

疫苗通行證（處所掌管人）
Vaccine Pass (Person-in-charge of Premises)

處所掌管人的責任總覽

Overview of Responsibilities of the Person-in-charge of Premises

處所 Applicable Premises	「主動查核」 / 「被動查核」? Premises subject to active checking or passive checking of vaccine pass ?
餐飲業務處所 Catering business premises	主動查核 Active checking
酒吧或酒館 Bar / pub	主動查核 Active checking
浴室 Bathroom	主動查核 Active checking
派對房間 Party room	主動查核 Active checking
夜店或夜總會 Club / nightclub	主動查核 Active checking
卡拉 OK 場所 Karaoke establishment	主動查核 Active checking
麻將天九耍樂處所 Mahjong-tin kau premise	主動查核 Active checking
郵輪 Cruise ship	主動查核 Active checking
遊戲機中心 Amusement game centre	主動查核 Active checking
健身中心 Fitness centre	主動查核 Active checking
遊樂場所 Place of amusement	主動查核 Active checking
公眾娛樂場所 Place of public entertainment	主動查核 (different checking requirements applicable to outdoor premises) Active checking
美容院及按摩院 Beauty parlour and massage establishment	主動查核 Active checking
會址 Clubhouse	主動查核 Active checking

體育處所 Sports premises	主動查核 Active checking (different checking requirements applicable to outdoor premises)
泳池 Swimming pool	主動查核 Active checking
活動場所 Event premises	主動查核 Active checking (different checking requirements applicable to outdoor premises)
宗教處所 Religious premises	主動查核 Active checking
理髮店或髮型屋 Hair salon / barber shop	主動查核 Active checking
商場 Shopping mall	被動查核 Passive checking
百貨公司 Department store	被動查核 Passive checking
超級市場 Supermarket	被動查核 Passive checking
街市或市集 Market	被動查核 Passive checking
酒店或賓館 Hotel / guesthouse	顧客無需持有「疫苗通行證」入 住 No vaccination requirement for customers checking-in the hotel / guesthouse

常見問題

Frequently Asked Questions

(一) 定義及適用範圍

(1) Interpretation and Applicable Area

問 1 在第 599F 章下，商場與商鋪之定義及分別為何？

Q 1 **What are the definitions and differences between shopping malls and stores under Cap. 599F?**

答 1 商場 (shopping malls) 指容納多種類商店 (一般包括食肆) 的任何室內購物場所 (可位於單幢建築物內或位於以通道連接的多於一幢建築物內)。商鋪 (stores) 則指單一間的店鋪。

“Shopping malls” means any indoor shopping area

with a variety of shops (usually including restaurants). It can be housed in a single building or in buildings connected by one or more passageways. “Stores” means a single individual shop.

問 2 一些商場連接著前往其他空間／地方的通道，例如
Q 2 商場連接通道供前往住宅或寫字樓、公眾停車場，或其他地方等。假如市民只是經過商場及連接著商場的通道前往其他地方，是否也須符合「疫苗通行證」的要求及使用「安心出行」？

Some passageways are connected to shopping malls leading to other spaces / places, such as residential buildings or office buildings, public car parks or other places etc. If a person only passes through shopping mall(s) and the passageway(s) connected to that shopping mall(s) for going to other places, must he/she also comply with the requirements on “vaccine pass” and the use of “LeaveHomeSafe”?

答 2 假如市民只是經過商場往返其居住、工作、就學地點、停車場或公共交通工具上落客點，或使用連接商場的通道往返以上地方，而沒有使用該商場的設施或服務或沒有到訪商場內的店鋪，則毋須符合
A 2 「疫苗通行證」及使用「安心出行」的要求。

If a person only passes through a shopping mall for accessing his/her residence, workplace, education, car parks or pick-up and drop-off points of public transport, or uses the passageway connecting with the shopping mall for accessing places mentioned above, and does not use the facilities/services of the shopping mall or visit any shops in the shopping mall, then he/she needs not comply with the requirements of “vaccine pass” and using “LeaveHomeSafe”.

問 3 部份商場管轄範圍設有戶外公園，商場的室外部份
Q 3 是否不需要採取相關措施？

Some shopping malls have outdoor parks. Is there a need for the outdoor part of shopping malls to adopt the relevant measures?

答 3 只就在商場範圍內的室外部分而言，倘若顧客／訪
A 3 客在未有進入室內部分的情況下進入有關室外部
分，毋須採取相關措施。然而，顧客／訪客在進入
商場室內部分時須符合「疫苗通行證」要求。

然而，有關「安心出行」的要求適用於整個商場範圍，即包括室內及室外部分。

Only in respect of the outdoor part(s) located within the shopping mall area, if a customer / visitor enters the relevant outdoor part(s) without entering the indoor part(s), then he / she needs not adopt the relevant measures. However, a customer / visitor must comply with the “vaccine pass” requirements when entering the indoor part(s) of a shopping mall.

Nonetheless, the requirements relating to “LeaveHomeSafe” apply to the entire shopping mall area (viz. including both indoor and outdoor part(s)).

問 4 在第 599F 章下，如何分辨百貨公司及商場？

Q 4 **Under Cap. 599F, how can one differentiate between department stores and shopping malls?**

答 4 百貨公司分為不同部門售賣多種類貨品，例如男女
A 4 服裝、家具、電器及金屬製品。商場則分為不同的
獨立店鋪售賣多種類貨品。但不論個別處所為百貨
公司或商場，就「疫苗通行證」及使用「安心出
行」的要求均為一致的。

Department stores sell a wide variety of goods, such as men’s and women’s clothing, furniture, electrical appliances and hardware, in separate departments. Shopping malls consist of different individual shops selling a variety of goods. Regardless of whether a certain premises is a department store or a shopping mall, the requirements on vaccine pass and the use of “LeaveHomeSafe” are the same.

問 5 超級市場的定義是什麼？

Q 5 **What is the definition of supermarkets?**

答 5 「超級市場」指有生鮮食品、並非生鮮食品的食物、飲料及家居用品售賣的自助商店。商店必須以自助形式（包括容許顧客自行從貨架上拿取有關商品）同時售賣上述商品，才會符合第 599F 章下「超級市場」的定義。

“Supermarkets” means a self-service shop where fresh produce, food other than fresh produce, beverages and household goods are sold. Only shops selling the above products at the same time in a self-service mode (including allowing customers to take the relevant products from the shelf by themselves) would fall within the definition of “supermarkets” under Cap. 599F.

問 6 對於並非表列處所的一般零售店鋪，在其中工作的人是否可以豁免新冠疫苗接種要求？

Q 6 **For general retail stores that do not fall within the scope of scheduled premises, will persons working in such stores be exempted from the vaccination requirements?**

答 6 如果該等一般零售店並不屬於第 599F 章下的表列處所，在該等店鋪工作的人毋須符合「疫苗通行證」要求。

If such general retail stores do not fall within the scope of scheduled premises under Cap. 599F, then persons working in such stores need not comply with the vaccination requirements.

(二) 處所掌管人責任

(2) The Responsibilities of the Person-in-charge of Premises

問 7 請進一步釐清被動查核處所掌管人及保安員工在

Q 7 「疫苗通行證」下的法律責任，如物業管理公司的職員發現有違規情況，是否有責任舉報／要求違規人士離開？

Please further clarify the legal liabilities of the person-in-charge and the security staff of passive checking premises under “vaccine pass”. If the staff of property management companies is aware of any violation, does he / she have any responsibility to report / require the relevant persons to leave?

答 7 詳情請參閱上文處所掌管人的責任總覽。如有需要，他們需就處所顧客或使用者遵守有關規定的情況配合獲授權人員於處所內的執法行動。

For details, please refer to the above Overview of Responsibilities of the Person-in-charge of Premises. The person-in-charge of the premises shall cooperate, if necessary, with the authorized officers in carrying out their enforcement actions regarding visitors' compliance with the requirements.

問 8 商場的所有顧客／訪客都必須使用「安心出行」。
Q 8 如果前線員工沒有確保顧客／訪客進入商場前使用「安心出行」，商場的物業管理公司有沒有責任？
All customers / visitors of shopping malls must use “LeaveHomeSafe”. If a frontline staff did not ensure that customers / visitors use “LeaveHomeSafe” before entering a shopping mall, would the property management company of the shopping mall be held liable?

答 8 商場管理公司就有關顧客／訪客使用「安心出行」的規定沒有主動責任，即毋須確保顧客／訪客進入商場前使用「安心出行」。但商場管理公司須安排於接近商場每一入口的顯明位置，展示載有「安心出行」場所二維碼的海報。

The property management company of a shopping mall does not have an “active responsibility” for

customers' / visitors' requirements to use "LeaveHomeSafe", which means that the company needs not ensure that customers / visitors use "LeaveHomeSafe" before entering the shopping mall. However, the property management company must arrange to display a poster containing the "LeaveHomeSafe" venue QR code in a prominent position near every entrance.

(三) 豁免及合理辯解

(3) Exemption and Reasonable Excuse

問 9 在甚麼情況下進入指明處所不必使用「疫苗通行證」？
Q 9 證」？

Under what circumstances can entry to specified premises be made without "vaccine pass"?

答 9 以下情況獲豁免於「疫苗通行證」的安排：

A 9 https://www.coronavirus.gov.hk/pdf/vp_t2_CHI.pdf

此外，在「疫苗通行證」的政策下，一般而言，以下例子屬「合理辯解」，可在沒有按接種要求進入／通過指明處所：

(1) 通過指明處所（例如商場）往返住所、工作、就學地方、停車場或公共交通工具上落客點。

以下例子不屬「合理辯解」：

- (1) 進入指明處所（例如街市）購買食材；
 - (2) 進入指明處所（例如百貨公司）借用洗手間；
- 及
- (3) 進入指明處所（例如商場）參與興趣班。

如有濫用情況，執法人員可作出跟進，政府不排除進行抽查，希望市民自律。

The following circumstances are exempted from the "vaccine pass" arrangement:

https://www.coronavirus.gov.hk/pdf/vp_t2_ENG.pdf

Also, under the policy of “vaccine pass”, generally speaking, the following example is considered as “reasonable excuse” to enter or pass through specified premises without complying with vaccination requirements:-

- (1) passing through specified premises (e.g. shopping malls) for travelling to and from residence, workplace, place of education, car parks or pick-up and drop-off points of public transport.

The following examples are not considered as “reasonable excuse”:-

- (1) entering specified premises (e.g. markets) to buy food ingredients;
- (2) entering specified premises (e.g. department stores) to use the washroom; and
- (3) entering specified premises (e.g. shopping malls) to attend interest class.

Authorized officers will follow up in case of abuses. The Government does not preclude conducting random checks and urges the public to exercise self-discipline.

問 10 處所掌管人是否有核實豁免人士資格的責任？

Q 10 **Is the person-in-charge of the premises liable to confirm the eligibility of exempted person?**

答 10 主動查核處所掌管人：就獲醫學豁免人士而言，主動查核處所掌管人需以政府開發的「驗證二維碼掃瞄器」流動應用程式掃瞄任何顯示在豁免證明書上的二維碼，並保存 31 天的紀錄。就疫苗接種紀錄或豁免證明書上沒有顯示或沒有包含二維碼的人士及未滿 12 歲而沒有成年人士陪同的人士，掌管人需以指定表格（https://www.coronavirus.gov.hk/pdf/vp_dicf.pdf），收集上述人士的申報/個人資料，並保存 31 天的紀錄。

被動查核處所掌管人：沒有收集獲豁免人士個人資料的責任。政府一般會被動查核，即追蹤感染者行蹤期間，發現違規行為才會發出告票，但亦不排除會派員到人流較多的處所（例如街市、超級市場）抽查，希望市民自律。

如處所（包括主動查核處所及被動查核處所）掌管人對豁免人士資格有任何懷疑，可作出適當的查問及查閱，及要求相關人士提供屬於必要的任何資料。詳情請參閱上文處所掌管人的責任總覽。

Person-in-charge of premises subject to active checking of vaccine pass: For persons with medical exemptions, the person-in-charge of active checking premises is required to scan the QR code displayed on Exemption Certificates using the “QR Code Verification Scanner” mobile application developed by the Government, as well as keep the records for 31 days. For persons whose vaccination record or Exemption Certificate is not presented in the form or does not contain a QR code and persons under the age of 12 and not accompanied by an adult, the person-in-charge is required to collect the declaration / personal information of the persons above using specified forms (https://www.coronavirus.gov.hk/pdf/vp_dicf.pdf) and keep the records for 31 days.

Person-in-charge of premises subject to passive checking of vaccine pass: There is no requirements to collect the personal data of exempted persons. In general, the Government will adopt passive checking, i.e. a fixed penalty notice will only be issued in case of non-compliance during contact tracing. However, we do not preclude conducting random checks at premises with high public traffic (such as markets and supermarkets) and we urge the public to exercise self-discipline.

If the person-in-charge of the premises (including premises subject to active checking and passive checking) has any doubts about the eligibility of exempted persons, he / she may make appropriate

enquiries and checking, and request the relevant persons to provide any necessary information. For details, please refer to the above Overview of Responsibilities of the Person-in-charge of Premises.

問 11 甚麼情況才構成「合理辯解」？

Q 11 What constitutes “reasonable excuse”?

答 11 由於法律不能訂明所有可能性，因此「疫苗通行證」的豁免條文提供了靈活性，根據個別個案的環境因素，決定其原因是否合理。

就政策原意而言，構成「合理辯解」包括相關人士通過指明處所（例如商場）往返住所、工作、就學地方、停車場或公共交通工具上落客點等。其他情況例如使用指明處所內洗手間或購買日用品或食材等，則不屬政策原意內的「合理辯解」。

每一個個案的處理將根據實際情況而定。我們會在執法指引中提醒執法人員需留意的相關因素。如有關人士被發出定額罰款，亦可向法庭作出申訴。

As the law cannot specify all possibilities, the exemption provisions of “vaccine pass” provides flexibility to determine whether a cause is justified based on the circumstances of an individual case.

In terms of the policy intent, what constitutes a “reasonable excuse” includes relevant persons accessing his / her residence, workplace / place of education, car parks or pick-up and drop-off points of public transport, etc. Other situations such as using the washroom of specified premises or purchasing daily necessities or food ingredients, are not considered as “reasonable excuses” under the policy intent.

The handling of each case will be determined on a case-by-case basis. We will remind law enforcement officers of relevant factors to be aware of in the

enforcement guidelines. A person who has been issued a fixed penalty notice can also appeal in court.

問 12 進入商場範圍是否必須使用「安心出行」？

Q 12 Is it necessary to use “LeaveHomeSafe” when entering shopping malls?

答 12 由 2022 年 2 月 24 日起，進入商場必須使用「安心

A 12 出行」。屬以下三類中任何一類的人士如未能使用「安心出行」流動應用程式紀錄到訪有關處所，則應使用載於 2019 冠狀病毒病專題網站和食物及環境衛生署相關網頁的指定表格或包含該標準格式內容的自製書面或電子表格登記其姓名、聯絡電話及到訪處所的日期及時間，而有關處所掌管人應保留書面或電子記錄 31 天：

- (1) 65 歲或以上或 15 歲或以下的人士；
- (2) 殘疾人士；及
- (3) 其他就上述安排獲政府或政府授權機構認可為合資格的人士。

假如市民只是經過商場前往返居住、工作、就學地點、停車場或公共交通工具上落客點，或使用連接商場的通道往返以上地方，而沒有使用該商場的設施或服務或沒有到訪商場內的店鋪，則毋須使用「安心出行」。

詳情請參閱政府 2019 冠狀病毒病專題網站
(<https://www.coronavirus.gov.hk/chi/leave-home-safe.html>) 。

Starting from 24 February 2022, persons entering shopping malls must use “LeaveHomeSafe”. If a person belonging to any one of the following three categories 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 and relevant website of the Food and Environmental

Hygiene Department, 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 person-in-charge of premises 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 organisation(s) authorized by the Government as eligible for the above arrangement.

If a person only passes through shopping mall(s) for accessing his / her residence, workplace, place of education, carpark, or pick-up and drop-off points of public transport, or use the passageway(s) connecting to the shopping mall(s) for accessing places mentioned above, and does not use the facilities / services of the shopping mall(s) or visit shop(s) in the shopping mall(s), then he / she needs not comply with the requirements to use “LeaveHomeSafe”.

Please refer to the Government’s COVID-19 Thematic Website for details
(<https://www.coronavirus.gov.hk/eng/leave-home-safe.html>).

問 13 假如訪客要進入商場內的診所接受治療，是否可被
Q 13 視為「合理辯解」而不用持有「疫苗通行證」？
If a visitor has to enter a clinic in the shopping mall to receive treatment, can it be considered as “reasonable excuse” for not holding “vaccine pass”?

答 13 就豁免人士的類別，詳情請參閱豁免人士一覽表
A 13 (https://www.coronavirus.gov.hk/pdf/vp_t2_CHI.pdf)。

For category of exempted persons, please refer to the list of exempted persons

https://www.coronavirus.gov.hk/pdf/vp_t2_ENG.pdf).

問 14 就有關「合理辯解」，執法人員會否要求有關訪客
Q 14 出示證據顯示其行為屬合理辯解？

Regarding “reasonable excuse”, will authorized officers demand relevant visitors to present evidence showing his / her behaviour constitutes “reasonable excuse”?

答 14 執法人員會根據每個個案的實際情況，處理手法會
A 14 視乎個別個案而定。

Authorized officers will exercise judgement in light of the actual circumstances of each case. Handling of “reasonable excuse” is subject to the particular circumstances of the case.

問 15 有鑑於近日疫苗需求龐大，部分處所員工未能在 2
Q 15 月 24 日「疫苗通行證」生效前完成疫苗接種，第 599L 章會否就此提供豁免？

In view of the recent increase of demand for vaccination, some staff members of premises have not been able to complete vaccination before the “vaccine pass” comes into effect on February 24. Will an exemption be provided under Cap. 599L?

答 15 香港的新冠疫苗接種計劃在去年二月開始推行，現
A 15 時已接種第一針的人口已超過八成，加上近日政府亦增設不少疫苗接種點，市民有充足的機會接種疫苗。因此政府沒有計劃就此提供豁免。

Hong Kong’s COVID-19 Vaccination Programme was launched in February last year. Currently more than 80% of the population have received first dose of the vaccine. With the recent opening of more vaccination spots, members of the public should have sufficient time to get vaccinated. Therefore the Government has no plans to offer exemption in this regard.

問 16 現時部分宗教處所內亦設有多種不受第 599F 章規管的處所，例如安老院，有關處所是否亦需要遵從第 599L 章下就「疫苗通行證」及第 599F 章下就使用「安心出行」的要求？

Currently, some religious premises also contain various types of premises which are not regulated under Cap. 599F, such as residential care homes for the elderly. Must these relevant premises also comply with the requirements on “vaccine pass” under Cap. 599L and the use of “LeaveHomeSafe” under Cap. 599F?

答 16 宗教處所內的其他一些不受第 599F 章規管的處所
A 16 （有關處所），例如安老院，毋須遵從第 599L 章下就「疫苗通行證」及第 599F 章下就使用「安心出行」的要求。然而，宗教處所內的安老院亦須符合社會福利署就所有安老院實施的「疫苗通行證」要求（如適用）。

假如有關人士只是通過宗教處所入口，以前往在其內的其他不受第 599F 章規管的處所，而不會參與在該宗教處所舉行的宗教活動，或使用該宗教處所的設施，則有關人士毋須符合「疫苗通行證」及使用「安心出行」的要求。

Some other premises located within religious premises which are not regulated under Cap. 599F (relevant premises) such as residential care homes for the elderly) need not comply with the requirements on “vaccine pass” under Cap. 599L and use of “LeaveHomeSafe” under Cap. 599F. However, residential care homes for the elderly located within religious premises must also comply with the “vaccine pass” requirements imposed by the Social Welfare Department on all residential care homes for the elderly (if applicable).

If a person only passes through the entrance of a religious premises for accessing other premises located inside which are not regulated under Cap.

599F, and will not participate in the religious activities held on that religious premises or use the facilities of that religious premises, then he / she needs not comply with the requirements on “vaccine pass” and the use of “LeaveHomeSafe”.

問 17 有個別宗教處所可能並無任何掌管人。該等宗教處所是否仍須遵從「疫苗通行證」的要求？

Q 17 Certain religious premises may not have any person-in-charge. Must such religious premises also comply with the “vaccine pass” requirements?

答 17 就無人掌管的宗教處所，訪客若要進入該等處所，仍須符合有關的「疫苗通行證」要求。執法人員在巡查該等宗教處所時可要求訪客出示新冠疫苗接種紀錄。若訪客未能符合有關的「疫苗通行證」要求，有可能構成違反第 599L 章的規定。

In respect of religious premises without a person-in-charge, if a visitor is to enter such premises, he / she still needs to comply with the “vaccine pass” requirements. Enforcement officers may request visitors to produce their COVID-19 vaccination record when inspecting such religious premises. If a visitor fails to comply with the “vaccine pass”, he / she may constitute a violation of the requirement(s) under Cap. 599L.

(四)執行安排類別

(4) Enforcement Arrangements

問 18 商場的物業管理公司應如何準備及實行相關措施？

Q 18 How should property management companies of shopping malls make preparation for and implement the relevant measures?

答 18 就處所掌管人的責任，請參閱上文處所掌管人的責任總覽。商場為「被動查核」處所。

註:如果物業管理公司同時是商場範圍內其他屬「主動責任」的表列處所(例如:公眾娛樂場所、健身中心、美容院)的掌管人(person-in-charge),該處所掌管人必須執行相關責任。

In respect of the responsibilities of the person-in-charge of a premises, please refer to the above Overview of Responsibilities of the Person-in-charge of Premises.

Note: If a property management company of a shopping mall is also the person-in-charge of other scheduled premises with “active responsibilities” located within the shopping mall area (such as places of public entertainment, fitness centres and beauty parlours), the person-in-charge of these premises must execute the relevant responsibilities.

問 19 一般而言,所有人進入商場前必須使用「安心出行」。如果商場前線員工發現有顧客沒有遵守,應該如何處理?
Q 19

In general, persons entering shopping malls must use “LeaveHomeSafe”. How should a frontline staff handle cases where a person has been found to have failed to comply with such requirement?

答 19 商場為被動查核處所,掌管人只需配合獲授權人員的執法行動,並向該人員提供所需協助。
A 19

Shopping mall is a premises subject to passive checking. The person-in-charge only needs to cooperate with the authorized officers in relation to their enforcement actions, and render the required assistance to those officers.

問 20 新規定下,現時可豁免使用「安心出行」的人士,是否繼續豁免使用「安心出行」進入商場呢?如是,相關人士需要填寫「指定表格」嗎?
Q 20

Under the new regulations, will the people who are currently exempted from using “LeaveHomeSafe” continue to be exempted when entering shopping

malls? If so, are the relevant persons required to fill out the “specified form”?

答 20 可以。請參考以上問題 12 就豁免人士的安排及要求。
A 20

Yes. Please refer to Question 12 above.

問 21 如有人聲稱沒有「疫苗通行證」，不填寫個人資料
Q 21 但堅持進入，指明處所掌管人的僱員應怎樣處理？

How should staff of the management company handle cases where a person claiming that he / she does not fulfil the “vaccine pass” requirement but insists on entering the premises without leaving personal information?

答 21 處所掌管人應拒絕有關人士進入商場，如有關人士
A 21 執意進入有關處所，我們建議處所掌管人記錄有關情況，並適時向執法部門尋求求助。

The person-in-charge of the premises should deny the relevant person from entering the shopping mall. If the relevant person insists on entering the premises, we advise the person-in-charge of the premises to record the situation and seek timely assistance from law enforcement department(s).

(五)求助及通報方法

(5) Calling and Reporting

問 22 如果對於「疫苗通行證」規例執行上有問題，局方
Q 22 有否提供熱線，讓商場管理人可以尋求協助？

If there are questions concerning the implementation of the “vaccine pass”, whether the Government has set up a hotline for the person-in-charge of shopping malls to seek advice?

答 22 如任何人就「疫苗通行證」規例執行上有問題，可
A 22 透過傳真（2541 3352）、電郵
（enquiry@fhh.gov.hk）、郵寄方式（香港添馬添美

道 2 號政府總部東翼 18 樓) 或致電 (3509 8765) 向食物及衛生局查詢。如屬執法問題，我們會轉交執法部門跟進。

If anyone has questions on the implementation of the regulations on “vaccine pass”, they could consult the Food and Health Bureau by fax (2542 3352), email (enquiry@fhd.gov.hk), post (18/F & 19/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong) or telephone (3509 8765). For questions on enforcement, we will refer the issue to law enforcement department(s) for follow up.

問 23 如果發現有商場商戶不合作，是否需要及應向哪些執法機構通報？

If it is discovered that some of the shopping mall tenants refused to cooperate, is there a need to report to the enforcement department(s)? If yes, which enforcement department(s)?

答 23 按照第 599F 章的規定及現行生效的第 599F 及 L 章的指示，商場掌管人目前並無法律責任以確保其轄下商場商戶跟從有關第 599F 章的指示。然而，為配合政府防疫政策，如商場掌管人發現其轄下商場商戶違反有關第 599F 章的指示，我們建議有關商場向商戶作出勸喻。如有關商戶未有及時糾正其行為，我們建議商場掌管人向執法部門通報情況，並積極配合有關調查。

According to the Cap. 599F regulation and the prevailing directions under Cap.599F and L, a person-in-charge of the shopping mall currently has no legal responsibility to ensure that shopping mall tenants are complying with the relevant Cap. 599F directions. However, in order to cooperate with the Government’s anti-epidemic policy, if the person-in-charge of shopping malls discovers that shopping mall tenants have breached the relevant Cap. 599F directions, we recommend the relevant shopping malls to remind tenants concerned. If the relevant shopping mall

tenants still fail to rectify their breach in a timely manner, we advise the person-in-charge of the shopping malls to report the case to law enforcement departments and cooperate with the relevant investigations.

問 24 如果有人投訴懷疑另一訪客沒有接種疫苗，指明處
Q 24 所掌管人僱員可否要求場內人士出示疫苗接種紀錄？

If a person suspects another visitor of not being vaccinated, can the staff of persons-in charge of specified premises demand that the relevant person presents his / her COVID-19 vaccination records?

答 24 規例賦予指明處所掌管人查閱疫苗接種紀錄的權
A 24 力，因此指明處所僱員可在掌管人授權下要求相關人士出示疫苗接種紀錄。

The Regulation confers power to the person-in-charge of specified premises to inspect COVID-19 vaccination records. Hence, staff of the specified premises can request the relevant person to present his / her COVID-19 vaccination records with authorisation from the person-in-charge.

問 25 由於進入商場及食肆均要掃瞄「安心出行」，假若
Q 25 客人離開食肆而未離開商場，即要於商場找二維碼再掃瞄。但由於商場一般只會於商場入口放置二維碼，客人未必即時可以掃瞄，屆時，客人可能會指商場未能於場內提供足夠二維碼，物管應如何處理？

Since entering shopping malls and catering premises would both require the scanning of the “LeaveHomeSafe” venue QR code, a customer who leaves the catering premises without leaving the shopping mall would be required to find the QR code of the shopping mall for scanning again. Since shopping malls would normally display the QR codes at the entrance only, customers may not be able to scan the QR code immediately.

Customers may then accuse the shopping mall of not providing sufficient QR codes within the premises, how should the management company handle such situation?

- 答 25 從執法角度而言，倘若商場的各個出入口已展示
A 25 「安心出行」場所二維碼，商場掌管人並無責任確保商場使用者已掃瞄「安心出行」場所二維碼。就商場使用者而言，只要有關商場使用者向執法人員出示合理證據顯示他／她符合有關「疫苗通行證」的要求，以及顯示他／她曾於當日較早時段掃瞄商場的「安心出行」場所二維碼以及商場內其他處所的「安心出行」場所二維碼，可被視作有合理辯解。

為了方便商場使用者掃瞄「安心出行」場所二維碼，我們建議商場除了在各個出入口展示「安心出行」場所二維碼，亦可在商場內不易令人誤會為其他場所二維碼的地方（如商場通道或商場裝飾物）提供展示「安心出行」場所二維碼，方便商場使用者掃瞄。

From the enforcement perspective, if a shopping mall has already displayed the “LeaveHomeSafe” venue QR code at each and every one of their entrances, the person-in-charge of the shopping mall would not be held responsible for not ensuring that all shopping mall users have scanned the “LeaveHomeSafe” QR code. For shopping mall users, they would only need to show reasonable proof to the authorized officer that he / she fulfils the “vaccine pass” requirement, and that he / she has scanned the “LeaveHomeSafe” venue QR code for the shopping mall earlier that day as well as the “LeaveHomeSafe” venue QR code for other premises within the shopping mall to establish reasonable excuse.

In order to facilitate shopping mall users in scanning the “LeaveHomeSafe” venue QR code, we advise shopping malls to display “LeaveHomeSafe” venue

QR codes at not only each and every one of the entrances of the shopping malls, but also at other areas within the shopping mall that would not be easily confused as QR codes for other scheduled premises (such as along the passageway or decorations of the mall).

問 26 香港部分商場與其他商場鄰近商場的連接位置未有劃分清楚的界線，商場掌管人及使用者應如何確保自己已遵從「疫苗通行證」的要求？

Q 26 Some shopping malls in Hong Kong has no clear separation between the shopping mall and the neighbouring shopping malls at their connection point , how should the persons-in-charge and users ensure that they have followed the requirements under the “vaccine pass”?

答 26 為了方便商場使用者遵從「疫苗通行證」的要求，
A 26 我們建議商場掌管人在各商場的連接位置／出入口設置提示或工作人員提醒使用者有關進入另一商場須掃描「安心出行」場所二維碼的要求。

In order to facilitate compliance of the “vaccine pass” requirement by shopping mall users, we suggest the person-in-charge of the shopping mall to set up reminders or deploy staff at the connection points / entrances of each shopping mall to remind users of the requirement to scan the “LeaveHomeSafe” venue QR code when entering another shopping mall.

問 27 由於現時「疫苗通行證」「安心出行」並非採用實名制，部分未有接種疫苗人士或上傳他人的疫苗接種紀錄以進入處所，並於執法人員檢查時被發現或拒絕出示記錄，處所掌管人會否因此負上責任？

Q 27 Since the “vaccine pass” within the “LeaveHomeSafe” mobile application does not require real name registration, individuals who have not received the vaccine may upload vaccination records from another person to enter premises. If the above is discovered by law enforcement officers upon inspection, whether the

person-in-charge of the premises would be held liable?

- 答 27 法例是要求處所掌管人作盡職檢查。執法人員會考慮處所掌管人有否檢查顧客已完整地填寫資料或使用政府開發的「驗證二維碼掃瞄器」應用程式核實顧客的接種疫苗記錄等。至於資料是否屬虛假陳述，執法人員會按實際情況進行判斷。如處所掌管人能提供證據，顯示處所已採取一切合理可行措施以符合相關規定，執法人員不會對有關處所採取法律行動。

Person-in-charge of specified premises are required under the law to perform due diligence check. Law enforcement officers will consider whether the person-in-charge of the premises have checked that customers have duly filled in all particulars or used the "QR Code Verification Scanner" mobile application developed by the Government to verify the vaccination records of customers, etc. Whether the information is a false statement will be judged by law enforcement officers. If the person-in-charge of the specified premises could provide evidence to show that all reasonably practicable measures have been taken to comply with the relevant requirements, law enforcement officers will not take legal actions against the relevant premises.

(六)「安心出行」

(6) “LeaveHomeSafe”

- 問 28 在商場、百貨公司或酒店等處所，如顧客／訪客需
Q 28 要在進入該等處所後再進入在其內的其他表列處所或食肆，或需多次進出該等處所，是否每次都要掃瞄「安心出行」場所二維碼及在程式選擇「離開場所」？

For premises such as shopping malls, department stores or hotels etc., if a customer is to enter other scheduled premises or restaurants located inside

shopping malls, department stores or hotels after entering those premises, or is to enter and leave those premises for a couple of times, does he / she need to scan the “LeaveHomeSafe” venue QR code and choose “leave venue” on the mobile application for every entry or exit?

- 答 28 根據第 599F 章的要求，顧客／訪客在進入商場、百貨公司或酒店等處所前須使用「安心出行」掃瞄場所二維碼。如顧客／訪客其後需再進入位於該等處所內的其他表列處所或食肆（其他相關處所），仍須再使用「安心出行」掃瞄其他相關處所的場所二維碼。顧客／訪客在離開其他相關處所，返回商場、百貨公司或酒店的共用範圍時，毋須再掃瞄商場、百貨公司或酒店的場所二維碼。

According to the requirements under Cap. 599F, a customer / visitor must use “LeaveHomeSafe” to scan the venue QR code **before entering** premises such as shopping malls, department stores or hotels, etc. If the customer / visitor is to enter other scheduled premises or restaurants located inside such premises (other relevant premises), he / she must also use “LeaveHomeSafe” to scan the venue QR code of the other relevant premises. After the customer / visitor has left the other relevant premises and returned to the common area of the shopping mall, department store or hotel, there is no need to scan the venue QR code of the shopping mall, department store or hotel again.

- 問 29 「疫苗通行證」規例第 8 條規定掌管人需掃描任何
Q 29 顯示在疫苗接種紀錄或豁免證明書上的二維碼，具體做法是怎樣？

Under requirement of Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599L) section 8, the person-in-charge must scan any QR code that is on or being a vaccination record or an Exemption Certificate of any person. What is the specific practice?

答 29 處所掌管人需要使用政府開發的「驗證二維碼掃瞄器」

(https://www.fehd.gov.hk/tc_chi/events/covid19/vaccination_record_app.html) 流動應用程式掃瞄顯示在相關人士疫苗接種紀錄或新冠疫苗醫學豁免證明書上的二維碼，並保存 31 天的紀錄。

The person-in-charge of premises must use the “QR Code Verification Scanner” (https://www.fehd.gov.hk/english/events/covid19/vaccination_record_app.html) mobile application developed by the Government to scan any QR code that is on or being a vaccination record or a COVID-19 Medical Exemption Certificate, and keep the record for 31 days.

食物及衛生局
2022 年 2 月