

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 the following category of persons ^[Note 1]:—

any person who had been present at Toa Shue House, Lei Muk Shue Estate, Tsuen Wan, New Territories, Hong Kong in any capacity (including but not limited to residents, visitors and workers) for more than 2 hours at any time during the period from 8 May 2022 to 14 May 2022;

AND when the restriction-testing declaration (*declaration*) involving that premises made on 14 May 2022 became effective,

- (a) was present in the restricted area identified by the declaration (*Category A person*); **OR**
- (b) was not present in the restricted area identified by the declaration (*Category B person*);

Requirements and Procedure for the Test

(II) require every person falling within the specified categories 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/temporary specimen collection stations:—

- (i) in respect of a Category A person, within the period specified by prescribed officer(s) on 14 May or 15 May 2022 and, in respect of a Category B person, between 14 May and 16 May 2022 ^[Note 6], attend one of the mobile specimen collection stations/temporary specimen collection stations ^[Note 3] set up by the Government;
- (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 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

(b) for a test at Community Testing Centres:—

- (i) attend one of the Community Testing Centres ^[Note 4] set up by the Government in accordance with the time or period specified under Part (II)(a)(i) in respect of Category A person and Category B person;
- (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 test using a specimen bottle distributed to the buildings specified in Part (I) above by the Centre for Health Protection (**CHP**)/public officer(s) (if applicable):—
- (i) obtain a specimen bottle from the CHP/public officer(s);
 - (ii) collect relevant sample in the aforesaid specimen bottle as per the guidelines in the specimen collection pack;
 - (iii) return the specimen bottle with the sample to one of the designated collection points ^[Note 5], in accordance with the time or period specified under Part (II)(a)(i) in respect of Category A person and Category B person; 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

- (d) 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, in accordance with the time or period specified under Part (II)(a)(i) in respect of Category A person and Category B person, 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;

(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 Category A person the 30-day period from 15 May to 13 June 2022 and in relation to Category B person the 30-day period from 17 May to 15 June 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;

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 at a place outside the restricted area identified by the declaration 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 treatment or under isolation in a hospital or an isolation facility 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 applicable testing requirements and follows the testing arrangement as instructed by the hospital or isolation facility concerned during his/her hospitalisation or isolation.

If a person who falls within the category specified in Part (I) above had obtained on or after 30 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:—

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 designated post offices, general out-patient clinics of the Hospital Authority or vending machines set up at MTR stations ^[Note 5];
 - (ii) collect deep throat saliva sample in the aforesaid specimen bottle as per the guidelines in the specimen collection pack;
 - (iii) return, in accordance with the time or period specified under Part (II)(a)(i) in respect of Category B person, 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, in accordance with the time or period specified under Part (II)(a)(i) in respect of Category B person, 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, in accordance with the time or period specified under Part (II)(a)(i) in respect of Category B person, 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:—

In respect of Category B person, 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.

14 May 2022

Secretary for Food and Health