

G.N. (E.) 90 of 2022

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

Compulsory Testing Notice

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

Category of Persons

- (I) specify any persons who had been present at the specified places during the specified date(s) and time period(s) (in any capacity including but not limited to full-time, part-time and relief staff, students and visitors) listed on the list of specified premises published at the website of the Centre for Health Protection (*CHP*) of the Department of Health on https://www.chp.gov.hk/files/pdf/ctn_20220117.pdf as the specified category of persons ^[Note 1];

Requirements and Procedure for the Test

- (II) require every person who falls within the above category to undergo 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 ^[Note 2]:—

- (a) for a test at mobile specimen collection stations:—
- (i) attend one of the mobile specimen collection stations ^[Note 3] set up by the Government on the “required testing dates” specified in Part (I) above;
 - (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs, in accordance with the instructions given by the staff at the stations; 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 Community Testing Centres:—
- (i) attend one of the Community Testing Centres ^[Note 4] set up by the Government on the “required testing dates” specified in Part (I) above during its opening hours;
 - (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs, 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 self-arranged test:—
- (i) arrange for the carrying out of the Specified Test at a laboratory which is included in the 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 and which can issue SMS (mobile phone text message) notifications in respect of test results;
 - (ii) undergo, on the “required testing dates” specified in Part (I) above, the Specified Test in accordance with the instructions given by the staff of the laboratory, including providing a sample taken through combined nasal and throat swabs; 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 using a specimen bottle distributed to the places specified in Part (I)(b) (if applicable) above by the CHP:—
 - (i) obtain a specimen bottle from the CHP;
 - (ii) collect relevant sample (which must not be deep throat saliva sample) in the aforesaid specimen bottle as per the guidelines in the specimen collection pack;
 - (iii) return, by 20 January 2022, the specimen bottle with the sample to one of the designated collection points ^[Note 5]; and
 - (iv) 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

- (e) for a test at the Hospital Authority (only applicable to persons who fall within the category specified in Part (I)(d)(if applicable) above):—
 - (i) undergo, on the “required testing dates” specified in Part (I) above, the Specified Test at any medical facilities of the Hospital Authority as instructed by a medical professional of the Hospital Authority, including providing a sample taken through combined nasal and throat swabs; and
 - (ii) keep the report containing the result of the test on a mobile device or SMS (mobile phone text message) notification containing the result of the test, and provide the relevant report or 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;
- (III) require every person who falls within the above category to take appropriate personal disease prevention measures as far as reasonably practicable, including wearing a mask and maintaining hand hygiene; and unless for the purpose of undergoing the Specified Test, stay at his/her place of residence and avoid going out until the test result is ascertained as far as possible;

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

- (IV) specify in relation to the category of persons in Part (I) above the respective 30-day periods counting from the day following the “required testing dates” specified in Part (I) above or the 30-day period from the day following the Extended Testing Period due to Inclement Weather ^[Note 6] as the period during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice;
specify in relation to the category of persons in Parts (I)(b) and (I)(c) (if applicable) above the 30-day period from 20 January to 18 February 2022 or the 30-day period from the day following the Extended Testing Period due to Inclement Weather ^[Note 6] as the period during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice; except for the category of persons in Part (I)(b) (if applicable) above who had undergone the Specified Test in accordance with the requirements and procedure as specified in Part (II)(d) above, the corresponding 30-day period for whom is from 22 January to 20 February 2022 or the 30-day period from the day following the Extended Testing Period due to Inclement Weather ^[Note 6];

Appointment of Prescribed Officers

- (V) appoint members of the Auxiliary Medical Service and all public officers of the Government of the Hong Kong Special Administrative Region to perform a function under the Regulation concerning a requirement specified under this Notice ^[Note 7].

Note 1:—

If a person who falls within the category specified in Part (I) above is required to undergo quarantine pursuant to section 22 of the Prevention and Control of Disease Regulation (Chapter 599, sub. leg. A), that person is not required to comply with the requirements set out in this Notice during the quarantine period.

If a person who falls within the category specified in Part (I) above is receiving inpatient care in a hospital managed by the Hospital Authority on the required testing date(s), he/she would be taken to have complied with the requirements set out in the compulsory testing notice if he/she informs a medical professional of the Hospital Authority of the applicable testing requirements and follows the testing arrangement as instructed by the hospital concerned during his/her hospitalisation.

If a person who falls within the category specified in Part (I)(b) or (I)(c) (if applicable) above has previously undergone the Specified Test (in compliance with the requirements and procedure (except the relevant testing deadlines) set out in Part (II) above or Note 2 below) during the period from 15 January 2022 to 17 January 2022, he/she would be taken to have complied with the requirements set out in this Notice regardless of whether or not the test was conducted for complying with this Notice.

The category of persons specified in Parts (I)(b) and (I)(c) (if applicable) do not include a person who has completed a COVID-19 vaccination course. 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 14 days ago, i.e. having received the second dose of COVID-19 vaccine on or before 5 January 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 5 January 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 14 days ago, i.e. having received all of the recommended dose(s) of COVID-19 vaccine on or before 5 January 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.

Note 2:—

If a person who falls within the category specified in Part (I) above is issued a medical certificate by a registered medical practitioner (*relevant medical certificate*), proving that he/she is unfit to undergo the Specified Test using a sample taken through combined nasal and throat swabs in compliance with the requirements and procedure set out in Part (II) because of health reasons, then he/she may undergo the Specified Test using a deep throat saliva sample in compliance with the requirements and procedure set out below:—

- (a) for a test with a specimen bottle obtained:—
 - (i) obtain a specimen bottle from one of the 120 post offices, 47 general out-patient clinics of the Hospital Authority or vending machines set up at 20 MTR stations ^[Note 5];
 - (ii) collect deep throat saliva sample in the specimen bottle as per the guidelines provided together with the specimen bottle;
 - (iii) return, on the “required testing dates” specified in Part (I) above, the specimen bottle with the sample to one of the designated collection points ^[Note 5]; and
 - (iv) keep the SMS (mobile phone text message) notification containing the result of the test and the relevant medical certificate, and provide the relevant SMS notification and relevant medical certificate 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 general out-patient clinics of the Hospital Authority:—
- (i) undergo, on the “required testing dates” specified in Part (I) above, the Specified Test at general out-patient clinics of the Hospital Authority as instructed by a medical professional of the Hospital Authority; and
 - (ii) keep the SMS (mobile phone text message) notification containing the result of the test and the relevant medical certificate, and provide the relevant SMS notification and relevant medical certificate 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 self-arranged test using deep throat saliva sample:—
- (i) arrange for the carrying out of the Specified Test at a laboratory which is included in the 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 and which can issue SMS (mobile phone text message) notifications in respect of test results;
 - (ii) undergo, on the “required testing dates” specified in Part (I) above, the Specified Test in accordance with the instructions given by the staff of the laboratory; and
 - (iii) keep the SMS (mobile phone text message) notification containing the result of the test and the relevant medical certificate, and provide the relevant SMS notification and relevant medical certificate for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test.

Note 3:—

The location, opening hours and target groups (if applicable) of the mobile specimen collection stations are set out in <https://www.coronavirus.gov.hk/eng/early-testing.html>.

Note 4:—

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

Note 5:—

The location and opening hours of post offices, general out-patient clinics and MTR stations distributing specimen bottles as well as the specimen collection location and time are set out in <https://www.coronavirus.gov.hk/eng/early-testing.html>.

Note 6:—

If the tropical cyclone signal No. 3 or above is hoisted, or a red/black rainstorm warning signal or “extreme conditions after super typhoons” announced by the Government is/are in force at any time during the period for undergoing the Specified Test, the period for undergoing the Specified Test will be extended for 1 day (*the Extended Testing Period due to Inclement Weather*).

Note 7:—

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