

Government gazetted latest legislative amendments and specifications under Prevention and Control of Disease Ordinance and announced latest immigration control measures

In view of the COVID-19 epidemic situation in Hong Kong, the Government today (August 21) gazetted the latest legislative amendments and specifications under the Prevention and Control of Disease Ordinance (Cap. 599) to more effectively combat the epidemic.

The Government has amended the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) to empower authorised officers to require a person to provide or disclose information relevant to the handling of the public health emergency in order to strengthen the work of tracing close contacts of confirmed cases.

The Government has also extended the expiry date of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) by one month to October 7, 2020. It should be noted that this does not imply that the compulsory quarantine requirements currently imposed under Cap. 599C will remain unchanged until the expiry date.

The Government also gazetted the latest specifications under the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) to add Ethiopia as one of the very high-risk places whereby travellers who have stayed in specified place(s) within 14 days before boarding the flight arriving in Hong Kong would be required to undergo a test for the virus and make a hotel reservation for the purpose of quarantine.

The epidemic situation of COVID-19 in Hong Kong is still severe. Despite the fact that the number of daily new cases has come down from its peak in late July, the overall number remains at a high level. The third wave of the epidemic concerns community infections with a wide distribution geographically and across sectors. The latest virus strain is observed to have higher transmissibility, and its spread to elderly homes as well as elderly or chronic disease patients has brought about a rising mortality rate. The occurrence of new and growing clusters in settings such as dormitories for foreign domestic helpers and a workplace for port workers suggests that the risk of an explosive community outbreak and a rebound of the epidemic situation remains considerably high.

According to the World Health Organization and health experts, COVID-19 would not be eradicated without effective treatment and vaccination. The Government thus is required to incorporate work in relation to disease

prevention and control as well as infection management into the new normal of the daily operation of the society. To this end, the Government has all along adopted the "suppress and lift" strategy in order to quickly adjust epidemic control measures having regard to the development of the epidemic situation. Experts have also suggested that a winter surge or a fourth wave coinciding with the usual influenza season is possible, and Hong Kong should get itself well prepared for that wave in all aspects. The Government will continue to closely monitor the developments of the epidemic situation and review the various measures in place from time to time with a view to making suitable adjustments taking into account all relevant factors.

Strengthening Contact Tracing

The stubbornly high proportion of new cases with unknown sources of infection at some 40 per cent and their widely varying trades and settings indicates that silent or sub-clinical transmission chains are prevalent in the community. It is highly worrying that such transmission chains persist despite extensive testing.

The Centre for Health Protection (CHP) has all along spared no efforts in following up on the epidemiological investigations of confirmed cases and tracing of their close contacts. Nevertheless, in the face of a surge in the number of confirmed cases, the healthcare manpower of the CHP cannot cope with the workload of relevant work. At present, the statutory framework under the Cap. 599D only empowers health officers to require relevant persons to provide information, restricting the flexibility to redeploy manpower internally within the Government for such work. In order to strengthen the contact tracing work, it is necessary for the Government to empower the Director of Health to appoint public officers to assist in conducting contact tracing work.

The Government has made legislative amendments to Cap. 599D to empower authorised officers to require any person to provide or disclose information that is relevant to identification and tracing of persons who may be at risk of contracting the disease, such as travel history, places they have visited or people they have come into contact with, etc. in relation to the prevention and control of the spread of diseases. A person commits a criminal offence if he / she fails to comply with the requirement to provide information, or gives to an authorised officer any false or misleading information. The maximum penalty for such offence is a fine of \$10,000 and imprisonment for six months. The CHP will, through its hotlines (2125 1111/2125 1122), allow members of the public to verify the identity of authorised officers if necessary.

The spokesperson emphasised that the personal data obtained for COVID-19 contact tracing will only be used by the Department of Health (DH) or relevant department(s) for epidemic prevention purposes, and the arrangements for handling the personal data would be in strict compliance with the Personal Data (Privacy) Ordinance (Cap. 486).

Extending the Expiry Date of the Compulsory Quarantine Regulation

Apart from strengthening the work on contact tracing, implementing compulsory quarantine arrangements or other infection control measures is an integral part of Hong Kong's strategy to combat the epidemic. The relevant measures are currently put in place through 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), of which Cap. 599C will expire on September 7, 2020. The Government have earlier made legislative amendments to the aforesaid regulations to introduce a mechanism to empower the Secretary for Food and Health (SFH) to specify two categories of places – persons arriving at Hong Kong from Category 1 specified places will be subject to compulsory quarantine, while persons arriving at Hong Kong from Category 2 specified places do not need to undergo compulsory quarantine if relevant conditions are met (such as having a negative COVID-19 test result).

Given the epidemic situation locally and in places outside Hong Kong and the need to reduce cross-boundary movement of people and impose compulsory quarantine in the near future, the Government gazetted today legislative amendments to extend the expiry date of Cap. 599C by one month to October 7, 2020. Extending the expiry date of the regulation concerned does not necessarily imply that the compulsory quarantine requirements currently imposed would be maintained until the expiry date of the relevant regulation. The provisions under Cap. 599C allow flexibility for the Government to, in view of the development of the epidemic, tighten or relax measures to implement compulsory requirement for arrivals from specific places or other infection control measures in order to complement the implementation of the mutual recognition of health codes and mutual exemption of quarantine with the Mainland and to explore the arrangements of "travel bubbles" with other regions

Entry Restrictions on Hubei Residents and non-Hong Kong Residents Who Have Visited Hubei Province

As one of the measures to prevent and control COVID-19, the Government, in view of the epidemic situation in Hubei Province in early 2020 and after taking into account the advice of experts, restricted the entry into Hong Kong of any Hubei residents, and non-Hong Kong residents who have visited the Hubei Province in the 14 days prior to arrival at Hong Kong since January 27, 2020. Having regard to the fact that the epidemic situation in Hubei Province has remained stabilised and is under control, the Government has lifted this measure with effect from today (August 21, 2020). Hubei residents and non-Hong Kong residents who have visited the Hubei Province in the 14 days prior to arrival at Hong Kong would be subject to the same arrangements for other inbound travellers from the Mainland, and are required to comply with the compulsory quarantine requirements pursuant to Cap. 599C.

Imposing Testing and Quarantine Conditions on Travellers from Very High-risk Places

The Government has earlier introduced Cap. 599H to impose testing and quarantine conditions on travellers coming to Hong Kong from very high-risk places to reduce the health risk they may bring to Hong Kong. SFH has

previously published in the gazette specifications on the relevant measures applicable to nine specified places (i.e. Bangladesh, India, Indonesia, Kazakhstan, Nepal, Pakistan, the Philippines, South Africa and the United States of America) and adjust relevant conditions having regard to the circumstances on the ground since the implementation of the regulation. Taking into account the latest public health risk assessment, and the changes and developments of the epidemic situation, SFH published in the gazette new specifications to maintain the conditions imposed and include Ethiopia as a specified place with effect from August 28 until further notice.

According to the latest specifications, a traveller who, on the day on which the traveller boarded a civil aviation aircraft that arrives at, or is about to arrive at Hong Kong (specified aircraft), or during the 14 days before that day, has stayed in one of the aforementioned specified places must provide the following documents:

- (1) a test report in English or Chinese issued by a laboratory or healthcare institution bearing the name of the relevant traveller identical to that in his/her valid travel document to show that:
 - (a) the relevant traveller underwent a nucleic acid test for COVID-19 the sample for which was taken from the relevant traveller within 72 hours before the scheduled time of departure of the specified aircraft;
 - (b) the test conducted on the sample is a nucleic acid test for COVID-19; and
 - (c) the result of the test is that the relevant traveller was tested negative for COVID-19; and
- (2) if the relevant report is not in English or Chinese or does not contain all of the above information, a written confirmation in English or Chinese issued by the laboratory or healthcare institution bearing the name of the relevant traveller identical to that in his/her valid travel document and setting out all of the above information. The said written confirmation should be presented together with the test report; and
- (3) documentary proof in English or Chinese to show that the laboratory or healthcare institution is ISO 15189 accredited or is recognised or approved by the relevant authority of the government of the place in which the laboratory or healthcare institution is located; and
- (4) the relevant traveller has confirmation in English or Chinese of room reservation in a hotel in Hong Kong for not less than 14 days starting on the day of the arrival of the relevant traveller in Hong Kong.

The operator of the specified aircraft must submit to DH before the specified aircraft arrives at Hong Kong a document in a form specified by DH confirming that each relevant traveller has, before being checked-in for the flight to Hong Kong on the aircraft, produced for boarding on the aircraft the documentary proof to show that the above conditions are met.

If any conditions specified by SFH is not met in relation to any relevant traveller on the conveyance, each of the operators of the conveyance commits an offence, and is liable on conviction to the maximum penalty of a

fine at level 5 (\$50,000) and imprisonment for six months. If an operator fails to comply with a requirement to provide information, or knowingly or recklessly provides any information that is false or misleading in a material particular, he or she is liable on conviction to the maximum penalty of a fine at level 5 (\$50,000) and imprisonment for six months.

As for travellers, if a traveller coming to Hong Kong fails to comply with a requirement to provide information, or knowingly or recklessly provides any information that is false or misleading in a material particular, he or she is liable on conviction to the maximum penalty of a fine at level 3 (\$10,000) and imprisonment for six months.

Travellers to Hong Kong should note that they will be mandated to wait for their test results at a designated location after their deep throat saliva samples are collected for conducting testing for COVID-19 at DH's Temporary Specimen Collection Centre pursuant to the Prevention and Control of Disease Ordinance (Cap. 599). If their test results are negative, they will be allowed to go to the hotel for which they made the reservation to continue the 14-day compulsory quarantine until completion. If their results are positive, the travellers will be transferred to hospital for isolation and treatment.