

LCQ19: Compulsory testing and exemptions of compulsory quarantine

Following is a question by Dr the Hon Pierre Chan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (February 24):

Question:

Recently, the Government has invoked on a number of occasions the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) to (i) issue compulsory testing notices (Notices) requiring that any person who has been present at the premises specified in the Notice for more than two hours during a specified period to undergo a polymerase chain reaction-based nucleic acid test for the Coronavirus Disease 2019 (COVID-19) by a specified deadline, and (ii) make restriction-testing declarations (Declarations) requiring that persons within the "restricted area" specified in the Declaration stay in their premises and undergo compulsory testing in accordance with the Government's arrangement, and they may leave only after the test results have mostly been ascertained. All premises within the restricted areas have been included in the relevant Notices. On the other hand, it has been reported that from time to time there were cases as follow: persons who had been exempted from compulsory quarantine when entering Hong Kong (exempted persons) were not confirmed, until a number of days after their arrival in Hong Kong, to have contracted COVID-19. In this connection, will the Government inform this Council:

(1) of the following information related to each Declaration (set out in Table 1 in chronological order of the date of the Declaration):

- (i) the date on which the Declaration was made,
- (ii) the boundaries of the restricted area(s),
- (iii) the affected residents –
 - (a) the number of households, and
 - (b) the number of residents,
- (iv) the testing and law enforcement situations –
 - (a) the number of persons who underwent the testing,
 - (b) the number of persons confirmed to have contracted COVID-19,
 - (c) the number of households not answering the door and the number of residents involved, and
 - (d) the number of fixed penalty notices (FPNs) issued to persons for non-compliance with the Declaration, and
- (v) the manpower and public expenditure involved in the entire operation –
 - (a) the number of staff members of the Government,
 - (b) the number of staff members of the contractor(s), and
 - (c) the public expenditure;

Table 1

(i)	(ii)	(iii)		(iv)				(v)		
		(a)	(b)	(a)	(b)	(c)	(d)	(a)	(b)	(c)

(2) of the following information related to the residential buildings covered by each Notice (set out in Table 2 in chronological order of the date of the Notice);

- (i) the date on which the Notice was issued,
- (ii) the name(s) of the building(s) involved,
- (iii) the affected residents of each building –
 - (a) the number of households, and
 - (b) the number of residents,
- (iv) the testing and law enforcement situations of each building –
 - (a) the number of persons who underwent the testing,
 - (b) the number of persons confirmed to have contracted COVID-19,

and

- (c) the number of FPNs issued to persons for non-compliance with the Notice, and
- (v) the manpower and public expenditure involved in the entire operation –
 - (a) the number of staff members of the Government,
 - (b) the number of staff members of the contractor(s), and
 - (c) the public expenditure;

Table 2

(i)	(ii)	(iii)		(iv)			(v)		
		(a)	(b)	(a)	(b)	(c)	(a)	(b)	(c)

(3) of the respective numbers of exempted persons who entered Hong Kong from (i) the Mainland, Macao and Taiwan, as well as (ii) foreign places, in each month since January last year; and

(4) of the number of exempted persons, since January last year, who were confirmed to have contracted COVID-19 within 14 days after their entry into Hong Kong, with a breakdown by the country/region from which they came?

Reply:

President,

In consultation with the Home Affairs Bureau, which is responsible for co-ordinating the enforcement operations for compulsory testing notices and operations for "restriction-testing declaration", as well as other related Government departments, my reply to the various parts of the question raised

by Dr the Hon Pierre Chan is as follows:

(1) and (2) The Government has been refining its anti-epidemic strategies in accordance with the development of the epidemic, including following the three key principles of "compulsory testing on a mandatory basis, targeted testing on an obligatory basis and testing on a voluntary basis" to conduct large-scale COVID-19 testing for groups of different risks with a view to achieving "early identification, early isolation and early treatment", and cutting the transmission chains in the community as far as possible.

Regarding compulsory testing on a mandatory basis, the Government has implemented the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) since November 15, 2020. As at February 18, 2021, the Government has exercised the power under the regulation multiple times to issue compulsory testing notices (CTNs) and require any person who had been present during specified periods at more than 470 specified premises (including dance clubs/venues, restaurants, residential buildings, workplaces, construction sites, a department store and hospitals) to undergo compulsory testing. Those who are subject to the notices include but are not limited to residents, visitors and workers.

Generally speaking, persons subject to compulsory testing may choose to undergo testing via multiple routes as follows: (i) to visit any of the mobile specimen collection stations; (ii) to attend any of the community testing centres; (iii) to obtain a deep throat saliva specimen collection pack from any of the 121 post offices, vending machines set up at 20 MTR stations or 47 designated general outpatient clinics (GOPCs) of the Hospital Authority and return the specimen to one of the designated specimen collection points; (iv) to undergo testing at any of the GOPCs of the Hospital Authority as instructed by a medical professional of the Hospital Authority; (v) to self-arrange testing provided by private laboratories which are recognised by the Department of Health (DH) and can issue SMS notifications in respect of test results; or (vi) to use a specimen bottle distributed by the Centre for Health Protection (if applicable), and return the specimen bottle with the sample collected as per the relevant guidelines.

The Government enforces CTNs by arranging staff to verify the testing certifications of residents at the entrances/exits of buildings covered by CTNs and conduct checks in the buildings to ask residents to provide the SMS notification received through a mobile phone, or related certification to verify whether they had complied with the requirement. As at February 18, 2021, the Government had deployed about 890 people to conduct 12 times blitz operations and checked the test reports of more than 5 000 residents, of which about 300 had violated the CTN. The Government has issued fixed penalties of \$5,000 and/or compulsory testing orders to them, requiring them to undergo testing within a specified period. Non-compliance with a compulsory testing order is an offence, and offenders are liable to a fine of \$25,000 and imprisonment for six months. The enforcement actions are ongoing, and expenses involved are yet to be calculated.

Subject to the epidemic development and the infection control need, the

Government will also delineate restricted areas and make a "restriction-testing declaration" (RTD). Persons within the areas are required to stay in their premises and undergo compulsory testing in accordance with the arrangements by the Government, and can only leave after the relevant test results are mostly ascertained. All buildings within the restricted areas, whether or not confirmed cases were found therein, would be included in the CTN. Any person who had been present in buildings in the restricted area for more than two hours in the past 14 days, even if they were not present in the restricted area at the time when the RTD took effect, also have to undergo compulsory testing.

From January 23 to February 10, the Government has delineated 26 restricted areas in multiple districts (including Yau Tsim Mong District, Eastern District, Kwun Tong District, Yuen Long District, Sham Shui Po District, Kowloon City District, Tuen Mun District and Sha Tin District) with RTDs issued, and carried out enforcement operations to verify that all people in the "restricted areas" had undergone compulsory testing. Nearly 12 000 man-time of civil servants were mobilised in the relevant operations, during which more than 24 000 people were tested in designated restricted areas. 20 confirmed cases were found and 234 persons were found not having undergone compulsory testing. Compulsory testing orders and/or fixed penalties of \$5,000 were issued to them. The Government will continue to step up enforcement, and handle those persons who have not complied with the CTN in a strict manner.

Please refer to the following link for details of CTNs issued in respect of specified premises and RTDs for restricted areas issued by the Government: www.coronavirus.gov.hk/pdf/compulsorytestingnotice_premises_ENG.pdf .

(3) Pursuant to the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) and Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E), all persons having stayed in places outside Hong Kong for any period prior to their arrival in Hong Kong, with the exception of persons exempted by the Chief Secretary for Administration in accordance with the relevant regulations, must be subject to compulsory quarantine, regardless of nationality and travel documents used.

To maintain necessary operation of the society and economy of Hong Kong, and to ensure an uninterrupted supply of all daily necessities to the public, the Chief Secretary for Administration has, in accordance with the relevant regulations, exempted persons (for example, consular and diplomatic officers, crew members of aircraft and cross-boundary goods vehicle drivers, etc.) from the compulsory quarantine requirement upon arrival in Hong Kong. Nevertheless, in a bid to guard against the importation of cases as far as practicable, the Government has been adjusting relevant quarantine and testing measures based on ongoing prevention and control risk assessments.

In view of the severity of the global pandemic situation, the Government has time after time tightened the testing, quarantine and isolation arrangements for persons arriving Hong Kong (including normal inbound

travellers and exempted persons) in accordance with the development of the epidemic situation. In response to the raging of virus variant, the Government tightened the quarantine arrangement for persons who have stayed in places outside China in December 2020 and January 2021. All persons who have stayed in Group A specified places under the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) (hereinafter "Group A specified places"), which currently includes Brazil, Ireland, South Africa and the United Kingdom, will not be allowed to board for Hong Kong. Exempted persons (including air crew members) having stayed in Group A specified places must be subject to self-isolation at designated quarantine hotels for 21 days upon arrival in Hong Kong. They must also be subject to "test-and-hold" arrangement (i.e. undergo testing and wait for the result at the Hong Kong International Airport (HKIA) or designated location) and undergo testing on the 12th and 19th or 20th day upon arrival in Hong Kong. Meanwhile, the Government has also extended the quarantine period to 21 days for all inbound travellers who have stayed in non-Group A specified places outside China.

In accordance with the prevention and control risk assessments, the Government announced on February 5, 2021 to further tighten the testing and isolation arrangements for exempted persons. With effect from February 20, 2021, all exempted persons entering Hong Kong at the HKIA must be subject to "test-and-hold" arrangement. To further mitigate possibility of exempted persons' contact with the local community during the exemption period, the Government has set up designated quarantine channels for air crew members and other exempted persons at the HKIA. After undergoing testing and immigration procedures, air crew members and other exempted persons will use the respective designated channels to arrive at the designated pick-up points for travelling to their accommodation by point-to-point transportation. The new measure is in place with a view to minimising the chance of transmission of the virus from imported cases into the community.

All air crew members who have stayed in any places outside China but have not stayed in Group A specified places during the 21 days prior to arrival in Hong Kong must self-isolate at the airport hotel (i.e. Headland Hotel or Hong Kong SkyCity Marriott Hotel) arranged by airlines until their next duty flight after undergoing testing. If the aforementioned air crew members are local-based crew who wish to leave the airport area, they must self-isolate at a designated quarantine hotel for 14 days (with testing to be done on the 12th day following their arrival) before entering the local community. They must also be subject to medical surveillance for 7 days afterwards (with testing to be done on the 15th and 19th or 20th day following their arrival) before operating again. Freight crew who have only laid over in Anchorage in Alaska of the United States of America, which is subject to closed-loop management in segregation from the local community during the layover, will be exempted and they will not be subject to self-isolation at designated quarantine hotels. They will still be subject to 21-day medical surveillance and undergo testing on the 7th, 12th, 15th and 19th or 20th day following their arrival.

All other exempted persons must also be subject to "test-and-hold"

arrangement and undergo repeated testing during their stay in Hong Kong. In addition, except Consul Generals or representatives in Hong Kong and government officials at equivalent/higher level, all other government officials carrying out governmental duties who have stayed in any places outside China (but have not stayed in Group A specified places) during 21 days prior to arrival in Hong Kong must be subject to self-isolation for 21 days at an accommodation arranged by respective organisations. They must also be subject to repeated testing during the self-isolation period.

As for persons who are arriving Hong Kong from China at land boundary control points under Cap.599C, normal inbound travellers will be subject to compulsory quarantine for 14 days at home or other accommodation, while exempted persons (except those under regular testing arrangement) must undergo testing.

Apart from the testing arrangement, the DH would arrange 21-day/14-day medical surveillance for the abovementioned exempted persons during their stay in Hong Kong. Persons under medical surveillance are required to wear masks and check their body temperature twice daily, and they should report to the DH if feeling unwell. In addition, exempted persons are also subject to body temperature check and health declaration procedures performed by the DH at boundary control points during arrival clearance.

The number of Notification of Medical Surveillance issued to exempted persons (including those exempted under Cap. 599C and 599E) between February 2020 and January 2021 at various boundary control points are as follows:

Month	Number of Notification of Medical Surveillance issued to exempted persons at various boundary control points in service
February 2020	93 602
March 2020	39 211
April 2020	36 039
May 2020	40 220
June 2020	45 943
July 2020	53 405
August 2020	41 155
September 2020	45 689
October 2020	43 885
November 2020	45 440
December 2020	46 145
January 2021	42 584

Note 1: Boundary control points in service include Hong Kong International Airport, Hong Kong-Zhuhai-Macao Bridge Hong Kong Port, Shenzhen Bay, Man Kam To, Lok Ma Chau, Sha Tau Kok and Heung Yuen Wai (commenced service on August

26, 2020).

Note 2: Exempted persons are issued with new Notification of Medical Surveillance every time when they enter Hong Kong (except in cases set out in note 3 below).

Note 3: Currently, "cross-boundary goods vehicle drivers and necessary accompanying personnel" with valid Notification of Medical Surveillance issued in the past 14 days are not issued with new Notification of Medical Surveillance afresh every time they enter Hong Kong.

The DH does not maintain the breakdown figures of exempted persons arriving at boundary control points by countries/places.

(4) Since July 2020 (as at February 15, 2021), the Centre for Health Protection of the DH recorded 227 COVID-19 cases involving sea crew and air crew members, with 14.1 per cent from the Philippines, 12.3 per cent from Russia, 11.9 per cent from the United States of America and 10.6 per cent from India. The DH does not maintain the figures of confirmed cases for other exempted persons.