

**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 15 December 2022 to 28 December 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 <sup>[Note 1]</sup>, 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.) 982 of 2022 or any relevant direction(s) issued thereafter) (*Vaccine Pass Direction*) must be complied with <sup>[Notes 3 and 4]</sup>;
- (2) 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*), COVID-19 Vaccination Medical Exemption Certificate (*Exemption Certificate*), Provisional Vaccine Pass or Vaccine Pass (transitional) to identify customers/users/visitors entering the premises are not persons with the “Red Code” <sup>[Notes 2 and 5]</sup>;
- (3) 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 <sup>[Note 7]</sup>; and
- (4) subject to paragraph (III)(l)(1), arrangements must be made for all staff members involved in the operation of the business on the premises <sup>[Note 3]</sup> to undergo an 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 an 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 <sup>[Note 6]</sup>; reasonably practicable arrangements must also be made to ensure that staff members involved in the operation of the business on the premises <sup>[Note 3]</sup> with the “Red Code” must not enter the premises;

(b) relevant mode of operation:—

- (1) the number of customers at 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 not exceed 100% of the seating capacity of the premises;
- (2) no more than 12 persons are allowed to be seated together at one table or be allowed in the same group; and
- (3) 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 <sup>[Notes 3 and 4]</sup>;
- (2) 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, Exemption Certificate or Vaccine Pass (transitional) to identify customers/users/visitors entering the premises are not persons with the “Red Code” <sup>[Notes 2 and 5]</sup>;
- (3) 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 an RAT conducted within the preceding 24 hours <sup>[Note 7]</sup>;
- (4) 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 an RAT conducted within the preceding 24 hours <sup>[Note 7]</sup>; and
- (5) subject to paragraph (III)(l)(1), arrangements must be made for all staff members involved in the operation of the business on the premises <sup>[Note 3]</sup> to undergo an 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 an 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 <sup>[Note 6]</sup>; reasonably practicable arrangements must also be made to ensure that staff members involved in the operation of the business on the premises <sup>[Note 3]</sup> with the “Red Code” must not enter the premises;

(b) relevant mode of operation:—

- (1) 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
- (2) no more than 6 persons are allowed to be seated together at one table or be allowed in the same group;

(III) Measures to be Undertaken by All Catering Businesses

- (a) if the catering premises has any approved outside seating accommodation (**OSA**), a layout plan not less than 297×420 mm (A3 size) showing the approved OSA and indoor seating accommodation must be displayed at the entrance of the catering premises;
- (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.) 996 of 2022 or G.N. (E.) 1146 of 2022 and the period for adopting such measures has not yet expired by the time of commencement of this Specified Period (15 December 2022 to 28 December 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)(o). 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.) 1154 of 2022 upon commencement of the Specified Period, or if they are subject to paragraph (II)(b), they may only choose to operate as a karaoke establishment under part (J) of the annex to G.N. (E.) 1154 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 (10) under part J of the annex to G.N. (E.) 1154 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.) 1154 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)(o) below and the notice as specified in paragraph (10) under part J of the annex to G.N. (E.) 1154 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)(1)(2)i(A) and (III)(1)(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 or during photo-taking on stage at an event therein <sup>[Note 8]</sup>;
- (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) 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)(i)(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)(i)(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;
- (j) 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;
- (k) 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;

- (l) 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 an RAT on the day he/she enters the premises for performance/rehearsal and record of each RAT result must be kept for three days <sup>[Note 6]</sup>; and
    - (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;
  - (m) 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.) 1154 of 2022 issued pursuant to the Regulation;
  - (n) 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.) 1154 of 2022 issued pursuant to the Regulation; and
  - (o) the bar/pub or the bar/pub zone of a catering premises <sup>[Note 1]</sup> 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 15 December 2022 to 28 December 2022; and
      - iii. 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)(o)	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)(3), (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.
(3) Any of those set out in paragraphs (I)(a)(1) to (I)(a)(4), (III)(i), (III)(j), (III)(l) (except (III)(i)(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), (II)(b)(2)	Closure of the premises for 7 days
(5) Any of those set out in paragraphs (II)(a)(1) to (II)(a)(5)	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;
    3. the commencement and end dates of the corresponding measures to be adopted (*applicable period*); and
    4. a reminder for 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;

#### (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)(2), (I)(b)(3), (II)(b)(2) and (III)(k) above;
- (b) requirements or restrictions applicable to any person who organizes any gathering are set out in paragraphs (I)(b)(1), (I)(b)(2), (I)(b)(3), (II)(b)(1), (II)(b)(2) and (III)(k) 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)(1), (I)(b)(2), (I)(b)(3), (II)(b)(1), (II)(b)(2) and (III)(k) 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 <sup>[Note 3]</sup> 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 <sup>[Note 4]</sup>;
  - (2) subject to paragraph (VI)(a)(3), must undergo an 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 an 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 <sup>[Note 6]</sup>;
  - (3) only in respect of person(s) entering the premises for performance/rehearsal, must undergo an RAT on the day he/she enters the premises for performance/rehearsal and record of each RAT result must be kept for three days <sup>[Note 6]</sup>; and
  - (4) (only in respect of persons with the “Red Code”) must not enter a catering premises; and
- (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) must comply with the requirements applicable to persons entering or remaining on catering business premises in the Vaccine Pass Direction <sup>[Note 2]</sup>;
  - (2) (only in respect of persons with the “Red Code”) must not enter a catering premises;
  - (3) (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 an RAT conducted within the preceding 24 hours <sup>[Note 7]</sup>;
  - (4) (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 an RAT conducted within the preceding 24 hours <sup>[Note 7]</sup>; and
  - (5) 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 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:—**

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 (i) an Exemption Certificate, (ii) a Provisional Vaccine Pass, or (iii) a Vaccine Pass (transitional).

**Note 5:—**

Persons responsible for/managers of premises are required to use the most updated version of the “QR Code Verification Scanner” 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, Exemption Certificate, Provisional Vaccine Pass or Vaccine Pass (transitional) of customers/users/visitors entering the premises.

**Note 6:—**

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 <sup>[Note 3]</sup> 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 7:—**

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 (mobile phone text message) notification containing the result of a polymerase chain reaction based nucleic acid test, the result of which is negative, and the SMS notification 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 an RAT set out in paragraph (VI)(b)(3) or (4) of this Notice. A person under the age of 3 is not required to comply with the requirement to take the RAT.



**Note 8:—**

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.

*14 December 2022*

*Secretary for Health*