

Prevention and Control of Disease (Disclosure of Information) Regulation

(Cap. 599 sub. leg. D)

Contents

Section		Page
1.	Commencement	2
2.	Interpretation	2
3.	Requirement to give information to health officer or authorized officer	2
4.	Giving false or misleading information to medical practitioner is offence	4
4A.	Authorized officers	6
5.	Expiry	6

Prevention and Control of Disease (Disclosure of Information) Regulation

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

[8 February 2020]

1. Commencement

This Regulation comes into operation on 8 February 2020.

2. Interpretation

In this Regulation—

authorized officer (獲授權人員) means an authorized officer appointed under section 4A(1); (*L.N. 159 of 2020*)

disease (疾病) means the coronavirus disease 2019 (COVID-19), which is specified in item 8A of Schedule 1 to the Ordinance; (*L.N. 49 of 2020*)

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.

3. Requirement to give information to health officer or authorized officer

(*L.N. 159 of 2020*)

(1) A health officer may require a person to give any information that the health officer reasonably believes—

(a) is within the knowledge, in the possession or under the control of the person; and

- (b) is relevant to the handling of the public health emergency.
- (1A) An authorized officer may, for preventing and controlling the transmission of the disease, require a person to give any information that the authorized officer reasonably believes—
 - (a) is within the knowledge, in the possession or under the control of the person; and
 - (b) is relevant to the identification and tracing of any person who may have been exposed to the risk of contracting the disease. (*L.N. 159 of 2020*)
- (2) A person commits an offence if the person fails to comply with a requirement made under subsection (1) or (1A). (*L.N. 159 of 2020*)
- (3) It is a defence to a charge under subsection (2) to prove that the information required to be given was not within the knowledge, in the possession or under the control (as the case may be) of the person charged, and could not reasonably have been ascertained or obtained (as the case may be) by the person.
- (4) A person commits an offence if the person, in purported compliance with a requirement made under subsection (1) or (1A), knowingly gives to a health officer or an authorized officer (as the case may be) any information that is false or misleading in a material particular. (*L.N. 159 of 2020*)
- (5) A person who commits an offence under subsection (2) or (4) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

4. Giving false or misleading information to medical practitioner is offence

- (1) A person commits an offence if the person, when attended by a medical practitioner acting in the course of professional

practice, knowingly gives to the medical practitioner any false or misleading information of the person that is relevant to the risk of exposure to or contracting the disease.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

(3) In this section—

information (資料), in relation to a person, means any information about—

- (a) the places where the person has been to;
- (b) the medical history of the person; or
- (c) any contact between the person and other persons.

4A. 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 any thing 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.

(L.N. 159 of 2020)

5. Expiry

This Regulation expires at midnight on 31 March 2023.

(L.N. 49 of 2020; L.N. 145 of 2020; L.N. 245 of 2020; L.N. 25 of 2021; L.N. 140 of 2021; L.N. 37 of 2022; L.N. 169 of 2022)