

《預防及控制疾病 (規管跨境交通工具及到港者) 規例》
(第 599 章，附屬法例 H)

Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation
(Cap. 599 sub. leg. H)

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E-1

第 599H 章

E-2

Cap. 599H

制定史

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《預防及控制疾病 (規管跨境交通工具及到港者) 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 7 月 15 日]

1. 生效日期

本規例自 2020 年 7 月 15 日起實施。

2. 釋義

(1) 在本規例中——

交通工具 (conveyance) 指任何飛機或船隻；

指明交通工具 (specified conveyance) 指從香港以外地區到達香港 (或即將從香港以外地區到達香港) 的交通工具；

指明地區 (specified place) 指根據第 5(3) 條指明的地區；

指明疾病 (specified disease) 指 2019 冠狀病毒病，即本條例附表 1 第 8A 項所指明者；

指明期間 (specified period) 就符合**相關到港者**的定義 (a) 段所指明的人曾逗留的指明地區而言，指根據第 5(2A) 條就該地區指明的期間；(2020 年第 261 號法律公告)

相關到港者 (relevant traveller) 就某指明交通工具而言，指在該交通工具上並符合以下說明的人——

(a) 在登上該交通工具當日或當日之前的指明期間，曾逗留於任何指明地區；或 (2020 年第 261 號法律公告)

(b) 屬根據第 5(2) 條指明的任何類型的人士；

營運人 (operator) 就某交通工具而言，指——

Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation

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

[15 July 2020]

1. Commencement

This Regulation comes into operation on 15 July 2020.

2. Interpretation

(1) In this Regulation—

authorized officer (獲授權人員) means an authorized officer appointed under section 8;

conveyance (交通工具) means any aircraft or vessel;

operator (營運人), in relation to a conveyance, means—

(a) its owner, charterer, pilot in command or master;

(b) the person in charge of it; or

(c) a person who is acting as an agent of its owner or charterer or the person in charge of it;

relevant traveller (相關到港者), in relation to a specified conveyance, means a person on the conveyance—

(a) who, on the day on which the person boarded the conveyance or during a specified period before that day, has stayed in any specified place; or (L.N. 261 of 2020)

(b) who belongs to a type of persons specified under section 5(2);

- (a) 該交通工具的擁有人、租用人、機長或船長；
- (b) 掌管該交通工具的人；或
- (c) 以該交通工具的擁有人或租用人的代理人身分行事的人，或以掌管該交通工具的人的代理人身分行事的人；

獲授權人員 (authorized officer) 指根據第 8 條委任的獲授權人員。

(2) 如 ——

- (a) 某人在某地區登上某交通工具，而該交通工具在該人登上後，在屬指明地區的任何其他地區 (**中途指明地區**) 停留；
- (b) 該人不曾在該中途指明地區離開該交通工具；及
- (c) 其後，該人乘搭該交通工具的行程在該中途指明地區以外結束，

則就第 (1) 款中**相關到港者**的定義 (a) 段而言，該人不視為曾逗留於該中途指明地區。

3. 衛生主任或獲授權人員可就指明交通工具行使若干權力

(1) 就某指明交通工具而言 ——

- (a) 如有任何根據第 5(1) 條指明的條件，就該交通工具上的任何相關到港者不獲符合，則衛生主任或按衛

specified conveyance (指明交通工具) means a conveyance that arrives at, or is about to arrive at, Hong Kong from a place outside Hong Kong;

specified disease (指明疾病) means the coronavirus disease 2019 (COVID-19), which is specified in item 8A of Schedule 1 to the Ordinance;

specified period (指明期間), in relation to a specified place in which a person who falls within paragraph (a) of the definition of **relevant traveller** has stayed, means a period specified under section 5(2A) for that place; (*L.N. 261 of 2020*)

specified place (指明地區) means a place specified under section 5(3).

(2) If—

- (a) a person boarded, in a place, a conveyance that, after the person had boarded it, stopped in any other place that is a specified place (**stopover specified place**);
- (b) the person did not leave the conveyance in that stopover specified place; and
- (c) the person's journey on that conveyance ended subsequently outside that stopover specified place,

the person is not regarded, for the purposes of paragraph (a) of the definition of **relevant traveller** in subsection (1), as having stayed in that stopover specified place.

3. Health officers or authorized officers may exercise certain powers in relation to specified conveyances

(1) In relation to a specified conveyance—

- (a) a health officer, or an authorized officer acting on the advice of a health officer, may exercise any power

生主任的建議行事的獲授權人員，可行使第 (2) 款訂明的任何權力；及

- (b) 如衛生主任合理地懷疑，在該交通工具上有 ——
- (i) 染上指明疾病的人；或
 - (ii) 已經或相當可能已經蒙受染上指明疾病的重大危險的人，

則該主任或按該主任的建議行事的獲授權人員，可行使第 (2) 款訂明的任何權力。

- (2) 衛生主任或按衛生主任的建議行事的獲授權人員，可 ——
- (a) 禁止 ——
 - (i) 如有關交通工具是飛機 —— 該飛機着陸香港；
 - (ii) 如有關交通工具是船隻 —— 該船隻進入香港水域或在香港水域停留；
 - (b) 除非有關交通工具停留在衛生主任或獲授權人員指明的地方 —— 禁止該交通工具停留香港；
 - (c) 如已就有關交通工具行使 (b) 段所指的權力 —— 禁止該交通工具離開根據該段指明的地方；
 - (d) 禁止任何人登上或離開有關交通工具，獲衛生主任或獲授權人員准許者除外；及
 - (e) 禁止將任何物品裝載上有關交通工具或從有關交通工具卸下，獲衛生主任或獲授權人員准許者除外。

prescribed in subsection (2) if any condition specified under section 5(1) is not met in relation to any relevant traveller on the conveyance; and

- (b) a health officer, or an authorized officer acting on the advice of a health officer, may exercise any power prescribed in subsection (2) if the health officer reasonably suspects that there is on board the conveyance any person—
- (i) who has contracted the specified disease; or
 - (ii) who has been, or is likely to have been, exposed to a significant risk of contracting the specified disease.

- (2) A health officer, or an authorized officer acting on the advice of a health officer, may—
- (a) prohibit the conveyance from—
 - (i) for an aircraft—landing in Hong Kong;
 - (ii) for a vessel—entering or staying in the waters of Hong Kong;
 - (b) prohibit the conveyance from staying in Hong Kong except in a place specified by a health officer or an authorized officer;
 - (c) if the power under paragraph (b) has been exercised in relation to the conveyance—prohibit the conveyance from leaving the place specified under that paragraph;
 - (d) prohibit the embarkation of any person on, or the disembarkation of any person from, the conveyance except with the permission of a health officer or an authorized officer; and

4. 關於第 3 條的罪行

- (1) 如——
 - (a) 某交通工具從香港以外地區到達香港；及
 - (b) 有任何根據第 5(1) 條指明的條件，就該交通工具上的任何相關到港者不獲符合，該交通工具的每一營運人均屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。
- (2) 被控犯第 (1) 款所訂罪行的人，如確立自己並不知道(或即使作出合理努力亦不能知道)在關鍵時間有第 (1)(b) 款描述的、構成該指控罪行的情況，即為免責辯護。
- (3) 如第 3(2)(a)、(b)、(c)、(d) 或 (e) 條所指的禁止，在無合理辯解的情況下就某交通工具遭違反，該交通工具的每一營運人均屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。
- (4) 被控犯第 (3) 款所訂罪行的人，如確立自己並不知道(或即使作出合理努力亦不能知道)有人作出構成有關違反的作為，即為免責辯護。
- (5) 任何人在無合理辯解下，在違反第 3(2)(d) 條所指的禁止的情況下，登上或離開任何交通工具，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月。

- (e) prohibit the loading on, or the unloading from, the conveyance of any article except with the permission of a health officer or an authorized officer.

4. Offences relating to section 3

- (1) If—
 - (a) a conveyance arrives at Hong Kong from a place outside Hong Kong; and
 - (b) any condition specified under section 5(1) is not met in relation to any relevant traveller on the conveyance,each of the operators of the conveyance commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (2) It is a defence for a person charged with an offence under subsection (1) to establish that the person did not know, or could not with reasonable diligence have known, that the situation described in subsection (1)(b) constituting the alleged offence existed at the material time.
- (3) If a prohibition under section 3(2)(a), (b), (c), (d) or (e) is contravened without reasonable excuse in relation to a conveyance, each of the operators of the conveyance commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (4) It is a defence for a person charged with an offence under subsection (3) to establish that the person did not know, or could not with reasonable diligence have known, that the act constituting the relevant contravention was done.
- (5) A person who, without reasonable excuse, embarks on or disembarks from a conveyance in contravention of a prohibition under section 3(2)(d) commits an offence and is

5. 醫務衛生局局長可指明條件、地區、期間及人士類型*

(2020 年第 261 號法律公告；2022 年第 144 號法律公告)

- (1) 為施行第 3(1) 及 4(1) 條，醫務衛生局局長(局長)可藉在憲報刊登的公告，就相關到港者指明條件。(2022 年第 144 號法律公告)
- (2) 為第 2(1) 條中**相關到港者**的定義(b)段的目的，局長可藉在憲報刊登的公告，指明局長認為因個人情況而已經或相當可能已經蒙感染上指明疾病的重大危險的人的類型。
- (2A) 為第 2(1) 條中**指明期間**的定義的目的，局長可藉在憲報刊登的公告，就符合該條中**相關到港者**的定義(a)段所指的人曾逗留的指明地區，指明一段期間。(2020 年第 261 號法律公告)
- (2B) 為施行第 (2A) 款，局長可就不同地區，指明不同期間。(2020 年第 261 號法律公告)
- (2C) 根據第 (2A) 款指明的期間不得超過 28 日。(2020 年第 261 號法律公告)
- (3) 為第 2(1) 條中**指明地區**的定義的目的，局長可藉在憲報刊登的公告，指明香港以外的任何地區。
- (4) 根據第 (1)、(2)、(2A) 或 (3) 款刊登的公告，不是附屬法例。(2020 年第 261 號法律公告)
- (5) 在就某地區或任何曾逗留於某地區的人行使第 (1)、(2A) 或 (3) 款所賦予的權力前，局長須顧及——(2020 年第 261 號法律公告)
 - (a) 指明疾病在該地區的蔓延程度及模式(不論屬一般或特定情況)；及(2020 年第 261 號法律公告)
 - (b) 曾逗留於該地區的人對香港構成的公共衛生危險。

liable on conviction to a fine at level 4 and to imprisonment for 6 months.

5. Secretary for Health may specify conditions, places, periods and types of persons*

(L.N. 261 of 2020; L.N. 144 of 2022)

- (1) For the purposes of sections 3(1) and 4(1), the Secretary for Health (**Secretary**) may, by notice published in the Gazette, specify conditions for relevant travellers. (L.N. 144 of 2022)
- (2) For the purposes of paragraph (b) of the definition of **relevant traveller** in section 2(1), the Secretary may, by notice published in the Gazette, specify any type of persons who, in the opinion of the Secretary, have been, or are likely to have been, exposed to a significant risk of contracting the specified disease because of their personal circumstances.
- (2A) For the purposes of the definition of **specified period** in section 2(1), the Secretary may, by notice published in the Gazette, specify a period for a specified place in which a person who falls within paragraph (a) of the definition of **relevant traveller** in that section has stayed. (L.N. 261 of 2020)
- (2B) For the purposes of subsection (2A), the Secretary may specify different periods for different places. (L.N. 261 of 2020)
- (2C) A period specified under subsection (2A) must not exceed 28 days. (L.N. 261 of 2020)
- (3) For the purposes of the definition of **specified place** in section 2(1), the Secretary may, by notice published in the Gazette, specify any place outside Hong Kong.
- (4) A notice published under subsection (1), (2), (2A) or (3) is not subsidiary legislation. (L.N. 261 of 2020)

- (6) 根據第 (1) 款指明的條件，須關乎預防及控制指明疾病或保障公共衛生。
- (7) 局長可根據第 (1) 款，就不同類型的相關到港者，指明不同條件。
- (8) 就第 (7) 款而言，乘搭不同類型的交通工具到達的相關到港者，即屬不同類型的相關到港者。

編輯附註：

* 見 2022 年第 563 號號外公告及 2022 年第 564 號號外公告。

6. 營運人須按要求提供資料

- (1) 衛生主任或按衛生主任的建議行事的獲授權人員，可要求某指明交通工具的營運人採用衛生主任指明的格式，提供任何關乎以下事宜的資料——
 - (a) 根據第 5(1) 條就該交通工具上的相關到港者指明的條件獲符合；
 - (b) 該交通工具的航行紀錄；或
 - (c) 該交通工具上的人的健康狀況。
- (2) 任何營運人沒有遵從根據第 (1) 款作出的要求，即屬犯罪。

- (5) Before exercising the power conferred by subsection (1), (2A) or (3) in relation to a place or any person who has stayed in a place, the Secretary must have regard to—
 - (a) the extent and pattern (whether general or specific) of the spread of the specified disease in that place; and
(*L.N. 261 of 2020*)
 - (b) the public health risk posed to Hong Kong by persons who have stayed in that place.
- (6) A condition specified under subsection (1) must relate to the prevention and control of the specified disease or protection of public health.
- (7) Different conditions may be specified under subsection (1) for different types of relevant travellers.
- (8) For the purposes of subsection (7), relevant travellers arriving on different types of conveyances are different types of relevant travellers.

Editorial Note:

* See G.N. (E.) 563 of 2022 and G.N. (E.) 564 of 2022.

6. Operators must provide information as required

- (1) A health officer, or an authorized officer acting on the advice of a health officer, may require an operator of a specified conveyance to provide, in a form specified by a health officer, any information concerning—
 - (a) the meeting of the conditions specified under section 5(1) for the relevant travellers on the conveyance;
 - (b) the travel record of the conveyance; or
 - (c) the health condition of the persons on the conveyance.

- (3) 被控犯第(2)款所訂罪行的人，如確立被要求提供的資料在當時並非該人所知道、管有或控制，並且按理是該人所不能夠確定或取得的，即為免責辯護。
- (4) 任何營運人明知或罔顧實情地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)款作出的要求，即屬犯罪。
- (5) 任何人被裁定犯第(2)或(4)款所訂罪行，可處第5級罰款及監禁6個月。

7. 相關到港者須按要求提供資料

- (1) 衛生主任或按衛生主任的建議行事的獲授權人員，可要求任何相關到港者採用衛生主任指明的格式，提供任何關乎以下事宜的資料——
 - (a) 該到港者的健康狀況；
 - (b) 該到港者的行蹤紀錄；或
 - (c) 任何關乎根據第5(1)條就該到港者指明的條件的事宜。
- (2) 任何人無合理辯解而沒有遵從根據第(1)款作出的要求，即屬犯罪。
- (3) 任何人明知或罔顧實情地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)款作出的要求，即屬犯罪。
- (4) 任何人被裁定犯第(2)或(3)款所訂罪行，可處第3級罰款及監禁6個月。

- (2) An operator who fails to comply with a requirement made under subsection (1) commits an offence.
- (3) It is a defence for a person charged with an offence under subsection (2) to establish that the information required to be provided was not within the knowledge, in the possession or under the control of the person, and could not reasonably have been ascertained or obtained by the person.
- (4) An operator who, in purported compliance with a requirement made under subsection (1), knowingly or recklessly provides any information that is false or misleading in a material particular commits an offence.
- (5) A person who is convicted of an offence under subsection (2) or (4) is liable to a fine at level 5 and to imprisonment for 6 months.

7. Relevant travellers must provide information as required

- (1) A health officer, or an authorized officer acting on the advice of a health officer, may require a relevant traveller to provide, in a form specified by a health officer, any information concerning—
 - (a) the health condition of the traveller;
 - (b) the travel history of the traveller; or
 - (c) any matter concerning any condition specified under section 5(1) for the traveller.
- (2) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) commits an offence.
- (3) A person who, in purported compliance with a requirement made under subsection (1), knowingly or recklessly provides

8. 獲授權人員

- (1) 署長可為施行本規例，委任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) 在執行或看來是執行在本規例下的職能時，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。

9. 失效日期

本規例在 2022 年 9 月 30 日午夜失效。

(2020 年第 202 號法律公告；2020 年第 249 號法律公告；2021 年第 29 號法律公告；2021 年第 144 號法律公告；2022 年第 41 號法律公告)

any information that is false or misleading in a material particular commits an offence.

- (4) A person who is convicted of an offence under subsection (2) or (3) is liable to a fine at level 3 and to imprisonment for 6 months.

8. 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 an authorized 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.

9. Expiry

This Regulation expires at midnight on 30 September 2022.

(L.N. 202 of 2020; L.N. 249 of 2020; L.N. 29 of 2021; L.N. 144 of 2021; L.N. 41 of 2022)