

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 any persons who had been present at the specified places during the specified date(s) and time period(s) (in any capacity including but not limited to full-time, part-time and relief staff, residents, students and visitors) listed on the list of specified premises (*List of Specified Premises*) published at the website of the Centre for Health Protection (*CHP*) of the Department of Health on https://www.chp.gov.hk/files/pdf/ctn_20221211.pdf as the specified category of persons ^[Note 1];

Requirements and Procedure for the Test

- (II) require every person who falls within the above category 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 ad-hoc mobile specimen collection stations:—

- (i) attend one of the ad-hoc mobile specimen collection stations ^[Note 3] set up by the Government on the “required testing dates” specified on the List of Specified Premises;
- (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs or a throat swab, 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/Community Testing Stations:—

- (i) attend one of the Community Testing Centres/Community Testing Stations ^[Note 4] set up by the Government on the “required testing dates” specified on the List of Specified Premises during its opening hours;
- (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs or a throat swab, 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;

OR

- (c) 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, on the “required testing dates” specified on the List of Specified Premises, 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 (or providing a deep throat saliva sample in respect of a test that may be carried out using deep throat saliva sample); 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 using a specimen bottle distributed by the CHP to the places specified (if applicable):—
 - (i) obtain a specimen bottle from the CHP;
 - (ii) collect relevant sample (which must not be deep throat saliva sample unless the relevant test may be carried out using deep throat saliva sample) in the aforesaid specimen bottle as per the guidelines in the specimen collection pack;
 - (iii) return, by the “required testing dates” specified on the List of Specified Premises, 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 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

- (e) for a test with a specimen bottle obtained (only applicable to a test that may be carried out using deep throat saliva sample):—
 - (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, on the “required testing dates” specified on the List of Specified Premises, 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 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

- (f) for a test at general out-patient clinics of the Hospital Authority (only applicable to a test that may be carried out using deep throat saliva sample):—
 - (i) undergo, on the “required testing dates” specified on the List of Specified Premises, 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 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

- (g) for a test at medical facilities of the Hospital Authority (only applicable to staff of the Hospital Authority or persons who fall within the category specified in Part (I)(d) (if applicable) on the List of Specified Premises):—

- (i) undergo, on the “required testing dates” specified on the List of Specified Premises, the Specified Test at any medical facilities of the Hospital Authority as instructed by a medical professional of the Hospital Authority; and
- (ii) keep the report containing the result of the test on a mobile device or SMS (mobile phone text message) notification containing the result of the test, and provide the relevant report or 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

- (h) for a test performed by the CHP (only applicable for Specified Test as approved by a health officer):—
 - (i) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs or a throat swab, on the “required testing dates” specified on the List of Specified Premises, as instructed by a health officer; and
 - (ii) keep the report containing the result of the test on a mobile device or SMS (mobile phone text message) notification containing the result of the test, and provide the relevant report or 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 the category of persons in Part (I) above the respective 30-day periods counting from the day following the “required testing dates” specified on the List of Specified Premises 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 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 11 September 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 a throat swab 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, on the “required testing dates” specified on the List of Specified Premises, 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, on the “required testing dates” specified on the List of Specified Premises, 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, on the “required testing dates” specified on the List of Specified Premises, 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 ad-hoc 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/Community Testing Stations 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:—

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.

11 December 2022

Secretary for Health