

**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 20 October 2022 to 2 November 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) subject to Notes 1 and 2, the requirements applicable to catering business 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.) 871 of 2022) (*Vaccine Pass Direction*) must be complied with ^[Notes 3, 4 and 5];
- (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 ^[Notes 2 and 6];
- (3) persons responsible for/managers of premises are required to use the "QR Code Verification Scanner" mobile application developed by the Government to scan the COVID-19 Vaccination Record (*Vaccination Record*) or COVID-19 Vaccination Medical Exemption Certificate (*Exemption Certificate*) to identify customers/users/visitors entering the premises are not persons with the "Red Code" or the "Amber Code" ^[Notes 2 and 6];
- (4) it must be ensured that before a customer is allowed to enter the premises to participate in a banquet activity, he/she produces the negative result of a rapid antigen test (*RAT*) for coronavirus disease 2019 (*COVID-19*) conducted within the preceding 24 hours ^[Note 8]; and
- (5) subject to paragraph (III)(m)(1), arrangements must be made for all staff members involved in the operation of the business on the premises ^[Note 3] to undergo a RAT once every three days before entry into the premises (in other words, a staff member must, on the day when he/she enters the premises for work (*relevant work day*), hold a RAT result obtained on the relevant work day or on any of the two days immediately preceding the relevant work day) and keep record of each RAT result for three days ^[Note 7]; reasonably practicable arrangements must also be made to ensure that staff members involved in the operation of the business on the premises ^[Note 3] with the "Red Code" must not enter the premises;

(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 0.00 a.m. to 4.59 a.m.;
- (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 0.00 a.m. to 4.59 a.m.;
- (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 12 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 240 persons;

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

Subject to paragraph (III)(b) or (III)(c) as applicable, 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 (**bar or pub zone**), may operate in the relevant mode of operation as specified in paragraph (II)(b) if it has adopted the measures below, otherwise it must be closed:—

(a) measures required:—

- (1) subject to Notes 1 and 2, the requirements applicable to catering business premises in the Vaccine Pass Direction must be complied with ^[Notes 3, 4 and 5];
- (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 ^[Notes 2 and 6];
- (3) persons responsible for/managers of premises are required to use the "QR Code Verification Scanner" mobile application developed by the Government to scan the Vaccination Record or Exemption Certificate to identify customers/users/visitors entering the premises are not persons with the "Red Code" or the "Amber Code" ^[Notes 2 and 6];
- (4) in respect of the bar or pub zone of a catering premises, it must be ensured that before a customer is allowed to enter the zone, he/she produces the negative result of a RAT conducted within the preceding 24 hours ^[Note 8];
- (5) in respect of the bar or pub, it must be ensured that before a customer is allowed to enter the premises, he/she produces the negative result of a RAT conducted within the preceding 24 hours ^[Note 8]; and
- (6) subject to paragraph (III)(m)(1), arrangements must be made for all staff members involved in the operation of the business on the premises ^[Note 3] to undergo a RAT for COVID-19 once every three days before entry into the premises (in other words, a staff member must, on the relevant work day, hold a RAT result obtained on the relevant work day or on any of the two days immediately preceding the relevant work day) and keep record of each RAT result for three days ^[Note 7]; reasonably practicable arrangements must also be made to ensure that staff members involved in the operation of the business on the premises ^[Note 3] with the "Red Code" must not enter the premises;

(b) relevant mode of operation:—

- (1) (only in respect of a bar or pub) selling or supplying of food or drink for consumption on the premises of any catering business must be ceased from 2.00 a.m. to 4.59 a.m.;
 - (2) (only in respect of a bar or pub) any catering premises on which food or drink is sold or supplied must be closed from 2.00 a.m. to 4.59 a.m.;
 - (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; and
 - (4) no more than 6 persons are allowed to be seated together at one table or be allowed in the same group;
- (c) no members of the public may gather in a bar or pub or the part of a catering premises selling or supplying intoxicating liquors when the relevant premises or part is closed; and
- (d) the restriction in paragraph (II)(c) 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 Businesses

- (a) at the entrance to any catering premises, (i) a notice not less than the size of 210×297 mm (A4 size) must be displayed 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; and (ii) if the catering premises has any approved outside seating accommodation (*OSA*), a layout plan not be less than 297×420 mm (A3 size) showing the approved OSA and indoor seating accommodation must be displayed;
- (b) for a catering business which is required adopt measures for reducing the risk of transmission under paragraph (IV)(a) of the directions in G.N. (E.) 885 of 2022 and the period for adopting such measures has not yet expired by the time of commencement of this Specified Period (20 October to 2 November 2022), it may only operate in the mode of operation under paragraph (I) or (II) above upon the expiry of the period for adopting such measures;
- (c) for catering businesses which decide to operate as a bar or pub, they must choose to operate in the mode of operation under paragraph (II) upon commencement of the Specified Period, or if they are subject to paragraph (III)(b), they may only choose to operate in the mode of operation under paragraph (II) upon the expiry of the period for adopting those measures. The choice is taken to have been made after the notice has been displayed in accordance with paragraph (III)(p). During the Specified Period, catering businesses may not change from the mode of operation under paragraph (I) to the mode of operation under paragraph (II), and vice versa, once they have so decided;
- (d) for catering businesses which decide to operate as a karaoke establishment, they must choose to operate as a karaoke establishment under part J of the annex to G.N. (E.) 911 of 2022 upon commencement of the Specified Period, or if they are subject to paragraph (III)(b), they may only choose to operate as a karaoke establishment under part (J) of the annex to G.N. (E.) 911 of 2022 upon the expiry of the period for adopting those measures. The choice is taken to have been made after the notice has been displayed in accordance with paragraph (13) under part J of the annex to G.N. (E.) 911 of 2022. During the Specified Period, catering businesses may not change from the mode of operation under paragraph (I) to a karaoke establishment under part J of the annex to G.N. (E.) 911 of 2022, and vice versa, once they have so decided;
- (e) if a catering business chooses to operate one part as a bar or pub and/or another part as a karaoke establishment in its catering premises, then it must, in accordance with the choice, 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 (III)(p) below and the notice as specified in paragraph (13) under part J of the annex to G.N. (E.) 911 of 2022 with the following specifications to specify the content below in a way that is clearly legible and unobstructed for differentiating and identifying the bar or pub zone and the karaoke establishment zone:—
 - (1) the size of the floor plan for each floor must not be less than 297×420 mm (A3 size);
 - (2) 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
 - (3) the floor plan for each floor must be drawn to scale to indicate the location of the bar or pub zone and the location of the karaoke establishment zone and their respective size. The relevant content must be shown in the colours as specified in the relevant the Food and Environmental Hygiene Department (*FEHD*)'s webpage for identification.The floor plan will take effect only after it has been displayed;
- (f) subject to paragraphs (III)(m)(2)i(A) and (III)(m)(2)ii, 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];

- (g) body temperature screening on a person must be conducted before the person is allowed to enter the catering premises;
- (h) hand sanitisers must be provided at any catering premises for any person at the premises;
- (i) 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 210×297 mm (A4 size);
- (j) 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 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;
 - 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)(j)(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)(j)(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;
 - (5) must properly switch on, operate, maintain and repair its fresh air supply related ventilating system when the premises is opened for business; and
 - (6) 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;
- (k) 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;
- (l) 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;
- (m) live performance and dancing are allowed in catering premises subject to the following:—
- (1) arrangements must be made for person(s) entering the premises for performance/rehearsal to undergo:—
 - i. two polymerase chain reaction based nucleic acid (*PCR*) tests for COVID-19 every 7 days and the samples of which must be taken through combined nasal and throat swabs and must not be taken by the person being tested. The two tests must be conducted during the period covering the day on which the person enters the relevant premises for performance/rehearsal and the preceding six days, and must be conducted on two separate non-consecutive days. The person must keep record of each SMS notification containing the result of the tests for 31 days (in other words, the person must hold, on the day of entry into the premises for performance/rehearsal, two test results obtained on two separate non-consecutive days during the period covering the day on which the person enters the relevant premises for performance/rehearsal and the preceding six days) ^[Note 11]; and
 - ii. an RAT test on the day he/she enters the premises for performance/rehearsal and record of each RAT result must be kept for three days ^[Note 7];
 - (2) measures for reducing the risk of transmission required:—
 - i. for live performance:—
 - (A) a person must wear a mask as far as feasible at any time during a performance or rehearsal;

- (B) there should be a distance of at least 1.5 metres or some form of partition which could serve as an effective buffer between the performer(s) and the audience or guests;
 - (C) there should be no mingling between the performer(s) and the audience or guests on the premises; and
 - (D) cleaning and disinfection of the venue must be conducted after each performance/rehearsal;
- ii. participants of dancing activity must wear a mask at all times while dancing;
- (n) any karaoke activity in any catering premises must comply with the applicable directions as set out in part J of the annex to G.N. (E.) 911 of 2022 issued pursuant to the Regulation;
- (o) any mahjong-tin kau activity in any catering premises must comply with the applicable directions as set out in part K of the annex to G.N. (E.) 911 of 2022 issued pursuant to the Regulation; and
- (p) the bar/pub or the bar/pub zone of a catering premises ^[Note 1] operating in the mode of operation under paragraph (II) above must during the Specified Period display a notice with the following specifications and content round-the-clock at the entrance of its premises (for a bar/pub) or at the entrance of its premises and near the bar/pub zone (for a bar/pub zone of a 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. liquor licence number, name and address of the business;
 - ii. stating that it is a “bar/pub” or bar/pub zone of a catering premises during the Specified Period from 20 October 2022 to 2 November 2022;
 - iii. the corresponding period(s) that selling or supplying of food or drink for consumption on the premises of any bar/pub or the bar/pub zone of a catering premises ^[Note 1] must be ceased; and
 - iv. the corresponding maximum number of persons allowed to be seated together at one table in the bar/pub or bar/pub zone of a catering premises;
- (IV) Corresponding Measures for Reducing the Risk of Transmission When the Relevant Requirements or Restrictions Are Not Adopted
- (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)(e) to (III)(h), (III)(p)	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 6.00 p.m. to 4.59 a.m. of the subsequent day, and no more than 2 persons may be seated together at one table at any other times.
(2) Any of those set out in paragraphs (I)(b)(1) to (I)(b)(5), (III)(l)	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 6.00 p.m. to 4.59 a.m. of the subsequent day, and no more than 2 persons may be seated together at one table at any other times.

Requirements or restrictions not adopted	Corresponding measures for reducing the risk of transmission
(3) Any of those set out in paragraphs (I)(a)(1) to (I)(a)(5), (III)(i) to (III)(k), (III)(m) (except (III)(j)(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 6.00 p.m. to 4.59 a.m. of the subsequent day, and no more than 2 persons may be seated together at one table at any other times.
(4) Any of those set out in paragraphs (II)(b)(1) to (II)(b)(4)	Closure of the premises for 7 days
(5) Any of those set out in paragraphs (II)(a)(1) to (II)(a)(6)	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)(b)(4) and (III)(l) 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)(b)(3), (II)(b)(4) and (III)(l) 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)(b)(3), (II)(b)(4) and (III)(l) 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 3] are set out below:—

- (1) must comply with the requirements applicable to staff members involved in the operation of catering business premises in the Vaccine Pass Direction^[Notes 4 and 5];
- (2) subject to paragraph (VI)(a)(3), must undergo a RAT for COVID-19 once every three days before entry into the premises (in other words, a staff member must, on the relevant work day, hold a RAT result obtained on the relevant work day or on any of the two days immediately preceding the relevant work day) and keep record of each RAT result for three days^[Note 7];

- (3) only in respect of person(s) entering the premises for performance/rehearsal, must undergo:—
 - i. two PCR tests every 7 days and the samples of which must be taken through combined nasal and throat swabs and must not be taken by the person being tested. The two tests must be conducted during the period covering the day on which the person enters the relevant premises for performance/rehearsal and the preceding six days, and must be conducted on two separate non-consecutive days. The person must keep record of each SMS notification containing the result of the tests for 31 days (in other words, the person must hold, on the day of entry into the premises for performance/rehearsal, two test results obtained on two separate non-consecutive days during the period covering the day on which the person enters the relevant premises for performance/rehearsal and the preceding six days) ^[Note 11]; and
 - ii. an RAT test on the day he/she enters the premises for performance/rehearsal and record of each RAT result must be kept for three days ^[Note 7]; and
- (4) (only in respect of persons with the “Red Code”) must not enter a catering premises;
- (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 ^[Notes 2 and 6];
 - (2) must comply with the requirements applicable to persons entering or remaining on catering business premises in the Vaccine Pass Direction ^[Note 2];
 - (3) (only in respect of persons with the “Red Code” or the “Amber Code”) must not enter a catering premises;
 - (4) (only in respect of a customer of the bar or pub zone of a catering premises) before entering that bar or pub zone, must produce the negative result of a RAT conducted within the preceding 24 hours ^[Note 8];
 - (5) (only in respect of a customer of a bar or pub, or a person participating in a banquet activity in a catering premises) before entering the premises, must produce the negative result of a RAT conducted within the preceding 24 hours ^[Note 8]; and
 - (6) 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).

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).

When a catering premises is used for holding a specified event as defined under the Regulation, provided that no food or drink is supplied at the event, and that the area of the catering premises used for holding that event is during the event in compliance with the applicable directions issued pursuant to the Regulation in respect of “event premises”, then that area is not subject to this notice.

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

Note 2:—

The requirements on the use of the 'LeaveHomeSafe' mobile application and those specified in the Vaccine Pass Direction do not apply to persons who are in transit/transfer at the Hong Kong International Airport.

Note 3:—

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, (ii) conduct promotional or sales activity on the premises in respect of food or drink (including intoxicating liquors) supplied thereon or (iii) enter the premises for performance or rehearsal.

Note 4:—

If a staff member involved in the operation of the business on the premises^[Note 3] (who is required to have received two doses of vaccine for the coronavirus disease 2019 (*COVID-19 vaccine*)) had been issued an Exemption Certificate and was 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) subject to paragraph (III)(m)(1)i, arrange for such staff member to undergo a PCR test for COVID-19 once every 7 days starting from 20 October 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 member obtain an SMS notification containing the result of the test before 27 October 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.

Note 5:—

- (A) subject to paragraph (III)(m)(1)i, if a staff member involved in the operation of the business on the premises^[Note 3] is exempted from the Vaccine Pass requirement under the Vaccine Pass Direction, then he/she must undergo a PCR test for COVID-19 once every 7 days starting from 20 October 2022 and the sample(s) of the test(s) must be taken through combined nasal and throat swabs^[Note 10], and ensure that an SMS notification containing the result of the test is obtained before 27 October 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days.
- (B) 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 an Exemption Certificate.

Note 6:—

The requirement of ensuring 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.

If the relevant premises is equipped with the updated version of the 'QR Code Verification Scanner' (version 4.4.3 or above) developed by the Government and uses it to scan the QR code of the Vaccination Record or Exemption Certificate (as appropriate) of customer(s) belonging to any one of the three categories of persons above, then the person(s) concerned would be deemed to have complied with the requirement to use the 'LeaveHomeSafe' mobile application to record his/her visit even though he/she is unable to do so.

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.

Persons responsible for/managers of premises are required to use the updated version of the "QR Code Verification Scanner" (version 4.4.3 or above) and ensure that the relevant mobile device(s) is/are connected to the Internet (either through WiFi or data cards) during the operating hours of the premises, for scanning the Vaccination Record or Exemption Certificate of customers/users/visitors entering the premises.

Note 7:—

A person entering the premises for performance/rehearsal must produce a photo showing the RAT-negative testing kit obtained on the day of performance/rehearsal, while any other staff member involved in the operation of the business on the premises ^[Note 3] must produce a photo showing the RAT-negative testing kit obtained on the relevant work day or on any of the two days immediately preceding the relevant work day, upon being asked by an enforcement officer inside the premises on the relevant work day. The name of the staff member and the day of taking the RAT must be marked on the RAT kit in the photo.

Note 8:—

In respect of the following two situations, the name of the customer as well as the day and time of taking the RAT should be marked on the RAT testing kit:—

- (a) A customer of the bar or pub zone of a catering premises must, before entering the zone, produce a photo showing the RAT-negative testing kit, on which the name of the customer as well as the day and time of taking the RAT are marked, of a test conducted within the preceding 24 hours; and
- (b) A customer of a bar or pub, or a person participating in a banquet in a catering premises must, before entering the premises, produce a photo showing the RAT-negative testing kit, on which the name of the customer as well as the day and time of taking the RAT are marked, of a test conducted within the preceding 24 hours.

If the customer holds a SMS notification (mobile phone text message) containing the result of a PCR test, the result of which is negative, and the SMS was issued within the 48 hours preceding his/her entry into the bar or pub zone of a catering premises, a bar or pub, or a catering premises for participating in a banquet activity, then he/she would be taken to have complied with the requirements pertaining to undergoing a RAT set out in paragraph (VI)(b)(4) or (5) of this Notice. A person under the age of 3 is not required to comply with the requirement to take the RAT test.

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, except a person entering the premises for performance/rehearsal, who needs to comply with the requirement about undergoing PCR test(s) for COVID-19 (*the relevant test(s)*) has obtained, during the 30 days preceding the day when such test(s) is to be conducted, a positive test result in a PCR test or RAT for COVID-19 (*relevant person*), then he/she needs not undergo the relevant test(s). The relevant person must keep and produce on request the relevant documentary proof to a prescribed officer as required below:—

- (a) in respect of a person who had been tested positive in a PCR test—the relevant SMS (mobile phone text message) notification containing the positive result of the test; or
- (b) in respect of a person who had been tested positive in a RAT—the relevant SMS (mobile phone text message) notification or isolation order issued after making a declaration on the Government’s “Declaration System for individuals tested positive for COVID-19 using Rapid Antigen Test”.

If the relevant person cannot produce the relevant documentary proof as set out above, then he/she must still undergo the relevant test(s).

If a person who needs to comply with 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:—

Person(s) entering catering premises for performance/rehearsal, must (i) undergo two PCR tests every 7 days; and (ii) an RAT test on the day he/she enters the premises for performance/rehearsal. Under the following scenarios, a person would be deemed to have complied with the requirement in (i):—

- (a) if he/she arrives in Hong Kong on the day of his/her entry into the relevant premises for performance/rehearsal, or on any of the two days immediately preceding that day (with the day of arrival in Hong Kong counted as Day 0):—
 - (1) if he/she enters a relevant premises for performance/rehearsal on Day 0: undergo a PCR test on Day 0 prior to entering the relevant premises;
 - (2) if he/she enters a relevant premises for performance/rehearsal on Day 1: undergo a PCR test on either Day 0 or Day 1 prior to entering the relevant premises;
 - (3) if he/she enters a relevant premises for performance/rehearsal on Day 2: undergo a PCR test on Day 0, and undergo another PCR test on Day 2 prior to entering the relevant premises;

he/she must produce the Notice of Medical Surveillance issued by the Department of Health (for persons arriving from overseas places or Taiwan) or the declaration made in respect of the arrival date on a specified form available on the COVID-19 Thematic Website/relevant website of the FEHD (for persons arriving from the Mainland or Macao); and (ii) record of undergoing the test(s) (such as relevant SMS notification(s)), upon being asked by an enforcement officer;

- (b) if he/she has been placed under isolation/quarantine under the Prevention and Control of Disease Regulation (Chapter 599, sub. leg. A), and completes his/her isolation/quarantine on the day of his/her entry into the relevant premises for performance/rehearsal, or on any of the two days immediately preceding that day (with the day of completion of isolation/quarantine counted as Day 0):—
 - (1) if he/she enters a relevant premises for performance/rehearsal on Day 0: undergo a PCR test on Day 0 prior to entering the relevant premises;
 - (2) if he/she enters a relevant premises for performance/rehearsal on Day 1: undergo a PCR test on either Day 0 or Day 1 prior to entering the relevant premises;

- (3) if he/she enters a relevant premises for performance/rehearsal on Day 2: undergo a PCR test on Day 0, and undergo another PCR test on Day 2 prior to entering the relevant premises;

he/she must produce the isolation/quarantine order issued by a health officer (or the relevant SMS notification issued by the Department of Health); and (ii) record of undergoing the test(s) (such as the relevant SMS notification(s)) , upon being asked by an enforcement officer;

- (c) if he/she enters the relevant premises for performance/rehearsal within the period from 20 to 24 October 2022 (both days inclusive): undergo one PCR test within the period prior to entering the relevant premises for performance/rehearsal for the first time and produce the record of undergoing the test (such as the relevant SMS notification), upon being asked by an enforcement officer.

19 October 2022

Secretary for Health