

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 (including but not limited to full-time, part-time, casual and relief staff) who is employed in the following position(s), has Kwai Tsing Container Terminals as his or her usual place of work or service, and has completed a coronavirus disease 2019 (**COVID-19**) vaccination course ^[Note 1]:—
 - (i) stevedore or tally man;
 - (ii) operations supervisor;
 - (iii) reefer technician;
 - (iv) safety officer;
 - (v) gangway security officers;
 - (b) any person (including but not limited to full-time, part-time, casual and relief staff) who is employed in the following position(s), has Kwai Tsing Container Terminals as his or her usual place of work or service, and has not completed a COVID-19 vaccination course ^[Note 1]:—
 - (i) stevedore or tally man;
 - (ii) operations supervisor;
 - (iii) reefer technician;
 - (iv) safety officer;
 - (v) gangway security officer;
 - (c) any person (including but not limited to full-time, part-time, casual and relief staff) who is employed in the following position(s) or performs the following ship services, and has completed a COVID-19 vaccination course ^[Note 1]:—
 - (i) harbour pilot;
 - (ii) any terminal staff, stevedore or tally man who works on board an ocean-going cargo vessel arriving Hong Kong, other than those stevedores or tally men who work in Kwai Tsing Container Terminals;
 - (iii) boarding clerk of shipping agent who boards an ocean-going cargo vessel arriving Hong Kong;
 - (iv) technician who boards an ocean-going cargo vessel arriving Hong Kong to repair instruments or machineries onboard (except technician who boards an ocean-going cargo vessel arriving Hong Kong which has entered a dock yard);
 - (v) personnel who boards an ocean-going cargo vessel arriving Hong Kong to conduct survey or audit (including those who are employed by classification societies or individual surveyors);
 - (vi) personnel who is engaged to crew changing operations of ocean-going cargo vessel arriving Hong Kong (including drivers and launch crews etc.);
 - (d) any person (including but not limited to full-time, part-time, casual and relief staff) who is employed in the following position(s) or performs the following ship services, and has not completed a COVID-19 vaccination course ^[Note 1]:—
 - (i) harbour pilot;

- (ii) any terminal staff, stevedore or tally man who works on board an ocean-going cargo vessel arriving Hong Kong, other than those stevedores or tally men who work in Kwai Tsing Container Terminals;
- (iii) boarding clerk of shipping agent who boards an ocean-going cargo vessel arriving Hong Kong;
- (iv) technician who boards an ocean-going cargo vessel arriving Hong Kong to repair instruments or machineries onboard (except technician who boards an ocean-going cargo vessel arriving Hong Kong which has entered a dock yard);
- (v) personnel who boards an ocean-going cargo vessel arriving Hong Kong to conduct survey or audit (including those who are employed by classification societies or individual surveyors);
- (vi) personnel who is engaged to crew changing operations of ocean-going cargo vessel arriving Hong Kong (including drivers and launch crews etc.);

Requirements and Procedure for the Test

(II) require that every person who falls within the category specified in Parts (I)(a) and (I)(c) above, starting from 26 February 2022, must undergo a polymerase chain reaction-based nucleic acid test for COVID-19 (*the Specified Test*) once every seven days within the 21 days after each disembarkation from an ocean-going cargo vessel in compliance with the requirements and procedure set out below ^[Notes 2 and 3]:—

- (a) for a test at dedicated specimen collection stations for the category of persons specified above:—
 - (i) attend one of the dedicated specimen collection stations ^[Note 4];
 - (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the dedicated specimen collection stations; 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 mobile specimen collection stations:—
 - (i) attend one of the mobile specimen collection stations ^[Note 5] set up by the Government;
 - (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the stations; and
 - (iii) keep the SMS (mobile phone text message) notification containing the result of the test as well as report the result of the test to the employer, 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 Community Testing Centres:—
 - (i) attend one of the Community Testing Centres ^[Note 6] set up by the Government;
 - (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs 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 as well as report the result of the test to the employer, 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 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 (mobile phone text message) 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 which must not be taken by the person himself/herself; and
- (iii) keep the SMS (mobile phone text message) notification containing the result of the test as well as report the result of the test to the employer, 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;

(III) require that every person who falls within the category specified in Parts (I)(b) and (I)(d) above, starting from 26 February 2022, must undergo the Specified Test once every day within the 21 days after each disembarkation from an ocean-going cargo vessel in compliance with the requirements and procedure set out below ^{[Notes 2 and 3]:—}

- (a) for a test at dedicated specimen collection stations for the category of persons specified above:—
 - (i) attend one of the dedicated specimen collection stations ^[Note 4];
 - (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the dedicated specimen collection stations; and
 - (iii) keep the SMS (mobile phone text message) notification containing the result of the test as well as report the result of the test to the employer, 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 mobile specimen collection stations:—

- (i) attend one of the mobile specimen collection stations ^[Note 5] set up by the Government;
- (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs which must not be taken by the person himself/herself, in accordance with the instructions given by the staff at the stations; and
- (iii) keep the SMS (mobile phone text message) notification containing the result of the test as well as report the result of the test to the employer, 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 Community Testing Centres:—

- (i) attend one of the Community Testing Centres ^[Note 6] set up by the Government;
- (ii) undergo the Specified Test, including providing a sample taken through combined nasal and throat swabs 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 as well as report the result of the test to the employer, 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 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 (mobile phone text message) 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 which must not be taken by the person himself/herself; and
- (iii) keep the SMS (mobile phone text message) notification containing the result of the test as well as report the result of the test to the employer, 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;

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

(IV) specify in relation to the category of persons in Parts (I)(a) and (I)(c) above the respective 30-day periods from the next day following the seventh day of each of the seven-day testing periods within the 21 days after each of such persons' disembarkation from an ocean-going cargo vessel ^[Note 7]; and specify in relation to the category of persons in Parts (I)(b) and (I)(d) above the respective 30-day periods from the next day following each of the daily testing periods within the 21 days after each of such persons' disembarkation from an ocean-going cargo vessel ^[Note 7], as the periods during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice; and

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 8].

G.N.(E.) 778 of 2021 will be suspended upon the commencement of this Notice on 26 February 2022.

Note 1:—

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, except for persons previously infected with COVID-19, who are to receive one dose of 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 1 November 2021, the "1st day" would be 2 November 2021 and the "14th day" would be 15 November 2021 on and after which the person would be considered to have completed a COVID-19 vaccination course.

Note 2:—

The category of persons in Parts (I)(a) and (I)(c) above must undergo the Specified Test once every seven days (*seven-day testing periods*) within the 21 days after each disembarkation from an ocean-going cargo vessel. The relevant "21-day period" is counted by taking the day when disembarking from an ocean-going cargo vessel as the first day. For instance, if the category of persons in Parts (I)(a) and (I)(c) above disembarked from an ocean-going cargo vessel on

1 March 2022, the relevant “21-day period” would be 1 March to 21 March 2022 whereas the relevant seven-day testing periods would be 1 March to 7 March, 8 March to 14 March, 15 March to 21 March 2022, and so on.

The category of persons in Parts (I)(b) and (I)(d) above must undergo the Specified Test once every day (*daily testing periods*) within the 21 days after each disembarkation from an ocean-going cargo vessel. The relevant “21-day period” is counted by taking the day when disembarking from an ocean-going cargo vessel as the first day. If the category of persons in Parts (I)(b) and (I)(d) above needs to be on duty on a cargo vessel for more than 24 hours during any one of his/her duty shifts, and cannot undergo the Specified Test before the end of the daily testing period, he/she may undergo the Specified Test within 24 hours following the end of that duty shift. By doing so, he/she would be taken to have complied with the requirements set out in this Notice.

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 combined nasal and throat swabs in compliance with the requirements and procedure set out in Part (II) or (III) because of health reasons, then he/she may undergo the Specified Test using a deep throat saliva sample once every seven days (in respect of category of persons in Parts (I)(a) and (I)(d) above) or every day (in respect of category of persons in Parts (I)(b) and (I)(d) above) within the 21 days after each disembarkation from an ocean-going cargo vessel 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 120 post offices, 46 general out-patient clinics of the Hospital Authority or vending machines set up at 20 MTR stations ^[Note 9];
 - (ii) collect deep throat saliva sample in the specimen bottle as per the guidelines provided together with the specimen bottle;
 - (iii) return the specimen bottle with the sample to one of the designated collection points ^[Note 9]; and
 - (iv) keep the SMS (mobile phone text message) notification containing the result of the test as well as the medical certificate for being unfit for swabs, and 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; and
 - (ii) keep the SMS (mobile phone text message) notification containing the result of the test as well as the medical certificate for being unfit for swabs, and 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 (mobile phone text message) notifications in respect of test results;
 - (ii) undergo 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 as well as the medical certificate for being unfit for swabs, and 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 locations and opening hours of the dedicated specimen collection stations for the category of persons specified in Part (I) above are set out in <https://www.thb.gov.hk>. Please refer to the relevant press release issued by the Transport and Housing Bureau on the detailed arrangements for using the dedicated specimen collection stations.

Note 5:—

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

Note 6:—

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

Note 7:—

In respect of the category of persons in Parts (I)(a) and (I)(c) above, the 30-day periods counting from the next day following the seventh day of each of the seven-day testing periods within the 21 days after each disembarkation from an ocean-going cargo vessel are the periods during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice. Taking the seven-day testing period covering 1 March to 7 March 2022 as an example, the 30-day period from 8 March 2022 to 6 April 2022 is the period during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice.

In respect of the category of persons in Parts (I)(b) and (I)(d) above, the 30-day periods counting from the next day following each of the daily testing periods within the 21 days after each disembarkation from an ocean-going cargo vessel are the periods during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice. Taking the daily testing period on 1 March 2022 as an example, the 30-day period from 2 March to 31 March 2022 is the period during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice.

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>.

25 February 2022

Secretary for Food and Health