

**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 21 January 2022 to 3 February 2022 (**Specified Period**):—

(A) Mode of Operation of Catering Businesses

Subject to paragraph (C)(I)(b), all catering businesses, except as otherwise provided for those deciding to operate in the mode of operation as specified in paragraph (B)(I)(b) as bars/pubs or the parts of a catering premises selling or supplying intoxicating liquors for consumption in that premises and as specific catering businesses ^[Note 1], must only operate in one of the modes of operation allowed as specified in items (A)(I) to (A)(III) below:—

(I) Type B Mode of Operation

(a) specific measures required:—

- (1) it must be ensured that before a customer is allowed to enter the premises, the customer scans the 'LeaveHomeSafe' venue QR code using the 'LeaveHomeSafe' mobile application on his/her mobile phone/other mobile device ^[Note 2]; and
- (2) arrangements must be made for all staff members involved in the operation of the business on the premises ^[Note 11] to undergo a polymerase chain reaction based nucleic acid test for the coronavirus disease 2019 (**COVID-19**) once every 7 days starting from 13 January 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 ^[Note 10], and ensure that the staff obtain SMS (mobile phone text message) notification containing the result of the test before 20 January 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days (**the required testing arrangement**); or, adopt the alternative measure which is ensuring the staff member(s) involved in the operation of the business on the premises ^[Note 11] has/have completed a vaccination course ^[Note 3] and keep the vaccination record as proof of vaccination;

(b) 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 50% 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) the number of persons participating in any one banquet at any one time may not exceed 20 persons;

(II) Type C Mode of Operation

(a) specific measures required:—

- (1) it must be ensured that all staff members involved in the operation of the business on the premises ^[Note 11] have received the first dose of vaccine ^[Notes 4 and 5] and keep the vaccination record as proof of vaccination; and
 - (2) 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 2];
- (b) 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 catering premises on which food or drink is sold or supplied 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 75% of the seating capacity of the premises;
 - (4) no more than 4 persons are allowed to be seated together at one table or be allowed in the same group; and
 - (5) the number of persons participating in any one banquet at any one time may not exceed 20 persons;

(III) Type D Mode of Operation

- (a) specific measures required:—
- (1) it must be ensured that all staff members involved in the operation of the business on the premises ^[Note 11] have completed the vaccination course ^[Notes 3 and 5] and keep the vaccination record as proof of vaccination;
 - (2) 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 2];
 - (3) a 'Designated Zone D' may be delineated: in respect of customers to be seated at a table or to be in a group of no more than 6 persons and customers of a banquet activity of no more than 240 persons, it must be ensured that at least two-thirds of the customers have received the first dose of vaccine ^[Notes 4, 7 and 8]; and
 - (4) an additional 'Designated Zone C' may be delineated: customers are only allowed to be seated at a table or to be in a group of no more than 4 persons;
- (b) 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 catering premises, on which food or drink is sold or supplied 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) in 'Designated Zone D', no more than 6 persons are allowed to be seated together at one table or be allowed in the same group and an additional 'Designated Zone C' may be delineated with mode of operation as mentioned above; and
 - (5) the number of persons participating in any one banquet at any one time may not exceed 240 persons;

(IV) If a catering business chooses to operate in the mode of operation specified in paragraph (A)(III) above in its catering premises, then it must, in accordance with the choice or subsequent change made in accordance with paragraph (C)(I)(b), display a floor plan of its premises (if the premises has more than one floor, then it must display a floor plan for each floor) round-the-clock at its entrance next to the notice as specified in paragraph (C)(I)(c) with the following specifications to specify the content below in a way that is clearly legible and unobstructed for differentiating and identifying the different designated zones:—

- (a) the size of the floor plan for each floor must not be less than 297 x 420 mm (A3 size);
- (b) the letters in the floor plan must be black in colour, the font type must be Times New Roman, and the font size must not be less than 16; and
- (c) the floor plan for each floor must be drawn to scale to indicate the location of each designated zone (including Zone C and Zone D), its size, the location of each dining table therein and remarks should be added to the dining tables for holding banquet activities. The relevant content must be shown in the colours as specified in the relevant Food and Environmental Hygiene Department (**FEHD**) webpage for identification;

The floor plan may be changed from time to time having regard to operational needs, but will take effect only after it has been displayed;

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

- (I) 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;
- (II) 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
- (III) the restriction in paragraph (B)(II) is a restriction imposed in relation to a group 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;

(C) Measures to be Undertaken by All Catering Premises

(I) Measures Relating to Mode of Operation

- (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 under paragraph (A) above;
- (b) for a catering business which has to adopt measures for reducing the risk of transmission under paragraph (D)(I) or (D)(II) of the directions in G.N. (E.) 28 of 2022 and the period for adopting such measures has not yet expired by the time of commencement of the Specified Period, it may only choose to operate in the one of the modes of operation under paragraph (A)(I), (A)(II) or (A)(III) upon the expiry of the period for adopting additional measures. For other catering businesses, they must decide to operate in one of the modes of operation under paragraph (A)(I), (A)(II) or (A)(III) above upon commencement of the Specified Period. During the Specified Period, a catering business may change its mode of operation under paragraph (A), but the change will take effect only after a notice reflecting the changed mode of operation has been displayed in accordance with paragraph (C)(I)(d);
- (c) for a catering business that has chosen or changed its mode of operation in accordance with paragraph (C)(I)(b), if it belongs to the mode of operation

specified in paragraph (A)(II) or (A)(III), then it must register the following information on the designated FEHD webpage on the same day:—

- (1) licence number, name, address of the business and telephone number for contact by customers;
- (2) register whether it belongs to the mode of operation specified in paragraph (A)(II) or (A)(III);
- (3) register the ‘Designated Zone C’ and ‘Designated Zone D’ provided (whichever is applicable); and
- (4) at the time of registration, the total number of staff members involved in the operation of the business on the premises, the number of staff members who have received the first dose of vaccine ^[Notes 4 and 5], the number of staff members who have completed a vaccination course ^[Notes 3 and 5] and the number of staff members who have made declaration about being unfit to receive vaccination because of health reason ^[Note 5];

The above information under paragraphs (C)(I)(c)(1) to (C)(I)(c)(3), after being registered at FEHD’s webpage, may be released for inspection by the public; and

- (d) the catering premises operating in the mode of operation under paragraph (A) above must display a notice with the following specifications and content round-the-clock at the entrance of its catering premises during the Specified Period:—
 - (1) the size of the notice must not be less than 297 x 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, name and address of the business;
 - ii. the mode of operation under paragraph (A) above that it has adopted;
 - iii. the corresponding period(s) that selling or supplying of food or drink for consumption on the premises of any catering business must be ceased;
 - iv. the corresponding maximum number of persons allowed to be seated together at one table; and
 - v. the corresponding maximum number of persons participating in any one banquet;

(II) Other Measures Relating to Infection Control

- (a) 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 9];
- (b) body temperature screening on a person must be conducted before the person is allowed to enter the catering premises;
- (c) hand sanitisers must be provided at any catering premises for any person at the premises;
- (d) 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 x 297mm (A4 size);
- (e) 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 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) if unable to complete the registration referred to in item (2) above on or before 30 April 2021, must submit an application to the FEHD for an extension of time for registration. If approved, must complete the registration referred to in item (ii) above within the time limit as specified by the FEHD ^[Note 6];
- (4) 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 x 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 (C)(II)(e)(4), after being registered at FEHD's webpage, may be released for inspection by the public;

- (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;
- (f) 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;
- (g) 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;
- (h) live performance and dancing must not be allowed in any catering premises;
- (i) all karaoke and mahjong-tin kau activities carried on at any catering premises must be suspended;

(D) Corresponding Measures for Reducing the Risk of Transmission When the Relevant Requirements or Restrictions Are Not Adopted

- (I) in respect of any catering premises that is operating in the mode of operation under paragraphs (A)(I) to (A)(III) above, 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 (C)(I)(a), (C)(II)(a) to (C)(II)(c), (C)(II)(h) to (C)(II)(i)	For a period of 3 days, no more than 2 persons may be seated together at one table
(2) Any of those set out in paragraphs (A)(I)(b)(1) to (A)(I)(b)(5), (A)(II)(b)(1) to (A)(II)(b)(5), (A)(III)(b)(1) to (A)(III)(b)(5), (C)(II)(g)	For a period of 7 days, no more than 2 persons may be seated together at one table
(3) Any of those set out in paragraphs (C)(II)(d) to (C)(II)(f)	For a period of 14 days, no more than 2 persons may be seated together at one table

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;

- (II) in respect of any catering premises that is operating in the mode of operation under paragraphs (A)(I) to (A)(III) above, if the required specific measures corresponding to the mode of operation 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:—

Mode of operation	Required specific measures not adopted	Corresponding measures for reducing the risk of transmission
Type B Mode of Operation as specified in paragraph (A)(I)	Any of those set out in paragraphs (A)(I)(a)(1), (A)(I)(a)(2)	For a period of 14 days, no more than 2 persons may be seated together at one table
Type C Mode of Operation as specified in paragraph (A)(II)	Any of those set out in paragraphs (A)(II)(a)(1), (A)(II)(a)(2)	
Type D Mode of Operation as specified in paragraph (A)(III)	Any of those set out in paragraphs (A)(III)(a)(1) to (A)(III)(a)(4)	
Mode of Operation as specified in paragraph (B)	Paragraph (B)(I)	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;

(III) any catering premises which is adopting measures under paragraph (D)(I) or (D)(II) 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 x 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, i.e. measures under paragraph (D)(I) or (D)(II);
 3. the commencement and end dates of the corresponding measures to be adopted (*applicable period*);
 4. the selling or supplying of food or drink for consumption on the premises of the catering business from 6.00 p.m. to 4.59 a.m. of the subsequent day is not allowed in the applicable period; and
 5. no more than 2 persons are allowed to be seated together at one table during the operating hours of a day in the applicable period;

(E) Requirements and Restrictions in Relation to Group Gathering

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

- (I) requirements or restrictions applicable to any person participating in a group gathering (whichever is applicable) are set out in paragraphs (A)(I)(b)(4), (A)(I)(b)(5), (A)(II)(b)(4), (A)(II)(b)(5), (A)(III)(b)(4), (A)(III)(b)(5), (B)(II), (C)(II)(g) above;
- (II) requirements or restrictions applicable to any person who organizes any group gathering (whichever is applicable) are set out in paragraphs (A)(I)(b)(3) to

(A)(I)(b)(5), (A)(II)(b)(3) to (A)(II)(b)(5), (A)(III)(b)(3) to (A)(III)(b)(5), (B)(II), (C)(II)(g) above; and

- (III) requirements or restrictions applicable to any person who controls or operates catering premises in which a group gathering takes place (whichever is applicable) are set out in paragraphs (A)(I)(b)(3) to (A)(I)(b)(5), (A)(II)(b)(3) to (A)(II)(b)(5), (A)(III)(b)(3) to (A)(III)(b)(5), (B)(II), (C)(II)(g) above;

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

- (I) In respect of the requirements and restrictions in relation to the mode of operation and infection control above, the requirements and restrictions applicable to a staff member involved in the operation of the business on the premises ^[Note 11] are set out below (whichever is applicable):—

- (a) in respect of staff working at premises operating in Type B Mode of Operation ^[Note 11], must undergo a polymerase chain reaction based nucleic acid test for once every 7 days starting from 13 January 2022 and the sample(s) of the test(s) conducted must be taken through combined nasal and throat swabs ^[Note 10], and obtain SMS notification containing the result of the test before 20 January 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days; or adopt the alternative measure which is completion of a vaccination course ^[Note 3]; and
- (b) in respect of staff working at premises operating in Type C or Type D Mode of Operation ^[Note 11], must produce the relevant vaccination record in accordance with the requirements by the premises operator ^[Note 5] and keep such record;

- (II) In respect of the requirements and restrictions in relation to the mode of operation and infection control above, the requirements and restrictions applicable to a customer of the catering premises are set out below (whichever is applicable):—

- (a) 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 2];
- (b) before entering a premises operating in Type D Mode of Operation, must produce the relevant vaccination record to the premises operator; and
- (c) before entering a catering premises, must conduct body temperature screening.

Note 1:—

See part (B) above for the definition of bar or pub or part of a catering premises selling or supplying intoxicating liquors.

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. In respect of other aspects of the mode of operation of the specific catering business, the relevant specific catering business has to operate in the mode of operation and to adopt the corresponding specific measures required in relation to that Mode of Operation, 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. For example, if a specific catering business has adopted Type C Mode of Operation, then the number of customers must not exceed 75% of the normal seating capacity of the premises and not more than 4 persons may be seated together at one table.

Note 2:—

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 3:—

For both the Sinovac vaccine (*CoronaVac vaccine*) and Fosun Pharma/BioNTech vaccine (*Comirnaty vaccine*), completion of the vaccination course in general means having received two doses of vaccine at least 14 days ago, except for persons previously infected with COVID-19, who are to receive one dose of vaccine at least 14 days ago. For persons aged 12 to 17, they may be deemed to have completed the vaccination course after receiving one dose of Comirnaty vaccine at least 14 days ago. For individuals who received COVID-19 vaccines in places outside of Hong Kong and have received the recommended dose(s) as stipulated in relevant guidelines at least 14 days ago, they will also be regarded to have completed the vaccination course of the relevant COVID-19 vaccine, subject to the vaccine used being included on the list of vaccines recognised for this purpose as published on the Government’s COVID-19 Thematic Website (https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf). If an individual who received COVID-19 vaccine in places outside of Hong Kong is to enter a premises that is subject to the requirement about COVID-19 vaccination of customers or work at a premises that is subject to the requirement about COVID-19 vaccination of staff members, he/she must:—

- (a) make a declaration to the relevant premises operator using the specified form available on the COVID-19 Thematic Website/relevant FEHD webpage ^[Note 8]; or
- (b) make a declaration to the Government on the non-local COVID-19 vaccination record, and produce to the relevant premises operator the QR code of vaccination record for local use issued by the Government (for methods of declaration, please refer to “FAQ—Non-local COVID-19 Vaccination Record” as published on the Government’s COVID-19 Vaccination Programme Thematic Website (www.covidvaccine.gov.hk/en/faq)).

The 14th day before a person has completed a vaccination course is counted by taking the next day after the person received vaccine as the 1st day. For example, for a person who has not been infected with previously and who received the second dose of CoronaVac vaccine or Comirnaty vaccine on 29 April 2021, the ‘1st day’ would be 30 April 2021 and the ‘14th day’ would be 13 May 2021 on and after which the person would be considered to have completed a vaccination course.

In respect of premises to which the requirement that staff members ^[Note 11] must have completed a COVID-19 vaccination course is applicable, if there are staff members ^[Note 11] who had been issued a medical certificate proving that they were unfit for COVID-19 vaccination because of health reasons, and such staff members ^[Note 11] subsequently received COVID-19 vaccination, then:—

for (a) such staff members who have received the first dose of Comirnaty vaccine or CoronaVac vaccine; (b) such staff members who have received the second dose of Comirnaty vaccine or CoronaVac vaccine but it has been less than 14 days after such vaccination; (c) such staff

members who have received one dose of Comirnaty vaccine or CoronaVac vaccine but it has been less than 14 days after such vaccination and who were previously infected with COVID-19; or (d) such staff members aged 17 or below and employed in compliance with the Employment Ordinance (Chapter 57) who have received one dose of Comirnaty vaccine but it has been less than 14 days after such vaccination, they would be deemed to have complied with the requirement that staff members must have completed a COVID-19 vaccination course if they adopt the following measures, notwithstanding the fact that they have not completed a COVID-19 vaccination course:—

- (i) premises operator must ensure that such staff members keep the above medical certificate (regardless of whether the validity period of that certificate had expired before such staff members received the relevant vaccine);
- (ii) premises operator must arrange for such staff members to undergo a polymerase chain reaction based nucleic acid test for COVID-19 once every 7 days starting from 13 January 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^[Note 10], and ensure that such staff obtain SMS notification containing the result of the test before 20 January 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days;
- (iii) (only applicable to the staff members in item (a)) premises operators must ensure that such staff members have already made an appointment for receiving the second dose of Comirnaty vaccine or CoronaVac vaccine and the date of appointment for the second dose of vaccine and the date of receiving the first dose of vaccine can at most be 35 days apart, and ensure that the relevant staff members keep record of the above appointment; and
- (iv) premises operator must ensure that such staff members keep the relevant COVID-19 vaccination record.

Note 4:—

Having ‘received the first dose of vaccine’ means having received the first dose of Comirnaty vaccine or the first dose of CoronaVac vaccine, or having received, in places outside of Hong Kong, one dose of vaccine, subject to the vaccine used being included on the list of vaccines recognised for this purpose as published on the Government’s Thematic Website (https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf). If an individual who received vaccine in places outside of Hong Kong is to enter a premises that is subject to the requirement about COVID-19 vaccination of customers or work at a premises that is subject to the requirement about COVID-19 vaccination of staff members, he/she must:

- (a) make a declaration to the relevant premises operator using the specified form available on the COVID-19 Thematic Website/relevant FEHD webpage^[Note 8]; or
- (b) make a declaration to the Government on the non-local COVID-19 vaccination record, and produce to the relevant premises operator the QR code of vaccination record for local use issued by the Government (for methods of declaration, please refer to “FAQ – Non-local COVID-19 Vaccination Record” as published on the Government’s COVID-19 Vaccination Programme Thematic Website (www.covidvaccine.gov.hk/en/faq)).

Note 5:—

If a staff member involved in the operation of the business on the premises^[Note 11] is unfit to receive vaccination because of health reasons (**relevant staff member**), then he/she must make a declaration to the relevant premises operator/employer using the specified form available on the Thematic Website/relevant FEHD webpage and produce a medical certificate, as well as undergo a polymerase chain reaction-based nucleic acid test for once every 7 days starting from 13 January 2022 and the sample(s) of the test(s) must be taken through combined nasal and throat swabs^[Note 10], and ensure that a SMS notification containing the result of the test is obtained before 20 January 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days. The relevant premises operator/employer must keep the above declaration form while the relevant staff must keep the medical certificate. A premises operator and the relevant staff who satisfy the above conditions may be deemed to have complied with the relevant requirement about receiving vaccination by staff.

Note 6:—

After a catering premises has submitted an application for an extension in accordance with paragraph (C)(II)(e)(3) (and FEHD deems that the submission was made within a reasonable timeframe), it will not be regarded under paragraph (D)(I)(3) as not adopting the requirement of paragraph (C)(II)(e)(3). Premises that has not submitted an application for an extension, premises that submitted an application but was not approved and premises that did not follow up in accordance with the extended deadline set by FEHD after its registration, will not be handled in accordance with the circumstances set out above.

Note 7:—

In respect of ‘Designated Zone D’ of a catering premises operating in Type D Mode of Operation, the ratio that “at least two-thirds of the customers have received the first dose of vaccine” is applicable to the number of customers per table for those not participating in a banquet activity and to the total number of participants for a banquet activity. In determining the number of customers constituting two-thirds of the customers, decimals, if any, are disregarded.

For example:—

- (a) for 5 customers who intend to be seated together at one table or be in the same group at ‘Designated Zone D’, at least 3 of these customers must have received the first dose of vaccine, such that the remaining customers who have not received the first dose of vaccine may be allowed to be seated together at one table or be in the same group with those customers who have received the first dose of vaccine;
- (b) for a banquet activity held at ‘Designated Zone D’ involving 179 customers, at least 119 of these customers must have received the first dose of vaccine, such that the remaining customers who have not received the first dose of vaccine may be allowed to participate in the same banquet activity with those customers who have received the first dose of vaccine. In respect of each table in the banquet activity, there is no need to fulfil the ratio that at least two-thirds of the customers sitting at the same table must have received the first dose of vaccine.

Note 8:—

Premises operator must download and install the “QR Code Verification Scanner” mobile application provided by the Government from App Store, Google Play or HUAWEI AppGallery according to the operating system of his or her mobile device and use the mobile application to scan the customers’ QR code of vaccination record for checking whether the customers (except for individuals who received vaccine(s) in places outside of Hong Kong ^[Notes 3 and 4]) have complied with the relevant requirement about vaccination.

Note 9:—

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 10:—

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.

Note 11:—

“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.

20 January 2022

Secretary for Food and Health