

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force**

***Implementation Progress of the Recommendations of the
Review on Application for Outside Seating Accommodation Permission
of Restaurants - January 2014 Update***

Background

In response to the trade's concerns/views on the application for outside seating accommodation (OSA) permission of restaurants raised in December 2012, a Working Group¹ was formed to review the application process with a view to identifying any potential scope for improvement from the business compliance facilitation angle.

2. At the last Food Business and Related Services Task Force (FRSTF) meeting held on 24 October 2013, the OSA Working Group presented the findings and recommendations of the review. The purpose of this paper is to update members on the implementation progress of the 10 review recommendations as put forward in **FRSTF Paper 23**.

Implementation Progress

3. The implementation progress is summarized below-

A. Implementation of two recommendations has been completed

Recommendation 7

To develop referral rules to streamline the processing procedures

With the agreement of the Lands Department (LandsD) and the Transport Department (TD), the Food and Environmental Hygiene

¹ The Working Group comprises representatives from the Food and Environmental Hygiene Department, Fire Services Department, Buildings Department, Lands Department, Planning Department, Housing Department, Transport Department, Home Affairs Department and Economic Analysis and Business Facilitation Unit

Department (FEHD) has streamlined the OSA application processing procedures by adopting the following referral rules:

- Referral to LandsD is not required for application for providing an OSA within public housing estates.
- Referral to TD is not required for application for providing an OSA on the roof/podium floor of a building with no traffic flow or no public road/footpath.

Recommendation 9

To streamline the application process for issue of Land Licence

- LandsD has advanced the processing of a land licence application to the time when FEHD issues a Letter of Requirements. As soon as the applicant has complied with all the licensing requirements, LandsD will send the demand note to the applicant for payment within a short period of time. As such, the overall OSA application process time has been reduced.

B. Implementation of eight recommendations is in progress

Recommendation 1

To consider relaxing the pre-requisite for OSA application without compromising public interest

- B/Ds are reviewing the definition of “outside area” in OSA applications and studying the possibility of setting criteria for providing OSA without compromising public interest, such as the possibility of providing OSA in some areas partly covered by authorized canopies.

Recommendation 2

To strengthen the mechanism for considering objections to OSA applications from the public

- FEHD is examining the mechanism for handling objections to OSA applications from the public. On receipt of public objections against an OSA application, FEHD will consider checking with the other departments concerned whether they have received related complaints in order to consider whether the grounds of objections are valid, so as to balance the interests of

stakeholders.

Recommendation 3

To enhance the OSA Application Guide to make it more informative and business-friendly

- Upon implementation of the improvement proposals, FEHD will revise 'A Guide to Application for Outside Seating Accommodation' (the Guide) by including more updated relevant information to make the Guide more business-friendly. In the interim, FEHD will upload updated information into the FEHD's website for trade's reference. For instance, LandsD's information on right of land use and fee payable in connection with OSA applications have been uploaded into the FEHD's website (http://www.fehd.gov.hk/tc_chi/licensing/osa_applications_info.html).

Recommendation 4

To highlight in the OSA Application Guide that parallel processing of separate OSA and restaurant licence applications is allowed and the outcome of restaurant licence application is independent of that of the OSA application

- FEHD will highlight in the Guide that separate OSA and restaurant application can be submitted for parallel processing and the outcome of restaurant licence application is independent of that of the OSA application.

Recommendation 5

To explore the feasibility of allowing OSA permission to be attached to the provisional restaurant licence

- FEHD is exploring the feasibility of allowing OSA permission to be attached to a provisional restaurant licence.

Recommendation 6

To convene joint departmental meeting with applicants at which relevant departments will discuss their concerns/objections with the applicants direct

- The Working Group is now devising the mechanism of the proposed joint departmental meeting to enable the objecting department(s) to discuss their reasons of objection directly with the applicant.

Recommendation 8

To include OSA in the Licence Application Tracking Facility

- FEHD is seeking comments from the departments concerned on the enhancement of the Licence Application Tracking Facility to include OSA applications in the system to facilitate OSA applicants' tracking of their application status.

Recommendation 10

To adopt the 'cancel and reissue' approach to shorten the Land Licence processing time in relation to the transfer of restaurant licence

- From March 2014 onwards, if the existing site area and the boundary of an OSA remain unchanged in a restaurant licence transfer, LandsD will streamline the land licence application procedures by adopting a "cancel and reissue" approach. The new land licence will be issued in 3 weeks time.

Way Forward

4. Members are requested to note the progress and offer comments, if any.

**Secretariat of the Food Business and Related Services Task Force
February 2014**