

PREVENTION AND CONTROL OF DISEASE (PROHIBITION ON GATHERING) REGULATION

Specifications of Conditions in respect of Qualified Persons

In exercise of the power conferred by section 5B(1) of the Prevention and Control of Disease (Prohibition on Gathering) Regulation (Chapter 599, sub. leg. G) (*the Regulation*), I hereby specify for the purposes of the Regulation:—

- (I) the following conditions for classifying a person as a qualified person for the purposes of an exempted group gathering specified in item 19 of Part 1 of Schedule 1 to the Regulation:—

all staff member participants have:—

- (a) received the third dose of a vaccine for the coronavirus disease 2019 (**COVID-19**) ^[Note 1] prior to participating in the tour gathering, except for a staff member participant holding a COVID-19 Vaccination Medical Exemption Certificate ^[Notes 2 and 3]; and
- (b) (i) undergone a rapid antigen test for COVID-19 prior to participating in the tour gathering on the day of the tour gathering; (ii) obtained a negative result of the test; and (iii) kept record of the test result for 3 days;

- (II) the following conditions for classifying a person as a qualified person for the purposes of an exempted group gathering specified in item 20 of Part 1 of Schedule 1 to the Regulation:—

all staff member participants have:—

- (a) received the third dose of a vaccine for COVID-19 ^[Note 1] prior to participating in the tour gathering, except for a staff member participant holding a COVID-19 Vaccination Medical Exemption Certificate ^[Notes 2 and 3]; and
- (b) (i) undergone a rapid antigen test for COVID-19 prior to participating in the tour gathering on the day of the tour gathering; (ii) obtained a negative result of the test; and (iii) kept record of the test result for 3 days; and

all other participants of the tour gathering have (i) received vaccine(s) for COVID-19 in accordance with the vaccination requirements under the corresponding period as set out 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.) 953 of 2022) (**Vaccine Pass Direction**), unless he/she is aged below 5 or holding a COVID-19 Vaccination Medical Exemption Certificate ^[Notes 2]; and (ii) undergone a rapid antigen test for COVID-19 prior to participating in the tour gathering on the day of the tour gathering and obtained a negative result of the test.

G.N. (E.) 448 of 2022 will be suspended upon the commencement of the above specifications on 8 November 2022.

Note 1:—

In respect of a staff member participant who is a recovered person, upon showing his/her relevant recovery record ^[Note 4] to the licensee(s) organising the tour gathering, his/her vaccination requirement should follow the relevant applicable requirement (that is, the requirement for the period starting from 30 September 2022) as set out in the Vaccine Pass Direction. A staff member participant who is a recovered person and has not received the third dose of a vaccine for COVID-19 prior to participating in the tour gathering must:—

- (i) undergo a polymerase chain reaction-based nucleic acid test for COVID-19 (**the relevant test**) ^[Note 5] within 7 days preceding the day on which the tour gathering commences, and the sample of the test conducted must be taken through combined nasal and throat swabs or throat swab which must not be taken by the person being tested; and
- (ii) obtain a negative result of the relevant test and keep record of the SMS notification containing the result of the test for 31 days.

Note 2:—

A COVID-19 Vaccination Medical Exemption Certificate refers to a certificate issued by a registered medical practitioner to a person whom is assessed to be medically unsuitable for vaccination pursuant to the arrangements for issuing such a certificate as specified by the Department of Health.

Note 3:—

A staff member participant holding a COVID-19 Vaccination Medical Exemption Certificate who has not received the third dose of a vaccine for COVID-19 prior to participating in the tour gathering must:—

- (i) undergo the relevant test^[Note 5] within 7 days preceding the day on which the tour gathering commences, and the sample of the test conducted must be taken through combined nasal and throat swabs or throat swab which must not be taken by the person being tested; and
- (ii) obtain a negative result of the relevant test and keep record of the SMS notification containing the result of the test for 31 days.

Note 4:—

In respect of a recovered person, the relevant recovery record refers to the record issued to him/her certifying that he/she had been infected with and/or had recovered from COVID-19. Recovery is defined as 14 days after the date of the most recent documented positive test.

For a person infected or recovered in Hong Kong, the relevant proof of infection or recovery include the following:

- (1) text message, electronic record or paper certificate of positive polymerase chain reaction-based nucleic acid test result issued by the Government or a recognised laboratory under the Laboratory Recognition Scheme of the Department of Health;
- (2) text message or electronic record of a completed declaration of positive Rapid Antigen test result on the “Declaration System for individuals tested positive for COVID-19 using Rapid Antigen Test” of the Department of Health;
- (3) isolation order issued by the Department of Health;
- (4) discharge letter issued by any public hospitals or isolation facilities; or
- (5) any other documents or electronic records issued by the Government or the Hospital Authority pertaining to the received person status of an individual.

For a person infected or received outside Hong Kong, the relevant proof of infection or recovery should be the record issued or recognised by the relevant health authorities of the place concerned.

Note 5:—

If a person who needs to comply with the requirement about undergoing the relevant test(s) has obtained, during the 30 days preceding the day when such test(s) is to be conducted, 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 the relevant test(s). The relevant person must keep and produce on request the relevant documentary proof to the licensee(s) organising the tour gathering or the staff or authorised representative(s) of the Travel Industry Council of Hong Kong as required below:—

- (a) in respect of a person who had been tested positive in a polymerase chain reaction-based nucleic acid test—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—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 as set out above, then he/she must still undergo the relevant test(s).

If a person who needs to comply with the relevant test(s), and the sample(s) for such test(s) should be taken through combined nasal and throat swabs or throat swab, is issued a medical certificate by a registered medical practitioner (***relevant medical certificate***), proving that he/she is unfit to undergo the relevant test(s) using sample(s) taken through a throat swab because of health reasons, then he/she may undergo the relevant test(s) using deep throat saliva sample(s). Relevant person must keep the SMS notification(s) containing the result(s) of the test(s) and the relevant medical certificate.

8 November 2022

Secretary for Health