

Department of Health’s handling of the declaration and issuance of quarantine documents of a confirmed patient’s household members Investigation Report

Between 9 and 23 August 2022, this Office received a complaint against the Department of Health (“DH”) from two Complainants (“Ms A” and “Ms B”).

The Complaint

2. Allegedly, on 9 July 2022, the Complainants’ household member (“the Patient”) who had tested positive by Rapid Antigen Test (“RAT”) registered via the “Declaration System for Individuals Tested Positive for COVID-19 Using Rapid Antigen Test” (“Declaration System”). According to the System’s instructions, reporting was not required for people who had been infected previously. Since both Complainants had been infected with COVID-19 back in March, the Patient did not report their information. On 10 July, Ms A called DH to make enquiries, and was informed that household contacts who had been infected and recovered more than three months ago were also required to register and undergo home quarantine, but the hotline staff was unable to provide any channel for obtaining the quarantine order (“QO”). On 11 July, the Complainants quarantined themselves at home and called 1833 019 and 2125 1122 to ask how they could obtain QO. The staff (tel: 2125 1122) replied that they could apply to DH by email (ratp@dh.gov.hk). Subsequently, they sent several emails to DH to submit application, and called 1823 to check progress. On 18 July, a DH staff (tel: 2455 0522) contacted Ms A by telephone, saying that DH had received the referral by 1823. Ms A provided the staff with their personal particulars; the staff replied that their request was noted, and SMS notification with a link to download QO would be sent to them within a week. On 19 July, DH (tel: 2671 2532) called Ms B, saying that the application had been received. Ms B said that a staff had already called to follow up the case the previous day, and asked whether people who had been infected and recovered three months ago were required to undergo home quarantine. The staff gave her a vague response. On 21 July, they received text messages from DH. After downloading the documents, they found that they only got their isolation orders (“IO”) issued by DH in March.

3. On 22 July, Ms A called 1823 requesting DH to issue the correct QOs to them. The 1823 staff said that their case would be referred to DH. On 27 July, Ms A called 1823 again requesting follow-up action on the case, and sent an email to DH. On 1 August, Ms B reiterated their request upon receiving a call from DH (tel: 2364 0844). The calling staff said that their request was noted, and stated that people who had been infected and recovered more than three months ago did not need to register their information. On 8 August, they received text messages from DH. After downloading, they found that the documents were still their IOs issued in March. On 9 August, a DH staff (tel: 2672 0527) called to say that Ms A’s email dated 27 July was received, and asked whether follow-up action was still required for the case. The staff also told her that household contacts who had recovered more than three months ago were still required to register via the DH online platform. On 15 and 17 August, Ms A

received telephone calls again from DH (tel: 2672 0757 and 2672 0408). On 20 August, they received the correct text message titled “Record of Close Contact with COVID-19 Patient” (“Close Contact Record”) from DH.

4. The Complainants were dissatisfied that DH had not provided sufficient training for staff, who provided them with incorrect and inconsistent information on whether the household contacts of a confirmed patient were required to register. They were dissatisfied with DH staff for being negligent and incapable of understanding their request correctly, such that they had received the wrong documents time and again.

Process of Investigation

5. This Office commenced preliminary inquiry against DH on 30 August 2022. DH replied on 23 September. After examining the information provided by the Complainants and DH, we decided to initiate full investigation into the complaint. A draft investigation report was issued on 9 November for DH’s comments. After examining all the relevant information, we completed the investigation on 11 January 2023. Our findings are as follows.

Our Findings

6. The Centre for Health Protection (“CHP”) launched the Declaration System on 7 March 2022 specially for registration of people who tested positive by RAT for the first time. CHP clarified that people who had obtained RAT positive results shortly before or after nucleic acid testing did not need to register via the Declaration System to avoid double counting of positive cases. The Declaration System did not accept registration of people who had already tested positive by nucleic acid testing.

Sequence of Events

7. According to information provided by DH and the Complainants, the events were as follows:

| | Date | Event |
|-----|---------|--|
| (1) | 9 July | The Patient registered via the Declaration System without reporting Ms A and Ms B as household contacts. |
| (2) | 10 July | Ms A called CHP to ask whether the Patient should report Ms A and Ms B as household contacts via the Declaration System. A staff said that household contacts who had been infected and recovered more than three months ago were also required to register and undergo home quarantine, but the staff was unable to provide any channel for obtaining QO. |
| (3) | 11 July | Ms A called CHP to ask how to obtain QO. A staff replied that they could apply to CHP by email. Ms A then applied to CHP for QO by email to ratp@dh.gov.hk. |
| (4) | 15 July | Ms B called 1823 to request handling of the case be expedited. |

| | | |
|------|---------------------|--|
| (5) | 11 July to 1 August | Ms A and Ms B sent several emails to ratp@dh.gov.hk requesting for QO from CHP. |
| (6) | 18 July and 19 July | Ms A and Ms B were called by the Contact Tracing Office (“CTO”) under DH’s Communicable Disease Branch respectively. The staff said that referral of their case by 1823 had been received, and SMS notification would be sent to them within a week for downloading the Close Contact Record. |
| (7) | 21 July | Ms A and Ms B received text messages from DH. After downloading, they found that the files provided by CHP were IOs issued in March, not the Close Contact Record in July they applied for. |
| (8) | 22 July | Ms A called 1823 to request further follow-up action of CHP. |
| (9) | 27 July | Ms A called 1823 and sent an email to ratp@dh.gov.hk to request further follow-up action of CHP. |
| (10) | 1 August | A CTO staff called Ms B to follow up. Ms A relayed that the staff told Ms B that household contacts who had recovered more than three months ago did not need to register via the Declaration System. |
| (11) | 8 August | Ms A and Ms B received text messages from DH. After downloading, they found that the files provided by CHP were still IOs issued in March. |
| (12) | 9 August | A CTO staff called Ms A, saying that her email dated 27 July was received. The staff asked whether follow-up action was still required for the case, and told her that household contacts who had recovered more than three months ago were still required to register via the Declaration System. |
| (13) | 15 August | A CTO staff called Ms A to follow up the case. |
| (14) | 17 August | A CTO staff called Ms A to follow up the case. |
| (15) | 20 August | Ms A and Ms B received text messages with the Close Contact Record issued by CHP in July. |

DH’s Investigation Results and Response

8. DH explained that QOs were issued according to information reported by confirmed patients via the Declaration System. Since the Patient had not reported the two Complainants as household contacts, CHP did not issue QOs to them initially. After reviewing the Declaration System’s instructions, DH regretted that the lack of clarity might have caused misunderstanding. In early September, DH updated the Declaration System. In the section of household contacts, the original instruction “excluding household members who have been infected or tested preliminarily positive” was revised to “excluding household members who have tested preliminarily positive at present or tested positive within the past 90 days”. In November, DH also made corresponding updates to its COVID-19 Thematic Website (including the Points to Note for Persons who Tested Positive (<https://www.coronavirus.gov.hk/eng/tested-positive.html>), the StayHomeSafe Scheme (<https://www.coronavirus.gov.hk/eng/home-quarantine.html>) and the Recent Frequently Asked Questions

(https://www.coronavirus.gov.hk/pdf/Common_Enquiries_Eng.pdf). It was pointed out that household members who have tested preliminarily positive at present or tested positive within the past 90 days were not regarded as close contacts subject to quarantine.

9. In response to the Complainants' allegations of insufficient training of individual staff members and negligence, DH had investigated and confirmed that the Complainants had received IOs issued in March twice, handled by CTO staff in both cases. DH apologised for the inconvenience caused. It has reprimanded the staff concerned, rectified the error, and strengthened staff training to avoid recurrence of similar incidents. CHP has also reminded CTO to urge its staff to handle enquiries carefully. It will continue to monitor the service quality of CTO so that timely adjustments can be made.

Our Comments

10. The Government required confirmed patients to undergo isolation and their close contacts to undergo quarantine for the purpose of curbing the spread of virus. These were crucial measures for cutting the transmission chains and controlling the overall outbreak of COVID-19. The problem of this case stemmed from the Declaration System's instructions, according to which confirmed patients were not required to report their household members who had been infected previously, but the infection period of household members was unspecified. Even though members of the public tried to clarify the matter voluntarily, the information was not available on DH's COVID-19 Thematic Website at the time, and inconsistent information was provided to the public by different hotline staff (see **paragraphs 7(2), 7(10) and 7(12)**). Members of the public might misunderstand that as long as they had been infected previously, they were not required to register and undergo quarantine when they became close contacts. It would certainly undermine the effectiveness of this anti-epidemic measure.

11. DH admitted the lack of clarity in the Declaration System's instructions, and the insufficient training and negligence of individual CTO staff members, resulting in the Complainants receiving IOs issued in March twice. This Office noted that after the registration of the Patient's case, the Complainants had to keep making enquiries and lodging complaints with DH for more than a month before they finally received the correct Close Contact Records. In addition to the inconvenience and disruption caused to the Complainants, it also created extra workload for 1823 and DH staff (see **paragraphs 7(8) and (9)**). We consider the error highly undesirable.

12. This Office is pleased to note that in response to this complaint, DH has updated the instructions and information on the Declaration System and the COVID-19 Thematic Website, reprimanded the staff concerned, strengthened staff training, and reminded CTO staff to handle enquiries carefully. We urge DH to continue reviewing and updating the instructions and information on the Declaration System and the COVID-19 Thematic Website in a timely manner to ensure accuracy and clarity; provide frontline staff with clear guidelines for answering and following up public enquiries

accurately and properly, so as to improve service quality and avoid delays in case processing.

Conclusion

13. Overall, The Ombudsman considers this complaint **substantiated**.

**Office of The Ombudsman
January 2023**

We will post the case summary of selected investigation reports on social media from time to time. Follow us on Facebook and Instagram to get the latest updates.



Facebook.com/Ombudsman.HK



Instagram.com/Ombudsman_HK