

FEHD takes stringent enforcement actions relating to anti-epidemic regulations

A spokesman for the Food and Environmental Hygiene Department (FEHD) said today (May 1) that the Vaccine Pass requirement has entered the second stage. The FEHD yesterday (April 30) continued to step up its inspections territory-wide and conducted joint operations with the Police in Southern, Mong Kok, Shum Shui Po, Kwun Tong, Tai Po and Sai Kung Districts, so as to take enforcement actions against operators, staff and customers of catering businesses and certain other premises in defiance of the anti-epidemic regulations. The spokesman again reminded parties concerned to remain vigilant and strictly comply with the requirements and directions under the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) (the Cap. 599F Regulation), the Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599L) and more.

For the avoidance of doubt, according to the prevailing directions in relation to catering business under the Cap. 599F Regulation, the provisions (a) scanning the "LeaveHomeSafe" (LHS) venue QR code using the LHS mobile application (hereinafter abbreviated as "scanning LHS"); and (b) complying with the requirements in the Vaccine Pass Direction, exist in parallel. Both provisions are required to be complied with.

As mentioned in the press release issued by the FEHD on April 28, "QR Code Verification Scanner" can be used to scan the QR code of vaccination record or Medical Exemption Certificate, or recovery record displayed on LHS mobile application (the relevant QR code). If a customer does not store his or her relevant QR code on the LHS mobile application, but displays it through other means ("eHealth", "iAMSmart" or on paper), the premises operator can also scan that QR code with the "QR Code Verification Scanner" to fulfil the provision on the Vaccine Pass requirement; however, that customer is still required to undergo scanning LHS (be this preceding or following scanning by "QR Code Verification Scanner") separately before being allowed to enter the premises.

As noticed by enforcement officers, unlike the usual practice (scanning LHS first to obtain the relevant QR code displayed as a blue code with a blue border on a green background), some customers only use the vaccination record button to obtain the relevant QR code displayed as a blue code with a blue border on a white background, for scanning by "QR Code Verification Scanner". As the customer concerned has not undergone scanning LHS separately, the customer has been issued with fixed penalty notice (FPN).

The FEHD strongly recommends that the public should follow the usual practice of scanning LHS first to obtain the relevant QR code displayed as a blue code with a blue border on a green background. Otherwise, if the

customer displays through other means as mentioned in paragraph three or displays it as a blue code with a blue border on a white background as mentioned in paragraph four, for scanning by "QR Code Verification Scanner", he or she is still required to undergo scanning LHS separately before being allowed to enter the catering premises.

The FEHD simultaneously also reminds catering premises operators not to let down their guards. In undergoing scanning by "QR Code Verification Scanner", the operators must check that a customer's relevant QR code is displayed as a blue code with a blue border on a green background. If it is not so displayed, then the operators must remind the customers to undergo scanning LHS separately, before they are allowed to enter the premises. This will avoid both parties having to shoulder the consequences for their failure to comply with the relevant directions.

The FEHD and the Police inspected a total of 93 catering premises and one other premises during the joint operations yesterday; and the FEHD on its own inspected a total of 390 catering premises and 123 other premises. The FEHD initiated procedures on prosecution against operators of 21 catering premises suspected of breaching the requirements under the directions. Details are as follows:

Matters involved	Number of prosecutions
Mask-wearing	6
Distance or partition between tables	6
Ensuring scanning of LHS venue QR code by customers	5
Ensuring properly operating the air purifier in accordance with the manufacturer manual when the premises is opened for business	1
Closure of catering premises until the registration of air change or installed air purifiers is completed and confirmed	1
Mask-wearing and ensuring scanning of LHS venue QR code by customers	1
Maximum number of persons allowed to be seated together at one table, mahjong activities carried on at any catering premises must be suspended and ensuring scanning of LHS venue QR code by customers	1

The FEHD also required the premises to take corresponding measures for reducing the risk of transmission. Premises found with irregularities had to, on the subsequent day of being identified of the irregularities by the enforcement officers, cease selling or supplying food or drink for consumption on the premises from 6pm to 4.59am of the subsequent day, and allow no more than two persons to be seated together at one table, for a

period of three, seven or 14 days. In addition, the FEHD also issued FPNs to five customers suspected of breaching the requirement of scanning LHS venue QR code. During the joint operations, the Police also took enforcement actions, including issuing FPNs. It is worth mentioning that FPNs were issued to 18 persons who were found playing mahjong in a catering premises.

If a person responsible for carrying on a catering business contravenes the Regulation or the requirements and directions of the Vaccine Pass, he or she is liable to be prosecuted and, upon conviction, to a maximum fine of \$50,000 and imprisonment for six months. Persons who are present at catering premises or other specified premises must comply with directions applicable to them. Non-compliance with the relevant directions is an offence and offenders are subject to a maximum fine of \$10,000. The liability may be discharged by paying a fixed penalty of \$5,000. In addition, for customers in breach of the requirement on the maximum number of persons per table within catering premises, they are liable to a fixed penalty of \$5,000 for violating the Prevention and Control of Disease (Prohibition on Gathering) Regulation (Cap. 599G). For customers not wearing a mask when they are not eating or drinking at a table therein or they are not eating or drinking, they are liable to a fixed penalty of \$5,000 for contravening the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I).

In addition, the FEHD conducted joint operations with several Government departments yesterday at public places where people including domestic helpers congregate during weekends and public holidays to carry out publicity and education work, appealing to them to raise their awareness of epidemic prevention and comply with the various anti-epidemic regulations and restrictions.

The FEHD, in collaboration with the Hong Kong Police Force, the Labour Department, relevant District Offices and the Leisure and Cultural Services Department, conducted joint operations at various public places in Central and Western, Wan Chai, Eastern, Yau Tsim, Mong Kok, Sham Shui Po, Sha Tin, Sai Kung and Tsuen Wan districts, near popular gathering places of domestic helpers during weekend and public holidays. Apart from arranging for cleansing service contractors to strengthen the street cleansing services at the relevant spots, the FEHD also stepped up patrols to combat unlicensed hawking activities. During the operation, five FPNs were issued to persons who breached public cleanliness offences. Domestic helpers have also been reminded by other government departments to comply with the regulations on mask wearing and the prohibition of gatherings in public places.

To minimise the risk of COVID-19 transmission, the spokesman strongly appealed to all sectors of the community to stay vigilant and comply with the relevant regulations on prevention and control of disease in a concerted and persistent manner. The FEHD has strengthened its publicity efforts, and will take stringent enforcement actions. All sectors are reminded to exercise self-discipline and co-operate to fight the virus together. Government departments will continue to conduct enforcement operations proactively, and urge premises operators not to defy the law.