

**Business Facilitation Advisory Committee
Task Force on Business Liaison Groups**

***Measures to Facilitate Food Business Licence Applicants
to Obtain a Full Licence in a Timely Manner***

Purpose

This paper briefs members on the administrative measures launched in 2018-19 to facilitate food business licence applicants to obtain a full licence in a timely manner.

Background

2. There is a provisional licensing system for food business, under which a provisional licence will be issued, on application, to premises that have met all essential requirements for the issue of a provisional licence imposed by the various government departments concerned. Upon submission of the certificate(s) duly signed by recognised professionals certifying the premises are in compliance with the essential licensing requirements, the applicant will be granted a provisional licence for commencement of business. The provisional licence is valid for six months, during which the applicant has to continue to comply with the licensing requirements for a full licence. The Licensing Authority may in exceptional circumstances renew a provisional licence, before it expires, for only a further period not exceeding six months. In recent years, operators in the trade very often fail to obtain a full licence before the expiry of their provisional licences.

Measures to Facilitate Applicants' Compliance with the Licensing Requirements

3. The Food and Environmental Hygiene Department (FEHD), the Fire Services Department (FSD), the Buildings Department (BD) and the Independent Checking Unit (ICU) ¹ have reviewed the application

¹ The ICU is set up directly under the Office of the Permanent Secretary for Transport and Housing (Housing) to advise the FEHD on building safety matters relating to licence applications for premises on existing

procedures for food business licences and a number of measures on various aspects have been taken to facilitate applicants' compliance with the licensing requirements for a full licence. The facilitation measures are summarised below.

1. Engaging the business operators in licence application

4. Most business owners/operators, as licence applicants, will appoint contractors or agents to handle licence application matters. As usually the correspondence addresses provided on the application forms are the addresses of the contractors/agents, business operators do not directly receive the correspondence relating to their applications and therefore may not know the requirements for obtaining a full licence or the status of their applications. To engage business operators in licence application so that appropriate action can be taken where necessary, FEHD has rolled out the following measures since October 2018 -

- (a) In the Letter of Requirements and the letter concerning the provisional licence issued by FEHD, bold type will be used for emphasis to remind the applicants that they must comply with all the requirements for a full licence as soon as possible during the six-month validity period of the provisional licence so as to obtain a full licence to continue the operation of food business ;
- (b) Regarding the notification of the outstanding licensing requirements issued upon inspection of the premises by FEHD staff, apart from sending the notification by post to the correspondence address given on the application form, FEHD will also send a copy of the notification to the premises under application for a licence, so that the business operators can keep abreast of the situation and take appropriate follow-up action;
- (c) FEHD will send email messages to the parties concerned, including the licence applicants and their contractors or agents, two months before the expiry of the provisional licence to remind them of the validity period of the provisional licence, provided that their valid email addresses are given on the licence application form; and

- (d) If mobile phone numbers of the concerned parties are given on the licence application form, FEHD will send SMS (Short Message Services) messages to them at three months, two months and one month intervals before the expiry of the provisional licence to remind the applicants' side of the expiry date of the provisional licence and the need to comply with the licensing requirements for a full licence as soon as possible.

II. Inspection schedule for premises issued with a provisional restaurant licence

5. With a view to facilitating restaurant licence applicants' early compliance with the licensing requirements for a full licence, FEHD will arrange for case managers to inspect the premises within one month after a provisional restaurant licence has been issued. Through the inspection, FEHD staff can point out to the applicants or their contractors/agents the outstanding licensing requirements for a full licence and offer advice where necessary.

III. Streamlining the workflow of processing revised plans

6. It is very common for licence applicants to change the layout design after submitting the proposed layout plan or revise the layout of the premises during renovation to suit the actual site condition. In general, FEHD will refer revised plans at the licence application stage or alteration plans of licensed restaurants to BD for comment if such plans consist of changes related to building safety. With the launch of a new Self-certification System by BD in December 2019, for restaurant licence applications/alteration applications processed and verified to have met certain criteria by BD, the applicant may opt to join the System by submitting an Authorized Person (AP)'s certification to FEHD to certify that the proposed changes shown on the revised plan/alteration plan are in compliance with the building safety requirements. Upon receipt of the AP's certification, FEHD will continue to process the application without the need of referring such plans to BD for comment.

7. In addition, FEHD, BD/ICU and FSD had reviewed and updated the referral protocols so as to streamline the procedures for processing revised plans in licence applications. The updated referral protocols has been put in use since November 2019.

IV. Providing FEHD prescribed forms filled in with relevant details in advance

8. To assist the applicants in preparing supporting documents for reporting compliance with all licensing requirements before a provisional or a full licence could be granted, FEHD will extract relevant details of the applications (such as name of applicant, address of premises and type of licence applied for) from the department's computer system into relevant prescribed forms so as to avoid typos made by the parties concerned when completing the documents. Since December 2019, the forms filled in with relevant details in advance will be emailed to the applicants or their contractors/agents.

V. Enhancing publicity and education on good practices

9. Based on the experience in processing licence applications, FEHD, BD/ICU and FSD recognize that the following good practices can serve as reference for licence applicants and help them to obtain a full licence in a timely manner:

- (a) avoid making unnecessary changes to the layout plan which has been accepted by the departments; submit a revised plan as soon as possible if the actual layout/installations of the premises do not conform to the plan;
- (b) highlight proposed changes on the revised plan with colour pens and provide simple descriptions if revisions to the plan are necessary;
- (c) keep track of the status of the application and, where appropriate, prompt the contractor or agent to take action to comply with the licensing requirements;
- (d) attend the Application Vetting Panel meeting (if any) in person and participate in the compliance inspection conducted by the case manager at the premises;
- (e) allow for early preparation of the required supporting documents such as the Work Completion Certificate for electrical installations, the certificate from the supplier of the ventilation system, the food supplier certificate, and the valid Certificate of Fire Service

Installations and Equipment; and

- (f) report to FEHD of compliance with the licensing requirements at least 15 working days before the expiry of the provisional licence, so that FEHD can conduct the final verification inspection within eight working days, and issue a full licence within seven working days upon confirmation of compliance with all the licensing requirements.

Way Forward

10. Members are invited to note the above business facilitation measures and offer comments, if any.

**Food and Environmental Hygiene Department
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