

Chapter:	599	PREVENTION AND CONTROL OF DISEASE ORDINANCE	Gazette Number	Version Date
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		Long title	L.N. 202 of 2008	14/07/2008
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An Ordinance to provide for the control and prevention of disease among human beings; to prevent the introduction into, the spread in and the transmission from, Hong Kong of any disease, source of disease or contamination; to apply relevant measures of the International Health Regulations promulgated by the World Health Organization; and to provide for connected purposes.

[14 July 2008] *L.N. 202 of 2008*

(Originally 14 of 2008)

Section:	1	Short title and commencement	L.N. 202 of 2008	14/07/2008
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PART 1

PRELIMINARY

- (1) This Ordinance may be cited as the Prevention and Control of Disease Ordinance.
- (2) (Omitted as spent)

Section:	2	Interpretation	L.N. 202 of 2008	14/07/2008
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In this Ordinance, unless the context otherwise requires—

“article” (物品) includes—

- (a) an animal;
- (b) a plant; and
- (c) any other thing or substance (including, but not limited to, conveyances and any kind of movable property),

and, to avoid doubt, includes mail of any kind;

“building” (建築物) includes any house, hut, shed or enclosure with or without roof, whether needed for the purpose of human habitation or otherwise, and also includes any wall, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing stage or bridge;

“contact” (傳染病接觸者) means any person who has been, or is likely to have been, exposed to the risk of contracting an infectious disease;

“contaminated” (污染) means the presence of a toxic agent or matter on the surface of or inside the body of, or in, a human being or an article in a manner that may pose a public health risk;

“conveyance” (運輸工具) includes a vessel, vehicle, aircraft and any other means of travel or transport;

“Director” (署長) means the Director of Health;

“health officer” (衛生主任) means—

- (a) the Director of Health, the Deputy Director of Health, or the Controller, Centre for Health Protection of the Department of Health; or
- (b) a medical practitioner appointed by the Director as a health officer or port health officer;

“infected” (感染、受感染) means the presence of an infectious agent on the surface of or inside the body of, or in, a human being or an article;

“infectious agent” (傳染性病原體) means a parasite, a fungus, a bacterium, a virus, a prion or any other agent that can cause an infectious disease;

“International Health Regulations” (《國際衛生條例》) means the International Health Regulations (2005);

“laboratory” (化驗室) means an establishment that possesses or performs tests on any infectious agent;

“medical surveillance” (醫學監察) means the regular medical monitoring, observation, examination or testing of a person with a view to ascertaining the condition of the person’s health;

“place” (地方) includes—

- (a) premises and a conveyance; and
- (b) any part of a place;

“premises” (處所) includes any land, building, structure of any kind, footway, yard, alley, court, garden, stream, nullah, pond, pool, field, marsh, drain, ditch or place open, covered or enclosed, or cesspool or foreshore, and also includes any vessel lying within the waters of Hong Kong;

“public health risk” (公共衛生危險) means a risk of serious and direct danger to the health of human beings;

“scheduled infectious agent” (表列傳染性病原體) means an infectious agent specified in Schedule 2;

“scheduled infectious disease” (表列傳染病) means an infectious disease specified in Schedule 1;

“vector” (媒介) means an animal (including an insect) that transports or transmits an infectious agent;

“WHO” (世衛) means the World Health Organization.

Section:	3	Power to seize articles	L.N. 202 of 2008	14/07/2008
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PART 2

POWERS OF SEIZURE AND FORFEITURE

(1) With the approval in writing of the Director, a health officer may, for the purpose of the control or preventing the spread of any disease that poses a public health risk, seize any article or part of an article if the health officer has reason to believe the article or the part—

- (a) is an infectious agent; or
- (b) contains an infectious agent.

(2) A health officer may cause any tests to be performed on an article or part of it that is seized under subsection (1).

(3) The owner of the article or part of the article or a person who has possession of the article or the part shall furnish such reasonable assistance as a health officer may require of that person for the purpose of exercising the health officer’s power of seizure.

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

Section:	4	Forfeitures of articles	L.N. 202 of 2008	14/07/2008
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(1) If a person lands or attempts to land, or otherwise brings into Hong Kong, any article in contravention of this Ordinance, the article shall be liable to be forfeited by a health officer.

(2) Subsection (1) does not apply to the landing of or bringing into a place of isolation or quarantine any article under the direction of a health officer.

Section:	5	Powers of arrest	L.N. 202 of 2008	14/07/2008
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PART 3

POWERS OF ARREST

(1) If a health officer or a police officer reasonably suspects that a person has committed or is committing an offence under this Ordinance, the health officer or the police officer may stop, detain or arrest that person without warrant.

(2) If a person obstructs a health officer, a police officer, a member of the Auxiliary Medical Service or a member of the Civil Aid Service or a public officer appointed under this Ordinance who is exercising a power or performing a function under this Ordinance, or assists in any such obstruction, that officer or member may arrest that

person without warrant.

(3) Where a health officer or a member of the Auxiliary Medical Service or a member of the Civil Aid Service or a public officer appointed under this Ordinance arrests a person under this section, the person who made the arrest shall deliver the person arrested to a police officer as soon as practicable.

(4) This section is in addition to and not in derogation of the powers or authority a police officer would have apart from this section.

Section:	6	Escape from detention	L.N. 202 of 2008	14/07/2008
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(1) If a person who is detained under this Ordinance escapes, he may be arrested by—

- (a) any public officer appointed under this Ordinance;
- (b) any police officer; or
- (c) any member of the Auxiliary Medical Service or Civil Aid Service,

and may be conveyed to the place from which he escaped or any other place authorized by a health officer and detained in that place.

(2) If a person who is detained under this Ordinance escapes or attempts to escape, he commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

Section:	7	Power to make regulations	L.N. 202 of 2008	14/07/2008
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PART 4

REGULATIONS

(1) The Secretary for Food and Health may make regulations (“the regulation”)—

- (a) for the purpose of preventing the introduction into, the spread in and the transmission from, Hong Kong of any disease, source of disease or contamination; and
- (b) for the prevention of any disease.

(2) Without limiting the generality of subsection (1), the regulation may provide for any or all of the following

- (a) the appointment of health officers, other public officers and any other person for the purposes of this Ordinance, and their powers, duties and functions;
- (b) the form and mode of service of notices and other documents;
- (c) fees to be paid under this Ordinance;
- (d) the prohibition or regulation of the disposal, importation, transit, transshipment, exportation or removal of—
 - (i) organs, tissue, cells, dead bodies or remains (whether of human beings or animals);
 - (ii) infected articles; or
 - (iii) vectors;
- (e) the prohibition or regulation of—
 - (i) the admission of persons into Hong Kong or their movements within or their departure from Hong Kong; and
 - (ii) the importation, transit, transshipment or exportation of any article;
- (f) the isolation or quarantine of any person, article or place and their management or disposal while under isolation or quarantine and the occupation of any place required for isolation or quarantine;
- (g) in relation to conveyances—
 - (i) the prohibition or regulation of their arrival or landing in or departure from Hong Kong;
 - (ii) the disembarking of any person or the unloading of any article from them;
 - (iii) matters relating to pratique;
 - (iv) precautions with regard to drinking water and food stuff taken on board conveyances and the water taken in as ballast by them; and
 - (v) the granting of certificates in respect of their sanitariness;
- (h) subjecting any person to medical surveillance or medical examination or testing, and matters relating to vaccination and prophylaxis;

- (i) the prohibition or regulation of the movements of contacts, infected persons or persons suspected of being infected;
- (j) examination of dead bodies and certification of the cause of death;
- (k) the occupation of any place required for the treatment of any person;
- (l) empowering a magistrate to issue a warrant authorizing a health officer to enter or break into any residential premises, and empowering a health officer to enter or break into any other place;
- (m) the action that a health officer may take in any residential premises or other place referred to in paragraph (l) after entering or breaking into it, including—
 - (i) the inspection and searching of the premises or place;
 - (ii) the inspection of any person or dead body in the premises or place;
 - (iii) the seizure of any article in the premises or place; and
 - (iv) the taking of photographs and the making of any video or sound recording;
- (n) stopping, removing or detaining any person, conveyance or article;
- (o) different kinds of disease or contamination control measures, and ordering or applying such measures in respect of any person, place or article;
- (p) the destruction of any article referred to in paragraph (o) or the prohibition or regulation of its removal or the closing of any place for applying any measures referred to in paragraph (o);
- (q) the regulation of the sanitariness of any place;
- (r) in relation to any laboratory in which infectious agents are handled—
 - (i) the control of such handling;
 - (ii) the registration of such laboratory and matters relating to registration; and
 - (iii) empowering the Director to impose any precautionary measure relating to the handling of any scheduled infectious agent;
- (s) seizing or destroying any infectious agent or any infected or contaminated article and the collection or submission of any sample or article for the purpose of examination or testing or regulating the sanitariness of any place or keeping any place free from contamination;
- (t) the collection and compulsory provision of any information, compulsory reporting of cases of any disease, death, contamination or leakage of an infectious agent or a toxic agent or any other matter, the inspection of any documents or records and their submission for that purpose;
- (u) the application of measures in the light of any recommendation made by WHO (other than those made pursuant to article 15 of the International Health Regulations);
- (v) the carrying out under the direction of a health officer by any person of any act or thing that the health officer is empowered to do under the regulation;
- (w) the liability of any person in respect of the costs that are incurred in connection with the enforcement of this Ordinance and the payment to the Government of any expenses charged or incurred for the medical attendance and maintenance of any person in connection with such enforcement; and
- (x) any other matter that appears to the Secretary for Food and Health to be necessary or expedient for the carrying out of the purposes specified in subsection (1).

(3) The regulation may provide that a contravention of any provision of the regulation is an offence punishable with a fine not exceeding level 3 and a term of imprisonment not exceeding 6 months.

(4) The Secretary for Food and Health after consultation with the Secretary for Financial Services and the Treasury may by order published in the Gazette amend the fees prescribed in the regulation.

Section:	8	Public health emergency regulation	L.N. 202 of 2008	14/07/2008
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(1) On any occasion which the Chief Executive in Council considers to be an occasion of a public health emergency, he may make regulations (“the regulation”) for the purposes of preventing, combating or alleviating the effects of the public health emergency and protecting public health.

(2) The Chief Executive in Council shall review from time to time, or cause to be reviewed from time to time, the public health emergency in respect of which the regulation is made.

(3) Without limiting the generality of subsection (1), the regulation may provide for—

- (a) requirements on a person to disclose or furnish any information that is relevant to the handling of a state of public health emergency;
- (b) the disclosure to the public by a public officer of any information that is relevant to the handling of a

state of public health emergency;

- (c) the requisitioning of property and matters relating to compensation for such requisitioning;
- (d) matters relating to the appointment of any person to act as a medical and health professional, the control of such appointed person, and the deeming of such appointed person to be registered under any enactment; and
- (e) such incidental and supplementary matters as appear to the Chief Executive in Council to be necessary or expedient for the purposes of the regulation.

(4) The regulation may provide that a contravention of any provision of the regulation is an offence punishable with a fine not exceeding level 5 and a term of imprisonment not exceeding 6 months.

(5) In this section, “public health emergency” (公共衛生緊急事態) means—

- (a) the occurrence of or the imminent threat of a disease, an epidemic or a pandemic;
- (b) the occurrence of a novel, or highly infectious, agent or matter; or
- (c) the widespread exposure or the imminent threat of widespread exposure of human beings to an infectious agent,

that has a high probability of causing a large number of deaths in the population or a large number of serious disabilities (whether or not long-term) in the population.

(6) For the purposes of a regulation made under subsection (3)(c), property may be requisitioned—

- (a) by requiring a person to place it either temporarily or permanently at the disposal of the public officer requisitioning it; or
- (b) by the public officer requisitioning it taking possession of it either temporarily or permanently.

Section:	9	Measures applied in light of WHO’s temporary recommendations	L.N. 202 of 2008	14/07/2008
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(1) The Director may, for the purposes of preventing the introduction into, the spread in and the transmission from, Hong Kong of any disease, by order published in the Gazette, prescribe any measure to be applied in the light of any temporary recommendation made by WHO pursuant to articles 15, 17 and 18 of the International Health Regulations.

(2) An order under subsection (1) is subsidiary legislation.

Section:	10	Police to furnish assistance	L.N. 202 of 2008	14/07/2008
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PART 5

MISCELLANEOUS

The Commissioner of Police shall furnish such police assistance as any health officer may require for the purpose of enabling the health officer to—

- (a) exercise the powers conferred on the health officer by this Ordinance; and
- (b) deal with vessels and aircraft and persons and things on board the vessels and aircraft in the manner prescribed by this Ordinance.

Section:	11	Obstruction of health officers, etc.	L.N. 202 of 2008	14/07/2008
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(1) A person shall not obstruct, or assist in obstructing a health officer, a police officer, or a public officer or a person appointed under this Ordinance, in the exercise of a power or performance of a function under this Ordinance.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 2 months.

Section:	12	Compensation	L.N. 38 of 2011	01/06/2011
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(1) Where any article is damaged, destroyed, seized, surrendered or is submitted to any person pursuant to this Ordinance, the Director may order the payment of such compensation as is just and equitable in the circumstances.

(2) The Director shall serve an order made under subsection (1) on the person in respect of whom it is made,

either personally or by post, within 7 days after the order is made.

(3) Any dispute arising from an order made under subsection (1) on the question whether compensation is payable or the amount of compensation shall, in the absence of agreement, be resolved or determined in accordance with this section.

(4) The dispute shall be resolved or determined by arbitration under the Arbitration Ordinance (Cap 609) if the party disputing the Director's order ("the claimant"), within 6 months after the Director makes the order, serves a notice on the Director notifying the Director that the dispute will be referred to arbitration and proceeds to arbitration in accordance with the Arbitration Ordinance (Cap 609). (Amended 17 of 2010 s. 112)

(5) Instead of proceeding to arbitration in accordance with the Arbitration Ordinance (Cap 609) pursuant to subsection (4), the claimant may, within 6 months after the Director makes the order, institute civil proceedings for the determination of the dispute. (Amended 17 of 2010 s. 112)

(6) Subsection (1) does not apply to cases for which compensation is provided for by regulations made under section 8.

Section:	13	Immunity from personal liability of health officers, etc.	L.N. 202 of 2008	14/07/2008
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(1) No personal liability is incurred by a health officer, or a public officer or a person acting under his direction in respect of anything done or omitted to be done by the health officer, or public officer or person in good faith in the exercise or purported exercise of a power, or performance or purported performance of a function, under this Ordinance.

(2) The protection conferred by subsection (1) does not affect any liability in tort of the Government for that act or omission.

Section:	14	Internal management of vessels or aircraft of war not to be interfered with	L.N. 202 of 2008	14/07/2008
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This Ordinance shall not in any way interfere with the internal management of any vessels or aircraft of war of the Chinese People's Liberation Army or of foreign vessels or aircraft of war, or with their freedom to proceed whenever the officer in command may deem such course requisite.

Section:	15	Amendment of Schedules	L.N. 202 of 2008	14/07/2008
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The Director may by notice published in the Gazette amend Schedules 1 and 2.

Section:	16	(Omitted as spent)	L.N. 202 of 2008	14/07/2008
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PART 6

REPEALS, SAVINGS AND CONSEQUENTIAL AMENDMENTS

(Omitted as spent)

Section:	17	Saving of regulations	L.N. 202 of 2008	14/07/2008
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The Boats and Wharves (Supply of Water) Regulations (Cap 141 sub. leg. A)—

- (a) shall, notwithstanding the repeal under section 16(1), continue in operation; and
- (b) shall be deemed for all purposes to have been made by the Secretary for Food and Health under section 7.

Section:	18	(Omitted as spent)	L.N. 202 of 2008	14/07/2008
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Schedule:	1	SCHEDULED INFECTIOUS DISEASES	L.N. 101 of 2011	10/06/2011
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[sections 2 & 15]

1. Acute poliomyelitis (急性脊髓灰質炎(小兒麻痺))
2. Amoebic dysentery (阿米巴痢疾)
3. Anthrax (炭疽)
4. Bacillary dysentery (桿菌痢疾)
5. Botulism (肉毒中毒)
6. Chickenpox (水痘)
- 6A. Chikungunya fever (基孔肯雅熱) (Added L.N. 35 of 2009)
7. Cholera (霍亂)
8. Community-associated methicillin-resistant *Staphylococcus aureus* infection (社區型耐甲氧西林金黃葡萄球菌感染)
9. Creutzfeldt-Jakob disease (克雅二氏症)
10. Dengue fever (登革熱)
11. Diphtheria (白喉)
- 11A. Enterovirus 71 infection (腸病毒71型感染) (Added L.N. 35 of 2009)
12. (Repealed L.N. 101 of 2011)
13. Food poisoning (食物中毒)
14. *Haemophilus influenzae* type b infection (invasive) (乙型流感嗜血桿菌感染(侵入性))
15. Hantavirus infection (漢坦病毒感染)
16. Influenza A (H2), Influenza A (H5), Influenza A (H7), Influenza A (H9) (甲型流行性感冒(H2)、甲型流行性感冒(H5)、甲型流行性感冒(H7)、甲型流行性感冒(H9)) (Amended L.N. 72 of 2009; L.N. 117 of 2010)
17. Japanese encephalitis (日本腦炎)
18. Legionnaires' disease (退伍軍人病)
19. Leprosy (麻風)

20. Leptospirosis (鈎端螺旋體病)
21. Listeriosis (李斯特菌病)
22. Malaria (瘧疾)
23. Measles (麻疹)
24. Meningococcal infection (invasive) (腦膜炎雙球菌感染(侵入性))
25. Mumps (流行性腮腺炎)
26. Paratyphoid fever (副傷寒)
27. Plague (鼠疫)
28. Psittacosis (鸚鵡熱)
29. Q fever (寇熱)
30. Rabies (狂犬病)
31. Relapsing fever (回歸熱)
32. Rubella and congenital rubella syndrome (風疹(德國麻疹)及先天性風疹綜合症)
33. Scarlet fever (猩紅熱)
34. Severe Acute Respiratory Syndrome (嚴重急性呼吸系統綜合症)
- 34A. Shiga toxin-producing *Escherichia coli* infection (產志賀毒素大腸桿菌感染) (Added L.N. 101 of 2011)
35. Smallpox (天花)
36. *Streptococcus suis* infection (豬鏈球菌感染)
37. Tetanus (破傷風)
38. Tuberculosis (結核病)
39. Typhoid fever (傷寒)
40. Typhus and other rickettsial diseases (斑疹傷寒及其他立克次體病)
41. Viral haemorrhagic fever (病毒性出血熱)
42. Viral hepatitis (病毒性肝炎)
43. West Nile Virus Infection (西尼羅河病毒感染)

44. Whooping cough (百日咳)

45. Yellow fever (黃熱病)

Schedule:	2	SCHEDULED INFECTIOUS AGENTS	L.N. 117 of 2010	08/10/2010
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[sections 2 & 15]

1. *Bacillus anthracis* (炭疽芽胞桿菌)
2. *Clostridium botulinum* (肉毒桿菌)
3. Crimean-Congo haemorrhagic fever virus (克里米亞 — 剛果出血熱病毒)
4. Dengue virus (登革病毒)
5. Ebola virus (埃博拉病毒)
6. *Francisella tularensis* (土拉桿菌)
7. Guanarito virus (瓜納瑞托病毒)
8. Hantavirus (漢坦病毒)
9. Hendra virus (亨德拉病毒)
10. Herpes simiae virus (B virus) (猴疱疹病毒(B病毒))
11. Influenza virus type A (subtype H2, H5 and H7) (甲型流行性感冒病毒(H2、H5及H7亞型)) (Amended L.N. 108 of 2009; L.N. 117 of 2010)
12. Japanese encephalitis virus (日本腦炎病毒)
13. Junin virus (鳩寧病毒)
14. Kyasanur Forest disease virus (基薩諾爾森林病病毒)
15. Lassa virus (拉沙病毒)
16. Machupo virus (馬秋波病毒)
17. Marburg virus (馬爾堡病毒)
18. Monkeypox virus (猴痘病毒)
19. *Mycobacterium tuberculosis (multidrug-resistant)* (結核分枝桿菌(耐多藥))
20. Nipah virus (尼巴病毒)

21. Omsk haemorrhagic fever virus (鄂木斯克出血熱病毒)
22. Polio virus (wild) (脊髓灰質炎病毒(野毒株))
23. Rabies or rabies-related virus (狂犬病毒或類狂犬病毒)
24. Rift Valley fever virus (立夫特谷熱病毒)
25. Sabia virus (薩比亞病毒)
26. Severe Acute Respiratory Syndrome—coronavirus (嚴重急性呼吸系統綜合症——冠狀病毒)
27. Tick-borne encephalitis virus (蜱傳腦炎病毒)
28. Variola virus (天花病毒)
29. West Nile virus (西尼羅河病毒)
30. Yellow fever virus (黃熱病毒)
31. *Yersinia pestis* (鼠疫耶爾森菌)