

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 is employed by and on duty at the premises of any of the following institutions (*workplace institutions*) during any time on or after 2 September 2022, or, through a hire-of-service contract with any of the following institutions, provides services to its resident(s) during any time on or after 2 September 2022 ^[Note 1]:—

- (a) residential care home for the elderly (*RCHE*) operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance (Chapter 459);
- (b) day service unit attached to the premises of any RCHE operating with a licence issued under the Residential Care Homes (Elderly Persons) Ordinance;
- (c) 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);
- (d) 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; or
- (e) 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);

Requirements and Procedure for the Test

(II) require every person who falls within the categories under Part (I) above to undergo, before entering any of the workplace institutions, a polymerase chain reaction-based nucleic acid test for the coronavirus disease 2019 (*the Specified Test*) on the day of entry or on any of the preceding two days in compliance with the requirements and procedure set out below ^[Notes 2 and 3]:—

- (a) for a test at Community Testing Centres/Community Testing Stations:—
 - (i) attend one of the Community Testing Centres/Community Testing Stations ^[Note 4] set up by the Government;
 - (ii) undergo the Specified Test, including providing a sample through combined nasal and throat swabs or a throat swab which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the centre/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 ^[Note 5];

OR

- (b) for a test at ad hoc mobile specimen collection stations:—
- (i) attend one of the ad hoc mobile specimen collection stations ^[Note 6] set up by the Government (if any);
 - (ii) undergo the Specified Test, including providing a sample through combined nasal and throat swabs or a 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 ^[Note 5];

OR

- (c) for a test arranged by the Government for the above RCHE, RCHD, nursing home or day service unit:—
- (i) undergo the Specified Test, including providing a sample through a nasal swab, combined nasal and throat swabs or a throat swab, in accordance with the instructions given by the staff of the laboratory arranged by the Government for the RCHE, RCHD, nursing home or day service unit; and
 - (ii) 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 ^[Note 5];

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 combined nasal and throat swabs or a 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 ^[Note 5];

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 combined nasal and throat swabs or a 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 ^[Note 5];

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 the day on which the person enters any of the workplace institutions 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 7]:—}

- (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.

G.N. (E.) 805 of 2022 will be suspended upon the commencement of the above specifications on 8 November 2022.

Note 1:—

If a person who falls within the categories specified in Part (I) above had obtained within 30 days prior to his/her entry into any workplace institution 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".

For example, if the relevant person enters a workplace institution on 31 August 2022 and if he/she had obtained a positive test result in a polymerase chain reaction-based nucleic acid test or rapid antigen test for COVID-19 on or after 1 August 2022, then he/she needs not undergo testing in accordance with the requirements of this Notice.

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 categories specified in Part (I) above has been issued a Compulsory Testing Direction by a specified medical practitioner under section 4 of the Regulation and has undergone the relevant specified test before entering the workplace institution on the day of entry or on any of the preceding two days, then he/she would be taken to have complied with the requirements set out in this Notice.

Note 3:—

If, at any time before a person who falls within the categories specified in Part (I) above enters any of the workplace institutions, 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 in force on the day of entry or on any of the preceding two days, then he/she needs not undergo testing in accordance with the requirements of this Notice.

Note 4:—

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

Note 5:—

If a person who falls within the categories specified in Part (I) above has not yet received the SMS (mobile phone text message) notification containing the result of the test before entering a workplace institution, then he/she must keep the SMS notification on registration for undergoing the Specified Test, a proof of having returned the specimen bottle, or any other proof(s) of undergoing the Specified Test in lieu of the test result; and provide the relevant SMS notification

or proof(s) for checking by a prescribed officer when the prescribed officer requires the person to provide information about his/her undergoing the Specified Test.

Note 6:—

The Government will from time to time set up ad hoc 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 7:—

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

8 November 2022

Secretary for Health