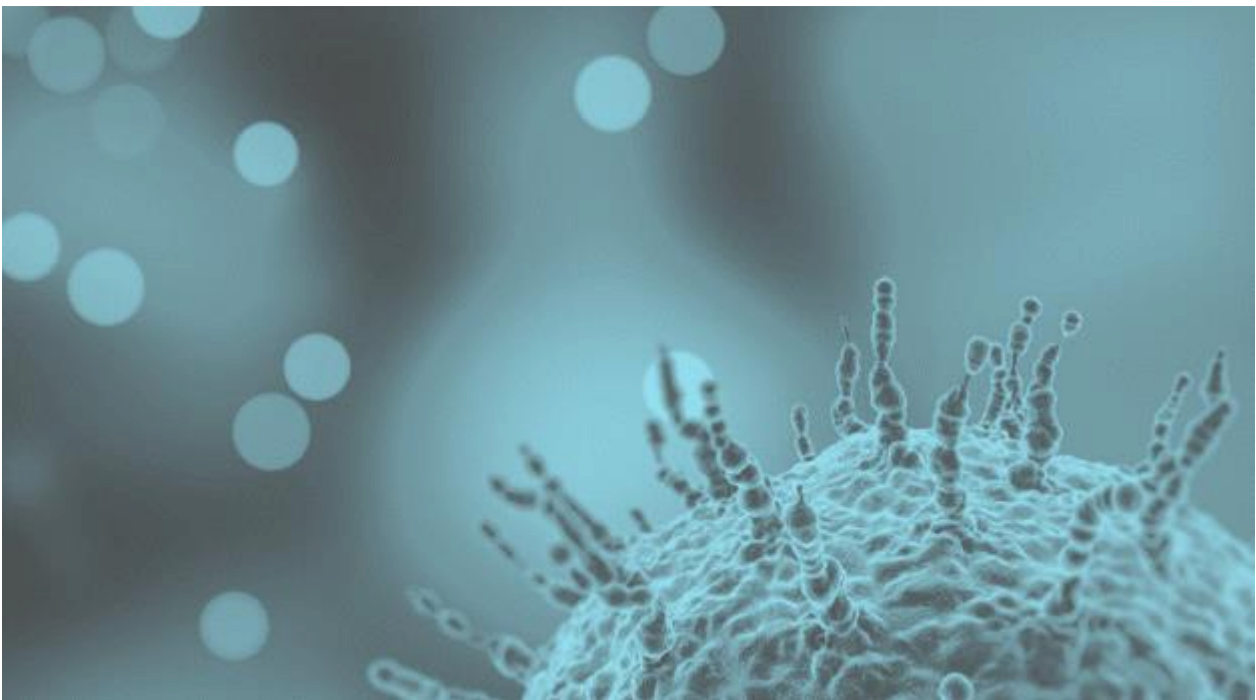


COMMUNITY ALERT

LEGAL REGIME OF EPIDEMIC-CONTROL MEASURES

March 31, 2020



On 11 March 2020, the World Health Organization declared the novel coronavirus (COVID-19) outbreak a pandemic. In recent days, the Macau Government announced a series of epidemic-control measures to prevent the spread of infections. The legal basis of these measures is Law no. 2/2004 (Law on the Prevention, Control and Treatment of Infectious Diseases).

This alert describes (i) the measures provided in Law no. 2/2004, (ii) the current quarantine measures in place, (iii) the procedures and (iv) cases with regard to mandatory isolation, and (v) criminal liability in case of violation of the measures provides in Law no. 2/2004.

I. Epidemic-control Measures under Law no. 2/2004 and the competent enforcement entity

The following are epidemic-control measures set out in Law no. 2/2004:

General measures

Entry in Macau¹	In case of danger to public health, under the orientation of the Health Bureau, the competent entities may require people entering Macau to: a) Fill out specific statements taking into account the nature and symptoms of the diseases; b) Present valid medical statements or vaccination certificates; and c) Undergo a medical examination.
Control Measures²	In relation to infected persons, persons suspected of having contracted or at risk of contracting a contagious disease, the following measures may be adopted by the Health Bureau ³ : a) Medical observation or medical examination on designated date and venue; ⁴

¹ See Article 10 of Law no. 2/2004.

² See Article 14 of Law no. 2/2004.

³ See Article 2(2) of Law no. 2/2004 and Article 4(1) and (2) of Decree-Law no. 81/99/M.

⁴ Please see Section II below for the medical observation measures currently in place.

- b) Restriction on the exercise of activities or professions or establishment of conditions for such exercise; and
- c) Mandatory isolation⁵.

Special measures

The measures below are of exceptional, temporary and urgent nature, and can be applied by the Chief Executive to prevent the occurrence or spread of contagious disease:

- a) Imposition of restrictions on social, cultural, recreational or sporting events that involve crowds of people, likely to cause the spread of contagious diseases, as well as setting out a limited number of people who may be present in a specific venue;
- b) Isolation, restriction or establishment of constraints on the movement of people from specific areas or belonging to specific groups at risk of contagion of infectious diseases;
- c) Imposition of restrictions or prohibitions on entering or leaving Macau on infected non-resident persons, suspected of having contracted or at risk of contracting infectious diseases;⁶
- d) Imposition of restrictions or prohibitions on entering or leaving Macao on non-residents from countries or regions with the occurrence or outbreak of infectious diseases;
- e) Imposition of restrictions or prohibition of access to or exit from certain areas or establishments;
- f) Imposition of restrictions or prohibition of traffic in specific areas;⁷
- g) Imposition of restrictions or prohibition on the exercise of a certain type of activities or the operation of a particular type of establishments that cause or are likely to cause the occurrence or spread of infectious diseases;
- h) Imposition of restrictions or prohibition on the possession or breeding of animal species that cause or are likely to cause the occurrence or spread of communicable diseases, as well as their slaughter and proper treatment of their carcasses;

⁵ The procedures of this measure are described in Section III below.

⁶ For any measures adopted in accordance with this paragraph please see below as indicated in Section V, in relation to Executive Order no. 72/2020, 73/2020 and 80/2020.

⁷ For any measures adopted in accordance with this paragraph please see below as indicated in Section V, in relation to Executive Order no. 80/2020.

- i) Imposition of restrictions or prohibitions on the sale or use of certain types of goods or products that cause or are likely to cause the occurrence or spread of infectious diseases or order their destruction;
- j) Requisition of goods or services;
- k) Exemption from certain legal formalities necessary for the public entities to acquire essential goods or services;
- l) Exemption from recognition of professional qualification to persons holding such qualification at the place of origin, who come to Macao SAR to carry out activities;
- m) Total or partial suspension of the operation of public services.

II. Medical observations

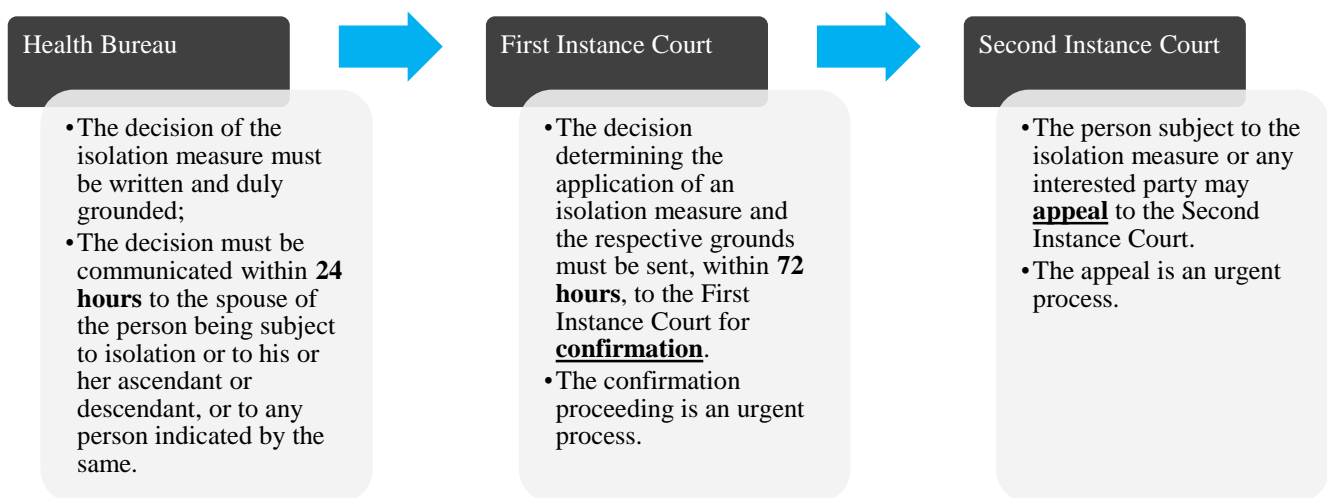
All quarantine measures currently applied by the Health Bureau can be found in this [link](#). The quarantine measures currently in place are as follows:

Announcement date	Effective date	Quarantine measure
March 16, 2020	Midnight of March 17, 2020	All individuals who have been to countries/ areas outside China within the past 14 days prior to their entry into Macau must undergo medical observation for 14 days at designated venue.
March 24, 2020	Midnight of March 25, 2020	All individuals who have been to Hong Kong or Taiwan within the past 14 days prior to their entry into Macau must undergo medical observation for 14 days at designated venue.

The location of the medical observation and quarantine is one of the designated hotels, and quarantine at home is no longer an option.

III. Mandatory isolation measures

Anyone who fails to comply with the epidemic-control measures may be subject to mandatory isolation applied by the Health Bureau. The procedure for application and enforcement of the mandatory isolation measure is as follows:



IV. Cases related to the application of mandatory isolation measure

Since the entry into force of Law no. 2/2004, the First Instance Court and the Second Instance Court have decided on four cases in which the Health Bureau has requested the First Instance Court to confirm the measures of mandatory isolation, following the refusal of medical observation or medical examination by the respective individuals.

The first three cases involved H7N9, while the fourth case is related to COVID-19. In all these cases, the First Instance Court confirmed the mandatory isolation measure adopted by the Health Bureau.

In one of these cases, an individual, to whom the isolation measure was applied, appealed to the Second Instance Court. The appellant claimed that the isolation measure applied by the Health Bureau

should not be confirmed by the First Instance Court, as the results of the medical tests carried out during the isolation period were negative.⁸

The Second Instance Court dismissed the appeal and upheld the decision of the lower court. According to the Second Instance Court, the isolation period adopted by the Health Bureau was in line with the practice of international Health Organizations, and the decision took into account epidemiological studies, uncertainties regarding the virus incubation period, as well as the lethality and danger to the general population. The Court also points out that the interests of the public health, society and economy should override the individual interests of the appellant (i.e. the sacrifice of his individual freedom for a short period of time).

V. Criminal liability

Under Articles 30 and 31 of Law no. 2/2004, a person who fails to observe the measures referred in the same law is subject to the following penalties:

i. General measures – entry in Macau

Violation	Penalties	Law no. 2/2004
a) Refusal to fill in the statements related to the nature and symptoms of disease or provision of false information in the statements to avoid other measures provided in the law	Imprisonment of up to 6 months or a fine up to MOP 600,000.00	Articles 10(2)(1) and 30(1)
b) Refusal to undergo medical examination	Imprisonment of up to 6 months or a fine up to MOP 600,000.00	Articles 10(2)(1) and 30(1)

⁸ See Second Instance Court Case no. 138/2016.

ii. General measures – control measures

Violation	Penalties	Law no. 2/2004
a) Failure to comply with medical observation	Imprisonment of up to 6 months or a fine up to MOP 600,000.00	Articles 14(1)(1) and 30(2)
b) Failure to comply with the restriction on the exercise of activities or professions or establishment of conditions for such exercise	Imprisonment of up to 1 year or a fine of up to MOP 1,200,000.00	Articles 14(1)(2) and 30(3)
c) Failure to comply with mandatory isolation	Imprisonment of up to 1 year or a fine of up to MOP 1,200,000.00	Articles 14(1)(3) and 30(3)

iii. Special measures

Violation	Penalties	Law no. 2/2004
a) Failure to comply with restrictions on social, cultural, recreational or sporting events that involve crowds of people, likely to cause the spread of contagious diseases	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(1) and 30(3)
b) Failure to comply with the isolation, restriction or establishment of constraints on the movement of people from specific areas or belonging to specific groups at risk of contagion of infectious diseases	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(2) and 30(3)
c) Failure to comply with restrictions or prohibition of access to or exit from certain areas or establishments	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(5) and 30(3)

Violation	Penalties	Law no. 2/2004
d) Failure to comply with restrictions or prohibition of traffic in specific areas	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(6) and 30(3)
e) Failure to comply with restrictions or prohibition on the exercise of a certain type of activities or the operation of a particular type of establishments that cause or are likely to cause the occurrence or spread of infectious diseases	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(7) and 30(3)
f) Failure to comply with restrictions or prohibition on the possession or breeding of animal species that cause or are likely to cause the occurrence or spread of communicable diseases, as well as their slaughter and proper treatment of their carcasses	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(8) and 30(3)
g) Failure to comply with restrictions or prohibitions on the sale or use of certain types of goods or products that cause or are likely to cause the occurrence or spread of infectious diseases or order their destruction	Imprisonment of up to 2 years or a fine of up to MOP 2,400,000.00.	Articles 25(1)(9) and 30(3)
h) Making statements regarding infectious disease during the application of special measures, with the intention of provoking alarm or anxiety in the population, with awareness of their falsity, and such act disturbed the normal life of the population	Imprisonment of up to 1 year or a fine of up to MOP 1,200,000.00	Article 31

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