

《預防及控制疾病條例》
(第 599 章)

Prevention and Control of Disease Ordinance
(Cap. 599)

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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

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制定史

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《預防及控制疾病條例》

(第 599 章)

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Prevention and Control of Disease Ordinance

(Cap. 599)

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本條例旨在就以下目的訂定條文：控制及預防人類間的疾病；防止任何疾病、疾病的來源或污染傳入香港、在香港蔓延及從香港向外傳播；採取世界衛生組織公布的《國際衛生條例》的有關措施；以及就相關目的訂定條文。

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.

[2008 年 7 月 14 日] 2008 年第 202 號法律公告
(格式變更——2013 年第 1 號編輯修訂紀錄)

[14 July 2008] L.N. 202 of 2008
(Format changes—E.R. 1 of 2013)

(略去制定語式條文——2013 年第 1 號編輯修訂紀錄)

(Enacting provision omitted—E.R. 1 of 2013)

第 1 部

Part 1

導言

Preliminary

1. 簡稱

(編輯修訂——2013 年第 1 號編輯修訂紀錄)

- (1) 本條例可引稱為《預防及控制疾病條例》。
- (2) (已失時效而略去——2013 年第 1 號編輯修訂紀錄)

1. Short title

(Amended E.R. 1 of 2013)

- (1) This Ordinance may be cited as the Prevention and Control of Disease Ordinance.
- (2) (Omitted as spent—E.R. 1 of 2013)

2. 釋義

在本條例中，除文意另有所指外——

公共衛生危險 (public health risk) 指嚴重及直接危害人類健康的危險；

化驗室 (laboratory) 指管有任何傳染性病原體的機構，或對該等病原體進行測試的機構；

2. Interpretation

In this Ordinance, unless the context otherwise requires—

article (物品) includes—

- (a) an animal;
- (b) a plant; and

世衛 (WHO) 指世界衛生組織；

地方 (place) 包括 ——

- (a) 處所及運輸工具；及
- (b) 某地方的任何部分；

污染 (contaminated) 指有毒因子或物體以可能構成公共衛生危險的方式，在人類的身體表面或體內存在，或在物品的表面或內部存在；

物品 (article) 包括 ——

- (a) 動物；
- (b) 植物；及
- (c) 任何其他東西或物質 (包括但不限於運輸工具及任何種類的動產)，

而為免生疑問，**物品**包括任何種類的郵件；

表列傳染性病原體 (scheduled infectious agent) 指附表 2 指明的傳染性病原體；

表列傳染病 (scheduled infectious disease) 指附表 1 指明的傳染病；

建築物 (building) 包括任何供人居住的或作其他用途的房屋、木屋、棚屋或有屋頂的或沒有屋頂的圍封地，並包括任何牆壁、閘門、杆、柱、圍籬、框架、圍板、滑道、船塢、貨運碼頭、碼頭、突堤、棧橋或橋樑；

《國際衛生條例》 (International Health Regulations) 指《國際衛生條例 (2005)》；

處所 (premises) 包括任何土地、建築物、任何種類的構築物、行人徑、庭院、巷、短巷、花園、溪澗、溝壑、池塘、水池、田地、沼澤、排水渠、溝渠，或露天或有上蓋或圍封的地方，或污水池或前濱，並包括任何停放在香港水域內的船隻；

媒介 (vector) 指運送或傳播傳染性病原體的動物 (包括昆蟲)；

(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;

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- 傳染性病原體** (infectious agent) 指寄生蟲、真菌、細菌、病毒、朊蛋白或任何其他可引致傳染病的病原體；
- 傳染病接觸者** (contact) 指任何已經或相當可能已經蒙受染上傳染病的危險的人；
- 感染、受感染** (infected) 指傳染性病原體在人類的身體表面或體內存在，或在物品的表面或內部存在；
- 署長** (Director) 指衛生署署長；
- 運輸工具** (conveyance) 包括船隻、車輛、飛機及任何其他交通或運輸工具；
- 衛生主任** (health officer) 指——
- (a) 衛生署署長、衛生署副署長或衛生署衛生防護中心總監；或
 - (b) 由署長委任為衛生主任或港口衛生主任的醫生；
- 醫學監察** (medical surveillance) 指以確定某人的健康狀況為出發點，而對該人進行定期醫學監測、觀察、檢驗或測試。
- (編輯修訂——2013 年第 1 號編輯修訂紀錄)

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- 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.

第 2 部

檢取及沒收的權力

3. 檢取物品的權力

- (1) 衛生主任在署長的書面批准下，可為控制或防止任何構成公共衛生危險的疾病的蔓延，在——
 - (a) 他有理由相信某物品或其部分屬傳染性病原體的情況下；或
 - (b) 他有理由相信某物品或其部分含有傳染性病原體的情況下，
檢取該物品或該部分。
- (2) 衛生主任可安排對根據第 (1) 款檢取的物品或其部分進行任何測試。
- (3) 有關的物品或其部分的擁有人，或管有該物品或其部分的人，須在衛生主任為行使其檢取權力而向該人要求合理協助時，向該衛生主任提供他所要求的協助。
- (4) 任何人違反第 (3) 款，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。

4. 沒收物品

- (1) 任何人在違反本條例的情況下將任何物品卸在陸上或以其他方式帶進香港，或企圖在違反本條例的情況下將任何物品卸在陸上，該物品可被衛生主任沒收。

Part 2

Powers of Seizure and Forfeiture

3. Power to seize articles

- (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.

4. Forfeitures of articles

- (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.

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第 4 條

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- (2) 第 (1) 款不適用於在衛生主任的指示下將任何物品卸在陸上或帶進用於隔離或檢疫的地方。
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- (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.
-

第 3 部

逮捕的權力

5. 逮捕的權力

- (1) 如衛生主任或警務人員合理地懷疑任何人已犯或正犯本條例所訂罪行，該衛生主任或警務人員可截停、扣留或在沒有手令的情況下逮捕該人。
- (2) 如任何人妨礙或協助他人妨礙衛生主任、警務人員、醫療輔助隊隊員、民眾安全服務隊隊員或根據本條例委任的公職人員根據本條例行使權力或執行職能，該主任、人員或隊員可在沒有手令的情況下，逮捕該人。
- (3) 凡衛生主任、醫療輔助隊隊員、民眾安全服務隊隊員或根據本條例委任的公職人員根據本條逮捕任何人，該進行逮捕的人須在切實可行的範圍內，盡快將被逮捕的人送交警務人員。
- (4) 本條增補而非減損警務人員在本條以外具有的權力或權限。

6. 從扣留中逃走

- (1) 如任何根據本條例被扣留的人逃走，該人可被下述人士逮捕——
 - (a) 根據本條例委任的任何公職人員；
 - (b) 任何警務人員；或
 - (c) 醫療輔助隊或民眾安全服務隊的任何隊員，

Part 3

Powers of Arrest

5. 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.

6. Escape from detention

- (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

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並可被送往該人所逃離的地方，或衛生主任批准的任何其他地方，並被扣留在該地方。

- (2) 任何根據本條例被扣留的人逃走或企圖逃走，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。
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(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.
-

第 4 部

規例

7. 訂立規例的權力

- (1) 食物及衛生局局長可為以下目的訂立規例 (**《規例》**) ——
- (a) 防止任何疾病、疾病的來源或污染傳入香港、在香港蔓延及從香港向外傳播；及
 - (b) 預防任何疾病。
- (2) 在不局限第 (1) 款的一般性的原則下，《規例》可就下述任何或所有事宜訂定條文 ——
- (a) 為施行本條例而委任衛生主任、其他公職人員及任何其他人員，以及他們的權力、責任及職能；
 - (b) 通知及其他文件的形式及送達方式；
 - (c) 根據本條例須繳付的費用；
 - (d) 禁止或規管處置、輸入、運送、轉運、輸出或移走 ——
 - (i) 器官、組織、細胞、屍體或遺骸 (不論是人類或動物的)；
 - (ii) 受感染的物品；或
 - (iii) 媒介；
 - (e) 禁止或規管 ——
 - (i) 任何人進入香港、在香港境內活動或離開香港；及
 - (ii) 任何物品的輸入、運送、轉運或輸出；
 - (f) 將任何人、物品或地方隔離或檢疫，在其受隔離或被檢疫時的管理或處置，以及佔用任何需用於隔離或檢疫的地方；

Part 4

Regulations

7. Power to make 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

- (g) 就運輸工具而言 ——
- (i) 禁止或規管其到境、着陸或離開香港；
 - (ii) 任何人離開運輸工具，或從運輸工具上卸下任何物品；
 - (iii) 關乎無疫通行證的事宜；
 - (iv) 關於帶上運輸工具的飲用水及食物，以及注入運輸工具作其壓艙物的水的預防措施；及
 - (v) 就其衛生狀況批給證明書；
- (h) 使任何人接受醫學監察或醫學檢驗或測試，及關乎接種疫苗及預防措施的事宜；
- (i) 禁止或規管傳染病接觸者、受感染的人或懷疑受感染的人的行動；
 - (j) 檢驗屍體及作出死因證明；
 - (k) 佔用任何需用於治療任何人的地方；
 - (l) 賦權裁判官發出手令授權衛生主任進入或強行進入任何住用處所，及賦權衛生主任進入或強行進入任何其他地方；
- (m) 衛生主任進入或強行進入 (l) 段提述的任何住用處所或其他地方後可於該處採取的行動，包括 ——
- (i) 視察及搜查該處所或地方；
 - (ii) 檢查該處所或地方內的任何人或屍體；
 - (iii) 檢取該處所或地方內的任何物品；及
 - (iv) 拍照及製作任何錄影或聲音紀錄；
- (n) 截停、移走或扣留任何人、運輸工具或物品；
- (o) 不同種類的疾病或污染的管制措施，及就任何人、地方或物品而命令作出或採取該等措施；
- (ii) the importation, transit, transhipment 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

- (p) 銷毀 (o) 段提述的任何物品，或禁止或規管將該等物品移走，或為採取 (o) 段提述的任何措施而關閉任何地方；
- (q) 規管任何地方的衛生狀況；
- (r) 就任何處理傳染性病原體的化驗室而言——
- (i) 管制該等處理；
 - (ii) 該等化驗室的註冊及關乎註冊的事宜；及
 - (iii) 賦權署長施加任何關乎處理表列傳染性病原體的預防措施；
- (s) 檢取或銷毀任何傳染性病原體，或任何受感染或受污染的物品，及收集或呈交任何樣本或物品以作檢驗或測試，或規管任何地方的衛生狀況或使任何地方不受污染；
- (t) 收集及強制提供任何資料，強制報告任何疾病、死亡、污染或傳染性病原體、有毒因子或任何其他物體的逸漏的個案，查閱任何文件或紀錄及為該目的而呈交該等文件或紀錄；
- (u) 因應世衛作出的任何建議（依據《國際衛生條例》第 15 條作出者除外）而採取措施；
- (v) 任何人在衛生主任的指示下，作出該衛生主任根據《規例》獲賦權作出的任何作為或事情；
- (w) 任何人就在與強制執行本條例有關連的情況下招致的開支承擔的法律責任，及向政府支付在與該等執行有關連的情況下為任何人的醫護及照料而收取或招致的任何開支；及
- (x) 食物及衛生局局長覺得為達致第 (1) 款指明的目的而屬需要或合宜的任何其他事宜。
- (3) 《規例》可規定違反《規例》的任何條文即屬犯罪，可處不超過第 3 級罰款及監禁不超過 6 個月。

- 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

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(4) 食物及衛生局局長經諮詢財經事務及庫務局局長後，可藉於憲報刊登的命令，修訂《規例》所訂明的費用。

- (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

8. 公共衛生緊急事態規例

- (1) 如行政長官會同行政會議認為任何情況屬公共衛生緊急事態的情況，行政長官會同行政會議可為防止、應付或紓緩該公共衛生緊急事態的影響，及為保障公眾健康，訂立規例（《規例》）。
- (2) 行政長官會同行政會議如就公共衛生緊急事態訂立《規例》，須不時審視或安排不時審視該公共衛生緊急事態。
- (3) 在不局限第 (1) 款的一般性的原則下，《規例》可就下述事宜訂定條文——
 - (a) 規定任何人披露或提交任何攸關處理公共衛生緊急事態的狀況的資料；
 - (b) 任何公職人員向公眾披露任何攸關處理公共衛生緊急事態的狀況的資料；
 - (c) 徵用財產及關乎該等徵用的補償的事宜；
 - (d) 關乎以下事項的事宜：委任任何人以醫療及衛生專業人員身分行事，獲委任的人的管制，以及將獲委任的人當作根據任何成文法則註冊；及
 - (e) 行政長官會同行政會議覺得為《規例》的目的而屬需要或合宜的附帶及補充事宜。
- (4) 《規例》可規定違反《規例》的任何條文即屬犯罪，可處不超過第 5 級罰款及監禁不超過 6 個月。
- (5) 在本條中，**公共衛生緊急事態** (public health emergency) 指甚有可能導致大量人口死亡或罹患嚴重殘疾（不論是否長期殘疾）的——

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.

8. Public health emergency regulation

- (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

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- (a) 某疾病、流行病或疾病大流行的出現或逼切威脅；
 - (b) 前所未見的病原體或物體的出現，或高度傳染性病原體或物體的出現；或
 - (c) 人類廣泛暴露於某傳染性病原體的情況，或人類廣泛暴露於某傳染性病原體的逼切威脅。
- (6) 為施行根據第 (3)(c) 款訂立的規例，財產可藉下述方式予以徵用——
- (a) 要求任何人將該財產暫時或永久交由徵用該財產的公職人員處置；或
 - (b) 由徵用該財產的公職人員暫時或永久接管該財產。

9. 因應世衛的臨時建議所採取的措施

- (1) 為防止任何疾病傳入香港、在香港蔓延及從香港向外傳播，署長可藉於憲報刊登的命令，訂明因應世衛依據《國

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- (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.

9. Measures applied in light of WHO's temporary recommendations

- (1) The Director may, for the purposes of preventing the introduction into, the spread in and the transmission from,

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際衛生條例》第 15、17 及 18 條作出的臨時建議而須採取的任何措施。

- (2) 第 (1) 款所指的命令屬附屬法例。
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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.
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第 5 部

雜項條文

10. 警方須提供協助

凡衛生主任為使他能夠作出以下作為，而需要警方協助，警務處處長須向該衛生主任提供所需協助——

- (a) 行使本條例賦予該衛生主任的權力；及
- (b) 按本條例所訂明的方式，處理船隻、飛機及該等船隻上及飛機上的人及東西。

11. 妨礙衛生主任等

- (1) 任何人不得妨礙或協助他人妨礙衛生主任、警務人員或根據本條例委任的公職人員或人根據本條例行使權力或執行職能。
- (2) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 2 個月。

12. 補償

- (1) 凡有任何物品依據本條例被損壞、銷毀、檢取、交出或向任何人呈交，署長可命令支付在有關情況下屬公平和公正的補償。
- (2) 署長須於根據第 (1) 款就任何人作出命令後 7 天內，以面交或郵遞方式，向該人送達該命令。

Part 5

Miscellaneous

10. Police to furnish assistance

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.

11. Obstruction of health officers, etc.

- (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.

12. Compensation

- (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.

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- (3) 在沒有協議的情況下，任何由根據第(1)款作出的命令引起的關於應否支付補償或補償款額的爭議，須按照本條解決或裁定。
- (4) 如對署長的命令提出爭議的一方(申索人)於署長作出該命令後6個月內，向署長送達一份通知書通知署長該爭議將會被提交仲裁，並著手按照《仲裁條例》(第609章)進行仲裁，則該爭議須根據《仲裁條例》(第609章)藉仲裁解決或裁定。(由2010年第17號第112條修訂)
- (5) 申索人可於署長作出有關命令後6個月內，提出民事法律程序，以裁定有關爭議，而非依據第(4)款著手按照《仲裁條例》(第609章)進行仲裁。(由2010年第17號第112條修訂)
- (6) 如根據第8條訂立的規例就某些個案的補償有所規定，第(1)款不適用於該等個案。

13. 衛生主任等免負個人法律責任

- (1) 衛生主任或在其指示下行事的公職人員或人，均無須因他行使或其意是行使本條例下的權力時，或在執行或其意是執行本條例下的職能時，真誠地作出任何事或沒有作出任何事，而就該作為或不作為招致任何個人法律責任。
- (2) 第(1)款所賦予的保障，並不影響政府須為有關的作為或不作為而承擔的侵權法律責任。

14. 軍用船艦或飛行器的內部管理不得干預Part 5
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- (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.

13. Immunity from personal liability of health officers, etc.

- (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.

14. Internal management of vessels or aircraft of war not to be interfered with

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第 15 條

本條例不得以任何方式，干預中國人民解放軍的任何軍用船艦或飛行器或外國的軍用船艦或飛行器的內部管理，而每當該等船艦或飛行器的指揮官認為某航向實屬必要，本條例亦不得以任何方式，干預該等船艦或飛行器航行的自由。

15. 修訂附表

署長可藉於憲報刊登的公告修訂附表 1 及 2。

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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.

15. Amendment of Schedules

The Director may by notice published in the Gazette amend Schedules 1 and 2.

第 6 部

廢除、保留條文及相應修訂

16. (已失時效而略去——2013 年第 1 號編輯修訂紀錄)
17. 保留規例
《船艇及貨運碼頭(供水)規例》(第 141 章, 附屬法例 A)* ——
- (a) 儘管有根據第 16(1) 條作出的廢除, 仍繼續實施; 及
 - (b) 就所有目的而言, 須當作是由食物及衛生局局長根據第 7 條訂立的。

編輯附註:

* 已重編為第 599 章, 附編法例 B。

18. (已失時效而略去——2013 年第 1 號編輯修訂紀錄)

Part 6

Repeals, Savings and Consequential Amendments

16. (Omitted as spent—E.R. 1 of 2013)
17. **Saving of regulations**
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.

Editorial Note:

* Re-arranged as Cap. 599 sub. leg. B.

18. (Omitted as spent—E.R. 1 of 2013)

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附表 1

Schedule 1

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附表 1

[第 2 及 15 條]

表列傳染病

1. 急性脊髓灰質炎 (小兒麻痺) (Acute poliomyelitis)
2. 阿米巴痢疾 (Amoebic dysentery)
3. 炭疽 (Anthrax)
4. 桿菌痢疾 (Bacillary dysentery)
5. 肉毒中毒 (Botulism)
6. 水痘 (Chickenpox)
- 6A. 基孔肯雅熱 (Chikungunya fever) (由 2009 年第 35 號法律公告增補)
7. 霍亂 (Cholera)
8. 社區型耐甲氧西林金黃葡萄球菌感染 (Community-associated methicillin-resistant *Staphylococcus aureus* infection)
- 8A. 2019 冠狀病毒病 (Coronavirus disease 2019 (COVID-19)) (由 2020 年第 46 號法律公告增補)
9. 克雅二氏症 (Creutzfeldt-Jakob disease)
10. 登革熱 (Dengue fever)
11. 白喉 (Diphtheria)
- 11A. 腸病毒 71 型感染 (Enterovirus 71 infection) (由 2009 年第 35 號法律公告增補)
12. (由 2011 年第 101 號法律公告廢除)
13. 食物中毒 (Food poisoning)

Schedule 1

[ss. 2 & 15]

Scheduled Infectious Diseases

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)
- 8A. Coronavirus disease 2019 (COVID-19) (2019冠狀病毒病) (*Added L.N. 46 of 2020*)
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)

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附表 1

Schedule 1

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| <p>14. 乙型流感嗜血桿菌感染 (侵入性) (<i>Haemophilus influenzae</i> type b infection (invasive))</p> <p>15. 漢坦病毒感染 (Hantavirus infection)</p> <p>15A. 侵入性肺炎球菌病 (Invasive pneumococcal disease) (由 2015 年第 2 號法律公告增補)</p> <p>16. (由 2014 年第 23 號法律公告廢除)</p> <p>17. 日本腦炎 (Japanese encephalitis)</p> <p>18. 退伍軍人病 (Legionnaires' disease)</p> <p>19. 麻風 (Leprosy)</p> <p>20. 鈎端螺旋體病 (Leptospirosis)</p> <p>21. 李斯特菌病 (Listeriosis)</p> <p>22. 瘧疾 (Malaria)</p> <p>23. 麻疹 (Measles)</p> <p>24. 腦膜炎雙球菌感染 (侵入性) (Meningococcal infection (invasive))</p> <p>24A. 中東呼吸綜合症 (Middle East Respiratory Syndrome) (由 2013 年第 104 號法律公告增補)</p> <p>25. 流行性腮腺炎 (Mumps)</p> <p>25A. 新型甲型流行性感冒 (Novel influenza A infection) (由 2014 年第 23 號法律公告增補)</p> <p>26. 副傷寒 (Paratyphoid fever)</p> <p>27. 鼠疫 (Plague)</p> <p>28. 鸚鵡熱 (Psittacosis)</p> <p>29. 寇熱 (Q fever)</p> <p>30. 狂犬病 (Rabies)</p> <p>31. 回歸熱 (Relapsing fever)</p> <p>32. 風疹 (德國麻疹) 及先天性風疹綜合症 (Rubella and congenital rubella syndrome)</p> | <p>14. <i>Haemophilus influenzae</i> type b infection (invasive) (乙型流感嗜血桿菌感染(侵入性))</p> <p>15. Hantavirus infection (漢坦病毒感染)</p> <p>15A. Invasive pneumococcal disease (侵入性肺炎球菌病) (<i>Added L.N. 2 of 2015</i>)</p> <p>16. (<i>Repealed L.N. 23 of 2014</i>)</p> <p>17. Japanese encephalitis (日本腦炎)</p> <p>18. Legionnaires' disease (退伍軍人病)</p> <p>19. Leprosy (麻風)</p> <p>20. Leptospirosis (鈎端螺旋體病)</p> <p>21. Listeriosis (李斯特菌病)</p> <p>22. Malaria (瘧疾)</p> <p>23. Measles (麻疹)</p> <p>24. Meningococcal infection (invasive) (腦膜炎雙球菌感染(侵入性))</p> <p>24A. Middle East Respiratory Syndrome (中東呼吸綜合症) (<i>Added L.N. 104 of 2013</i>)</p> <p>25. Mumps (流行性腮腺炎)</p> <p>25A. Novel influenza A infection (新型甲型流行性感冒) (<i>Added L.N. 23 of 2014</i>)</p> <p>26. Paratyphoid fever (副傷寒)</p> <p>27. Plague (鼠疫)</p> <p>28. Psittacosis (鸚鵡熱)</p> <p>29. Q fever (寇熱)</p> <p>30. Rabies (狂犬病)</p> <p>31. Relapsing fever (回歸熱)</p> <p>32. Rubella and congenital rubella syndrome (風疹(德國麻疹)及先天性風疹綜合症)</p> |
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附表 1

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33. 猩紅熱 (Scarlet fever)
34. 嚴重急性呼吸系統綜合症 (Severe Acute Respiratory Syndrome)
- 34AAA. (由 2020 年第 46 號法律公告廢除)
- 34AA. (由 2013 年第 104 號法律公告廢除)
- 34A. 產志賀毒素大腸桿菌感染 (Shiga toxin-producing *Escherichia coli* infection) (由 2011 年第 101 號法律公告增補)
35. 天花 (Smallpox)
36. 豬鏈球菌感染 (*Streptococcus suis* infection)
37. 破傷風 (Tetanus)
38. 結核病 (Tuberculosis)
39. 傷寒 (Typhoid fever)
40. 斑疹傷寒及其他立克次體病 (Typhus and other rickettsial diseases)
41. 病毒性出血熱 (Viral haemorrhagic fever)
42. 病毒性肝炎 (Viral hepatitis)
43. 西尼羅河病毒感染 (West Nile Virus Infection)
44. 百日咳 (Whooping cough)
45. 黃熱病 (Yellow fever)
46. 寨卡病毒感染 (Zika Virus Infection) (由 2016 年第 33 號法律公告增補)
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33. Scarlet fever (猩紅熱)
34. Severe Acute Respiratory Syndrome (嚴重急性呼吸系統綜合症)
- 34AAA. (Repealed L.N. 46 of 2020)
- 34AA. (Repealed L.N. 104 of 2013)
- 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)
46. Zika Virus Infection (寨卡病毒感染) (Added L.N. 33 of 2016)
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附表 2

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附表 2

[第 2 及 15 條]

表列傳染性病原體

1. 炭疽芽胞桿菌 (*Bacillus anthracis*)
2. 肉毒桿菌 (*Clostridium botulinum*)
3. 克里米亞——剛果出血熱病毒 (Crimean-Congo haemorrhagic fever virus)
4. 登革病毒 (Dengue virus)
5. 埃博拉病毒 (Ebola virus)
6. 土拉桿菌 (*Francisella tularensis*)
7. 瓜納瑞托病毒 (Guanarito virus)
8. 漢坦病毒 (Hantavirus)
9. 亨德拉病毒 (Hendra virus)
10. 猴疱疹病毒 (B 病毒) (Herpes simiae virus (B virus))
11. 甲型流行性感感冒病毒 (H2、H5、H7 及 H10 亞型) (Influenza virus type A (subtype H2, H5, H7 and H10)) (由 2014 年第 23 號法律公告代替)
12. 日本腦炎病毒 (Japanese encephalitis virus)
13. 鳩寧病毒 (Junin virus)
14. 基薩諾爾森林病病毒 (Kysanur Forest disease virus)
15. 拉沙病毒 (Lassa virus)
16. 馬秋波病毒 (Machupo virus)
17. 馬爾堡病毒 (Marburg virus)

Schedule 2

[ss. 2 & 15]

Scheduled Infectious Agents

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, H7 and H10) (甲型流行性感感冒病毒(H2、H5、H7及H10亞型)) (Replaced L.N. 23 of 2014)
12. Japanese encephalitis virus (日本腦炎病毒)
13. Junin virus (鳩寧病毒)
14. Kysanur 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)

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- 17A. 中東呼吸綜合症冠狀病毒 (Middle East Respiratory Syndrome Coronavirus) (由 2013 年第 104 號法律公告增補)
18. 猴痘病毒 (Monkeypox virus)
19. 結核分枝桿菌 (耐多藥) (*Mycobacterium tuberculosis (multidrug-resistant)*)
20. 尼巴病毒 (Nipah virus)
- 20A. (由 2013 年第 104 號法律公告廢除)
21. 鄂木斯克出血熱病毒 (Omsk haemorrhagic fever virus)
22. 脊髓灰質炎病毒 (野毒株) (Polio virus (wild))
23. 狂犬病毒或類狂犬病毒 (Rabies or rabies-related virus)
24. 立夫特谷熱病毒 (Rift Valley fever virus)
25. 薩比亞病毒 (Sabia virus)
26. 嚴重急性呼吸系統綜合症——冠狀病毒 (Severe Acute Respiratory Syndrome—coronavirus)
- 26A. 嚴重急性呼吸系統綜合症冠狀病毒 2 (Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)) (由 2020 年第 46 號法律公告增補)
27. 蜱傳腦炎病毒 (Tick-borne encephalitis virus)
28. 天花病毒 (Variola virus)
29. 西尼羅河病毒 (West Nile virus)
30. 黃熱病毒 (Yellow fever virus)
31. 鼠疫耶爾森菌 (*Yersinia pestis*)

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- 17A. Middle East Respiratory Syndrome Coronavirus (中東呼吸綜合症冠狀病毒) (*Added L.N. 104 of 2013*)
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)
- 20A. (*Repealed L.N. 104 of 2013*)
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)
- 26A. Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (嚴重急性呼吸系統綜合症冠狀病毒2) (*Added L.N. 46 of 2020*)
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)