

Government gazettes relevant specifications for compulsory testing for persons clinically suspected to have contracted COVID-19

The Government exercises the power under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) and publishes relevant specifications in the Gazette to continue to empower a registered medical practitioner to require any person whom he or she clinically suspects has contracted COVID-19 to undergo a test during a period of 14 days from December 10 to December 23, 2022.

According to expert advice, compulsory testing for symptomatic patients can effectively slow down the transmission of the virus by early identification, early isolation and early treatment. To keep the epidemic situation under control, the Government considers it necessary to continue to solicit help from medical practitioners in identifying possibly infected persons as soon as possible.

During the specified period, registered medical practitioners may, by a written direction, require a person whom the medical practitioner attends to in the course of professional practice and clinically suspects to have contracted COVID-19 to undergo a COVID-19 nucleic acid test. Persons who receive the written direction (persons who are subject to testing under written directions) should undergo a test within two days after the issue date of the written direction (the testing deadline).

If Tropical Cyclone Warning Signal No. 3 or above, the Red or Black Rainstorm Warning Signal or the post-super typhoon "extreme conditions" announcement by the Government is in force at any time during the period for undergoing the compulsory testing, the testing deadline will be extended for one day.

Persons who are subject to testing under written directions may choose to undergo testing via the following routes:

(1) To use the specimen bottle provided by the registered medical practitioner who issued the written direction to collect a deep throat saliva specimen and submit the specimen bottle to a designated specimen collection point by the testing deadline (see the specimen collection points and times at www.coronavirus.gov.hk/eng/early-testing.html). Having reported the case to the Department of Health (DH), the registered medical practitioner who issued the written direction will be notified of the test result; or

(2) To self-arrange testing provided by private laboratories recognised by the DH (see the list

at www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories RTPCR.pdf) by the testing deadline and submit the test result to the medical practitioner who issued the written direction or his clinic staff by email, fax or hard copy within four days after the testing deadline.

For example, if the written direction is issued on a Monday, the person subject to testing under the written direction should undergo a test via one of the above options on or before Wednesday, the testing deadline.

"Persons who are subject to testing under written directions are suspected to be infected and should not attend the ad-hoc mobile specimen collection stations, community testing centres or community testing stations for testing. To reduce transmission risk, relevant persons who underwent testing are advised to stay at home and avoid going out when waiting for test results," a Government spokesman said.

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The Government will continue to trace possibly infected persons who had been to relevant premises, and seriously verify whether they had complied with the compulsory testing directions. Any person who fails to comply with the compulsory testing directions commits an offence, and the maximum penalty upon conviction is a fine at level 4 (\$25,000) and imprisonment for six months. The fixed penalty for discharging the liability is \$10,000. The person may also be issued with a compulsory testing order requiring him or her to undergo testing within a specified time frame. Any person in breach of the compulsory testing order would be liable to a fine at level 5 (\$50,000) and imprisonment for six months.

Relevant officers of different government departments are empowered to perform certain functions under the relevant Regulations under the Prevention and Control of Disease Ordinance (Cap. 599), including requesting individuals to provide information under Cap. 599J. Any person who fails to comply with the relevant request to provide information commits an offence and would be liable to a fine at level 3 (\$10,000). Collection and use of any personal data for conducting COVID-19 tests must meet the requirements under the Personal Data (Privacy) Ordinance (Cap. 486). Government departments or testing service providers which handle the relevant information may provide the data to the DH or other relevant departments for anti-epidemic purposes as necessary. The workflow does not involve the provision of any personal data to organisations or persons outside Hong Kong.

The spokesman said, "The Government urges all individuals who are in doubt about their own health conditions, or individuals with infection risks (such as individuals who visited places with epidemic outbreaks or contacted confirmed cases), to undergo testing promptly for early identification of infected persons."