

PREVENTION AND CONTROL OF DISEASE (COMPULSORY TESTING FOR CERTAIN PERSONS) REGULATION

Compulsory Testing Notice

In exercise of the power conferred by section 10(1) of the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (*the Regulation*) (Chapter 599, sub. leg. J), I hereby:—

Category of Persons

(I) specify the following categories of persons:—

- (A) any person (including full-time, part-time and relief staff) who has completed a COVID-19 vaccination course ^[Note 1] and:—
- (a) (i) is employed by and on duty at the premises of any residential care home for the elderly (*RCHE*) operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance (Chapter 459) during the period from 18 May 2022 to 24 May 2022 (*the applicable period for Category A staff*); or
 - (ii) through a hire-of-service contract with the aforementioned RCHE, provides services to resident(s) of the RCHE during the applicable period for Category A staff;
 - (b) (i) is employed by and on duty at any day service unit attached to the premises of any RCHE operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance during the applicable period for Category A staff; or
 - (ii) through a hire-of-service contract with the aforementioned day service unit, provides services to user(s) of the day service unit during the applicable period for Category A staff;
 - (c) (i) is employed by and on duty at the premises of any residential care home for persons with disabilities (*RCHD*) operating with a licence or a certificate of exemption issued under the Residential Care Homes (Persons with Disabilities) Ordinance (Chapter 613) during the applicable period for Category A staff; or
 - (ii) through a hire-of-service contract with the aforementioned RCHD, provides services to resident(s) of the RCHD during the applicable period for Category A staff;
 - (d) (i) is employed by and on duty at any day service unit attached to the premises of any RCHD operating with a licence or a certificate of exemption issued under the Residential Care Homes (Persons with Disabilities) Ordinance during the applicable period for Category A staff; or
 - (ii) through a hire-of-service contract with the aforementioned day service unit, provides services to user(s) of the day service unit during the applicable period for Category A staff;
 - (e) (i) is employed by and on duty at the premises of any nursing home listed in Schedule 10 to the Private Healthcare Facilities Ordinance (Chapter 633) (except nursing homes operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance or the Residential Care Homes (Persons with Disabilities) Ordinance) during the applicable period for Category A staff; or
 - (ii) through a hire-of-service contract with the aforementioned nursing home, provides services to the resident(s) of the nursing home during the applicable period for Category A staff; and

- (B) any person (including full-time, part-time and relief staff) who has not completed a COVID-19 vaccination course ^[Note 1] and:—
- (a) (i) is employed by and on duty at the premises of any RCHE operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance (Chapter 459) during the period from 18 May 2022 to 24 May 2022 or from 25 May 2022 to 31 May 2022 (*the applicable period for Category B staff*); or
 - (ii) through a hire-of-service contract with the aforementioned RCHE, provides services to resident(s) of the RCHE during the applicable period for Category B staff;
 - (b) (i) is employed by and on duty at any day service unit attached to the premises of any RCHE operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance during the applicable period for Category B staff; or
 - (ii) through a hire-of-service contract with the aforementioned day service unit, provides services to user(s) of the day service unit during the applicable period for Category B staff;
 - (c) (i) is employed by and on duty at the premises of any RCHD operating with a licence or a certificate of exemption issued under the Residential Care Homes (Persons with Disabilities) Ordinance (Chapter 613) during the applicable period for Category B staff; or
 - (ii) through a hire-of-service contract with the aforementioned RCHD, provides services to resident(s) of the RCHD during the applicable period for Category B staff;
 - (d) (i) is employed by and on duty at any day service unit attached to the premises of any RCHD operating with a licence or a certificate of exemption issued under the Residential Care Homes (Persons with Disabilities) Ordinance during the applicable period for Category B staff; or
 - (ii) through a hire-of-service contract with the aforementioned day service unit, provides services to user(s) of the day service unit during the applicable period for Category B staff;
 - (e) (i) is employed by and on duty at the premises of any nursing home listed in Schedule 10 to the Private Healthcare Facilities Ordinance (Chapter 633) (except nursing homes operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance or the Residential Care Homes (Persons with Disabilities) Ordinance) during the applicable period for Category B staff; or
 - (ii) through a hire-of-service contract with the aforementioned nursing home, provides services to the resident(s) of the nursing home during the applicable period for Category B staff;

Requirements and Procedure for the Test

- (II) require every person who falls within the categories under Part (I)(A) above to undergo, during the period from 11 May 2022 to 24 May 2022, a polymerase chain reaction-based nucleic acid test for the coronavirus disease 2019 (*the Specified Test*) in compliance with the requirements and procedure set out below;

require every person who falls within the categories under Part (I)(B) and will be on duty or provide services during the period from 18 May to 24 May 2022 to undergo, during the period from 11 May 2022 to 17 May 2022, the Specified Test in compliance with the requirements and procedure set out below;

require every person who falls within the categories under Part (I)(B) and will be on duty or provide services during the period from 25 May to 31 May 2022 to undergo, during the period from 18 May to 24 May 2022, the Specified Test in compliance with the requirements and procedure set out below:—

- (a) for a test at Community Testing Centres:—
 - (i) attend one of the Community Testing Centres ^[Note 2] set up by the Government;

- (ii) undergo the Specified Test, including providing a sample through a combined nasal and throat swab which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the centre; and
- (iii) keep the SMS (mobile phone text message) notification containing the result of the test, and provide the relevant SMS notification for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test;

OR

- (b) for a test at Temporary Testing Centres:—
 - (i) attend one of the Temporary Testing Centres ^[Note 3] set up by the Government (if any);
 - (ii) undergo the Specified Test, including providing a sample through a combined nasal and throat swab which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the centre; and
 - (iii) keep the SMS (mobile phone text message) notification containing the result of the test, and provide the relevant SMS notification for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test;

OR

- (c) for a test at mobile specimen collection stations:—
 - (i) attend one of the mobile specimen collection stations ^[Note 4] set up by the Government (if any);
 - (ii) undergo the Specified Test, including providing a sample through a combined nasal and throat swab which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the station; and
 - (iii) keep the SMS (mobile phone text message) notification containing the result of the test, and provide the relevant SMS notification for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test;

OR

- (d) for a test arranged by the above RCHE, RCHD, nursing home or day service unit:—
 - (i) arrange for the carrying out of the Specified Test at a laboratory included in a list of recognised laboratories for the Specified Test published at the coronavirus disease 2019 thematic website on https://www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories RTPCR.pdf;
 - (ii) undergo the Specified Test and the relevant sample must be taken through a combined nasal and throat swab by a healthcare professional or a trained personnel and must not be taken by the person himself/herself; and
 - (iii) keep the test report and provide it for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test;

OR

- (e) for a self-arranged test:—
 - (i) arrange for the carrying out of the Specified Test at a laboratory included in a list of recognised laboratories for the Specified Test published at the coronavirus disease 2019 thematic website on https://www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories RTPCR.pdf;
 - (ii) undergo the Specified Test as instructed by the staff of the laboratory and the sample through a combined nasal and throat swab must not be taken by the person himself/herself; and
 - (iii) keep the test report and provide it for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test;

Period Specified for the Purpose of Section 14(3)(b) of the Regulation

(III) specify, in relation to the categories of persons specified in Part (I)(A), the 30-day period from 25 May to 23 June 2022; and in relation to the categories of persons specified in Part (I)(B), the two 30-day periods from 18 May to 16 June 2022 and 25 May to 23 June 2022, as the period during which a Compulsory Testing Order may be issued under section 14(1) of the Regulation upon non-compliance with a requirement under this Notice;

Appointment of Prescribed Officers

(IV) appoint, in relation to the categories of persons specified in Part (I), the following officers to perform a function under the Regulation concerning a requirement specified under this Notice ^[Note 5]:—

- (a) in relation to the categories of persons specified under (a) to (d) of Part (I)(A) and (a) to (d) of Part (I)(B)—checking officers (compulsory testing) of the Social Welfare Department; and
- (b) in relation to the categories of persons specified under (e) of Part (I)(A) and (e) of Part (I)(B)—registered nurses of the Department of Health and members of the Auxiliary Medical Service.

Note 1:—

For both the Sinovac COVID-19 vaccine (*CoronaVac vaccine*) and Fosun Pharma/BioNTech COVID-19 vaccine (*Comirnaty vaccine*), completion of the vaccination course in general means having received two doses of COVID-19 vaccine at least 14 days ago, i.e. having received the second dose of COVID-19 vaccine on or before 3 May 2022, except for persons previously infected with COVID-19 who are to receive one dose of vaccine at least 14 days ago, i.e. having received the first dose of COVID-19 vaccine on or before 3 May 2022. For persons who received COVID-19 vaccines in places outside of Hong Kong and have received the recommended dose(s) as stipulated in relevant guidelines at least 14 days ago, i.e. having received all of the recommended dose(s) of COVID-19 vaccine on or before 3 May 2022, they will also be regarded to have completed the vaccination course of the relevant COVID-19 vaccine, subject to the vaccine used being included on the list of vaccines recognised for specified purposes as published on https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf.

If a person who falls within the category specified in Part (I) above had obtained on or after 11 April 2022 a positive test result in a polymerase chain reaction-based nucleic acid test or rapid antigen test for COVID-19 (*relevant person*), then he/she needs not undergo testing in accordance with the requirements of this Notice. The relevant person must produce the relevant documentary proof to a prescribed officer as required below:—

- (a) in respect of a person who had been tested positive in a polymerase chain reaction-based nucleic acid test—produce the relevant SMS (mobile phone text message) notification containing the positive result of the test; or
- (b) in respect of a person who had been tested positive in a rapid antigen test—produce the relevant SMS (mobile phone text message) notification or isolation order issued after making a declaration on the Government’s “Declaration System for individuals tested positive for COVID-19 using Rapid Antigen Test”.

If the relevant person cannot produce the relevant documentary proof, then he/she must still undergo testing in accordance with the requirements of this Notice.

Note 2:—

The locations and opening hours of the Community Testing Centres are set out in <https://www.communitytest.gov.hk/en/>.

Note 3:—

The Government will from time to time set up Temporary Testing Centres as necessary. If there are Temporary Testing Centres which meet the testing requirements set out in this Compulsory Testing Notice, the Social Welfare Department will announce the relevant information on its website (https://www.swd.gov.hk/en/index/site_pubsvc/page_supporter/sub_ttc/) in a timely manner, including the locations and opening hours of such centres.

Note 4:—

The Government will from time to time set up mobile specimen collection stations as necessary. Their locations, opening hours and target groups (if applicable) are set out in <https://www.coronavirus.gov.hk/eng/early-testing.html>.

Note 5:—

Under the Regulation, health officers may, without the need of an appointment, perform a function concerning a requirement under a Compulsory Testing Notice.

5 May 2022

Secretary for Food and Health