

**L.N. 35 of 2022**

## **Prevention and Control of Disease (Amendment) Regulation 2022**

### **Contents**

Section	Page
1. Commencement .....	B407
2. Prevention and Control of Disease Regulation amended .....	B407
3. Section 22 amended (quarantine of contacts).....	B407
4. Section 23 amended (isolation of infected persons).....	B409
5. Section 24 amended (isolation of infected articles).....	B409
6. Section 25 amended (power to order places to be isolated).....	B411
7. Section 26 repealed (quarantine and isolation orders in respect of persons).....	B411
8. Section 27 amended (power to remove and detain persons for quarantine and isolation).....	B413
9. Section 28 amended (escape from quarantine or isolation in hospitals or other establishments).....	B415
10. Section 29 amended (entry and exit restrictions) .....	B415
11. Section 30 amended (restrictions on bringing articles into or taking articles out of places placed under isolation).....	B417
12. Section 32 amended (persons not to expose others to infection).....	B417

## **Prevention and Control of Disease (Amendment) Regulation 2022**

(Made by the Secretary for Food and Health under section 7 of the Prevention and Control of Disease Ordinance (Cap. 599))

### **1. Commencement**

This Regulation comes into operation on 31 March 2022.

### **2. Prevention and Control of Disease Regulation amended**

The Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A) is amended as set out in sections 3 to 12.

### **3. Section 22 amended (quarantine of contacts)**

After section 22(2)—

#### **Add**

- “(3) An order made under subsection (1) must specify—
- (a) the reason for quarantine; and
  - (b) the terms of quarantine.
- (4) A person in respect of whom an order is made by a health officer under subsection (1) must not leave the place in which the person is placed under quarantine except in compliance with the terms of quarantine specified in the order.
- (5) A person in respect of whom an order is made by a health officer under subsection (1) must comply with the order and the terms of quarantine specified in the order.
- (6) A person who contravenes subsection (4) or (5) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.”.

**4. Section 23 amended (isolation of infected persons)**

(1) Section 23—

**ReNUMBER the section as section 23(1).**

(2) After section 23(1)—

**Add**

“(2) An order made under subsection (1) must specify—

- (a) the reason for isolation; and
- (b) the terms of isolation.

(3) A person in respect of whom an order is made by a health officer under subsection (1) must not leave the place in which the person is placed under isolation except in compliance with the terms of isolation specified in the order.

(4) A person in respect of whom an order is made by a health officer under subsection (1) must comply with the order and the terms of isolation specified in the order.

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

**5. Section 24 amended (isolation of infected articles)**

(1) Section 24—

**Repeal subsection (2)**

**Substitute**

“(2) A health officer may—

- (a) send an article to any place for the purpose of placing the article under isolation in that place;  
or

(b) direct the owner, or the person in control or possession, of an article to surrender the article to a health officer for the purpose of placing the article under isolation.

(2A) A person must not obstruct a health officer in sending an article under subsection (2)(a).

(2B) A person must comply with a direction given under subsection (2)(b).”.

(2) Section 24(5), after “subsection”—

**Add**

“(2A), (2B) or”.

(3) Section 24(5)—

**Repeal**

“level 2”

**Substitute**

“level 3”.

**6. Section 25 amended (power to order places to be isolated)**

After section 25(3)—

**Add**

“(4) A health officer may direct a person to leave a place that is to be placed under isolation.

(5) A person who fails to comply with a direction given under subsection (4) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.”.

**7. Section 26 repealed (quarantine and isolation orders in respect of persons)**

Section 26—

**Repeal the section.**

**8. Section 27 amended (power to remove and detain persons for quarantine and isolation)**

(1) Section 27—

**Renumber the section as section 27(1).**

(2) Section 27(1), after “a health officer”—

**Add**

“, a person appointed under section 3, or a public officer authorized by the Director for the purposes of this section (*authorized officer*)”.

(3) Section 27(1)(b)—

**Repeal**

“and”

**Substitute**

“or”.

(4) Section 27(1)(c), after “health officer”—

**Add**

“, the person appointed or the authorized officer”.

(5) After section 27(1)—

**Add**

“(2) A person must not obstruct a health officer, a person appointed under section 3 or an authorized officer in the exercise of a power under this section.

(3) A person must comply with any condition to which the person is subject under subsection (1)(c).

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

**9. Section 28 amended (escape from quarantine or isolation in hospitals or other establishments)**

(1) Section 28, heading—

**Repeal**

“establishments”

**Substitute**

“facilities”.

(2) Section 28(1)—

**Repeal**

“a similar establishment”

**Substitute**

“similar facility (*establishment*)”.

(3) Section 28(2)—

**Repeal**

“shall not obstruct, or assist in obstructing, a member of the staff of an establishment referred to in subsection (1)”

**Substitute**

“must not obstruct a member of the staff of an establishment”.

(4) Section 28(3)—

**Repeal**

“level 2 and to imprisonment for 2 months”

**Substitute**

“level 3 and to imprisonment for 6 months”.

**10. Section 29 amended (entry and exit restrictions)**

(1) Section 29—

**Repeal subsection (1).**

(2) Section 29(2)(a), after “enter”—

**Add**

“or leave”.

(3) Section 29(3)—

**Repeal**

“(1) or”.

(4) Section 29(3)—

**Repeal**

“level 2”

**Substitute**

“level 3”.

**11. Section 30 amended (restrictions on bringing articles into or taking articles out of places placed under isolation)**

Section 30(3)—

**Repeal**

“level 2”

**Substitute**

“level 3”.

**12. Section 32 amended (persons not to expose others to infection)**

(1) After section 32(1)—

**Add**

“(1A) Subsection (1)(a) does not apply to the presence of a person in respect of whom an order is made by a health officer under section 22(1) or 23(1) in any

place or public conveyance if such presence is permitted under the terms specified in the order.”.

(2) Section 32(3)—

**Repeal**

“level 2”

**Substitute**

“level 3”.

Professor Sophia CHAN Siu-chee  
Secretary for Food and Health

29 March 2022

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### **Explanatory Note**

This Regulation amends the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A) (*principal Regulation*) mainly to—

- (a) provide for an offence for failing to comply with a quarantine or isolation order, or its terms;
- (b) empower a health officer to send an article to any place for isolation, and provide for an offence for obstructing the officer in sending the article;
- (c) empower a health officer to direct the owner, or the person in control or possession, of an article to surrender the article for placing it under isolation, and provide for an offence for failing to comply with the direction;
- (d) empower a health officer to direct a person to leave a place that is to be placed under isolation, and provide for an offence for failing to comply with the direction;
- (e) empower a person appointed under section 3 of the principal Regulation and a public officer authorized by the Director of Health to remove or detain a person for quarantine or isolation, or to subject the person to specified conditions, and provide for an offence for obstructing the exercise of such powers or failing to comply with such conditions;

- (f) amend section 32 of the principal Regulation so that the prohibition on exposing other persons to the risk of infection does not apply to the presence of a person in respect of whom a quarantine or isolation order is made in any place or public conveyance if such presence is permitted under the terms specified in the order; and
- (g) increase the penalties for the offences under the following provisions of the principal Regulation to a fine at level 3 (\$10,000) and imprisonment for 6 months—
  - (i) section 28(3) (obstructing members of the staff of hospitals or other facilities in stopping persons under quarantine or isolation from escaping etc.);
  - (ii) section 29(3) (violating the entry and exit restrictions in relation to places of quarantine or isolation);
  - (iii) section 30(3) (violating the restrictions on bringing articles into or taking articles out of places placed under isolation); and
  - (iv) section 32(3) (exposing others to the risk of infection).