

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:—

any person (including full-time, part-time and relief staff) who has not received vaccine(s) for the coronavirus disease 2019 (*COVID-19 vaccine*) in the manner specified in Annex 1 of the Vaccine Pass Direction issued under the Prevention and Control of Disease (Vaccine Pass) Regulation (Chapter 599, sub. Leg. L) (G.N. (E.) 497 of 2022) (*Vaccine Pass Direction*) ^[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 27 July 2022 to 2 August 2022 (*the applicable period*); or
- (ii) through a hire-of-service contract with the aforementioned RCHE, provides services to resident(s) of the RCHE during the applicable period;
- (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; 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;
- (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; or
- (ii) through a hire-of-service contract with the aforementioned RCHD, provides services to resident(s) of the RCHD during the applicable period;
- (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; 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;
- (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; 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;

Requirements and Procedure for the Test

(II) require every person who falls within the categories under Part (I) above to undergo, during the period from 20 July 2022 to 26 July 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:—

(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), the 30-day period from 27 July to 25 August 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)—checking officers (compulsory testing) of the Social Welfare Department; and
 - (b) in relation to the categories of persons specified under (e) of Part (I)—registered nurses of the Department of Health and members of the Auxiliary Medical Service.

Note 1:—

The manner specified in Annex 1 of the Vaccine Pass Direction for receiving COVID-19 vaccines is as follows:—

- (a) Ordinary persons:
 - (i) Received three doses of vaccine; or
 - (ii) Within six months after having received the second dose of vaccine;
- (b) Recovered persons:
 - (i) Received three or two doses of vaccine;
 - (ii) No additional dose required within six months after recovery;
 - (iii) Within six months after having received the first dose of vaccine after recovery; or
 - (iv) Aged 12 to 17 and received one dose of Fosun Pharma/BioNTech COVID-19 vaccine (*Comirnaty vaccine*).

A person who received COVID-19 vaccines in places outside Hong Kong would be deemed to have fulfilled the 3rd dose requirement if he/she received the “dose(s) required” on the list of recognised vaccines (*the List*) on the Government’s COVID-19 Thematic Website (https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf) and an additional dose of a vaccine on the List. For a person who has been fully or partially vaccinated with vaccines not on the List, he/she is required to start over with vaccines available in Hong Kong following the local recommended schedule.

If a person who falls within the category specified in Part (I) above had obtained on or after 20 June 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_supportser/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.

19 July 2022

Secretary for Health