

L.N. 24 of 2020

Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation

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Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation

(Made by the Chief Executive in Council under section 8 of the
Prevention and Control of Disease Ordinance (Cap. 599))

1. Commencement

This Regulation comes into operation on 19 March 2020.

2. Interpretation

In this Regulation—

assigned place of quarantine (指派檢疫地點) means a place mentioned in section 6(a);

authorized officer (獲授權人員) means an authorized officer appointed under section 11;

place of quarantine (檢疫地點) means—

(a) an assigned place of quarantine; or

(b) a place mentioned in section 6(b);

public health emergency (公共衛生緊急事態) means the public health emergency within the meaning of section 8(5) of the Ordinance concerning the disease specified in item 34AAA of Schedule 1 to the Ordinance;

quarantine order (檢疫令) means an order made under section 3(1);

quarantine period (檢疫期) means the period of 14 days mentioned in section 3(1).

3. Compulsory quarantine of certain persons arriving at Hong Kong

- (1) An authorized officer must, by written order, place a person who arrives at Hong Kong under quarantine for a period of 14 days beginning on the date of arrival if—
 - (a) the person arrives at Hong Kong from a place specified under section 12 (*specified place*); or
 - (b) the person has stayed in a specified place for any period of time during the 14 days before the date of arrival.
- (2) A quarantine order must specify the terms of quarantine.
- (3) An authorized officer may vary the terms of quarantine specified in a quarantine order.
- (4) The quarantine requirement under this section does not apply to a person—
 - (a) who arrives at the Hong Kong International Airport from a specified place or enters the waters of Hong Kong solely for the purpose of leaving Hong Kong and, while in Hong Kong, does not pass through immigration control;
 - (b) who falls within the description of subsection (1)(b) and, while in Hong Kong, does not pass through immigration control;
 - (c) who is designated under section 4(1); or
 - (d) who falls within a category of persons designated under section 4(1).
- (5) For the purposes of subsection (1)—
 - (a) a person who arrives at the Hong Kong International Airport on an aircraft that landed in Hong Kong after taking off in a specified place is not regarded as arriving from that place if no person entered the

cabin of the aircraft when the aircraft was in that place; and

- (b) a person on a ship that has stayed in or sailed through the waters of a place is not regarded as having stayed in that place if no person boarded the ship when the ship was in those waters.

4. Chief Secretary may exempt certain persons

- (1) The Chief Secretary for Administration (*Chief Secretary*) may designate any person or category of persons for the purposes of section 3(4)(c) or (d) if the Chief Secretary is satisfied that the person's or persons' entry into Hong Kong—
 - (a) is necessary for the supply of goods or services required for the normal operation of Hong Kong or the daily needs of the people of Hong Kong;
 - (b) is necessary for governmental operation;
 - (c) is necessary for the protection of the safety or health of the people of Hong Kong or the handling of the public health emergency; or
 - (d) because of the exceptional circumstances of the case, otherwise serves the public interest of Hong Kong.
- (2) The Chief Secretary may, if the Chief Secretary considers necessary, attach conditions to a designation.
- (3) The Chief Secretary may cancel or vary a designation or a condition attached to a designation.
- (4) A designation, attachment of conditions, cancellation or variation under this section must be made in writing.

- (5) A designation does not derogate from any power of a health officer under the Prevention and Control of Disease Regulation (Cap. 599 sub. leg. A) concerning quarantine and isolation of persons.

5. Giving false or misleading information about status is offence

- (1) A person who is not designated under section 4(1) must not represent to any public officer that the person is so designated.
- (2) A person who does not fall within a category of persons designated under section 4(1) must not knowingly or recklessly give any information that is false or misleading in a material particular to any public officer with a view to making the officer believe that the person falls within that category of persons.
- (3) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

6. Place of quarantine

A person placed under quarantine under section 3 must, during the quarantine period, be quarantined—

- (a) in a place assigned by an authorized officer; or
- (b) if an authorized officer considers it prudent and appropriate in the circumstances of the case—in a place nominated by the person when the quarantine order is made against the person.

7. Power to restrain persons for quarantine etc.

If a person placed under quarantine under section 3 is to be quarantined in an assigned place of quarantine (*the place*), an authorized officer may, for effecting the quarantine—

- (a) restrain the person and convey the person to the place; and
- (b) detain the person in the place.

8. Restrictions during quarantine

- (1) A person must not leave the place of quarantine in which the person is placed under quarantine under section 3 without permission given by an authorized officer.
- (2) A person must not, without permission given under subsection (3), knowingly enter an assigned place of quarantine in which another person is placed under quarantine under the Ordinance unless—
 - (a) the person is an authorized officer or a health officer; or
 - (b) the person is to be placed under quarantine under section 3 in the place.
- (3) An authorized officer may give written permission for the purposes of subsection (2) to any person or persons of any category specified in the permission to enter an assigned place of quarantine subject to the exceptions, conditions or restrictions specified in the permission.
- (4) A person against whom a quarantine order is made must not contravene the terms of quarantine specified in the order.
- (5) A person who, without reasonable excuse, contravenes subsection (1), (2) or (4) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

9. Giving false or misleading information to authorized officer is offence

A person who knowingly or recklessly gives any information that is false or misleading in a material particular to an authorized officer in connection with the performance of the officer's function under this Regulation commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

10. Cancellation of quarantine order

- (1) This section applies to a person placed under quarantine under section 3 if, during the quarantine period—
 - (a) the person is designated under section 4(1);
 - (b) a category of persons within which the person falls is designated under section 4(1); or
 - (c) the person establishes that when the quarantine order was made, the person—
 - (i) was a person designated under section 4(1); or
 - (ii) fell within a category of persons designated under section 4(1).
- (2) An authorized officer must, as soon as practicable after becoming aware that this section applies to the person, cancel the quarantine order made against the person.

11. Authorized officers

- (1) The Director may appoint any public officer as an authorized officer for the purposes of this Regulation.

- (2) No personal liability is incurred by an authorized officer or a person acting under the officer's direction in respect of anything done or omitted to be done by the officer or person in good faith in the performance or purported performance of a function under this Regulation.
- (3) A public officer appointed as an authorized officer within the meaning of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599 sub. leg. C) is deemed to have been appointed under subsection (1) as an authorized officer.

12. Secretary for Food and Health may specify places

- (1) For the purposes of section 3(1)(a), the Secretary for Food and Health may—
 - (a) specify any place outside China by notice published in the Gazette; and
 - (b) revoke or amend a specification under paragraph (a).
- (2) A notice published under subsection (1) is not subsidiary legislation.
- (3) Before exercising the power conferred by subsection (1) in relation to a place, the Secretary for Food and Health must have regard to—
 - (a) the extent of the spread of the disease specified in item 34AAA of Schedule 1 to the Ordinance in that place; and
 - (b) the public health risk posed to Hong Kong by persons arriving from that place or who have stayed in that place.

13. Expiry

This Regulation expires at midnight on 18 June 2020.

Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places
Regulation

L.N. 24 of 2020
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Wendy LEUNG
Clerk to the Executive Council

COUNCIL CHAMBER

18 March 2020

Explanatory Note

The object of this Regulation is to introduce a temporary system of mandatory quarantine for—

- (a) persons arriving at Hong Kong from a specified place outside China; and
- (b) persons who have stayed in a specified place outside China during the 14 days before the date of arrival.

- 2. Section 1 prescribes the commencement date.
- 3. Section 2 contains the definitions used in this Regulation.
- 4. Section 3 empowers authorized officers to place the target persons under quarantine and prescribes several types of persons who are not subject to the measure.
- 5. Section 4 empowers the Chief Secretary to exempt individual persons or categories of persons who satisfy certain criteria. Section 5 provides for related offences.
- 6. Section 6 makes provisions for places of quarantine.
- 7. Section 7 confers enforcement powers on authorized officers.
- 8. Section 8 prescribes restrictions during quarantine.
- 9. Section 9 prohibits giving false or misleading information to authorized officers.
- 10. Section 10 empowers authorized officers to cancel quarantine orders in certain circumstances.

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Explanatory Note
Paragraph 11

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11. Section 11 makes provisions for authorized officers.
12. Section 12 empowers the Secretary for Food and Health to specify places for the purposes of this Regulation.
13. Section 13 provides for the expiry of this Regulation.