

Smart Site Selection Brings Business Opportunities in Alfresco Dining

Recent years have seen the growing popularity of alfresco dining in Hong Kong. To facilitate the trade's operation of alfresco dining, an inter-departmental Working Group¹ was formed to explore room for improvement regarding applications for permission to provide outside seating accommodation (OSA) in restaurants. In October 2013, the Working Group put forward 10 recommendations to increase the transparency in the application procedures and requirements, shorten the processing time of applications and offer businesses greater flexibility in their operation. The following 10 improvement measures were implemented by the departments concerned accordingly in phases between January 2014 and July 2015 -

1. Relax the pre-requisites for OSA applications whereby areas attached to restaurants which are underneath or partially covered by authorised structures projecting from the external walls of buildings, or located in backyards or open yards can be considered; specific criteria have been drawn up in this regard;
2. Enhance the mechanism for considering public objections to OSA applications to facilitate more effective deliberations by the Food and Environmental Hygiene Department (FEHD) on whether the grounds of objections are valid and whether the application should be proceeded with;
3. Revise "A Guide to Application for Outside Seating Accommodation" (OSA Application Guide) to provide the trade with more detailed and updated information, including the information on rights of land use and fees payable in respect of OSA applications;
4. 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 OSA application;
5. Allow granting of OSA permission to a provisional restaurant licence without the need to await the issue of a full licence;
6. If there are objections to an OSA application raised by any of the departments concerned, the FEHD will arrange a joint departmental meeting for the relevant departments to discuss their objections with the applicant direct. This will help the applicant to understand clearly the reasons for objections and to make rectification;
7. Develop additional departmental referral rules to eliminate unnecessary procedures in the OSA application process;
8. Enhance the Licence Application Tracking Facility to enable applicants to track the progress of their OSA applications on-line;
9. Streamline the application process for the issue of Land Licences so as to expedite the processing of OSA applications; and
10. Adopt the "cancel and reissue" approach to shorten the processing time of Land Licences related to the transfer of restaurant licences.

Anyone interested in providing alfresco dining has to note that the site for OSA should be attached to the restaurant concerned in the first place. If documentary proof for the legal right to use the site can be timely produced and the outcome of local consultation is positive, the application processing time will be much shortened, subject to the compliance with other relevant requirements. For details of the OSA application process, please refer to the newly revised OSA Application Guide

http://www.fehd.gov.hk/english/howtoseries/forms/new/OSA_Guide.pdf).

Economic Analysis and Business Facilitation Unit

¹ The OSA 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.

