

Government tightens compulsory quarantine requirements for persons arriving at Hong Kong who have stayed in United Kingdom

â€‹The Government has gazetted the amendments to the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C), the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places Regulation (Cap. 599E) and the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) Regulation (Cap. 599H) as well as the relevant specifications to tighten the compulsory quarantine requirements for persons arriving at Hong Kong who have stayed in the United Kingdom (UK).

A Government spokesman said, "The global pandemic situation is getting more serious. A new virus variant with higher transmissibility is spotted in the UK and certain European countries. We have to stay vigilant for preventing the importation of cases."

"According to the guidelines of the World Health Organization, the incubation period of the virus could be as long as 14 days. Although there is currently no evidence showing that the incubation period of the new virus variant is longer, in view of the expert advice that the incubation period of virus carried by very few infected persons may be longer than the quarantine period of 14 days, as precautionary measures, the Government has amended the legislation to allow flexibility in lengthening the compulsory quarantine period for persons arriving at Hong Kong from a certain place (to a maximum of 28 days), and lengthening the period for a certain foreign place in which persons who arrive at Hong Kong have stayed before the arrival for determining the quarantine and boarding requirements (the Relevant Period) under the relevant Regulations (to a maximum of 28 days), taking into account the needs of infection control. This is to ensure that no case would slip through the net even under very exceptional cases where the incubation period of the virus is longer than 14 days."

The newly amended Regulations will provide the legal framework which allows the Secretary for Food and Health (SFH) to, having regard to the extent and pattern of the spread of the disease in a certain place and the public health risk posed to Hong Kong by persons who arrive at Hong Kong having recently stayed there, specify the periods for which different categories of persons who arrive at Hong Kong from a certain place would need to undergo compulsory quarantine, up to a maximum of 28 days. The newly amended Regulations will also allow SFH to, having regard to the above factors, specify the Relevant Period of different categories of persons who arrive at Hong Kong from a certain place, up to a maximum of 28 days.

Targeting the new virus variant with higher transmissibility recently

found in the UK, the SFH, taking into account expert advice, has exercised the power under the newly amended Regulations to make relevant specifications, which took effect from 0.00am today (December 24). Under the relevant specifications, all persons who have stayed in the UK for more than two hours on the day of boarding or during the 21 days before that day are not be allowed to board for Hong Kong; Persons arriving at Hong Kong (either via the airport or land boundary control points) who have stayed in the UK on the day of arrival at Hong Kong or during the 21 days before that day have to undergo compulsory quarantine for 21 days in designated quarantine hotels.

As for persons who arrive at Hong Kong during the period of December 2 to December 23, 2020, if they have stayed in the UK and are placed under compulsory quarantine in Hong Kong (including the quarantine orders issued under Cap. 599E or Cap. 599C), they still have to undergo testing at the Community Testing Centre or the designated quarantine hotel on the 19th or 20th day following their arrival at Hong Kong, and also stay at their place of residence, private premises or the place of quarantine specified on the quarantine order according to the compulsory testing notice made under Cap. 599J by the Government.

The spokesman said, "The Government will continue to monitor closely the situation, including the developments of the epidemic situation both globally and locally and changes in the volume of cross-boundary passenger traffic, and will tighten the compulsory quarantine requirements for persons arriving at Hong Kong from other high-risk places when necessary."

Third round of compulsory testing for staff members of RCHEs, RCHDs and nursing homes to commence shortly

The Government today (December 24) announced that the third round of compulsory testing for staff members of residential care homes for the elderly (RCHEs), residential care homes for persons with disabilities (RCHDs) and nursing homes will commence shortly.

In accordance with section 10(1) of the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), the Secretary for Food and Health yesterday (December 23) issued a compulsory testing notice, requiring persons who are employed by and will be on duty at RCHEs, RCHDs, nursing homes and day service units attached to the premises of residential care homes during the period January 8 to 17, 2021, or who will provide services to residents or users through hire-of-service contracts with residential care homes and the aforementioned units during that period (including full-time, part-time and relief staff), to undergo polymerase

chain reaction-based nucleic acid tests for COVID-19 during the period from December 29, 2020 to January 7, 2021, according to the requirements and procedures specified in the notice (specified tests). The samples must be collected by using combined nasal and throat swabs and must not be taken by the person to be tested.

The staff of the aforementioned institutions must choose to undergo the specified tests as below:

(1) To receive free specimen collection services in any of the Community Testing Centres (see the list at www.communitytest.gov.hk/en/), Temporary Testing Centres (if any) (see the list at www.swd.gov.hk/en/index/site_pubsvc/page_supportser/sub_ttc/), or mobile specimen collection stations (see the list at www.coronavirus.gov.hk/eng/early-testing.html);

(2) To have specimen collection by a healthcare professional or trained personnel as arranged by institution operators for testing at private laboratories listed on "COVID-19 Thematic Website" (see the list at www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories RTPCR.pdf); or

(3) To self-arrange testing provided by private laboratories listed on "COVID-19 Thematic Website" at their own expenses (see the list at www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories RTPCR.pdf).

Any person who fails to comply with the testing notice commits an offence and may be subject to a fixed penalty of \$5,000. He/she 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 imprisonment for six months.

A spokesman for the Social Welfare Department (SWD) said that the SWD and the Department of Health would issue letters to institutions to inform them of the relevant arrangements and requirements. Institution operators should remind their staff members to properly keep the SMS notification of their test results or their test result reports.

Institution operators are required to keep records of their staff having received specified tests and the results within the timeframe specified by the Government. Institution operators also have to co-operate with Checking Officers (Compulsory Testing) of the SWD who are enforcing the regulations at residential care homes.

[Government enforces compulsory testing](#)

notice to achieve compulsory testing on mandatory basis and community clearing

The Sha Tin District Office, together with the Tin Sum Police Station, the Auxiliary Medical Service, the Hong Kong Housing Society (Housing Society) and the related departments will conduct enforcement action on compulsory testing notice at Ming Yan Lau of Jat Min Chuen in Sha Tin today (December 24).

Starting from 6 am today, residents entering and leaving Ming Yan Lau in Sha Tin must provide the SMS notification through mobile phone or related certification containing the test results of the COVID-19 tests arranged by the Government, to show that they participated in such tests from December 17 to 21, 2020 as required pursuant to the compulsory testing notice issued by the Government earlier on.

The Government will also arrange staff, together with the staff of the Housing Society, to visit each household of Ming Yan Lau to check if all the residents have already undergone the test.

Any person who cannot provide the SMS notification or related certification of the testing result breaches the compulsory testing notice, and is liable to a fixed fine at \$5,000, and would receive a compulsory testing order, requiring that person to undergo testing within a specified period. Non-compliance with a compulsory testing order is an offence liable to a fine at \$25,000 and to imprisonment for six months.

Taking into account the fact that since the Government requires testing through compulsory testing notices, members of the public have generally been compliant, the Government will first issue verbal warnings in the enforcement operation today, and will allow the residents to undergo immediate testing in the mobile testing station near Ming Yan Lau. Before the testing results are available, residents must stay at home to reduce the risk of community infection.

The Government appeals to persons who had been present at Ming Yan Lau of Jat Min Chuen for more than two hours at any time during the period specified in the compulsory testing notice (December 1 to 16, 2020) to undergo testing at the mobile testing station as soon as possible, if they have not yet done so. Otherwise, they are liable to a fixed fine if found.

The Sha Tin District Office has set up a hotline (telephone: 2158 5388) to assist residents in need.

Government gazetted compulsory testing notice and specifications under Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation

The Government has exercised the power under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) and gazetted a compulsory testing notice and specifications, which require any person who had been present at the specified premises during the specified period to undergo a COVID-19 nucleic acid test, and continue to empower a registered medical practitioner to require any person whom he clinically suspects has contracted COVID-19 to undergo a test during a period of 14 days from December 26, 2020 to January 8, 2021.

A spokesman for the Food and Health Bureau (FHB) said, "Upon contact tracing by the Centre for Health Protection (CHP), a number of confirmed cases not epidemiologically linked to each other were recently found in certain places within a short period of time. Members of the public who had been to the relevant places might be subject to higher infection risks. The Government has published a compulsory testing notice under Cap. 599J, which requires persons who had been to the specified premises during the specified period to undergo testing immediately."

"Furthermore, 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. As the recent epidemic situation is at the peak, the Government considers it necessary to continue to solicit help from medical practitioners in identifying possibly infected persons as soon as possible."

Details are as follows:

Compulsory testing notice

Any person who had been present at Ping Shing House of Ping Tin Estate, 18 On Tin Street, Lam Tin for more than two hours at any time during the period from December 1 to December 23, 2020 (including but not limited to visitors, residents and workers) have to undergo testing by December 28, 2020

Persons subject to testing under the compulsory testing notice may choose to undergo testing as below:

1. 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 the designated specimen collection points (see the distribution points and time, and the specimen collection points and time at www.coronavirus.gov.hk/eng/early-testing.html);

2. To self-arrange testing provided by private laboratories recognised by the Department of Health (DH) (see the list at www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories_RTPCR.pdf);

3. To attend any community testing centres (see the list at www.communitytest.gov.hk/en/);

4. To visit any mobile specimen collection stations (see the list and target groups (if applicable) at www.coronavirus.gov.hk/eng/early-testing.html) for testing;

5. To undergo testing at any healthcare facilities of the Hospital Authority (including GOPCs and accident and emergency departments) as instructed by a medical professional of the Hospital Authority; or

6. To use a specimen bottle distributed to the above specified premises by the CHP, and return the specimen bottle with the sample collected as per the relevant guidelines.

"If persons who are subject to testing under the compulsory testing notice 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."

Persons who are subject to testing under the compulsory testing notice and opt for testing routes (1) to (5) above must keep the SMS (mobile phone text message) notification containing the result of the test, the Attendance Certificate, the Discharge Note, or the test report for checking by a law enforcement officer when the officer requires the persons to provide information about their undergoing the specified test. If they opt for testing route (6) above, they must provide personal particulars (including name, identification document number and residential address) when required by a law enforcement officer for checking by the officer with the CHP. Furthermore, persons who are subject to testing under the compulsory testing notice should, as far as reasonably practicable, take appropriate personal disease prevention measures including wearing a mask and maintaining hand hygiene; and unless for the purpose of undergoing the specified test, stay at their place of residence and avoid going out until the test result is ascertained as far as possible.

If persons who are subject to testing under the compulsory testing notice have previously undergone the above mentioned test between December 19 and December 23, they would be taken to have complied with the requirements set out in the compulsory testing notice.

Any enquiries on compulsory testing arrangements may be addressed to the hotline at 6275 6901 which operates daily from 9am to 6pm. If persons who are

subject to testing under the compulsory testing notice plan to conduct testing at any of the community testing centres, they can check the centre's appointment status in advance. The hotlines of the community testing centres are at www.communitytest.gov.hk/en/info/.

Relevant specifications for compulsory testing for persons clinically suspected to have contracted COVID-19

During the period of 14 days from December 26, 2020 to January 8, 2021, 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 should undergo a test within two days after the issue date of the written direction (the testing deadline).

Persons who are subject to testing under written directions may choose to undergo a test as below:

(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 designated specimen collection points by the testing deadline (see the specimen collection points and time at www.coronavirus.gov.hk/eng/early-testing.html). Having reported the case to the 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 electronic mail, fax, or by hardcopy within four days after the testing deadline.

For example, if the written direction is issued on 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. If the test result of the specimen is preliminary positive, the specimen will be referred to the Public Health Laboratory Services Branch of the DH for a confirmatory test. Confirmed cases will be followed up and announced by the Centre for Health Protection of the DH.

"Persons who are subject to testing under written directions are suspected to be infected and should not attend the community testing centres 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."

Any person who fails to comply with the testing notice or directions commits an offence and may be fined a fixed penalty of \$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 imprisonment for six months.

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. The FHB will publish compulsory testing notices regarding particular groups when necessary taking into account the epidemic development and the testing participation rate."

Government makes Prevention and Control of Disease (Use of Vaccines) Regulation

The Government published the Prevention and Control of Disease (Use of Vaccines) Regulation (Cap. 599K) (the Regulation) in the Gazette on December 23, which provides the legal framework under the present state of public health emergency to bring in COVID-19 vaccines which satisfy the criteria of safety, efficacy and quality for emergency use. The Regulation will remain in effect until December 23, 2021.

The Regulation empowers the Secretary for Food and Health to, based on the objective clinical data of a COVID-19 vaccine (including third phase clinical research data), with reference to the expert advice of an independent advisory panel and having regard to the approval given by a regulatory authority in a place outside Hong Kong that performs the function of approving pharmaceutical products (including emergency use), authorise and allow the specified use of the relevant COVID-19 vaccine in Hong Kong under the emergency situation, which is basically for vaccination programmes conducted by the Government. The members of the above advisory panel will be appointed by the Chief Executive. The relevant member list is at Annex.

With a view to strengthening the transparency of information regarding vaccines, the expert advice on vaccines given by the advisory panel will be made publicly available. Also, for authorised vaccines approved for emergency use in accordance with the Regulation, members of the public will be clearly informed of the relevant information in relation to the vaccine before vaccination, and the vaccine must be administered with the recipient's informed consent. To facilitate the above arrangement, the Government will provide the latest information on the relevant vaccines through different channels at appropriate juncture, in order to enable members of the public to receive accurate information with respect to the relevant vaccines.

A spokesman for the Food and Health Bureau stressed, "Allowing members of the public to be administered with safe and effective COVID-19 vaccines is crucial to the resumption of the normal ways of life in Hong Kong. To ensure that authorised COVID-19 vaccines approved for specified emergency use under the Regulation still adhere to the requirements of safety, efficacy and quality, the authorisation by the Secretary for Food and Health must be premised on objective clinical data and experts' views, and complemented with a mechanism for monitoring any adverse event that occurs to the recipient associated with the administration of the relevant vaccine."

Notwithstanding that the vaccines to soon enter the market have undergone stringent clinical tests to ascertain their safety and that tens of thousands of people have participated in the clinical research, and that the number of people administered with the vaccines in other places continues to increase, it is a matter of fact that the research and development period of COVID-19 vaccines is greatly compressed as compared to other regular vaccines. Hence, the occurrence of rare or unpredictable severe adverse event after widespread vaccination on the population cannot be completely ruled out. With a view to enabling vaccine manufacturers to provide COVID-19 vaccines as early as practicable, general procurement agreements would provide the vaccine manufacturers with a certain level of immunity. However, the relevant immunity does not cover incidents which involve the gross negligence, fraud or willful misconduct by the vaccine manufacturer; or when the quality of the vaccine does not yet reach requirements or has safety concerns; or the relevant vaccine has yet to fulfill the relevant manufacturing standards or conditions required for drug safety. Having made reference to overseas practices on the relevant issue, the SAR Government plans to set up an indemnity fund. In the event members of the public encounter a rare or unpredicted severe adverse event associated with the administration of the vaccine, they can still take action against the drug manufacturer. The fund will cover the indemnities ultimately determined by court or arbitration and can provide in advance part of the indemnities in order to make available financial assistance to the member of the public as early as possible. The Government is formulating the relevant mechanism and details and will seek funding approval from the Finance Committee of the Legislative Council as soon as possible.

In order that healthcare professionals can provide vaccination to members of the public with peace of mind, the Regulation provides these healthcare professionals with civil immunity, such that they would not have to be civilly liable for any loss or damage attributable to the intrinsic property of the authorised vaccine.

The spokesman supplemented, "The Government will continue to strive for the early supply of COVID-19 vaccines to Hong Kong, and at the same time ensure that all vaccines must satisfy the relevant requirements and procedures, including completion of phase 3 clinical trials and obtaining emergency use approval in accordance with the Regulation, with a view to ensuring safety, efficacy and quality of vaccines."