

PREVENTION AND CONTROL OF DISEASE (VACCINE PASS) REGULATION

Vaccine Pass Direction in Relation to Catering Business Premises and Scheduled Premises

Part (1): Premises Subject to Active Checking of Vaccine Pass

I hereby exercise the power conferred on me by section 3(1) of the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599, sub. leg. L) (“the Regulation”) to issue, in relation to these premises subject to active checking of Vaccine Pass:—

- (1) catering business premises (including bar/pub);
- (2) bathhouse;
- (3) fitness centre;
- (4) public skating rink under place of amusement;
- (5) cinema and performance venue (the latter only when patrons are allowed to consume food or drinks therein) under place of public entertainment;
- (6) party room;
- (7) beauty parlour;
- (8) club/nightclub;
- (9) karaoke establishment;
- (10) massage establishment;
- (11) sports premises;
- (12) swimming pool; and
- (13) cruise ship,

as defined in the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599, sub. leg. F), the following direction for the purposes of the Regulation to:—

- (a) require that every person who enters or remains on the premises to have received vaccine(s) for the coronavirus disease 2019 (COVID-19 vaccine) (the “Vaccine Pass requirements”) in the manner specified in **Annex 1**^[Note 1], unless he/she is exempted from the Vaccine Pass requirements^[Note 2], to carry at all times his/her COVID-19 Vaccination Record (“Vaccination Record”)^[Note 3], COVID-19 Vaccination Medical Exemption Certificate (“Exemption Certificate”)^[Note 4] or Transitional Certificate^[Note 6] (as applicable), and to show it for inspection by the person-in-charge of the premises (“person-in-charge”) and on the request of an authorized officer;
- (b) require the person-in-charge^[Note 8] to inspect the relevant Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable) of any person entering or remaining on the premises to ensure that the person meets the Vaccine Pass requirements or is exempted from the Vaccine Pass requirements;
- (c) for persons entering or remaining on the premises^[Note 8], other than staff members involved in the operation of the premises, require the person-in-charge to use the latest version of the “QR Code Verification Scanner” mobile application developed by the Government to scan the QR code of the Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable) presented under sub-paragraph (b) and keep the log record for 31 days;
- (d) for staff members involved in the operation of the premises, require the person-in-charge to collect and retain the Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable) of his/her staff members for inspection on the request of an authorized officer;
- (e) require the person-in-charge^[Note 8], on the request of an authorized officer (including a health officer or a police officer) and for identifying and tracing of any person who may have been exposed to the risk of contracting COVID-19, to upload the log record

mentioned in sub-paragraph (c) to an information system specified by the Government for storing and retrieving such record for the aforementioned purpose; and

- (f) require the person-in-charge of the premises to display a copy of the notice specified in **Annex 2 or 3** (as applicable) ^[Note 8] in a prominent position at or near every entrance to the premises with a size not less than 210 x 297 mm (A4 size).

Part (2): Premises Subject to Passive Checking of Vaccine Pass

I hereby exercise the power conferred on me by section 3(1) of the Regulation to issue, in relation to these premises subject to passive checking of Vaccine Pass:—

- (1) amusement game centre;
- (2) place of amusement (except public skating rink);
- (3) place of public entertainment (except cinema and performance venue, the latter only when patrons are allowed to consume food or drinks therein);
- (4) club-house;
- (5) mahjong-tin kau premises;
- (6) event premises;
- (7) hair salon/barber shop;
- (8) religious premises;
- (9) shopping mall;
- (10) department store;
- (11) market; and
- (12) supermarket,

as defined in the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599, sub. leg. F), the following direction for the purposes of the Regulation to:—

- (a) require that every person who enters or remains on the premises to have received COVID-19 vaccine in the manner specified in **Annex 1** ^[Note 1], unless he/she is exempted from the Vaccine Pass requirements ^[Note 2], to carry at all times his/her Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable), and to show it for inspection on the request of an authorized officer;
- (b) for staff members involved in the operation of the premises, require the person-in-charge to collect and retain the Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable) of his/her staff members for inspection on the request of an authorized officer; and
- (c) require the person-in-charge to display a copy of the notice specified in **Annex 4** in a prominent position at or near every entrance to the premises with a size not less than 210 x 297 mm (A4 size).

Part (3): Hotel/guesthouse

I hereby exercise the power conferred on me by section 3(1) of the Regulation to issue, in relation to hotel/guesthouse as defined in the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599, sub. leg. F), the following direction for the purposes of the Regulation to:—

- (a) require that every staff member involved in the operation of any hotel/guesthouse to have received COVID-19 vaccine in the manner specified in **Annex 1** ^[Note 1]; and
- (b) require the person-in-charge to collect and retain the Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable) of his/her staff members for inspection on the request of an authorized officer.

The above directions take effect on 22 November 2022 and supersede G.N. (E.) 968 of 2022.

Note 1:—

For a person who is also subject to vaccination requirements under any directions issued pursuant to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599, sub. leg. F) apart from these directions issued pursuant to the Prevention

and Control of Disease (Vaccine Pass) Regulation (Cap. 599, sub. leg. L), the vaccination requirements under the relevant directions issued under the former Regulation prevail.

Note 2:—

A person exempted from the Vaccine Pass requirements includes the following:—

- (1) a person aged below 5;
- (2) a person holding an Exemption Certificate;
- (3) a person holding a Transitional Certificate;
- (4) a person entering a premises only for placing an order for takeaway of food or drink, or taking such food or drink, on the premises;
- (5) a person delivering or picking up an article on the premises;
- (6) a person performing necessary repairs on the premises;
- (7) a person entering or passing through a premises for receiving vaccination, medical treatment, COVID-19 testing, receiving essential Government services, or participating in legal proceedings; or
- (8) a person who has lawful authority or reasonable excuse for entering or remaining on the premises without having been vaccinated in the manner that meets the Vaccine Pass Requirements.

For details on applicable scenarios of the exemptions, please visit the COVID-19 Thematic Website (https://www.coronavirus.gov.hk/pdf/vp_t2_ENG.pdf).

Note 3:—

COVID-19 Vaccination Record refers to the following types of record, in paper or electronic form: (i) vaccination record issued under the COVID-19 Vaccination Programme organised by the Government; (ii) declaration record of non-local COVID-19 vaccination record issued at border control points, designated post offices or the online platform for declaration of non-local vaccination records (<https://www.chp.gov.hk/vac-df/>); and (iii) COVID-19 Recovery Record (“Recovery Record”)^[Note 5]. For the purpose of Vaccine Pass, only Vaccination Record with a QR code is accepted.

Note 4:—

COVID-19 Vaccination Medical Exemption Certificate refers to the certificate issued by a registered medical practitioner to a person who is assessed as medically unsuitable for vaccination by the practitioner, pursuant to the arrangements for issuing such a certificate as specified by the Department of Health. For the purpose of Vaccine Pass, only Exemption Certificate with a QR code is accepted, except Exemption Certificate which is invalidated pursuant to section 17A and 17B of the Regulation. For the list of registered medical practitioners who are subject to group invalidation declaration under section 17B of the Regulation, please visit the Health Bureau website (https://www.healthbureau.gov.hk/en/our_work/health/gid.html).

Note 5:—

COVID-19 Recovery Record refers to the record issued to a person to certify that he/she had been infected with and/or had recovered from COVID-19 (“a recovered person”). For the purpose of Vaccine Pass, recovery is defined as 14 days after the date of the most recent documented positive test. The Government has made arrangements for the Recovery Record to be incorporated into the QR Code for the Vaccination Record. For a person infected or recovered outside Hong Kong, the Government has made arrangements for non-local proof of infection or recovery to be declared and recognised locally. For the purpose of Vaccine Pass, only Recovery Record with a QR code is accepted.

Note 6:—

Transitional Certificate refers to the following types of document issued to a person who during a period, does not meet the Vaccine Pass requirements: (i) transitional certificate issued to a person, holding an Exemption Certificate who had received at least one dose of COVID-19 vaccine, with a validity period covering the recommended period between the latest dose of vaccine until the

next dose; and (ii) transitional certificate issued to an inbound traveller, fulfilling specified conditions ^[Note 7], with a validity period of 180 days from the date of arrival.

Note 7:—

Specified conditions for an inbound traveller to be issued a transitional certificate refer to the following:—

- (1) persons aged 12 or above are required to be fully vaccinated, which means the required dosage has been administered in accordance with the list of recognised vaccines (“the List”) on the Government’s COVID-19 Thematic Website (https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf), except recovered persons from COVID-19 infection who are required to have received one dose in order to be classified as fully vaccinated;
- (2) persons who are unfit for vaccination due to health reasons, or persons who have received one dose of recognised COVID-19 vaccine and hold a vaccination record but unfit to receive the second dose of COVID-19 vaccine because of health reasons, are required to hold relevant proof issued by a medical practitioner. The relevant medical certificate must indicate in Chinese or English the health reasons for the relevant person being unfit for vaccination. For the purpose of issuing a transitional certificate to an inbound traveller, an Exemption Certificate issued locally is not accepted; and
- (3) children aged 11 or below.

Note 8:—

For a person-in-charge who is also subject to requirements concerning inspection, scanning, collection of information, etc. set out in sub-paragraphs (b) and (c) under any directions issued pursuant to the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599, sub. leg. F) apart from these directions issued pursuant to the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599, sub. leg. L), the requirements in relation to sub-paragraphs (b) and (c) under the relevant directions issued under the former Regulation prevail. For outdoor sports premises, the person-in-charge of any of these outdoor premises is only required to visually inspect the Vaccination Record, Exemption Certificate or Transitional Certificate (as applicable) of any person entering or remaining on the premises as far as feasible, and the requirements in sub-paragraphs (b), (c) and (e) are not applicable. For the requirement in sub-paragraph (f), the person-in-charge of these outdoor premises is to display a copy of the notice specified in **Annex 3** in a prominent position at or near every entrance to the premises with a size not less than 210 x 297 mm (A4 size).

Annex 1: Vaccine Pass Requirements ^[Note 9]

Implementation Date/Category of Persons	From 30 September to 29 November 2022	From 30 November 2022 onwards
(A) Persons aged 12 or above ^[Note 11]	(i) 2nd dose, if within 5 months from 2nd dose (ii) 3rd dose, if after 5 months from 2nd dose	3rd dose
(B) Persons aged 5 to 11 ^[Note 12]	(i) 1st dose, if within 3 months from 1st dose (ii) 2nd dose, if after 3 months from 1st dose	2nd dose
(C1) Recovered persons aged 5 or above ^[Note 12] within 6 months from recovery ^[Note 13]	No additional dose required	

Implementation Date/Category of Persons		From 30 September to 29 November 2022	From 30 November 2022 onwards
(C2) Recovered persons aged 5 or above ^[Note 12] who had received <u>2nd or 3rd dose before COVID-19 infection</u> ^[Note 14]		No additional dose required	
(C3) Recovered persons aged 5 or above ^[Note 12] after 6 months from recovery ^[Note 13]	(i) <u>Not vaccinated before COVID-19 infection</u> ^[Note 14]	(i) 1st dose, if within 6 months from 1st dose (ii) 2nd dose, if after 6 months from 1st dose ^[Note 10] *2nd dose not required for a person aged 5–17 who took Comirnaty (BioNTech) as 1st dose	
	(ii) <u>Received 1st dose before COVID-19 infection</u> ^[Note 14]	2nd dose ^[Note 10] *2nd dose not required for a person aged 5–17 who took Comirnaty (BioNTech) as 1st dose	

Note 9:—

A person who received a “full course” COVID-19 vaccination will be deemed to have fulfilled the requirement for the 2nd dose, provided that the vaccine is on the List on the Government’s COVID-19 Thematic Website (https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf), and the person has received the “dose(s) required” stipulated under the List. For the person to fulfill the requirement for the 3rd dose, he/she should receive an additional dose on the List after the “full course”. For a person who has been fully or partially vaccinated with vaccines not on the List, he/she is required to start over with vaccines available in Hong Kong following the local recommended schedule.

Note 10:—

For a recovered person who will turn 18, he/she will be given a 3-month window, counting from his/her 18th birthday, during which his/her eligibility will follow the category applicable to persons aged 5 to 17, and thereafter his/her eligibility will follow the category applicable to persons aged 18 or above.

Note 11:—

For a person who will turn 12, he/she will be given a 7-month window, counting from his/her 12th birthday, during which his/her eligibility will follow the category applicable to persons aged 5 to 11, and thereafter his/her eligibility will follow the category applicable to persons aged 12 or above.

Note 12:—

For a person who will turn 5, he/she will be given a 3-month window, counting from his/her 5th birthday, during which he/she will be exempted from Vaccine Pass requirements, and thereafter his/her eligibility will follow categories (B), (C1), (C2) or (C3) (as applicable).

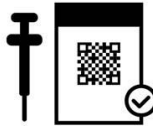
Note 13:—

Recovery is defined as 14 days after the date of the most recent documented positive test.

Note 14:—

For the purpose of the Vaccine Pass, all doses received before COVID-19 infection will be taken into account regardless of the interval between the date of vaccination and the date of the most recent documented positive test. A recovered person is still recommended to follow the Department of Health’s Scientific Committee on Emerging and Zoonotic Diseases and Scientific Committee on Vaccine Preventable Diseases in counting only those doses received at least 14 days before the most recent documented positive test for his/her vaccination course.

Annex 2: Notice to be Displayed at Premises Subject to Active Checking of Vaccine Pass except Outdoor Sports Premises



Vaccine Pass Applicable Premises

This is a premises subject to active checking of Vaccine Pass under the Vaccine Pass Direction issued by the Secretary for Health pursuant to the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599, sub. leg. L). Every person who enters or remains on this premises is required under the law to have been vaccinated in the manner specified in the Direction, unless he/she is an exempted person. For details, please visit the COVID-19 Thematic Website.

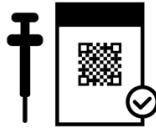
The person-in-charge of this premises is required under the law to –

- ensure that every person who enters or remains on this premises (“the person”) to have been vaccinated in the manner specified in the Direction, unless he/she is an exempted person;
- scan the QR code of the Vaccination Record, COVID-19 Vaccination Medical Exemption Certificate or Transitional Certificate (as applicable) of the person by using the “QR Code Verification Scanner” mobile application and keep the log record for 31 days; and

Note: Information from the relevant QR Code including name and ID card number (which are partially masked and hashed); the vaccination dates (or expiry date of a medical exemption certificate); and the scanning date and time, will be encrypted and stored in the mobile application. It is not possible to use the information to identify any of the individuals concerned. The staff of the premises will not have access to the information.

- on request of an authorized officer (including a health officer or a police officer) and for identifying and tracing of any person who may have been exposed to the risk of contracting COVID-19, provide the said log record to the Department of Health.

Annex 3: Notice to be Displayed at Outdoor Sports Premises

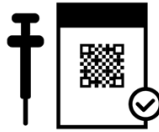


Vaccine Pass Applicable Premises

This is a premises subject to active checking of Vaccine Pass under the Vaccine Pass Direction issued by the Secretary for Health pursuant to the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599, sub. leg. L). Every person who enters or remains on this premises is required under the law to have been vaccinated in the manner specified in the Direction, unless he/she is an exempted person. For details, please visit the COVID-19 Thematic Website.

The person-in-charge of this premises is required under the law to visually inspect the Vaccination Record, COVID-19 Vaccination Medical Exemption Certificate or Transitional Certificate (as applicable) of any person entering or remaining on the premises as far as feasible.

Annex 4: Notice to be Displayed at Premises Subject to Passive Checking of Vaccine Pass



Vaccine Pass Applicable Premises

This is a premises subject to passive checking of Vaccine Pass under the Vaccine Pass Direction issued by the Secretary for Health pursuant to the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599, sub. leg. L).

Every person who enters or remains on this premises is required under the law to have been vaccinated in the manner specified in the Direction, unless he/she is an exempted person. For details, please visit the Government's COVID-19 Thematic Website.

21 November 2022

Secretary for Health