

《預防及控制疾病 (披露資料) 規例》
(第 599 章, 附屬法例 D)

Prevention and Control of Disease (Disclosure of Information) Regulation
(Cap. 599 sub. leg. D)

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E-1

第 599D 章

制定史

本為 2020 年第 13 號法律公告——2020 年第 49 號法律公告，2020 年第 145 號法律公告，2020 年第 159 號法律公告，2020 年第 245 號法律公告，2021 年第 25 號法律公告，2021 年第 140 號法律公告，2022 年第 37 號法律公告

E-2

Cap. 599D

Enactment History

Originally L.N. 13 of 2020 — L.N. 49 of 2020, L.N. 145 of 2020, L.N. 159 of 2020, L.N. 245 of 2020, L.N. 25 of 2021, L.N. 140 of 2021, L.N. 37 of 2022

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目錄

Contents

條次		頁次	Section	Page
1.	生效日期	1	1. Commencement	2
2.	釋義	1	2. Interpretation	2
3.	向衛生主任或獲授權人員提供資料的要求	1	3. Requirement to give information to health officer or authorized officer	2
4.	向醫生提供虛假或具誤導性的資料屬罪行	3	4. Giving false or misleading information to medical practitioner is offence	4
4A.	獲授權人員	5	4A. Authorized officers	6
5.	失效日期	5	5. Expiry	6

《預防及控制疾病 (披露資料) 規例》

(由行政長官會同行政會議根據《預防及控制疾病條例》(第 599 章) 第 8 條訂立)

[2020 年 2 月 8 日]

1. 生效日期

本規例自 2020 年 2 月 8 日起實施。

2. 釋義

在本規例中——

公共衛生緊急事態 (public health emergency) 指關乎疾病的、本條例第 8(5) 條所指的公共衛生緊急事態；

疾病 (disease) 指 2019 冠狀病毒病，即本條例附表 1 第 8A 項所指明者；(2020 年第 49 號法律公告；2020 年第 159 號法律公告)

獲授權人員 (authorized officer) 指根據第 4A(1) 條委任的獲授權人員。(2020 年第 159 號法律公告)

3. 向衛生主任或獲授權人員提供資料的要求

(2020 年第 159 號法律公告)

(1) 如衛生主任合理地相信——

- (a) 某人知道、管有或控制任何資料；及
- (b) 該資料攸關處理公共衛生緊急事態，則該衛生主任可要求該人提供該資料。

(1A) 如獲授權人員合理地相信——

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

- (a) 某人知道、管有或控制任何資料；及
- (b) 該資料攸關識別和追蹤可能已經蒙受染上疾病的危險的人，
- 則該獲授權人員可為預防和控制疾病傳播而要求該人提供該資料。(2020 年第 159 號法律公告)
- (2) 任何人沒有遵從根據第 (1) 或 (1A) 款作出的要求，即屬犯罪。(2020 年第 159 號法律公告)
- (3) 被控犯第 (2) 款所訂罪行的人，如證明被要求提供的資料在當時並非該人所知道、管有或控制(視屬何情況而定)，並且按理是該人所不能夠確定或取得(視屬何情況而定)的，即可以此作為免責辯護。
- (4) 任何人明知而向衛生主任或獲授權人員提供任何在要項上屬虛假或具誤導性的資料，充作遵從根據第 (1) 或 (1A) 款(視屬何情況而定)作出的要求，即屬犯罪。(2020 年第 159 號法律公告)
- (5) 任何人犯第 (2) 或 (4) 款所訂罪行，一經定罪，可處第 3 級罰款及監禁 6 個月。

4. 向醫生提供虛假或具誤導性的資料屬罪行

- (1) 任何人在接受於專業執業過程中行事的醫生診治時，明知而向該醫生提供任何關於該人並攸關暴露於或染上疾病的風險的虛假或具誤導性的資料，即屬犯罪。

- (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

- (2) 任何人犯第(1)款所訂罪行，一經定罪，可處第3級罰款及監禁6個月。
- (3) 在本條中——
資料 (information) 就某人而言，指任何關於以下項目的資料——
 - (a) 該人到過的地方；
 - (b) 該人的病歷；或
 - (c) 該人與其他人的任何接觸。

4A. 獲授權人員

- (1) 為施行本規例，署長可委任任何公職人員為獲授權人員。
- (2) 如獲授權人員(或按獲授權人員指示行事的人)在根據本規例執行或看來是根據本規例執行職能時，真誠地作出或沒有作出任何作為，該人員或該人無需為該作為或不作為，承擔個人法律責任。

(2020 年第 159 號法律公告)

5. 失效日期

本規例在 2022 年 9 月 30 日午夜失效。

(2020 年第 49 號法律公告；2020 年第 145 號法律公告；2020 年第 245 號法律公告；2021 年第 25 號法律公告；2021 年第 140 號法律公告；2022 年第 37 號法律公告)

- 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 30 September 2022.

(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)