

Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J)

Compulsory testing notice

The Government has made Cap. 599J, which 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 had been present in specified premises with outbreak of cases, and high risk or high exposure groups (such as persons of a particular occupation).

Persons subject to compulsory testing are to refer to relevant announcements and undergo testing accordingly.



Restriction-testing declaration

The Government may, 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. 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.

Direction issued by a registered medical practitioner

In addition, the Government may specify by notice published in the Gazette a period of not more than 14 days, during which a specified medical practitioner can require a person whom he clinically suspects has contracted COVID-19 to undergo testing by written direction issued to that person.

Persons who are subject to such testing may choose to undergo a test as below:

- 1 To use the specimen bottle provided by the registered medical practitioner who issued the compulsory testing direction to collect a deep throat saliva specimen and submit the specimen bottle to one of the Government designated collection points set up at the clinics of DH and HA by the testing deadline. Having reported the case to the DH, the registered medical practitioner who issued the direction will be notified of the test result; or
- 2 To self-arrange testing provided by private laboratories recognised by the DH by the testing deadline and submit the test result to the medical practitioner who issued the compulsory testing direction or his clinic staff by electronic mail, fax, or by hardcopy within four days after the testing deadline.



For details, please refer to relevant press releases, or visit <https://www.coronavirus.gov.hk/eng/compulsory-testing.html>



Legal consequences for contravening the regulations

Anyone who fails to comply with a requirement of a compulsory testing direction or a compulsory testing notice commits an offence. The maximum penalty upon conviction is \$10,000. The fixed penalty for discharging liability for the offence is \$5,000. The person would also be issued with a compulsory testing order requiring him/her to undergo testing within a specified timeframe. Failure to comply with the order is an offence and the offender would be liable to a fine at level 4 (\$25,000) and to imprisonment for six months.

Any person who breaches a 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.



If persons who are subject to compulsory testing have symptoms, they should seek medical attention immediately and undergo testing as instructed by a medical professional. They should not attend the Community Testing Centres or mobile stations which are primarily for those without symptoms. Persons who underwent testing are to stay at home and avoid going out when waiting for test results.