement the new requirements. For the proposed relaxation of live performance, the Administration replied that it would review the relevant requirements from time and time and adjust them based on, inter alia, the relevant risk assessments.</p>	
005905-010720	Mr CHAN Han-pan Chairman Administration	Mr CHAN asked about the number of medical testing institutions which had been recognized by the Administration for conducting COVID-19 tests in Hong Kong and the number of such institutions the	Supplementary information was provided by the Administration

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>Administration had engaged for conducting such tests. He also asked whether the Administration would set up and operate such testing institutions or engage more private testing institutions for conducting such tests.</p> <p>The Administration replied that the medical testing institutions were selected by tender and relevant information would be provided for members later.</p> <p>Mr CHAN said that some private doctors had reflected that the supply of COVID-19 vaccines was insufficient and they could not reach relevant officers of the Department of Health ("DH") for enquiry.</p> <p>The Chairman asked whether there was a designated office in DH to handle doctors' enquiries on the matters.</p> <p>The Administration replied that the arrangement in relation to provision of COVID-19 vaccines for private doctors had been improved.</p>	<p>on 11 March 2021 vide LC Paper No. CB(4)617/20-21(02)</p>
010721-011242	Dr Pierre CHAN Administration Chairman	<p>In response to Dr CHAN's enquiry on how the Administration monitored the quality of medical testing institutions, the Administration replied that those institutions had to meet the criteria of the External Quality Assessment Programmes ("EQAP"). The Administration added that the system design had been updated to avoid the error on testing date. DH also gave advice to the institution which reported a "false positive" case.</p> <p>Dr CHAN sought details of EQAP for monitoring the quality of medical testing institutions.</p> <p>In reply to the Chairman's enquiry, the Administration said CTCs were run by operators under Food and Health Bureau ("FHB")'s contracts.</p>	<p>Supplementary information was provided by the Administration on 11 March 2021 vide LC Paper No. CB(4)617/20-21(02)</p>
011243-011943	Dr CHENG Chung-tai Administration Chairman	<p>In reply to Dr CHENG's concern on the arrangements of regular testing of school staff, the Administration said that the school staff could make online booking at CTCs. The Administration added that after the high demand in February, the relevant testing institutions had cleared the backlog and the testing capacity was resuming normal gradually by the end of February.</p> <p>Dr CHENG sought information on the number of usage (by industry) of the testing services at the CTCs.</p>	<p>Supplementary information was provided by the Administration on 11 March 2021 vide LC Paper No. CB(4)617/20-21(02)</p>
011944-013546	Mr CHAN Han-pan Administration Chairman	<p>Mr CHAN expressed concern that section 5A(3)(e) of Cap. 599I might be construed as providing a reasonable excuse for a person on a public transport carrier, in particular ferry, not to wear a mask in order to eat or drink. He considered that eating or drinking in such circumstances should not be exempted from the mask-wearing requirement imposed under Cap. 599I.</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>The Administration advised that it would review the relevant requirements from time and time and adjust them based on, inter alia, the relevant risk assessments.</p>	
013547-014154	<p>Administration Chairman Assistant Legal Adviser 3 ("ALA3")</p>	<p>Members examined the provisions of the following eight items of subsidiary legislation in detail:</p> <ul style="list-style-type: none"> (i) Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) Regulation 2021 (L.N. 18 of 2021); (ii) Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) Regulation 2021 (L.N. 24 of 2021); (iii) Prevention and Control of Disease (Disclosure of Information) (Amendment) Regulation 2021 (L.N. 25 of 2021); (iv) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) Regulation 2021 (L.N. 26 of 2021); (v) Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Amendment Regulation 2021 (L.N. 27 of 2021); (vi) Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) Regulation 2021 (L.N. 28 of 2021); (vii) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2021 (L.N. 29 of 2021); and (viii) Prevention and Control of Disease (Wearing of Mask) (Amendment) Regulation 2021 (L.N. 30 of 2021). <p>Members raised no question.</p> <p>Confirmation by ALA3 that no difficulties had been identified in relation to the legal and drafting aspects of the eight items of subsidiary legislation</p> <p>Completion of scrutiny of the eight items of subsidiary legislation</p>	
Agenda item II: Any other business			
014155-014330	Chairman	Closing remarks	

Council Business Division 4
Legislative Council Secretariat
17 June 2021