

FAQs on Compulsory Testing for Cold Store Practitioners

Designated cold store practitioners included in the compulsory testing notice

Q1: Why are cold store practitioners included in the compulsory testing notice?

A1: According to information from the World Health Organization, the virus causing COVID-19 can survive on different objects (including frozen foods and other frozen goods) for a few hours to several days, but cannot multiply. Practitioners who come into contact with imported frozen foods and other frozen goods do have potential risks of infection. In the meantime, the situation of COVID-19 infection around the world remains severe, and mutant strains have a higher transmissibility and a much faster rate of spread. To strengthen anti-epidemic measures against the importation of cases and the resurgence of local infections, the Government has therefore arranged to include cold store practitioners in the compulsory testing notice.

Q2: Why are those who have completed a COVID-19 vaccination course still required to undergo regular testing?

A2: The Comirnaty and CoronaVac vaccines are highly effective in preventing severe cases and deaths from COVID-19. They can provide protection to those vaccinated, thereby greatly reducing the risk of serious complications and death after infection. That said, as cold store practitioners fall under the groups of high exposure to infection risks, those who have completed a COVID-19 vaccination course are still required to undergo regular virus testing as a more stringent anti-epidemic measure.

Q3: Are all practitioners (including repairers, cleansing workers and security guards) and casual staff working in a cold store required to undergo compulsory testing?

A3: All practitioners (including full-time, part-time, casual and relief staff) of a cold store¹ are required to undergo compulsory testing if they have to enter the warehouse in which articles of food are stored under refrigeration inside the cold store, or have to come into contact with or be involved in loading/unloading of articles of food which require refrigeration (designated cold store practitioners), during their work or providing service. In other words, compulsory testing is required for staff (including full-time, part-time casual and relief staff) employed by a cold store and/or through a hire-of-service contract with a cold store while they are providing service and/or providing service, if they meet the above criteria.

¹ Under section 31(2) of the Food Business Regulation (Cap 132X), “cold store” (凍房) means any warehouse in which articles of food are stored under refrigeration.

Q4: Are drivers in logistics support included in the Compulsory Testing Notice?

A4: A driver is required to undergo test if he/she is employed by the operator of a cold store and on duty at the cold store; or through a hire-of-service contract with the operator of a cold store, provides services and/or is on duty at the cold store, in the course of his/her work or service would enter the warehouse in which articles of food are stored under refrigeration inside the cold store; or come into contact with or be involved in loading / unloading of articles of food which require refrigeration. If the driver is not employed by the cold store, but is only involved in logistics², he/she does not fall within designated cold store practitioners referred to in the Compulsory Testing Notice.

Q5: Are minor works workers and hire-of-service repair workers included in the Compulsory testing Notice?

A5: If in the course of his/his repair work or service, the repair worker employed by or through a hire-of-service contract with the operator of a cold store would enter the warehouse in which articles of food are stored under refrigeration inside the cold store, he needs to comply with the Compulsory Testing Notice.

Requirement on compulsory testing

Q6: How often should designated cold store practitioners be tested for COVID-19?

A6: Those who have completed a COVID-19 vaccination course³ are required to

² Logistics industry involved up, middle and down streams, and hence they should be considered and handled separately.

³ 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 aged 17 or below and employed in compliance with the Employment Ordinance (Chapter 57) who have received one dose of Comirnaty vaccine at least 14 days ago, they would be deemed to have completed a COVID-19 vaccination course. 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.

undergo a polymerase chain reaction-based nucleic acid test (only combined nasal and throat swab samples collected by professionals are accepted) every three days⁴ while those who have not yet completed a vaccination course (including those who have received the first dose of a COVID-19 vaccine, or who have received the second dose but not yet passed 14 days, or staff who are unfit to receive vaccination at the moment because of health reasons) are required to undergo a test every day⁵.

Q7: Is compulsory testing free of charge?

A7: Free COVID-19 testing service at community testing centres, mobile specimen collection stations and mobile specimen collection trucks is only provided for eligible individuals. An eligible person who has received COVID-19 vaccines must produce a valid letter issued by his/her employer and a vaccination record. For an individual who is unfit to receive COVID-19 vaccination because of health reasons, he/she is required to present a valid letter from his/her employer and a relevant valid medical certificate. In other words, persons who are unvaccinated not on grounds of health reasons will need to pay for the testing service at \$240. Persons subject to compulsory testing may undergo a self-arranged test provided by a private laboratory (only combined nasal and throat swab samples collected by professionals are accepted) which is among the list of recognised laboratories for the Specified Test published at the coronavirus disease 2019 thematic website and can issue SMS notification or equivalent record containing the confirmation on registration for undergoing the test and SMS notification in respect of the test result⁶.

Q8: What samples will be recognised by the Government for compulsory testing? Can deep throat saliva samples or over-the-counter rapid COVID-19 testing be accepted?

A8: With a view to enhancing the effectiveness of COVID-19 testing arrangements,

⁴ The three-day testing periods are counted starting from 17 November 2021, i.e. 17 November to 19 November 2021, 20 November to 22 November 2021, 23 November to 25 November 2021, and so on. If a cold store practitioner has not been on duty or provided service at the cold store premises on all of the three days within any three-day testing period, then he/she needs not undergo a specified test within that three-day testing period. In other words, if a cold store practitioner has been on duty or provided service at the cold store premises on any day within any three-day testing period, then he/she must undergo a specified test on any day within that three-day testing period.

⁵ If a cold store practitioner has not been on duty or provided service at the premises of cold store at any time during a day, then he/she needs not undergo a specified test on that day.

⁶ See the list at https://www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories_RTPCR.pdf.

only combined nasal and throat swab samples collected by professionals are accepted as the compulsory testing method for designated cold store practitioners except under certain circumstances.

If a person subject to compulsory testing is issued a medical certificate by a registered medical practitioner proving that he/she is unfit to undergo the test using a sample taken through combined nasal and throat swabs because of health reasons, then he/she may undergo the test using a deep throat saliva sample in compliance with the relevant requirements and procedure.

Way of counting the period of compulsory testing

Q9: How to count the three-day testing period?

A9: The three-day testing period is counted from 17 November 2021, i.e. 17 November to 19 November 2021, 20 November to 22 November 2021, 23 November to 25 November 2021, and so on.

Q10: How should cold store practitioners and relief staff undergo the compulsory testing if they are on leave?

A10: For a designated cold store practitioner who has completed a COVID-19 vaccination course and is not on duty and/or providing service at the premises of a cold store on any day within a three-day testing period, he/she needs not undergo a specified test within that three-day testing period. In other words, if that person is on duty and/or providing service at the premises of a cold store on any day within a three-day period, he/she is required to undergo a Specified Test on any day within that three-day testing period.

Separately, as for a designated cold store practitioner who has not completed a COVID-19 vaccination course, he/she is required to undergo the Specified Test once every day. For one who is not on duty and/or providing service at the premises of a cold store at any time during a day, he/she needs not undergo a Specified Test on that day.

Arrangement for Compulsory Testing

Q11: Further to the above question, please give some examples with a designated cold store practitioner who has completed a vaccination course.

A11: Example 1: If a designated cold store practitioner who has completed a vaccination course works on 17 to 19 November, undergoes a test on 19 November and then takes sick leave on 20 and 21 November, he is required

undergo a test when he resumes work on 22 November (i.e. within the 3-day testing period of 20-22 November).

Example 2: If a designated cold store practitioner who has completed a vaccination course undergoes a test when he is on duty on 17 November, and then takes days off on 18-22 November before resuming work on 23 November, he is required to undergo a test within the 3-day testing period of 23-25 November and needs not undergo a test within the 3-day testing period of 20-22 November.

Example 3: A designated cold store practitioner is a relief/causal worker who has completed a vaccination course and works irregularly. If he works on 19, 22, 26 November, he is required to undergo a test within the cycles of 17-19 November, 20-22 November, and 26-28 November respectively.

In other words, for any day where one works/provides service on the premises of a cold store, one must undergo a test on any day within that cycle.

Q12: Can self-arranged test be carried out at cold stores?

A12: Yes, but the laboratory must be recognised by Department of Health, which can issue SMS notification or equivalent record in respect of confirmation on registration for undergoing the test and SMS notification in respect of the test result, and is included among the list of recognised laboratories for the Specified Test published at the coronavirus disease 2019 thematic website⁵.

Q13: Has FEHD arranged mobile specimen collection station and mobile specimen collection trucks to assist the compulsory testing arrangement?

A13: Yes, from 17 November 2021, additional mobile testing services are provided to a designated cold store practitioners to facilitate their testing. Apart from various community testing centres, eligible persons may make use of mobile specimen collection stations in various districts (such as Sha Tsui Road Playground in Tsuen Wan) and mobile specimen collection trucks set up in Sha Tin District and Kwai Tsing District to conduct testing. Relevant details on the timing and locations have been uploaded onto the FEHD webpage (https://www.fehd.gov.hk/english/events/covid19/ColdStore_Compulsory_Testing_collect_trucks.html).

Q14: How should the employers of cold store practitioners/cold store operators abide by the compulsory testing notice?

A14: The employers/operators of a cold store have to register the particulars of the designated cold store practitioners who are required to undergo the compulsory test, on the FEHD webpage. They also have the obligation to timely inform their staff of the details of the compulsory testing notice. Meanwhile, they should make flexible and appropriate deployment of manpower to enable their staff to comply with the requirements under the testing notice, and should remind them to keep the SMS notification or equivalent record containing the confirmation on registration for undergoing the test and SMS notification of the test result, so that a staff member can provide the relevant SMS notification (or equivalent record) for checking by a prescribed officer when the prescribed officer requires him/her to provide information about his/her undergoing the test.

Not complying Compulsory Testing Notice

Q15: What are the legal consequences for designated cold store practitioners who fail to comply with the compulsory testing notice?

A15: The Government will strictly verify whether the person concerned has complied with the testing notice. According to the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), any person who fails to comply with the compulsory testing notice commits an offence and may be fined a fixed penalty of \$5,000. The person will also be issued with a compulsory testing order requiring him/her to undergo testing within a specified time frame. Failure to comply with the order is an offence and the offender may be liable to a fine at level 4 (\$25,000) and imprisonment for six months.

Q16: Is it necessary to keep the SMS notifications relating to the tests? What are the legal consequences of non-compliance?

A16: Designated cold store practitioners must keep the SMS notification or equivalent record containing the confirmation on registration for undergoing the test as well as the SMS notification containing the test result, and provide the relevant SMS notification or equivalent record for checking by a prescribed officer when the prescribed officer requires the person to provide information about his or her undergoing the test. Under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), a compulsory testing notice may require the persons subject to compulsory testing to submit the test result in the way specified

in the notice. Any person who fails to comply with the testing notice commits an offence and may be fined a fixed penalty of \$5,000. The person will also be issued with a compulsory testing order requiring him/her to undergo testing within a specified time frame. Failure to comply with the order is an offence and the offender may be liable to a fine at level 4 (\$25,000) and imprisonment for six months.

Q17: What is the legal basis for the compulsory testing for certain persons?

A17: To further strengthen testing, the Government has made the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J). The Regulation provides a legal framework for the Government to specify by compulsory testing notice published in the Gazette, a category or description of persons who are required to undergo a test for COVID-19, taking into account the epidemic development. Examples include persons who live or work in specified premises with outbreak of cases, persons of a particular occupation, persons arriving in Hong Kong, etc. The Secretary for Food and Health will, taking into account the epidemic development and the need for anti-epidemic measures, publish the relevant notices when necessary.