

**PREVENTION AND CONTROL OF DISEASE (REQUIREMENTS AND DIRECTIONS)
(BUSINESS AND PREMISES) REGULATION**

Specification and Directions in Relation to Catering Business

I hereby exercise the power conferred on me by sections 4 and 6 of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (**Regulation**) (Chapter 599, sub. leg. F) to specify and direct that, during the period of 14 days beginning on 24 March 2022 to 6 April 2022 (**Specified Period**):—

(I) Mode of Operation of Catering Businesses

Subject to paragraph (III)(b), all catering businesses, except for bars/pubs or the parts of a catering premises selling or supplying intoxicating liquors for consumption in that premises as specified in paragraph (II) and specific catering businesses ^[Note 1], must only operate in the relevant mode of operation subject to adoption of the measures below:—

(a) measures required:—

- (1) it must be ensured that all staff members involved in the operation of the business on the premises ^[Note 2] have received two doses of vaccine for the coronavirus disease 2019 (**COVID-19 vaccine**) ^[Notes 3 and 4];
- (2) subject to paragraph (I)(a)(1) and Note 1, the requirements applicable to catering premises in the Vaccine Pass Direction issued under the Prevention and Control of Disease (Vaccine Pass) Regulation (Chapter 599, sub. leg. L) (G.N. (E.) 348 of 2022) (**Vaccine Pass Direction**) must be complied with; and
- (3) it must be ensured that before a customer is allowed to enter the premises, he/she scans the 'LeaveHomeSafe' venue QR code using the 'LeaveHomeSafe' mobile application on his/her mobile phone/other mobile device ^[Note 5];

(b) relevant mode of operation:—

- (1) selling or supplying of food or drink for consumption on the premises of any catering business must be ceased from 6.00 p.m. to 4.59 a.m. of the subsequent day;
- (2) any premises, or part of the premises, on which food or drink is sold or supplied by the business for consumption on the premises (**catering premises**) must be closed from 6.00 p.m. to 4.59 a.m. of the subsequent day;
- (3) the number of customers at any catering premises at any one time when consumption on the premises may be allowed must not exceed 100% of the seating capacity of the premises;
- (4) no more than 2 persons are allowed to be seated together at one table or be allowed in the same group; and
- (5) banquet activity is not allowed;

(II) Bar or pub or the part of a catering premises selling or supplying intoxicating liquors

- (a) Any premises (commonly known as **bar or pub**) that is exclusively or mainly used for the sale or supply of intoxicating liquors as defined in section 53(1) of the Dutiable Commodities Ordinance (Chapter 109) (**intoxicating liquors**) for consumption in that premises, or any part of a catering premises that is exclusively or mainly used for the sale or supply of intoxicating liquors for consumption in that part (**part of a catering premises selling or supplying intoxicating liquors**), must be closed;
- (b) no members of the public may gather in a bar or pub or the part of a catering premises selling or supplying intoxicating liquors; and
- (c) the restriction in paragraph (II)(b) is a restriction imposed in relation to a gathering and is applicable to a person who participates in a group gathering in the premises or part, a person who organizes a group gathering in the premises or part and a person who controls or operates the premises or part in which a group gathering takes place;

(III) Measures to be Undertaken by All Catering Business

- (a) a notice must be displayed at the entrance to any catering premises to remind customers that food or drink must not be consumed in areas adjacent to that catering premises during the hours when consumption of food or drink on catering premises is not allowed;
- (b) for a catering business which has to adopt measures for reducing the risk of transmission under paragraph (IV)(a) of the directions in G.N. (E.) 329 of 2022 and the period for adopting such measures has not yet expired by the time of commencement of this Specified Period (24 March to 6 April 2022), it may only operate in the mode of operation under paragraph (I) above upon the expiry of the period for adopting such measures;
- (c) a person must wear a mask at any time within any catering premises except when the person is consuming food or drink at a table therein ^{Note 6};
- (d) body temperature screening on a person must be conducted before the person is allowed to enter the catering premises;
- (e) hand sanitisers must be provided at any catering premises for any person at the premises;
- (f) the poster containing the 'LeaveHomeSafe' venue QR code must be displayed at the entrance of the premises or at a conspicuous location which must be unobstructed at any one time so that it is readily accessible for scanning by the 'LeaveHomeSafe' mobile application on mobile phone by a person entering the catering premises and the size of the image of the poster displayed must not be less than 210×297mm (A4 size);
- (g) in respect of seating area of catering premises:—
 - (1) if the air change per hour (fresh air) (*ACH*) is not 6 or above, must on or before 30 April 2021 have installed air purifiers of any of the following types that meet the specified specifications set out in the Food and Environmental Hygiene Department (*FEHD*)'s webpage in the seating area according to the on-the-ground situation (including the site condition) and the manufacturer manual:—
 - 1. High-Efficiency Particulate Arrestance Filter (HEPA) cum Ultraviolet-C (UV-C) device; or
 - 2. High-Efficiency Particulate Arrestance Filter (HEPA) device; or
 - 3. Ultraviolet-C (UV-C) device;
 - (2) except food business which has submitted a certificate in respect of *ACH* and/or air purifiers through the *FEHD* webpage on 'Voluntary Declaration Scheme on Air Changes in Licensed Catering Premises', must have registered on *FEHD*'s designated webpage on or before 30 April 2021 and uploaded onto a designated position of the *FEHD* webpage a certificate in specified form filled in and signed by a registered specialist contractor (ventilation works category) providing the following information:—
 - 1. the *ACH* and whether the *ACH* is 6 or above
(the *ACH* must be calculated according to the instructions set out in the *FEHD* webpage on the basis of the following information on its food business licence (or on the basis of site condition, if without a food business licence):—
 - (i) area of seating area;
 - (ii) height of seating area measured from floor to ceiling (may opt for actual storey height or assumed storey height at 3 metres); and
 - (iii) capacity of outside fresh air supplied to the seating area by the ventilation system);

2. if the ACH is not 6 or above, whether having installed air purifiers referred to in item 1 above and provide the following information about the air purifiers:—
 - (i) type;
 - (ii) brand;
 - (iii) model;
 - (iv) quantity; and
 - (v) location;
- (3) within 2 days after the registration has been confirmed by the FEHD, must download a notice from a designated position of the FEHD webpage, and display the notice with the following specifications round-the-clock at the entrance of the catering premises:—
 1. the size of the notice must not be less than 297×420 mm (A3 size);
 2. the letters in the notice must be black in colour, the font type must be Times New Roman, and the font size must not be less than 32; and
 3. the content of the notice must be displayed in a way that is clearly legible and in a location unobstructed, with the following information included:—
 - (i) licence number (if any);
 - (ii) name and address of the business; and
 - (iii) air change per hour (fresh air) and/or air purifier(s) installed (as applicable);

The above information under paragraph (III)(g)(3), after being registered at FEHD's webpage, may be released for inspection by the public;

- (4) if a catering premises is unable to complete the registration as specified in paragraph (III)(g)(2) on or before 24 February 2022, it must close until having completed the relevant registration and been confirmed by FEHD that such registration is valid; and
 - (5) after the air purifiers have been installed at the premises, must properly switch on, operate, maintain and repair the air purifiers in accordance with the manufacturer manual when the premises is opened for business;
- (h) dedicated staff must be arranged for clearing used utensils and cleaning and disinfecting used tables and partitions (*cleaning-up duties*) and separate staff must be arranged for other duties not involving cleaning-up duties. If this arrangement is not practicable, it must be ensured that the staff carrying out any of the cleaning-up duties must adopt hand hygiene measures, i.e. using alcohol-based hand sanitisers, washing hands or changing gloves, before switching to perform other duties, and should adopt hand hygiene measures as necessary during each round of cleaning-up duties;
 - (i) tables available for use or being used by customers within any catering premises must be arranged in a way to ensure there is a distance of at least 1.5 metres or some form of partition which could serve as effective buffer between one table and another table at the premises. For elongated tables which may accommodate a considerable number of persons, groups using the same table must be arranged in a way to ensure that, between any customer of one group and any customer of another group, there is a distance of at least 1.5 metres and some form of partition which could serve as effective buffer;
 - (j) live performance and dancing must not be allowed in any catering premises; and
 - (k) all karaoke and mahjong-tin kau activities carried on at any catering premises must be suspended;
- (IV) Corresponding Measures for Reducing the Risk of Transmission When the Relevant
- (a) in respect of any catering premises, if the requirements or restrictions in relation to infection control below are not adopted, on being identified by an enforcement agent,

the following *corresponding measures for reducing the risk of transmission* must be taken on the subsequent day:—

Requirements or restrictions not adopted	Corresponding measures for reducing the risk of transmission
(1) Any of those set out in paragraphs (III)(a), (III)(c) to (III)(e), (III)(j) to (III)(k)	For a period of 3 days, selling or supplying food or drink for consumption on the premises of any catering business must be ceased from 3.00 p.m. to 4.59 a.m. of the subsequent day
(2) Any of those set out in paragraphs (I)(b)(1) to (I)(b)(5), (III)(i)	For a period of 7 days, selling or supplying food or drink for consumption on the premises of any catering business must be ceased from 3.00 p.m. to 4.59 a.m. of the subsequent day
(3) Any of those set out in paragraphs (I)(a)(1) to (I)(a)(3), (III)(f) to (III)(h) (except (III)(g)(4))	For a period of 14 days, selling or supplying food or drink for consumption on the premises of any catering business must be ceased from 3.00 p.m. to 4.59 a.m. of the subsequent day
(4) Part (II)	Closure of the premises for 14 days

if the corresponding measures for reducing the risk of transmission as set out above are not adopted by the premises or part, on being identified by an enforcement agent, such corresponding measures must be taken on the subsequent day; and

- (b) any catering premises which is adopting measures under paragraph (IV)(a) above must, during the applicable period of such measures, display a notice with the following specifications round-the-clock at its entrance to signify the following content:—
- (i) the size of the notice must not be less than 297×420 mm (A3 size);
 - (ii) the letters in the notice must be black in colour, the font type must be Times New Roman, and the font size must not be less than 32;
 - (iii) the content of the notice must be displayed in a way that is clearly legible and in a location unobstructed, with the following information included:—
 1. licence number, name and address of the business;
 2. the corresponding measures for reducing the risk of transmission to be adopted; and
 3. the commencement and end dates of the corresponding measures to be adopted (*applicable period*);

(V) Requirements and Restrictions in Relation to Gathering

For requirements and restrictions in relation to gathering within any catering premises:—

- (a) requirements or restrictions applicable to any person participating in a group gathering are set out in paragraphs (I)(b)(4), (I)(b)(5), (II) and (III)(i) above;
- (b) requirements or restrictions applicable to any person who organizes any gathering are set out in paragraphs (I)(b)(3), (I)(b)(4), (I)(b)(5), (II) and (III)(i) above; and
- (c) requirements or restrictions applicable to any person who controls or operates catering premises in which a gathering takes place are set out in paragraphs (I)(b)(3), (I)(b)(4), (I)(b)(5), (II) and (III)(i) above;

(VI) Requirements and Restrictions in Relation to Persons on Catering Premises

- (a) In respect of the requirements and restrictions above, the requirements and restrictions applicable to a staff member involved in the operation of the business on the premises ^[Note 2] are set out below:—

- (1) must have received two doses of COVID-19 vaccine ^[Notes 3 and 4]; and
- (2) must comply with the requirements applicable to staff members involved in the operation of catering premises in the Vaccine Pass Direction;

- (b) In respect of the requirements and restrictions above, the requirements and restrictions applicable to a customer of the catering premises are set out below:—
- (1) before entering a catering premises, must scan the ‘LeaveHomeSafe’ venue QR code using the ‘LeaveHomeSafe’ mobile application on his/her mobile phone/ other mobile device ^[Note 5];
 - (2) must comply with the requirements applicable to persons entering or remaining on catering premises in the Vaccine Pass Direction; and
 - (3) before entering a catering premises, must conduct body temperature screening.

Note 1:—

Specific catering business means any of the following catering business:—

1. A catering business carried on at any premises set out in Part 1 of Schedule 1 to the Regulation; or
2. A catering business or category of catering business designated under section 7A(1) of the Regulation by the Chief Secretary for Administration for the purposes of section 3(3)(b) or (c) of the Regulation.

The hours during which food or drink may be sold or supplied by the specific catering business for consumption on the premises is not restricted by this notice. Except customers who need not comply with the requirements applicable to persons entering or remaining on catering premises in the Vaccine Pass Direction, specific catering business must comply with all the other requirements and restrictions under this notice (except in circumstances where the premises on which food or drink is sold or supplied is not the usual place of business for the specific catering business concerned).

Note 2:—

“Staff members involved in the operation of the business on the premises” include any persons who (i) serve food or drink (including intoxicating liquors) to the customers on the premises or (ii) conduct promotional or sales activity on the premises in respect of food or drink (including intoxicating liquors) supplied thereon.

Note 3:—

In respect of catering premises which operated in Type B or Type C mode of operation during the period from 10 February 2022 to 23 February 2022, if a staff member involved in the operation of catering premises has not received two doses of COVID-19 vaccine, but have received one dose of COVID-19 vaccine, the relevant premises operator and staff member who adopt the following measures (*two relevant measures*) would not be deemed to have violated the relevant requirement about staff members receiving two doses of COVID-19 vaccine:—

- (i) ensure that such staff member has already made an appointment for receiving the second dose of COVID-19 vaccine on or before 30 March 2022, and ensure that the relevant staff member keeps record of the above appointment; and
- (ii) arrange for such staff members to undergo a polymerase chain reaction based nucleic acid test for COVID-19 once during the period from 24 March 2022 to 30 March 2022 and the sample of the test conducted must be taken through combined nasal and throat swabs which must not be taken by the person being tested ^[Note 7], and ensure that such staff obtain the relevant SMS notification containing the result of the test before 31 March 2022 and keep record of such SMS notification for 31 days.

If a staff member ^[Note 2] who had been issued a COVID-19 Vaccination Medical Exemption Certificate and exempted from the Vaccine Pass requirement under the Vaccine Pass Direction, and such staff member subsequently received one dose of COVID-19 vaccine but has not received the second dose of COVID-19 vaccine during this specified period, then the relevant premises operator and staff member who adopt the following two measures would not be deemed to have violated the relevant requirement about staff members receiving two doses of COVID-19 vaccine:—

- (i) ensure that such staff member has already made an appointment for receiving the second dose of COVID-19 vaccine within 35 days following the day on which he/she received the first dose, and keeps record of the above appointment; and

- (ii) arrange for such staff member to undergo a polymerase chain reaction based nucleic acid test for COVID-19 once every 7 days starting from 24 March 2022 and the sample(s) of the test(s) conducted must be taken through combined nasal and throat swabs which must not be taken by the person being tested, and ensure that such staff obtain SMS notification containing the result of the test before 31 March 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days, until the relevant staff members have received the second dose of COVID-19 vaccine.

In respect of a customer who is a person recovered from COVID-19 (*recovered person*), the vaccination requirement is set out in Annex 1 of Vaccine Pass Direction.

In respect of a staff member who is a recovered person, the vaccination requirement is as follows:—

- (a) if within 6 months from recovery: no additional dose required;
- (b) if having received the second dose or third dose before COVID-19 infection: no additional dose required;
- (c) (i) if after 6 months from recovery and had not been vaccinated before COVID-19 infection:—
- (A) if within 6 months from 1st dose: having received the 1st dose; or
- (B) if after 6 months from 1st dose: having received the 2nd dose (the 2nd dose is not required for a person aged 12-17 who took Comirnaty as the 1st dose); or
- (c) (ii) if after 6 months from recovery and having received the 1st dose before COVID-19 infection: having received the 2nd dose (the 2nd dose is not required for a person aged 12-17 who took Comirnaty as the 1st dose).

If a staff member is a recovered person and does not fulfil the requirement in paragraph (c)(i) or (c)(ii) (whichever is applicable) above, then the relevant premises operator and staff member who adopt the following two measures would not be deemed to have violated the requirement in paragraph (c)(i) or (c)(ii) (whichever is applicable):—

- (1) ensure that such staff member has already made an appointment for receiving the vaccine during the period from 24 March to 6 April 2022, and keeps record of the above appointment; and
- (2) arrange for such staff members to undergo a polymerase chain reaction based nucleic acid test for COVID-19 once every 7 days starting from 24 March 2022 and the sample(s) of the test(s) conducted must be taken through combined nasal and throat swabs which must not be taken by the person being tested, and ensure that such staff obtain SMS notification containing the result of the test before 31 March 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days, until the relevant staff member has received the required dosage of vaccine.

Note 4:—

If a staff member involved in the operation of the business on the premises ^[Note 2] is exempted from the Vaccine Pass requirement under the Vaccine Pass Direction, then he/she must undergo a polymerase chain reaction-based nucleic acid test for once every 7 days starting from 24 March 2022 and the sample(s) of the test(s) must be taken through combined nasal and throat swabs ^[Note 7], and ensure that a SMS notification containing the result of the test is obtained before 31 March 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days.

The following staff members involved in the operation of the business on the premises must make a declaration to the premises operator using the specified form available on the COVID-19 Thematic Website/relevant website of the FEHD:—

- (1) staff members who received COVID-19 vaccination outside Hong Kong; or
- (2) staff members who hold a COVID-19 Vaccination Medical Exemption Certificate.

Note 5:—

The requirement that it must be ensured that a customer scans the 'LeaveHomeSafe' venue QR code using the 'LeaveHomeSafe' mobile application on his/her mobile phone/other mobile device before entering a premises does not apply to customers who only order takeaways.

If a person belonging to any one of the following three categories of persons is unable to use the “LeaveHomeSafe” mobile application to record his/her visit to the relevant premises, he/she should use the specified form available on the COVID-19 Thematic Website/FEHD webpage or a written or electronic form separately prepared containing all content in the aforementioned standard form to register his/her name, contact number and the date and time of his/her visit and the relevant premises operator must keep the written or electronic records for 31 days:—

- (1) persons aged 65 or above or aged 15 or below;
- (2) persons with disability; and
- (3) other persons recognized by the Government or organization(s) authorized by the Government as eligible for the above arrangement.

Only in respect of a person aged 15 or below who is unable to use the “LeaveHomeSafe” mobile application, if his/her adult accompanying person has used the “LeaveHomeSafe” mobile application to scan the relevant venue QR code or used the specified form to register relevant information in accordance with the relevant requirements, he/she would not have to register the relevant information using the specified form.

Note 6:—

A person under the age of 2 is not required to comply with the requirement in relation to the wearing of mask within any catering premises.

Note 7:—

If a person who needs to comply with the requirement about undergoing polymerase chain reaction-based nucleic acid test(s) for COVID-19 (*the relevant test(s)*), and the sample(s) for such test(s) should be taken through combined nasal and throat swabs, is issued a medical certificate by a registered medical practitioner (*relevant medical certificate*), proving that he/she is unfit to undergo the relevant test(s) using sample(s) taken through combined nasal and throat swabs because of health reasons, then he/she may undergo the relevant test(s) using deep throat saliva sample(s). Relevant person must keep the SMS notification(s) containing the result(s) of the test(s) and the relevant medical certificate.

23 March 2022

Secretary for Food and Health