

Using “LeaveHomeSafe” in Catering Premises/Scheduled Premises: FAQs

Q1: As announced by the Government earlier, starting from 9 December 2021, customers of all catering premises and scheduled premises subject to the directions issued under Cap. 599F will be required to scan the “LeaveHomeSafe” venue QR code using the “LeaveHomeSafe” mobile app (hereinafter abbreviated as “LeaveHomeSafe”). Eligible customers who need not scan the venue QR code must register their visit information. Specifically, to which premises will the relevant requirement apply?

A1: The requirement for customers to use “LeaveHomeSafe” has already been implemented in some catering premises and scheduled premises subject to the directions issued under Cap. 599F. Starting from 9 December 2021, the relevant requirement will apply to all catering premises and scheduled premises subject to such directions, including all catering premises providing dine-in services, bars/pubs, bathhouses, party rooms, clubs/nightclubs, karaoke establishments, mahjong-tin kau premises, cruise ships, amusement game centres, fitness centres, places of amusement, places of public entertainment, beauty parlours, massage establishments, club-houses, sports premises, swimming pools, hotels and guesthouses, and event premises. Specified persons may opt to comply with the relevant requirement by adopting the alternative measure.

Q2: What is the “alternative measure”? Who are the “specified persons”?

A2: We understand that some persons may not be able to comply with the requirement of using “LeaveHomeSafe” due to a legitimate reason. Therefore, three types of specified persons are allowed to complete a specified form as an alternative measure for complying with the requirement on using “LeaveHomeSafe”. Specifically, the three types of persons are:

- persons aged 65 or above or persons aged 15 or below; or
- persons with disability; or
- other persons recognised by the Government or organisations authorised by the Government as eligible for the arrangement.

If the persons above are to enter a catering premises or scheduled premises but are unable to use “LeaveHomeSafe”, they may register their personal information (including name, contact number and date and time of the visit) in a specified form as an alternative. The specified form can be found on the COVID-19 Thematic Website (https://www.coronavirus.gov.hk/pdf/599F_visitorinfo_dec9_ENG.pdf). If a person

registers his/her personal information in the specified form as an alternative to using “LeaveHomeSafe”, it means that this person is declaring himself/herself to be a specified person referred to above. A person who makes false declaration or provides false information is guilty of an offence.

If a person aged 15 or below is accompanied by an adult who has complied with the applicable “LeaveHomeSafe” requirement (i.e. using “LeaveHomeSafe” or completing the specified form in accordance with the requirements as an alternative) when entering catering premises or scheduled premises, then the person aged 15 or below is not required to complete the personal information registration form.

Customers of bars/pubs, bathhouses, party rooms, clubs/nightclubs, karaoke establishments and mahjong-tin kau premises are currently required to use “LeaveHomeSafe”. This requirement will remain unchanged. In other words, for customers of the above six types of premises, they must use “LeaveHomeSafe” and do not have the alternative of registering personal information in a specified form.

Q3: Is it a must for a person with disability to present the Registration Card for People with Disabilities in order to be eligible for completing the specified form as an alternative to using “LeaveHomeSafe” under the relevant requirement? Is a person with dementia considered a person with disability?

A3: All persons with disabilities, irrespective of whether they are holders of the Registration Card for People with Disabilities, may adopt the alternative measure.

In respect of persons with dementia, we understand that they may encounter difficulties in using the “LeaveHomeSafe” app. In respect of Cap. 599F, persons with dementia may adopt the alternative measure applicable to persons with disability.

If persons with disability have difficulties in filling in the specified form, they may consider seeking family’s or friend’s help in filling in the relevant form in advance, so that they will not need to fill in the form on the spot upon arrival at the premises. Nevertheless, the information on the date and time of the visit must be accurate and reflect the actual circumstances.

Q4: Who are the other persons recognised by the Government or organisations authorised by the Government as eligible for the alternative arrangement?

- A4:** We will, depending on the actual circumstances, include persons who do not have a smartphone and hence are unable to use “LeaveHomeSafe” (e.g. homeless people) as recognised persons, so that they may complete the specified form for admission to catering premises or scheduled premises.
- Q5:** Are customers only ordering takeaways required to scan the “LeaveHomeSafe” venue QR code of catering premises?
- A5:** As customers only ordering takeaways will not take off their masks during their brief stay at the catering premises, they are not required to scan the “LeaveHomeSafe” venue QR code of the catering premises or register their information.
- Q6:** Is it necessary for customers who dine in the outside seating accommodation of catering premises to scan its “LeaveHomeSafe” venue QR code?
- A6:** Outside seating accommodation is part of the catering premises, hence customers must still use “LeaveHomeSafe” according to the requirements before entering the outside seating accommodation (only “specified person(s)” can register their personal information as an alternative).
- Q7:** For catering premises and scheduled premises providing self-made forms for customers who do not use “LeaveHomeSafe” to register their personal information, is hardcopy the only format allowed? Can online or electronic forms be used?
- A7:** Catering premises and scheduled premises may download the specified form from the Government’s COVID-19 Thematic Website or the Vaccine Bubble thematic webpage of the Food and Environmental Hygiene Department (FEHD) or self-make a paper or electronic form containing the content in that standard form for a specified person who is unable to use “LeaveHomeSafe” to register his/her name, contact number and the date and time of the visit. The written or electronic records must be kept by the premises for 31 days, and be produced to law enforcement officers whenever required.
- Q8:** Will catering premises or scheduled premises be held legally liable for failing to comply with the relevant requirement relating to ensuring that customers have scanned the “LeaveHomeSafe” venue QR code with their mobile phones?
- A8:** Where the operators of the premises are in breach of the requirements under Cap. 599F of the Laws of Hong Kong, they may be liable to prosecution and, on conviction, to a

maximum fine of \$50,000 and imprisonment for six months. In addition, the premises must, on identification of non-compliance by law enforcement officers, adopt corresponding measures to reduce the risk of transmission starting from the subsequent day. That is, (a) in respect of catering premises, for a period of 14 days, they can provide dine-in service until 6:00 p.m. with a maximum of 2 persons per table only; or (b) in respect of scheduled premises which are only allowed to operate under the “Vaccine Bubble” arrangements, they must close for 14 days.

Q9: If customers use a faked “LeaveHomeSafe” app, will both the premises operators and the customers be punished?

A9: If customers use a faked “LeaveHomeSafe” app, the non-compliance involved may include:

- (a) provision of false statements by customers; and/or
- (b) omission of due diligence check by operators of premises.

For (a), customers who furnish false information will be criminally liable. Whether the information is a false statement will be judged by the law enforcement officers.

For (b), the existing directions under Cap. 599F require the premises operators to ensure that customers have scanned the “LeaveHomeSafe” venue QR code with the “LeaveHomeSafe” mobile app on their mobile phones before entering the premises. Premises operator who contravenes the relevant requirements commits an offence and is liable on conviction to a fine at level five and imprisonment for six months. Under Cap. 599F, it is a defence for a person charged with the above offence to establish that, at the time of the alleged offence, the person had lawful authority or reasonable excuse for contravening the provision concerned or taken all reasonable steps to comply with the directions.

The operator of the premises is responsible for ensuring that customers have scanned the “LeaveHomesafe” venue QR code with the “LeaveHomeSafe” mobile app. If a customer is found using a faked “LeaveHomeSafe” app, law enforcement officers will, based on the circumstances of each individual case, decide whether or not to prosecute, give a verbal warning to or initiate criminal prosecution against the premises operators. Even if a customer is found using a faked “LeaveHomeSafe” app, law enforcement officers generally will not initiate criminal prosecution against the operator of the premises provided that the premises concerned does not contravene other directions

under Cap. 599F and the law enforcement officers are satisfied that the operator of the premises has taken all reasonable steps to comply with the relevant requirements under Cap. 599F in ensuring that customers use “LeaveHomeSafe”. There is no need to worry on the part of the trade if all reasonably practicable measures have been taken to comply with the relevant requirements.

Q10: Do law enforcement officers of the Government have the power to check the “LeaveHomeSafe” mobile app records of customers of catering premises and scheduled premises?

A10: According to section 12(1)(e) of Cap. 599F of the Laws of Hong Kong, an authorised officer may, for ascertaining whether any requirement or direction in relation to catering business or scheduled premises issued under Cap. 599F is being or has been complied with, require any person to provide the officer with the information in the person’s possession as deemed necessary by the officer. As the authorised officers referred to under Cap. 599F, the enforcement officers of the Government have the power to require customers of the above premises to provide their “LeaveHomeSafe” mobile app records or other relevant written or electronic records for inspection when considered necessary.

Q11: If customers fill in the specified form as an alternative to using “LeaveHomeSafe”, are the operators of catering premises and scheduled premises required to check their identities to confirm that they are “specified persons”?

A11: The operators of premises are obliged to take all reasonable steps to comply with the directions under Cap. 599F. For example, in case of suspicion, the operator should remind the relevant person that by filling in the form and registering personal information as an alternative to using “LeaveHomeSafe”, he/she is declaring himself/herself to be a specified person. It is an offence for a person to make false declaration or provide false information.

Q12: Any premises, including those illegal or unauthorised, may obtain and post the venue QR code of “LeaveHomeSafe”. In order to prevent the public from mistakenly thinking that such premises are operating legally, will the Government revoke their “LeaveHomeSafe” venue QR codes?

A12: The launch of the “LeaveHomeSafe” mobile app by the Government aims to provide members of the public with a convenient digital tool for recording the date and time of their visits to different venues. The mobile app can issue an exposure notification and

follow-up advice to a user in a timely manner if he/she is later identified to have visited the same venue that a confirmed patient or a person who has been tested preliminary positive visited at about the same time. In the unfortunate event of infection, the user's visit records stored in the app can assist the Centre for Health Protection in conducting the work of contact tracing. A venue QR code issued for the "LeaveHomeSafe" mobile app is used for recording the date and time of visit only. It does not denote the operation status of the premises, and should not be regarded as a proof of lawful business operation. In fact, venue QR codes are available at many premises without any business operation, such as government office buildings and public toilets.

To ascertain whether the catering premises are licensed, customers should check the licence displayed in a conspicuous place near the entrance of the premises or the information on licensed premises on the FEHD webpage (https://www.fehd.gov.hk/english/licensing/list_licensed_premises.html).

Operators of different types of premises may apply for a venue QR code by visiting the "LeaveHomeSafe" thematic website (<https://www.leavehomesafe.gov.hk/en/>) administered by the relevant government department. If members of the public detect any irregularity on the "LeaveHomeSafe" QR code posted at the premises, they may inform the relevant government department by filling in the "Contact Us" form on the "LeaveHomeSafe" thematic website. They can select "Report incorrectly posted QR code" under "Type of Enquiry" and provide the name and address of the premises for follow-up actions by the Government.

Q13: If customers make a group visit to catering premises or scheduled premises, are there any arrangements to simplify the procedures for them to use "LeaveHomeSafe" or complete the specified form to register their personal information?

A13: If there are specified persons in the group (i.e. those who are allowed to fill in a specified form to register personal information as an alternative to using "LeaveHomeSafe" in accordance with the requirement), the premises operators may, having regard to the operation of the premises and the relevant needs, provide copies of the specified forms for members of the group to complete in advance, so that the specified persons will not need to fill in the forms on the spot upon arrival at the premises. Nevertheless, the information on the date and time of the visit must be accurate and reflect the actual circumstances. All members of the group must have completed the specified forms or scanned the venue QR code of "LeaveHomeSafe" before entering the premises.

Q14: Will the Government consider allowing the “specified persons” to use such tools/documentation as Octopus Cards, JoyYou Cards, Registration Cards for People with Disabilities or personal QR codes, etc. as simpler ways for registering their information when entering the premises?

A14: Contact tracing is an integral part of prevention of further spread of the virus in the community. By using the “LeaveHomeSafe” mobile app to record the venue and time of their visits, members of the public can facilitate the work of contact tracing in respect of confirmed cases of COVID-19 conducted by the Government. Therefore, the public is encouraged to use the “LeaveHomeSafe” mobile app to keep a record of their visits as far as practicable. We will continue to explore ways to enhance the “LeaveHomeSafe” mobile app so as to facilitate those in need in using the app.

Q15: What is the minimum system requirement for installing the “LeaveHomeSafe” mobile app?

A15: The minimum system requirement for installing the “LeaveHomeSafe” mobile app is:

- iOS 12 or above;
- Android 8 or above;
- HarmonyOS 2.0 or above.

Q16: Can I download the app in other countries/regions?

A16: The “LeaveHomeSafe” mobile app is available for download from Google Play, Apple App Store or Huawei App Gallery in different countries/regions.

Q17: Can I download the app if my mobile phone number is not a local one?

A17: Yes. The “LeaveHomeSafe” mobile app is available for download from Google Play, Apple App Store or Huawei App Gallery in different countries/regions. However, if a telecommunication network service outside Hong Kong is used and the app is downloaded from the above app stores **in Hong Kong**, roaming fee may be chargeable under certain circumstances, for instance, when using roaming service instead of local Wi-Fi services for downloading the app.

Q18: How can I obtain and use the “LeaveHomeSafe” mobile app if I do not have access to local telecommunication network services?

A18: Members of the public can download the “LeaveHomeSafe” mobile app and receive exposure notification via free Wi-Fi services. Neither local telecommunication network service nor Wi-Fi service is required for scanning a “LeaveHomeSafe” venue QR code.