

FEHD reminds catering business operators and public to strictly comply with anti-epidemic regulations

A spokesman for the Food and Environmental Hygiene Department (FEHD) today (November 23) reminded catering business operators and the public to strictly comply with anti-epidemic regulations.

In response to media enquiries yesterday (November 22) about cases that in certain licensed catering premises, a number of customers were seen dancing without their masks on, but during which they were not eating or drinking at their tables, the spokesman said the FEHD is investigating these cases and is issuing letters to licensees/operators of all catering premises urging catering business operators to strictly comply with the requirements and directions under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) (the Regulation), and requesting them to remind members of the public who patronise their catering premises to comply with various anti-epidemic regulations and restrictions, including the mask-wearing requirement.

The FEHD spokesman said, "According to the current directions issued by the Secretary for Food and Health in relation to catering business under the Regulation, food business operators must strictly comply with a series of requirements and restrictions, including no more than two persons may be at one table for a bar/pub or night establishment/nightclub while no more than four persons may be at one table for other catering premises; the total number of customers allowed in catering premises must not exceed 50 per cent of the normal seating capacity; a mask must be worn within the premises except when the person is consuming food or drink at a table therein; tables must be arranged in a way to ensure there is a distance of at least 1.5m or some form of partition which could serve as effective buffer between one table and another table; body temperature screening must be conducted before the person is allowed to enter the catering premises; and hand sanitisers must be provided, etc."

The spokesman stressed that should there be sufficient evidence, we may prosecute catering business operators suspected to have violated the Regulation relating to the requirement that their customers fail to wear a mask within the premises except when consuming food or drink at a table therein, and upon conviction they are liable to a maximum fine of \$50,000 and imprisonment for six months. Catering premises are public places. For a customer who is not eating or drinking but fails to wear a mask, according to section 5A(4) of the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I), eating or drinking not in compliance with requirements under Cap. 599F (including eating or drink not at a table), would not be regarded as a reasonable excuse, and an offender is liable to a fixed penalty of \$2,000 under Section 5A and 6A of Cap. 599I.

Separately, in response to media enquiries on whether or not smoking waterpipes at catering premises breaches the law, the FEHD and the Department of Health offered a joint response that according to section 3(2) of the Smoking (Public Health) Ordinance (Cap. 371), no person shall smoke or carry a lighted cigarette, cigar or pipe in statutory no-smoking areas, and waterpipes are covered by this provision. Offenders are liable to a fixed penalty of \$1,500.

Furthermore, for a customer who is not eating or drinking (including when smoking waterpipes) but fails to wear a mask within catering premises (whether or not in no-smoking areas), such a situation would not be regarded as a reasonable excuse under Section 5A(3)(e)(i) of the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I). Offenders are liable to a fixed penalty of \$2,000 under Section 5A and 6A.

In addition, any person who does not wear a mask for smoking waterpipes at public places outside catering premises is also liable to a fixed penalty of \$2,000 for violating Section 5A and 6A of Cap. 599I.

The spokesman urges catering business operators to comply with relevant regulations and directions on prevention and control of disease in a concerted and persistent manner, with a view to keeping their staff, customers and the public safe. Members of the public also have to comply with the related requirements and restrictions on group gatherings and mask-wearing at catering premises.