

G.N. (E.) 216 of 2021

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 (*the Regulation*) (Chapter 599, sub. leg. F) to specify and direct that, during the period of 14 days beginning on 15 April to 28 April 2021 (*the Specified Period*):—

(A) All Catering Businesses except for Specific Catering Businesses ^[Note 1]

(I) Cessation of Sale of Food and Drinks for Consumption on Premises during the Specified Period

(a) for catering businesses adopting measures under paragraphs (A)(II)(b)(1) and (A)(II)(b)(2) below:—

- (1) selling or supplying of food or drink for consumption on the premises of any catering business must be ceased from 10.00 p.m. to 4.59 a.m. of the subsequent day; and
- (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 10.00 p.m. to 4.59 a.m. of the subsequent day;

(b) for catering businesses not adopting measures under paragraphs (A)(II)(b)(1) and (A)(II)(b)(2) below:—

- (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; and
- (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;

(II) Measures to be Undertaken at the Premises

(a) Mandatory Measures

- (1) 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)(I) above;
- (2) for catering business which has to adopt measures for reducing the risk of transmission under paragraph (A)(II)(a)(4) or paragraph (A)(II)(a)(6) of the directions in G.N. (E.) 192 of 2021 and the period for adopting such measures (*period for adopting additional measures*) has not yet expired by the time of commencement of the Specified Period, it may only choose to be a category of catering business under paragraph (A)(I)(a) or that under paragraph (A)(I)(b) above upon the expiry of the period for adopting additional measures. For other catering businesses, they must decide to be a category of catering business under paragraph (A)(I)(a) or paragraph (A)(I)(b) above upon commencement of the Specified Period. During the Specified Period, a catering business may not change from one category to another category of catering business under (A)(I) once it has so decided.
- (3) Any premises which falls within the category of catering business under paragraph (A)(I)(b) above must display a notice with the following specifications round-the-clock at its entrance to signify that the premises falls within the category under paragraph (A)(I)(b) above during the Specified Period, the corresponding restrictions in the period during which the selling or supplying of food or drink for consumption on the premises of the catering business must be ceased and the maximum number of

persons may be seated together at one table, and such arrangement must remain unchanged during the Specified Period:—

- (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 catering business falls within the category of premises under paragraph (A)(I)(b) above in the Specified Period from 15 April to 28 April 2021;
 3. 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 aforementioned Specified Period; and
 4. no more than 2 persons are allowed to be seated together at one table during the operating hours of a day in the aforementioned Specified Period;
- (4) in respect of any catering business which falls within the category of business under paragraph (A)(I)(a) above, if the requirements or restrictions 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
(i) Any of those set out in paragraphs (A)(II)(a)(1), (B)(I)(a) to (B)(I)(c), (B)(II)(l), (B)(II)(m)	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
(ii) Any of those set out in paragraphs (A)(I)(a), (B)(I)(g) to (B)(I)(j)	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
(iii) Any of those set out in paragraphs (A)(II)(b)(1), (A)(II)(b)(2), (B)(I)(d) to (B)(I)(f)	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

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

- (5) any business which is adopting measures under paragraph (A)(II)(a)(4) above must, during the applicable period of such measures, display a

notice with the following specifications round-the-clock at its entrance to signify that the business is required to adopt the measures under category (i), (ii) or (iii) under paragraph (A)(II)(a)(4) above for reducing the risk of transmission and the dates when the corresponding measures are applicable:—

- (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 catering business is required to adopt the measures under paragraph (A)(II)(a)(4) above and the category of corresponding measures under (A)(II)(a)(4)(i), (ii) or (iii) to be adopted;
 3. the commencement and end dates of the applicable period of the corresponding measures to be adopted in respect of the catering business;
 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;
- (6) in respect of any business which falls within the category of business under paragraph (A)(I)(b) above but not adopting applicable measures under paragraphs (A)(I)(b)(1), (A)(I)(b)(2) above or paragraph (B)(I)(i) below, for a period of 14 days from the subsequent day after being identified by an enforcement agent, the selling or supplying of food or drink for consumption on the premises of the catering business must be ceased from 6.00 p.m. to 4.59 a.m. of the subsequent day, the catering premises on which food or drink is sold or supplied by the business for consumption on the premises must be closed during the same interval and the maximum number of persons allowed to be seated together at one table remains at 2 persons for the purpose of reducing the risk of transmission. If the corresponding measure for reducing the risk of transmission as set out above is not adopted on the premises, on being identified by an enforcement agent, such corresponding measure must be taken on the subsequent day;
- (7) any business which is required to adopt the measures under paragraph (A)(II)(a)(6) above must display a notice with the following specifications round-the-clock at its entrance to signify that the premises is required to adopt the measures under paragraph (A)(II)(a)(6) above and the dates when the measures for reducing the risk of transmission are applicable:—
- (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 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 catering business is required to adopt the measures under paragraph (A)(II)(a)(6) above;
 3. the commencement and end dates of the applicable period of the corresponding measures to be adopted in respect of the catering business;

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 is allowed to be seated together at one table during the operating hours of a day in the applicable period;

(b) Optional Measures

- (1) it must be ensured that before a customer (except a customer who is ordering takeaway only) is allowed to enter the premises, the customer scans the 'LeaveHomeSafe' venue QR code using the 'LeaveHomeSafe' mobile application on his/her mobile phone or registers his/her name, contact number and the date and time of his/her visit with written or electronic records to be kept by the catering business for 31 days; and
- (2) arrangements must be made for all staff involved in the operation of the business on the premises to undergo a polymerase chain reaction-based nucleic acid test for the coronavirus disease 2019 (**COVID-19**) every 14 days starting from 8 April 2021 and ensure that the staff obtain SMS (mobile phone text message) notification containing the result of the test before 22 April 2021 and the end of every subsequent 14-day period and keep record of each SMS notification for 31 days (**the required testing arrangement**); or, as an alternative, a staff member involved in the operation of the business on the premises does not need to adopt the required testing arrangement starting from the 14th day after he/she has completed a COVID-19 vaccination course ^[Note 2] and should keep the vaccination record as proof of vaccination;

(B) All Catering Businesses

(I) Measures Required at the Premises

- (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;
- (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:—
 - (i) if the air change per hour (fresh air) (**ACH**) is not 6 or above, must on or before 30 April 2021 install air purifiers of any of the following types that meet the specified specifications set out in the Food and Environmental Hygiene Department (**FEHD**) 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;
 - (ii) 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 register on FEHD's designated webpage on or before 30 April 2021 and upload 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):—
 - (1) area of seating area;
 - (2) height of seating area measured from floor to ceiling (may opt for actual storey height or assumed storey height at 3 metres); and
 - (3) 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 (i) above and provide the following information about the air purifiers:—
 - (1) type;
 - (2) brand;
 - (3) model;
 - (4) quantity; and
 - (5) location;
- (iii) if unable to complete the registration referred to in item (ii) 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;
- (iv) 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 roundtheclock 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:—
 - (1) licence number (if any);
 - (2) name and address of the business; and
 - (3) air change per hour (fresh air) and/or air purifier(s) installed (as applicable); and
- (v) 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) 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;
 - (i) for any catering premises that falls within the category in paragraph (A)(I)(a) above, no more than 4 persons may be seated together at one table or be allowed in the same group; for any catering business that falls within the category in paragraph (A)(I)(b) above and catering business which is adopting measures under paragraph (A)(II)(a)(4) or (A)(II)(a)(6) above, no more than 2 persons may be seated together at one table or be allowed in the same group. For a specific catering business ^[Note 1], if it does not adopt the measures under paragraphs (A)(II)(b)(1) and (A)(II)(b)(2) above, no more than 2 persons may be seated together at one table or be allowed in the same group while if it adopts the measures under paragraphs (A)(II)(b)(1) and (A)(II)(b)(2) above, no more than 4 persons may be seated together at one table or be allowed in the same group;
 - (j) the number of persons participating in any one banquet at any one time may not exceed 20 persons;
 - (k) 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 are set out in paragraphs (B)(I)(g) and (B)(I)(i) above;
 - (ii) requirements or restrictions applicable to any person who organizes any group gathering are set out in paragraphs (B)(I)(g), (B)(I)(h), (B)(I)(i) and (B)(I)(j) above;
 - (iii) requirements or restrictions applicable to any person who controls or operates catering premises in which a group gathering takes place are set out in paragraphs (B)(I)(g), (B)(I)(h), (B)(I)(i) and (B)(I)(j) above;
- (II) Suspension of Activities
- (l) no live performance or dancing activity is allowed in any catering premises;
 - (m) no karaoke or mahjong-tin kau activity is allowed in any catering premises;
- (III) Closure of Premises for Sale or Supply of Intoxicating Liquors
- (n) 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 must be closed;
 - (o) 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 must be closed;
 - (p) no members of the public may gather in the premises under paragraph (B)(III)(n) and the part under paragraph (B)(III)(o); and
 - (q) the restriction in paragraph (B)(III)(p) above is a restriction imposed in relation to a group gathering at the premises under paragraph (B)(III)(n) or the part under paragraph (B)(III)(o) 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.

Note 1:—

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.

Note 2:—

For both the Sinovac COVID-19 vaccine (CoronaVac vaccine) and Fosun Pharma/BioNTech COVID-19 vaccine (Comirnaty vaccine), completing the vaccination course involves receiving two doses in general. For persons previously infected with COVID-19, they may be deemed to have completed the COVID-19 vaccination course after receiving one dose of Comirnaty vaccine. For individuals who received COVID-19 vaccines in places outside of Hong Kong and have received the necessary doses as stipulated in guidelines by the local health authorities, they will also be regarded to have completed the vaccination course of the relevant COVID-19 vaccine.

The 14th day after a person has completed a COVID-19 vaccination course is counted by taking the next day after the person received all of the recommended dose(s) of COVID-19 vaccine as the 1st day. For example, for a person who has not been infected with COVID-19 previously and received the second dose of COVID-19 vaccine on 15 April 2021, the “1st day” would be 16 April 2021 and the “14th day” would be 29 April 2021.

13 April 2021

Secretary for Food and Health