

# Technical amendments on Prevention and Control of Disease Ordinance and subsidiary legislation

The Government published in the Gazette today (April 28) the amendments of the Prevention and Control of Disease Ordinance (Cap. 599) (the Ordinance) and its subsidiary legislation, updating and standardising the use of "coronavirus disease 2019 (COVID-19)" as the latest nomenclature for the statutorily notifiable disease in Hong Kong, extending the validity of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D), and enabling certain officers, in addition to the Director of Health (DoH), to perform a function under Schedule 2 of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G). The amendments will come into effect at 0.00am tomorrow.

## (1) Naming of notifiable infectious disease and infectious agent

Currently, the Ordinance and its six subsidiary legislations include "Severe Respiratory Disease associated with a Novel Infectious Agent" as the nomenclature of the notifiable infectious disease. The disease has been included in Schedule 1 of the Ordinance and the Prevention and Control of Disease Regulation (Cap. 599A) since January 8. The same nomenclature has been adopted under other subsidiary legislations under the Ordinance.

Under the amendments, "Severe Respiratory Disease associated with a Novel Infectious Agent" has been renamed as "coronavirus disease 2019 (COVID-19)". Also, "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)" has also been added to the list of Scheduled Infectious Agents in Schedule 2 to the Ordinance. The legislative amendments followed the earlier adoption by the World Health Organization of the name "coronavirus disease 2019 (COVID-19)" for the disease and "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)" for the virus.

In addition to the Ordinance, the amendments apply to relevant provisions under its six subsidiary legislations, i.e. the Prevention and Control of Disease Regulation (Cap. 599A), the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C), the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D), the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E), the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) and the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G).

The amendments will not affect the provisions concerning the disease. Medical practitioners are required to notify the DoH if they have reason to suspect the existence of the disease. Also, owners or persons in charge of a

laboratory are required by law to notify the DoH about leakage of the virus in the laboratory for the protection of laboratory workers and prevention of laboratory-acquired infections.

The Centre for Health Protection has issued letters to doctors and the medical laboratory sector to inform them of the relevant legislative amendments and the revised reporting criteria.

(2) Extending the validity of the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D)

A health officer is currently empowered to require a person to disclose or furnish any information relevant to the handling of a state of the public health emergency, such as travel history. The relevant power is extended to other medical practitioners who would have encountered a person involved in such a public health emergency.

The amendments have extended the validity of Cap. 599D from May 7, 2020, to August 31, 2020. It would be a criminal offence for any person to provide false or misleading information to the health officer/medical practitioners concerned. The maximum penalty for failure to comply is a fine of \$10,000 and imprisonment for six months.

(3) Empowering certain officers performing a function under Schedule 2 of the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G)

To streamline relevant procedures, the amendments enable certain officers, in addition to the DoH, to perform a function under Schedule 2 of Cap. 599G, for example, to serve a demand notice for failure to pay the fixed penalty.

The above amendments are made under regulations in accordance with the Prevention and Control of Disease Ordinance (Cap. 599). Section 8 of Cap. 599 empowers the Chief Executive in Council to make public health emergency regulations for the purposes of preventing, combating or alleviating the effects of a public health emergency and protecting public health.