

G.N. (E.) 783 of 2021

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, causal and relief staff) who:—
 - (1) is employed by the operator of a *cold store* as defined under the Food Business Regulation (Chapter 132, sub. leg. X) ^[Note 1] and on duty at the premises of such 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 premises of such cold store;
 - (2) has completed a coronavirus disease 2019 (*COVID-19*) vaccination course ^[Note 2]; and
 - (3) in the course of his/her work or service would:—
 - (i) enter the warehouse in which articles of food are stored under refrigeration inside the cold store; or
 - (ii) come into contact with or be involved in loading/unloading of articles of food which require refrigeration;
 - (b) any person (including but not limited to full-time, part-time, causal and relief staff) who:—
 - (1) is employed by the operator of a cold store as defined under the Food Business Regulation (Chapter 132, sub. leg. X) ^[Note 1] and on duty at the premises of such 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 premises of such cold store;
 - (2) has not completed a COVID-19 vaccination course ^[Note 2]; and
 - (3) in the course of his/her work or service would:—
 - (i) enter the warehouse in which articles of food are stored under refrigeration inside the cold store; or
 - (ii) come into contact with or be involved in loading/unloading of articles of food which require refrigeration;

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 COVID-19 (*the Specified Test*) once every three days starting from 17 November 2021 in compliance with the requirements and procedure set out below ^[Notes 3 and 4]:—
- (a) 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) notifications respectively containing the confirmation on registration for undergoing the test and 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:—

- (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) notifications respectively containing the confirmation on registration for undergoing the test and 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 by 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 or equivalent record containing the confirmation on registration for undergoing the test and SMS (mobile phone text message) notification containing the result of the test, and provide the relevant SMS notification or record 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 once every day starting from 17 November 2021 in compliance with the requirements and procedure set out below ^[Notes 3 and 4]:—

(a) 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) notifications respectively containing the confirmation on registration for undergoing the test and 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:—

- (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) notifications respectively containing the confirmation on registration for undergoing the test and 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 by 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 or equivalent record containing the confirmation on registration for undergoing the test and SMS (mobile phone text message) notification containing the result of the test, and provide the relevant SMS notification or record 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 Part (I)(a) above the 30-day periods from the next day following the third day of each of the three-day testing periods respectively ^[Note 7]; and specify in relation to the category of persons in Part (I)(b) above the 30-day periods from the next day following the each of the daily testing periods respectively ^[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].

Note 1:—

According to section 31(2) of the Food Business Regulation (Chapter 132, sub. leg. X), “cold store” (凍房) means any warehouse in which articles of food are stored under refrigeration.

Note 2:—

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.

Note 3:—

The category of persons in Part (I)(a) above must undergo the Specified Test once every three days (*three-day testing periods*). 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 person falling under the category specified in Part (I)(a) above has not been on duty or provided service at the premises of a cold store 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 person falling under the category specified in Part (I)(a) above has been on duty or provided service at the premises of a cold store 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.

A person falling under the category specified in Part (I)(b) above must undergo the Specified Test once every day. If a person falling under the category specified in Part (I)(b) above has not been on duty or provided service at the premises of a cold store at any time during a day, then he/she needs not undergo a Specified Test on that day.

Note 4:—

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 three days (in respect of category of persons in Part (I)(a) above) or every day (in respect of category of persons in Part (I)(b) above) 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 121 post offices, 47 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 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 Part (I)(a) above, the 30-day periods from the next day following the third day of each of the three-day testing periods respectively are the periods during which a Compulsory Testing Order may be issued under the Regulation upon non-compliance with this Notice. Taking the three-day testing period covering 17 November to 19 November 2021 as an example, the 30-day period from 20 November to 19 December 2021 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 Part (I)(b) above, the 30-day periods from the next day following each of the daily testing periods respectively 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 17 November 2021 as an example, the 30-day period from 18 November to 17 December 2021 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>.

15 November 2021

Secretary for Food and Health