

The Government amends regulations under Prevention and Control of Disease Ordinance

The Government announced today (March 29) legislative amendments to eight public health emergency regulations approved by the Chief Executive in Council as well as those to the Prevention and Control of Disease Regulation (Cap. 599A) made by the Secretary for Food and Health under the Prevention and Control of Disease Ordinance (Cap. 599) to extend and strengthen the relevant legal frameworks for implementation of epidemic control measures by the Government. The nine amendment regulations will be published in the gazette later today and will come into effect on March 31, 2022.

Given that the COVID-19 epidemic situation in Hong Kong and around the world remains severe, the Government needs to extend the expiry dates of the various emergency regulations under Cap. 599 to maintain the legal framework for implementing epidemic control measures, such that the Government can continue to adopt measures to further curb the current epidemic and safeguard public health. The Chief Executive in Council approved today the amendments to the following eight emergency regulations to extend their expiry dates by six months to September 30, 2022:

- (1) Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C)
- (2) Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D)
- (3) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E)
- (4) Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F)
- (5) Prevention and Control of Disease (Prohibition on Gathering) Regulation (Cap. 599G)
- (6) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H)
- (7) Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I)
- (8) Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J)

A Government spokesman pointed out that extending the expiry dates of the relevant regulations is to maintain the legal frameworks for the implementation of the relevant infection control measures. It does not imply that the restrictions currently imposed under those regulations will be maintained until the corresponding expiry dates. The relevant statutory framework has provisions in place to allow flexibility such that the Government may adjust specific restrictions and conditions subject to development of the epidemic situation and the needs of overall epidemic control in Hong Kong as well as resumption of social and economic activities.

Meanwhile, early testing is an important part of epidemic control. The Government will adjust the testing strategy from time to time having regard to factors including risk assessment and epidemic development etc. With a view to enhancing the legal framework for the current compulsory testing arrangements and strengthening the deterrent effect against violation of the requirements in relation to compulsory testing, the Government has also made other amendments to Cap. 599J to (1) require responsible persons for vulnerable persons (children and those who are mentally incapacitated persons) to use the former's best endeavours to ensure that the latter comply with testing requirements under compulsory testing directions (CTDs), compulsory testing notices (CTNs) or compulsory testing orders (CTOs) subject to certain defences; and (2) having regard to the previous increase in the fixed penalty level under Cap. 599J, increase under the current exercise the penalty levels for offences in relation to non-compliance with CTDs, CTNs, and testing requirements under restriction-testing declarations (RTDs) with a view to strengthening the deterrent effect and maintaining the tiering among different penalties. Upon amendment, the maximum penalty for persons who do not comply with CTDs and CTNs will be a fine at level 4 (\$25,000) and imprisonment for six months while that for non-compliance of testing requirements under restriction-testing declarations (RTDs) will be a fine at level 5 (\$50,000) and imprisonment for six months.

Furthermore, adopting compulsory isolation and quarantine measures in respect of infected persons and their close contacts is key to containing the spread of COVID-19 in the community and providing early support to and treatment of cases. The Government has amended Cap. 599A to strengthen the legal provisions for adopting measures in respect of quarantine or isolation of individual persons, articles (including animals) or places, including providing for offences for non-compliance with quarantine or isolation orders and introducing relevant penalties, the maximum of which is a fine at level 3 (\$10,000) and imprisonment for six months, while also refining provisions regulating entry or leaving of the premises of isolation/quarantine.

The spokesman said, "The Government urges all individuals who are subject to compulsory testing, isolation or quarantine to comply with the relevant requirements with a view to containing the spread of the virus in the community. We will continue to closely monitor the development 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."