

G.N. (E.) 29 of 2022

**PREVENTION AND CONTROL OF DISEASE (REQUIREMENTS AND DIRECTIONS)
(BUSINESS AND PREMISES) REGULATION**

Directions in Relation to Scheduled Premises

I hereby exercise the power conferred on me by section 8 of the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Chapter 599, sub. leg. F) (*Regulation*) to direct that for a period of 14 days beginning on 7 January 2022 to 20 January 2022 (*Specified Period*):—

- (I) (a) the following premises as set out in Part 1 of Schedule 2 to the Regulation must be closed:—
- (1) Amusement game centre;
 - (2) Bathhouse;
 - (3) Fitness centre;
 - (4) Place of amusement;
 - (5) Place of public entertainment;
 - (6) Premises (commonly known as *party room*) that are maintained or intended to be maintained for hire for holding social gatherings;
 - (7) Beauty parlour;
 - (8) Establishment (commonly known as *club or nightclub*) that is open late into the night, usually for drinking, and dancing or other entertainment;
 - (9) Karaoke establishment;
 - (10) Mahjong-tin kau premises;
 - (11) Massage establishment except:—
 - (a) a hospital or managed or controlled by the Government or the Hospital Authority;
 - (b) a private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Chapter 633);
 - (c) a scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Chapter 633) for which an exemption granted under section 128 of that Ordinance is in force;
 - (d) a military hospital or a maternity home of the Hong Kong Garrison;
 - (e) an establishment for medical treatment operated by a medical practitioner registered under the Medical Registration Ordinance (Chapter 161);
 - (f) an establishment for physiotherapy operated by a physiotherapist registered under the Supplementary Medical Professions Ordinance (Chapter 359);
 - (g) the premises for practising Chinese medicine operated by a registered Chinese medicine practitioner or listed Chinese medicine practitioner as defined in section 2 of the Chinese Medicine Ordinance (Chapter 549); and
 - (h) the premises for chiropractic operated by a chiropractor registered under the Chiropractors Registration Ordinance (Chapter 428);
 - (12) Sports premises; and
 - (13) Swimming pool;
- (b) no members of the public may gather in the above premises; and
- (c) the restriction in paragraph (I)(b) above is a restriction imposed in relation to a group gathering and is applicable to a person who participates in a group gathering in the premises, a person who organizes a group gathering in the premises and a person who controls or operates the premises in which a group gathering takes place;
- (II) the following premises as set out in Part 1 of Schedule 2 to the Regulation may open subject to the requirements and restrictions [Note 5] detailed at Annex:—
- (1) Club-house;
 - (2) Hotel and guesthouse; and
 - (3) Event premises;
- (A) in respect of the requirements and restrictions applicable to the premises set out in items (II)(1) to (II)(3) above, the requirements and restrictions applicable to staff members involved in the operation of the premises/event organiser(s) and person(s) who provides services for the event are set out below (whichever is applicable):—
- (1) must produce the record of the test result of the polymerase chain reaction- based nucleic acid

test for the coronavirus disease 2019 (**COVID-19**) conducted every 14 days (and the sample for such test must be taken through combined nasal and throat swabs which must not be taken by the person being tested [**Note 6**] or the relevant COVID-19 vaccination record on request by the premises operator/manager/employer or event organizer; and

- (2) must produce the relevant COVID-19 vaccination record on request by the premises operator/manager/employer or event organizer and keep such record [**Notes 1 and 2**] (only when the vaccination requirements in relation to the scheduled premises specified in items (II)(1), (II)(2) and (II)(3) are applicable);

(B) in respect of the requirements and restrictions applicable to the premises set out in items (II)(1) to (II)(3) above, the requirements and restrictions applicable to customers/users on the premises are set out below (whichever is applicable):—

- (1) before entering a premises, must scan the ‘LeaveHomeSafe’ venue QR code using the ‘LeaveHomeSafe’ mobile application on his/her mobile phone/ other mobile device [**Note 4**];
- (2) before entering a premises, must conduct body temperature screening; and
- (3) must produce the relevant vaccination record to the premises operator/ manager or event organizer as required (only when the vaccination requirements in relation to the scheduled premises specified in items (II)(1), (II)(2) and (II)(3) are applicable);

(III) Cruise ship as set out in Part 1 of Schedule 2 to the Regulation must not provide passenger services.

G.N. (E.) 19 of 2022 will be suspended upon the commencement of the above directions on 7 January 2022.

Note 1:—

Having ‘received the first dose of vaccine’ means having received the first dose of the Sinovac vaccine (**CoronaVac vaccine**) or the first dose of Fosun Pharma/BioNTech vaccine (**Comirnaty vaccine**), or having received, in places outside of Hong Kong, one dose of vaccine, subject to the vaccine used being included on the list of vaccines recognised for this purpose as published on the Government’s Thematic Website (https://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf).

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

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

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

13 May 2021, on and after which the person would be considered to have completed a vaccination course.

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

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

vaccine or CoronaVac vaccine but it has been less than 14 days after such vaccination and who were previously infected with COVID-19; or

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

- (i) premises operator must ensure that such staff members keep the above medical certificate (regardless of whether the validity period of that certificate had expired before such staff members received the relevant vaccine);
- (ii) premises operator must arrange for such staff members to undergo a polymerase chain reaction based nucleic acid test for COVID-19 once every 7 days starting from 30 December 2021 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 6**], and ensure that such staff obtain SMS (mobile phone text message) notification containing the result of the test before 6 January 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days;
- (iii) (only applicable to the staff members in item (a)) premises operators must ensure that such staff members have already made an appointment for receiving the second dose of Comirnaty vaccine or CoronaVac vaccine and the date of appointment for the second dose of vaccine and the date of receiving the first dose of vaccine can at most be 35 days apart, and ensure that the relevant staff members keep record of the above appointment; and
- (iv) premises operator must ensure that such staff members keep the relevant COVID-19 vaccination record.

Note 2:—

If a staff member involved in the operation of the business on the premises is unfit to receive vaccination because of health reasons, then he/she must make a declaration using the specified form available on the Thematic Website/relevant webpage of the FEHD and produce a medical certificate to the relevant premises operator/employer, as well as undergo a polymerase chain reaction-based nucleic acid test for using a test sample taken through combined nasal and throat swabs which must not be taken by the person being tested [**Note 6**] once every 7 days starting from

30 December 2021, and ensure that a SMS notification containing the result of the test is obtained before 6 January 2022 and the end of every subsequent 7-day period and keep record of each SMS notification for 31 days. The relevant premises operator/employer must keep the above declaration form(s). A premises operator and the relevant staff member who satisfy the above conditions may be deemed to have complied with the relevant requirement about staff receiving vaccination.

Note 3:—

Premises operator must download and install the “QR Code Verification Scanner” mobile application provided by the Government from App Store, Google Play or HUAWEI AppGallery according to the operating system of his or her mobile device and use the mobile application to scan the customers’ QR code of vaccination record for checking whether the customers (except for individuals who received vaccine(s) in places outside of Hong Kong [**Note 1**]) have complied with the relevant requirement about vaccination.

Note 4:—

If a person belonging to any one of the following three categories of persons is unable to use the “LeaveHomeSafe” mobile application to record his/her visit to the relevant premises, he/she should use the specified form available on the COVID-19 Thematic Website / FEHD webpage or a written or electronic form separately prepared containing all content in the aforementioned standard form to register his/her name, contact number and the date and time of his/her visit and the relevant premises operator must keep the written or electronic records for 31 days:—

- (1) persons aged 65 or above or aged 15 or below;
- (2) persons with disability; and
- (3) other persons recognized by the Government or organization(s) authorized by the Government as eligible for the above arrangement.

Only in respect of a person aged 15 or below who is unable to use the “LeaveHomeSafe” mobile application, if his/her adult accompanying person has used the “LeaveHomeSafe” mobile application to scan the relevant venue QR code or used the above 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.

The requirements on customers’ use of “LeaveHomeSafe” mobile application do not apply to scheduled premises that are regulated under the Regulation and owned or managed by the Government of the Hong Kong Special

Administrative Region.

Note 5:—

Among the requirements and restrictions, a person under the age of 2 is not required to comply with the requirement in relation to the wearing of mask within any scheduled premises.

Note 6:—

If a person who needs to comply with the requirement about undergoing polymerase chain reaction-based nucleic acid test(s) for COVID-19 (*the relevant test(s)*), and the sample(s) for such test(s) should be taken through combined nasal and throat swabs, is issued a medical certificate by a registered medical practitioner (*relevant medical certificate*), proving that he/she is unfit to undergo the relevant test(s) using sample(s) taken through combined nasal and throat swabs because of health reasons, then he/she may undergo the relevant test(s) using deep throat saliva sample(s). Relevant person must keep the SMS notification(s) containing the result(s) of the test(s) and the relevant medical certificate.

6 January 2022

Secretary for Food and Health