

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1787/20-21  
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the Administration)

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

**Minutes of the eleventh meeting**  
**held on Wednesday, 15 September 2021, at 9:30 am**  
**in Conference Room 3 of the Legislative Council Complex**

- Members present** : Dr Hon CHIANG Lai-wan, SBS, JP (Chairman)  
Hon YIU Si-wing, SBS (Deputy Chairman)  
Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP  
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  
Hon LUK Chung-hung, JP
- Member Absent** : Hon CHAN Han-pan, BBS, JP
- Public Officers attending** : Dr CHUI Tak-yi, JP  
Under Secretary for Food and Health
- Ms Joan HUNG Sze-man  
Principal Assistant Secretary for Food and Health (Health) 6
- Ms Ellen CHAN Sheung-man  
Principal Assistant Secretary for Food and Health (Health) 7

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

Miss Diane WONG Shuk-han, JP  
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

Mr Michael CHOI Tin-yau  
Government Counsel  
Department of Justice

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

**Staff in attendance** : Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Macy NG  
Senior Council Secretary (4)3

Miss Ariel SHUM  
Legislative Assistant (4)3

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**I. Meeting with the Administration**

[File Ref.: L.Ns. 139 to 146 of 2021, Legislative Council Brief issued by the Food and Health Bureau (English and Chinese versions issued on 11 and 12 August 2021 respectively), LC Paper Nos. LS106/20-21 and CB(4)1518/20-21(01) to (09)]

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

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Border control measures

*Scope of Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C)*

2. Members considered that the quarantine requirements under Cap. 599C were stringent. Given that the Administration had introduced the Come2hk Scheme recently, some members asked whether Cap. 599C could be amended to provide more flexibility such that it would not cover the entire China.

3. The Administration explained that the Return2hk Scheme and the Come2hk Scheme aimed to facilitate travelling between Hong Kong, Macao and the Mainland under a quota system where no quarantine requirements were imposed on the premise that the epidemic situations in these places were stable and under control. Existing provisions of Cap. 599C already provided flexibility to implement both schemes. The Administration would regularly review the measures put in place under Cap. 599C and adjust them as and when situation warranted.

*Coronavirus disease 2019 tests for participants of Come2hk Scheme*

4. Some members noted that non-Hong Kong residents participating in the Come2hk Scheme were required to undergo a coronavirus disease 2019 ("COVID-19") test for six times after arrival at Hong Kong. They quoted press reports that a confirmed case in the recent outbreak of the Delta variant of COVID-19 in the Fujian Province had been tested negative in nine COVID-19 tests, and questioned whether the number of tests required under the Come2hk Scheme was sufficient given the long incubation period of the variant strain of COVID-19 in the aforesaid case.

5. The Administration advised that non-Hong Kong residents who had stayed in any medium- or high-risk areas in the Mainland could not come to Hong Kong under the Come2hk Scheme. So far, there had not been any confirmed case of people coming to Hong Kong from the Mainland under Cap. 599C. The Department of Health ("DH") was aware of confirmed cases in the Mainland through communication with the Mainland health authorities. The Administration considered the current arrangements of the Come2hk Scheme appropriate. It would continue to monitor the epidemic situation and take relevant measures as and when necessary.

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*Arrangement for Hong Kong people in quarantine to visit elderly relatives who were critically ill in hospitals*

6. A question was raised on whether there was a special arrangement to facilitate vaccinated Hong Kong people, who had returned from overseas and were in quarantine, to visit elderly relatives who were critically ill in hospitals. The Administration was requested to provide information on the unit under DH which was responsible for such matter.

7. The Administration advised that such special arrangement could be made with conditions, including the provision of documentary proof issued by the relevant hospital on the condition of the patient concerned, proof of relationship between the person under quarantine and the patient, permission of the visit by the hospital concerned and implementation of sufficient infection control measures for the visit. The matter was under the purview of the Emergency Response and Programme Management Branch of DH.

*Health code system for Hong Kong to facilitate resumption of quarantine-free travel with the Mainland*

8. Some members urged the Administration to introduce a health code system in Hong Kong to facilitate resumption of quarantine-free travel with the Mainland. If it was infeasible to introduce such system at the moment, the Administration was requested to consider incorporating a function similar to a health code into the "LeaveHomeSafe" mobile application.

9. The Administration advised that it had been developing the relevant electronic tools such as a health code as a measure for cross-boundary travels and exploring with the Mainland authorities on the requirements for a health code.

*Criteria for classification of overseas places into three groups*

10. Regarding an enquiry on the criteria for classification of overseas places into three groups for infection control, the Administration explained that overseas places were categorized into three groups taking into account a basket of factors, including public health risk considerations (such as epidemic situation in particular places as indicated by a 7-day moving average of daily global confirmed cases, testing rate, vaccination rate, volume of travellers and actual imported cases), as well as other local socio-economic factors.

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*Feasibility of quarantine exemption for pilots*

11. A member pointed out that since more places were categorized as Group A high-risk specified places, more pilots were required to undergo compulsory quarantine for 21 days or 14 days even if they were vaccinated. The aviation sector had reflected that there would be a shortage of pilots during peak season due to the lengthy compulsory quarantine period. The Administration was therefore requested to exempt pilots from quarantine if other stringent infection control measures had been implemented for them including minimizing contact with the public.

12. The Administration advised that it would consider exploring possible measures which could balance the public health risk and the needs of the trade.

*Proof on recovery from previous infection for persons arriving at Hong Kong*

13. There was a concern about a case where a Hong Kong resident, who had been recovered from COVID-19 in the United Kingdom ("UK") without hospitalization, could not obtain a medical proof on his/her recovery from previous infection, which had then hindered him/her from returning to Hong Kong during his/her flight transit in Dubai. Some members considered that such lack of proof on recovery would be more prevalent because the governments of many overseas countries adopted living with the virus as their approach to COVID-19 and hence persons infected might not be hospitalized nor consult doctors for treatment. These persons therefore did not have documentary proof on their recovery from previous infection. The Administration was therefore requested to review the current documentation requirements on persons arriving at Hong Kong from overseas countries to address the issue of such lack of proof on recovery.

14. The Administration explained that persons arriving at Hong Kong from overseas countries were subject to the requirements under the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) and the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H). Both UK and Dubai were Group A specified places. Under the current arrangements, persons who had stayed in Group A specified places on the day of boarding for/arrival at Hong Kong or during the 21 days before that day could only board flights for Hong Kong if they were Hong Kong residents who were fully vaccinated and held a recognized vaccination record, and fulfilled the boarding and quarantine requirements. For travellers who had recovered from previous COVID-19 infection, they would be

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required to receive one dose of a COVID-19 vaccine in order to be considered as fully vaccinated. In order to verify whether travellers had fulfilled the vaccination requirement before boarding, airlines would require the relevant travellers who had received one dose of vaccine to provide proof on their previous COVID-19 infection. It was understood that the case mentioned in paragraph 13 above had been settled as the traveller concerned was able to produce a documentary proof issued by the National Health Service of UK eventually.

*Recognition of vaccination records*

15. There were concerns that over one hundred Hong Kong people had been stranded in Cambodia, which was a Group A specified place, and were unable to return to Hong Kong because their vaccination records were not recognized by the Hong Kong Special Administrative Region ("HKSAR") Government. The Administration was requested to inform members of the progress of discussion between the HKSAR Government and the Consulate of Cambodia in Hong Kong on the matter to facilitate their returning to Hong Kong. The Administration was also requested to provide information on the number of Hong Kong people being stranded in overseas countries due to lack of a recognized vaccination record.

16. The Administration explained that holding recognized vaccination records was one of the prerequisites for Hong Kong residents who had stayed in Group A specified places to board a flight for Hong Kong. The Administration was working on reaching an agreement with the relevant authority or recognized institution of a country on recognition of their vaccination records. The Administration also advised that it did not have the information stated in paragraph 15 above.

*Vaccination requirement for inbound travellers*

17. A question was raised on whether the Administration would consider imposing a vaccination requirement on inbound travellers from Group B medium-risk specified places and Group C low-risk specified places.

18. The Administration explained that given the lower public health risks, there was no vaccination requirement for inbound travellers from Group B medium-risk specified places (for Hong Kong residents) and Group C low-risk specified places (for both Hong Kong residents and non-Hong Kong residents). However, unvaccinated arrivals from those places were subject to longer duration of compulsory quarantine and frequent testing requirements. The Administration considered the current arrangement appropriate but would keep in view the feasibility of imposing such vaccination requirement.

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19. At the request of members, the Administration agreed to provide supplementary information on the respective numbers of confirmed cases involving inbound travellers from these two groups of places from 1 to 14 September 2021.

(*Post-meeting note:* The Administration's response was issued to members via LC Paper No. CB(4)1544/20-21(02) on 20 September 2021.)

*Flight suspension mechanism*

20. On the question of whether the flight suspension mechanism had been reviewed regularly to see if there was any room for improvement, the Administration pointed out that adjustments had been made to the mechanism by upgrading some countries to a higher-risk group on a risk-based approach. The Administration would continue to review the mechanism regularly.

*Coronavirus disease 2019 test for passengers of "cruise-to-nowhere" itineraries*

21. There was a suggestion that a timetable should be set to review whether the requirement for passengers of "cruise-to-nowhere" itineraries to take COVID-19 tests within 48 hours prior to boarding could be relaxed to 72 hours, with a view to providing convenience to passengers.

22. The Administration advised that the shorter the duration of the testing prior to boarding, the more reliable the testing results would be. While there was no timetable for reviewing the testing requirements for passengers, the Administration would consider relaxation when there was sufficient evidence that it was safe to do so.

Social distancing measures

*Feasibility of relaxation of restrictions applicable to group gatherings and event premises*

23. Since the local epidemic situation had become stable, the Administration had been requested to consider further relaxing the restrictions imposed on tours, wedding ceremonies and business meetings. Concern was also raised on whether the Administration would adjust the cap on the number of persons allowed in a group gathering in a public place under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) as the cap on such group gathering had not been

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amended for some time even though the local epidemic situation had become stable. There was also an enquiry on whether the closing time of a certain type of clubhouse ("聯誼會/會所") with mahjong facilities could be extended given the stable epidemic situation.

24. The Administration explained that various government bureaux had been reviewing the restrictions applicable to different premises/group gatherings under their respective purview having regard to, inter alia, the current local epidemic situation and the views of the trades. Specifically, the Administration would study if there was any room to relax the current restrictions on local tours. It also pointed out that whilst keeping the four-person cap on a group gathering in a public place under Cap. 599G, the Administration had relaxed the group gathering restrictions for certain types of activities at which more participants might be allowed. The Food and Health Bureau would continue to liaise with the relevant government bureaux/departments and study whether certain restrictions could be relaxed while ensuring that the risk of transmission was minimized during the relevant activities.

*Enforcement actions*

25. Enquiries were made on the number of inspections and prosecutions on compliance with requirements in the directions issued under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F), including scanning the "LeaveHomeSafe" venue QR code or completing the relevant record form in lieu before entering catering premises.

26. The Administration cited the Food and Environmental Hygiene Department ("FEHD") as an illustration and advised that FEHD had been taking stringent enforcement actions against non-compliance with anti-epidemic regulations by stepping up inspections in various districts including conducting joint operations with the Police. These included operators of catering premises in non-compliance with the requirements under the "vaccine bubble". Over the weekend between 10 and 12 September 2021, FEHD (including joint operations conducted with the Police) inspected 1 447 catering premises in the Central and Western District, Wan Chai District, Yau Tsim Mong District and Sha Tin District, and the two departments initiated procedures on prosecution against 19 operators of catering premises under Type B, Type C or Type D Modes of Operation or bars/pubs suspected of breaching the requirements of Cap. 599F, and required these premises to take corresponding measures for reducing the risk of transmission. The conditions under which these catering premises might operate were required



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to be rolled-back for three, seven or 14 days as applicable, while bars/pubs were required to be closed for 14 days. Fixed penalty notices ("FPNs") were issued by FEHD to three staff members, two of them for breaching the vaccination requirement and the remaining one for breaching the regular testing requirement. FPNs were also issued by the two departments to 24 customers, 15 for breaching the "LeaveHomeSafe"-related requirements and nine for breaching the vaccination-related requirements applicable to Designated Zone D of catering premises or bars/pubs. In addition, other relevant government departments also took enforcement actions including issuing FPNs in the same period.

27. Regarding statistics on the overall enforcement actions, the Administration pointed out that for catering businesses under Cap. 599F, between 28 March 2020 and 13 September 2021, FEHD carried out inspections of catering premises for 436 501 times and its cooked food hawker and market stalls for 512 196 times; and initiated procedures on prosecution against 1 593 cases and issued 18 FPNs. As regards roll-back cases –

Roll-back period	Catering premises	FEHD's cooked food hawker and market stalls
3 days	204	2
7 days	152	14
14 days	71	-

28. For Cap. 599G and the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I), FEHD took enforcement actions against catering premises, its cooked food hawker and market areas and other (non-cooked-food) hawker and market areas as well. Between 28 March 2020 and 13 September 2021 –

Regulation	Fixed penalty tickets issued by FEHD	Procedures on prosecution initiated by FEHD (cases)
Cap. 599G	111	5
Cap. 599I	712	29

Coronavirus disease 2019 test

29. Concern was raised on whether follow-up COVID-19 tests had been arranged for persons recovered from COVID-19 infection and the number of reinfection cases. The Administration agreed to provide supplementary information in this regard.

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*(Post-meeting note: The Administration's response was issued to members via LC Paper No. CB(4)1544/20-21(02) on 20 September 2021.)*

Completion of scrutiny

30. The Chairman concluded that the Subcommittee had completed the scrutiny of, and generally supported, the following eight items of subsidiary legislation:

- (i) Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 2) Regulation 2021 (L.N. 139 of 2021);
- (ii) Prevention and Control of Disease (Disclosure of Information) (Amendment) (No. 2) Regulation 2021 (L.N. 140 of 2021);
- (iii) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 2) Regulation 2021 (L.N. 141 of 2021);
- (iv) Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 5) Regulation 2021 (L.N. 142 of 2021);
- (v) Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 6) Regulation 2021 (L.N. 143 of 2021);
- (vi) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) (No. 2) Regulation 2021 (L.N. 144 of 2021);
- (vii) Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 2) Regulation 2021 (L.N. 145 of 2021); and
- (viii) Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) (No. 2) Regulation 2021 (L.N. 146 of 2021).

31. Members noted that the scrutiny period of L.N. 139 to L.N. 146 of 2021 had been extended, by a motion moved by the Subcommittee Chairman and passed at the Council meeting of 8 September 2021, from the Council meeting of 15 September 2021 to the Council meeting of 6 October 2021. The deadline for giving notice of motion to amend the eight items of

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subsidiary legislation was 29 September 2021. Members also noted that a verbal report of the Subcommittee on its deliberations would be made to the House Committee ("HC") at its meeting on 24 September 2021, to be followed by a written report.

*(Post-meeting note: The written report (LC Paper No. CB(4)1580/20-21) was submitted to HC on 28 September 2021.)*

**II. Any other business**

32. There being no other business, the meeting ended at 10:32 am.

Council Business Division 4  
Legislative Council Secretariat  
7 December 2021

**Proceedings of the eleventh meeting of the  
Subcommittee on Subsidiary Legislation  
Relating to the Prevention and Control of Disease  
on Wednesday, 15 September 2021, at 9:30 am  
in Conference Room 3 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
<b>Agenda item I: Meeting with the Administration</b>			
000445-000818	Chairman Administration	Opening remarks by the Chairman  Briefing by the Administration	
000825-001353	Chairman Mr YIU Si-wing Administration	Relaxation of restrictions imposed on tours, wedding ceremonies and business meetings  Amendment of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C)	
001354-001917	Chairman Mr POON Siu-ping Administration	Relaxation of social distancing measures in Hong Kong  Sufficiency on the number of tests required for travellers under the Come2hk Scheme	
001918-002440	Chairman Administration	Arrangement of follow-up coronavirus disease 2019 ("COVID-19") tests for persons recovered from COVID-19 infection and the number of reinfection cases  Arrangement for Hong Kong people in quarantine to visit elderly relatives who were critically ill in hospitals	
002441-002702	Chairman Mr Frankie YICK Administration	Feasibility of granting quarantine exemption for pilots arriving at Hong Kong from Group A high-risk specified places	
002703-002938	Chairman Ms Elizabeth QUAT Administration	Recognition of overseas vaccination records	
002939-003416	Chairman Mr SHIU Ka-fai Administration	Closing time of a certain type of clubhouse with mahjong facilities  Introduction of a health code system for Hong Kong to facilitate reopening the border	
003415-003644	Chairman Administration	Recognition of overseas vaccination records	
003645-004630	Chairman Mr YIU Si-wing Administration	Proof on recovery from previous infection for persons arriving at Hong Kong  COVID-19 test for passengers of "cruise-to-nowhere" itineraries	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)/Discussion</b>	<b>Action required</b>
004631-005425	Chairman Mr CHAN Chun-ying Administration	Relaxation of social distancing measures in Hong Kong  Vaccination requirement for inbound travellers from Group B medium-risk specified places and Group C low-risk specified places; and respective number of confirmed cases from the above two groups  Review of flight suspension mechanism  Criteria for classification of overseas places into three groups	
005426-005950	Chairman Mr POON Siu-ping Administration	Enforcement actions under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F)	
005951-010459	Chairman Administration	Section-by-section examination L.N. 139 of 2021 to L.N. 146 of 2021	
010500-010520	Chairman Assistant Legal Adviser 6 ("ALA6")	Advice by ALA6 that no difficulties had been identified in relation to the legal and drafting aspects of the eight items of subsidiary legislation	
<b>Agenda item II: Any other business</b>			
010521-010621	Chairman	Legislative timetable  Closing remarks	

Council Business Division 4  
Legislative Council Secretariat  
7 December 2021