

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:—
- (a) any person who is employed by the Government of the Hong Kong Special Administrative Region, any statutory body or any company (including but not limited to full-time, part-time and relief staff) and is specified by the Airport Authority Hong Kong (*the AAHK*) on the “Targeted Groups List 1” (*the AAHK’s List 1*) published on its website (<https://www.hongkongairport.com/iwov-resources/file/home/targetedgroup1.pdf>);
 - (b) any person who is employed by the Government of the Hong Kong Special Administrative Region, any statutory body or any company (including but not limited to full-time, part-time and relief staff) and is specified by the AAHK on the “Targeted Groups List 2” (*the AAHK’s List 2*) published on its website (<https://www.hongkongairport.com/iwov-resources/file/home/targetedgroup2.pdf>);
 - (c) any person who does not fall within the category specified in Part (I)(a) or Part (I)(b), is employed by the Government of the Hong Kong Special Administrative Region, any statutory body or any company (including but not limited to full-time, part-time and relief staff), has not completed a coronavirus disease 2019 (*COVID-19*) vaccination course ^[Note 1] and:—
 - (i) enters the airport restricted area as mentioned in section 35 of the Aviation Security Ordinance (Chapter 494) (*the Airport Restricted Area*) for purpose(s) other than travelling by air to depart from or arrive at the Hong Kong International Airport; or
 - (ii) has his/her usual place of work at Terminal 1 of the Hong Kong International Airport, Chek Lap Kok, Lantau Island, New Territories, Hong Kong (*Terminal 1*);
 - (d) any person who does not fall within the category specified in Part (I)(a) or Part (I)(b), is employed by the Government of the Hong Kong Special Administrative Region, any statutory body or any company (including but not limited to full-time, part-time and relief staff), has completed a COVID-19 vaccination course ^[Note 1] and:—
 - (i) enters the Airport Restricted Area for purpose(s) other than travelling by air to depart from or arrive at the Hong Kong International Airport; or
 - (ii) has his/her usual place of work at Terminal 1;

Requirements and Procedure for the Test

- (II) require every person who falls within the above category specified in Part (I)(a) to undergo a polymerase chain reaction-based nucleic acid test for the COVID-19 (*the Specified Test*) in compliance with the requirements and procedure set out below ^[Notes 2 and 3]:—
- (a) for a test at ad hoc mobile specimen collection stations:—
 - (i) attend one of the ad hoc mobile specimen collection stations ^[Note 4] set up by the Government and undergo the Specified Test, including providing a sample taken 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;

- (ii) keep the SMS notification (mobile phone text message) containing the result of the test which must be issued within the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 1, entering the Airport Restricted Area or working at Terminal 1; and
- (iii) 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/Community Testing Stations:—

- (i) attend one of the Community Testing Centres/Community Testing Stations ^[Note 5] set up by the Government during its opening hours and undergo the Specified Test, including providing a sample taken 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;
- (ii) keep the SMS notification containing the result of the test which must be issued within the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 1, entering the Airport Restricted Area or working at Terminal 1; and
- (iii) 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 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 and which can issue SMS notifications in respect of test results;
- (ii) undergo 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 or a throat swab which must not be taken by the person himself/herself;
- (iii) keep the SMS notification containing the result of the test which must be issued within the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 1, entering the Airport Restricted Area or Terminal 1 for work; and
- (iv) 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 specified in Part (I)(b) to undergo the Specified Test in compliance with the requirements and procedure set out below ^[Notes 2 and 3]:—

(a) for a test at ad hoc mobile specimen collection stations:—

- (i) attend one of the ad hoc mobile specimen collection stations ^[Note 4] set up by the Government and undergo the Specified Test, including providing a sample taken 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;
- (ii) keep the SMS notification containing the result of the test which must be issued within the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 2, entering the Airport Restricted Area or working at Terminal 1; and
- (iii) 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/Community Testing Stations:—
- (i) attend one of the Community Testing Centres/Community Testing Stations ^[Note 5] set up by the Government during its opening hours and undergo the Specified Test, including providing a sample taken 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;
 - (ii) keep the SMS notification containing the result of the test which must be issued within the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 2, entering the Airport Restricted Area or working at Terminal 1; and
 - (iii) 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 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 and which can issue SMS notifications in respect of test results;
 - (ii) undergo 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 or a throat swab which must not be taken by the person himself/herself;
 - (iii) keep the SMS notification containing the result of the test which must be issued within the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 2, entering the Airport Restricted Area or Terminal 1 for work; and
 - (iv) 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;
- (IV) require every person who falls within the above category specified in Part (I)(c) to undergo the Specified Test in compliance with the requirements and procedure set out below ^[Notes 2 and 3]:—

- (a) for a test at ad hoc mobile specimen collection stations:—
- (i) attend one of the ad hoc mobile specimen collection stations ^[Note 4] set up by the Government and undergo the Specified Test, including providing a sample taken 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;
 - (ii) keep the SMS notification containing the result of the test which must be issued within the past 3 days counting from the day when entering the Airport Restricted Area or working at Terminal 1; and
 - (iii) provide the relevant SMS notification and the relevant medical certificate ^[Note 6] 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/Community Testing Stations:—
- (i) attend one of the Community Testing Centres/Community Testing Stations ^[Note 5] set up by the Government during its opening hours and undergo the Specified Test, including providing a sample taken 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;

- (ii) keep the SMS notification containing the result of the test which must be issued within the past 3 days counting from the day when entering the Airport Restricted Area or working at Terminal 1; and
- (iii) provide the relevant SMS notification and the relevant medical certificate ^[Note 6] 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 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 and which can issue SMS notifications in respect of test results;
- (ii) undergo 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 or a throat swab which must not be taken by the person himself/herself;
- (iii) keep the SMS notification containing the result of the test which must be issued within the past 3 days counting from the day when entering the Airport Restricted Area or working at Terminal 1; and
- (iv) provide the relevant SMS notification and the relevant medical certificate ^[Note 6] for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the Specified Test;

(V) require every person who falls within the above category specified in Part (I)(d) to undergo the Specified Test in compliance with the requirements and procedure set out below ^[Notes 2 and 3]:—

(a) for a test at ad hoc mobile specimen collection stations:—

- (i) attend one of the ad hoc mobile specimen collection stations ^[Note 4] set up by the Government and undergo the Specified Test in accordance with the instructions given by the staff at the station, including providing a sample taken through combined nasal and throat swabs or a throat swab which must not be taken by the person himself/herself;
- (ii) keep the SMS notification containing the result of the test which must be issued within the past 14 days ^[Note 7] counting from the day when entering the Airport Restricted Area or working at Terminal 1; and
- (iii) 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/Community Testing Stations:—

- (i) attend one of the Community Testing Centres/Community Testing Stations ^[Note 5] set up by the Government during its opening hours and undergo the Specified Test in accordance with the instructions given by the staff at the centre/station, including providing a sample taken through combined nasal and throat swabs or a throat swab which must not be taken by the person himself/herself;
- (ii) keep the SMS notification containing the result of the test which must be issued within the past 14 days ^[Note 7] counting from the day when entering the Airport Restricted Area or working at Terminal 1; and
- (iii) 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 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 and which can issue SMS notifications in respect of test results;
 - (ii) undergo 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 or a throat swab which must not be taken by the person himself/herself;
 - (iii) keep the SMS notification containing the result of the test which must be issued within the past 14 days ^[Note 7] counting from the day when entering the Airport Restricted Area or working at Terminal 1; and
 - (iv) 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;

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

- (VI) specify in relation to the category of persons above the 30-day period from the day on which the person enters the Airport Restricted Area or works at Terminal 1 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

- (VII) 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 8].

G.N.(E.) 429 of 2022 will be suspended upon the commencement of this Notice on 8 November 2022.

Note 1:—

(A) 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 at least 14 days ago. For persons previously infected with COVID-19, they may be deemed to have completed the COVID-19 vaccination course after receiving one dose of Comirnaty vaccine or one dose of CoronaVac vaccine at least 14 days ago. 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 at least 14 days ago, 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.

The 14th day before a person has completed a COVID-19 vaccination course is counted by taking the next day after the person received COVID-19 vaccine as the 1st day. For example, for a person who has not been infected with COVID-19 previously and who received the second dose of CoronaVac vaccine or Comirnaty vaccine on 6 October 2021, the “1st day” would be 7 October 2021 and the “14th day” would be 20 October 2021 on and after which the person would be considered to have completed a COVID-19 vaccination course.

(B) If a person who falls within the category specified in Part (I) above had obtained, during the 30 days preceding the day when performing the job duties of the person specified in the AAHK’s list, entering the Airport Restricted Area or working at Terminal 1, 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 keep and produce on request 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 as set out above, then he/ she must still undergo testing in accordance with the requirements of this Notice.

Note 2:—

If the category of persons specified in Part (I) is appointed or assigned by the Government of the Hong Kong Special Administrative Region to enter the Airport Restricted Area for an emergency operation and stays there for less than one hour, then the person is not required to comply with the requirements specified under this Notice.

If the category of persons specified in Part (I) is appointed or assigned by the Government of the Hong Kong Special Administrative Region to enter the Airport Restricted Area for an emergency operation and stays there for more than one hour but cannot provide the result of the Specified Test in accordance with the requirements and procedure as specified in Part (II), (III), (IV) or (V) when entering the Airport Restricted Area, then he/she is required to undergo the Specified Test in accordance with the requirements and procedure as specified in Part (II), (III), (IV) or (V) (as applicable) within the 3-day period after entering the Airport Restricted Area. The 3-day period after entering the Airport Restricted Area is counted by taking the day of entering the Airport Restricted Area as the 1st day. For example, if the relevant person enters the Airport Restricted Area on 20 October 2021, he/she is required to undergo the Specified Test during the period from 20 October to 22 October 2021.

Note 3:—

If a person who falls within the category of persons specified in Part (I) above is issued a medical certificate by a registered medical practitioner (*medical certificate for being unfit for swabs*), proving that he/she is unfit to undergo the Specified Test using a sample taken through a throat swab in compliance with the requirements and procedure set out in Part (II), (III), (IV) or (V) 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 outpatient clinics of the Hospital Authority or vending machines set up at MTR stations^[Note 9];
 - (ii) collect deep throat saliva 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 9];
 - (iv) keep the SMS notification containing the result of the test, as well as the medical certificate for being unfit for swabs, and the SMS notification must be issued within
 - (i) the past 7 days counting from the day when performing the job duties of the person specified in the AAHK’s List 1 or the AAHK’s List 2, entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(a) or (I)(b));
 - (ii) the past 3 days counting from the day when entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(c));
 - (iii) the past 14 days counting from the day when entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(d))^[Note 7];and

- (v) provide the relevant SMS notification and medical certificate for being unfit for swabs 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 the Specified Test at general out-patient clinics of the Hospital Authority as instructed by a medical professional of the Hospital Authority;
 - (ii) keep the SMS notification containing the result of the test, as well as the medical certificate for being unfit for swabs, and the SMS notification must be issued within (i) the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 1 or the AAHK's List 2, entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(a) or (I)(b)); (ii) the past 3 days counting from the day when entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(c)); or (iii) the past 14 days counting from the day when entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(d)) ^{Note 7}; and
 - (iii) provide the relevant SMS notification and medical certificate for being unfit for swabs 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 notifications in respect of test results;
 - (ii) undergo the Specified Test in accordance with the instructions given by the staff of the laboratory;
 - (iii) keep the SMS notification containing the result of the test, as well as the medical certificate for being unfit for swabs, and the SMS notification must be issued within (i) the past 7 days counting from the day when performing the job duties of the person specified in the AAHK's List 1 or the AAHK's List 2, entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(a) or (I)(b)); (ii) the past 3 days counting from the day when entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(c)); or (iii) the past 14 days counting from the day when entering the Airport Restricted Area or working at Terminal 1 (for a person who falls within the category specified in Part (I)(d)) ^{Note 7}; and
 - (iv) provide the relevant SMS notification and medical certificate for being unfit for swabs 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 4:—

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

Note 5:—

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

Note 6:—

The relevant medical certificate is issued by a registered medical practitioner for proving that the person who falls within the category of persons specified in Part (I)(c) above is unfit to receive COVID-19 vaccination because of health reasons.

Note 7:—

The past 14 days when entering the Airport Restricted Area or Terminal 1 is counted by taking the day of entering the Airport Restricted Area or Terminal 1 as the 14th day. For example, if the relevant person enters the Airport Restricted Area on 20 October 2021, the relevant “past 14 days” would be from 7 October to 20 October 2021.

Note 8:—

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

Note 9:—

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>.

8 November 2022

Secretary for Health