

Government gazetted latest amendments to Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation

The Government gazetted today (December 8) the latest amendments to the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (the Regulation) (Cap. 599J) to provide the legal framework for the Government to, according to the needs of infection control, restrict movement of persons subject to compulsory testing, or seal off premises with epidemic outbreaks until all persons on the premises have undergone testing and the test results are ascertained.

A Government spokesman said, "Strengthening COVID-19 testing is an integral part of the epidemic control strategy. The Government has exercised the power under Cap. 599J for several times over the past month to issue compulsory testing notices and specifications, covering persons who had been to 34 specified premises during specified periods; symptomatic patients who seek medical attention; staff members of residential care homes for the elderly, residential care homes for persons with disabilities and nursing homes; and taxi drivers. The Government would like to express its appreciation to people who have proactively co-operated and undergone testing as required by the compulsory testing notices or directions under the Regulation.

"The infection risks of symptomatic individuals who seek medical attention and that of individuals who have been to specified places with higher risks or had contact with infected clusters could be higher. Therefore, the Government has been appealing to them to stay at home and avoid going out when waiting for test results. To further reduce transmission risks, the latest Regulation as amended will provide a clear legal framework under which the Government could, as and when necessary, require persons who are subject to compulsory testing to comply with reasonable requirements for controlling the transmission of the disease until the test result is ascertained, including staying at home."

Any person who fails to comply with a requirement on the compulsory testing notice or compulsory testing direction commits an offence and may be fined a fixed penalty of \$2,000. The level of penalty will be increased to \$5,000 starting from December 11, 2020.

The Regulation as amended will also provide the legal framework for the Secretary for Food and Health to make a "restriction-testing declaration" (declaration) when a considerable number of persons who have recently contracted COVID-19 have recently been present on the premises, or a person who has recently contracted the disease and who has recently been present on

the premises is likely to have been in close proximity to a considerable number of persons on the premises, and accordingly persons who are present on the premises are being exposed to a significant risk of contracting the disease, and it is necessary to conduct testing for persons on the premises promptly and extensively in order to prevent, protect against, delay and control the transmission of the disease. After the declaration is made, relevant persons are required to stay in the premises until all such persons have undergone testing and the test results are ascertained. If necessary, such as when there is suspicion on environmental contamination onsite which increases the infection risks of persons therein, the Government may transfer persons on the premises to a designated place to wait for the test result having regard to the situation, or send them to quarantine centres for compulsory quarantine under the existing mechanism.

When all persons on the premises have undergone testing and the test results are ascertained, the Secretary for Food and Health can revoke the relevant declaration. The declaration will cover a period of at most seven days in any case. During the seal-off (especially when the seal-off lasts for more than 12 hours), the Government will provide support to persons in need such as basic necessities. The legislation also allows persons with special needs (e.g. need for urgent medical treatment) to leave the premises upon application to the Government. Such persons have to comply with the relevant infection control requirements.

Any person who breaches the restriction-testing declaration or a direction to be transferred to a designated place commits an offence and may be liable to a maximum fine at level 4 (\$25,000) and imprisonment for six months.

The spokesman said, "The Government will review the various measures in place from time to time in accordance with the development of the epidemic situation, and make suitable adjustments taking into account all relevant factors."