



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref.: FHB/H/16/123
Your Ref.:

Tel.: 3509 8700
Fax: 2136 3281

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Miss Rachel Dai
Assistant Legal Adviser
Legal Service Division
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Miss Dai,

**Prevention and Control of Disease (Disclosure of Information) (Amendment)
(No. 3) Regulation 2020 (L.N. 159 of 2020)**

Thank you for your email of 1 September 2020.

Contact tracing serves to identify possible sources of infection for the case and establish epidemiological linkage, and prevent further spread of infection from the case by putting the close contacts under quarantine and medical surveillance. It is a well recognised means to effectively contain the spread of the disease. In this connection, the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) was made to allow, inter alia, health officers to obtain relevant information relevant to the handling of the current state of public health emergency, including information on people with whom a person who has contracted COVID-19 previously made contact. The amendments to Cap. 599D under L.N. 159 of 2020 enhanced the legal framework by allowing other public officers to take part in the contact tracing work. We set out below our reply on the issues raised in the aforementioned email.

Question 1

Examples of public officers appointed by the Director of Health under section 4A(1) of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) as authorized officers include Dental Officers; Registered

Nurses; and Disciplinary Officers, who are posted or deployed to the Communicable Disease Branch of the Centre of Health Protection of the Department of Health.

Question 2(a)

Examples of persons acting under the authorized officer's directions referred to in section 4A(2) of Cap. 599D include persons employed by the Government (such as a clerical staff, non-civil servant contract staff, retired civil servant recruited under the post-retirement service contract scheme, etc.) working in the contact tracing team of the Communicable Disease Branch of the Centre of Health Protection of the Department of Health and are not an authorized officer, and any other persons requested by authorized officers to provide assistance to the contact tracing work.

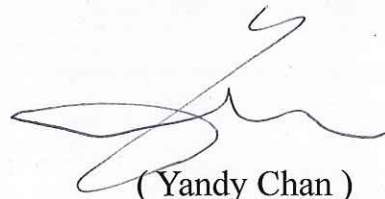
Question 2(b)

Authorized officer's directions can be given to such persons acting under the authorized officer's directions referred to in section 4A(2) of Cap. 599D either verbally or in writing.

Question 2(c)

Please note that under section 13 of Cap. 599, a person who is not a public officer is also exempted from personal liability if the person was acting under the direction of a health officer or public officer in carrying out duties under Cap. 599. Following this provision in the principal ordinance, we consider that if a person acting under the authorized officer's direction is not a public officer, as long as the person was acting under the authorized officer's direction to provide assistance in the collection of information under Cap. 599D and the person's act or omission to act is done or made in good faith, the person should be granted exemption from personal liability, regardless of whether the person is a public officer.

Yours sincerely,



(Yandy Chan)
for Secretary for Food and Health

c.c. Department of Health (Attn.: Dr Alice Wong)
Department of Justice (Attn.: Ms Michelle Chan)