

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

***Adoption of "Self Certification System" - Self Certification by Authorized
Person in Revised / Alteration Plans***

Purpose

This paper outlines the Self-certification System by Authorized Person (AP) under the restaurant licensing regime tentatively to be launched in end 2019 for members' information. The System aims to streamline the procedures for complying with building safety requirements under the restaurant licensing regime and is to be applicable to submission of revised plans at licence application stage and alteration plans of newly licensed restaurants (i.e. after launching of the Self-certification System) and revised alteration plans of licensed restaurants.

Background

2. In support of their restaurant licence application, applicants have to submit layout plans of the proposed restaurant. Under the current arrangement, the Licensing Authority (i.e. Food and Environmental Hygiene Department (FEHD)), upon receipt of the applications, will refer¹ the layout plans to the Buildings Department (BD) for formulation of building safety requirements² for the applicants to comply with under the 3-tier system³ for Verification of Compliance with Building Safety Requirements (3-tier System). If there is any

¹ For licence applications for premises on existing and divested properties of the Housing Authority, FEHD will refer the cases to the Independent Checking Unit set up under the Office of the Permanent Secretary for Transport and Housing (Housing) direct.

² These requirements are related to structural safety, fire resisting construction, means of escape, means of access for fire-fighting and rescue, and unauthorised building works.

³ Under the "3-tier system" for verification of compliance with building safety requirements, the applicant is required to certify the compliance with Category 1 requirements. For Category 2 requirements, the applicant's appointed AP/Registered Structural Engineer has to certify the compliance with building safety requirements. For Category 3 requirements, BD is to verify the compliance with the requirements.

change in the layout of the proposed restaurant before the issue of a licence, the applicants should submit revised layout plans to FEHD who will then seek BD's further comments. Similarly, FEHD will seek BD's comment on alteration plans of licensed restaurants.

Self-certification System

3. To streamline the workflow of processing the referrals of revised layout plans for FEHD in paragraph 2 above without compromising building safety, BD, in collaboration with FEHD, will implement the Self-certification System as an alternative for the applicants provided that the proposed revisions can meet the criteria in the **Appendix**. In other words, the applicants can opt for the submission of AP's certification to certify that the proposed changes shown in the revised layout plan are in compliance with the issued building safety requirements instead of adopting the 3-tier System to certify compliance of BD's revised building safety requirements. Upon receipt of the AP's certification under the Self-certification System, FEHD will handle the applications without referral to BD.

4. For licensed restaurants processed after the implementation of the Self-certification System, the licensees can also opt for the Self-certification System for the subsequent revised alteration plans after receiving comments from BD for the first alteration plans.

5. If the applicants/licensees decide NOT to adopt the Self-certification System, BD will continue to offer comments to FEHD under the current arrangement.

6. To ensure the safety of the restaurants, an audit system will be devised to ensure the APs have discharged their duties in a professional manner and the subject premises are up to the building safety standards. Appropriate follow-up actions by BD and FEHD will be taken against the AP as well as rectifying irregularities identified.

Way Forward

7. Members are invited to note the contents of this paper.

**Buildings Department
Independent Checking Unit
November 2019**

Application of Self-certification System

The Self-certification System is applicable to proposed or licensed restaurant¹ having exclusive and direct exit(s) to ultimate place(s) of safety, except for:

- (a) Proposed or licensed restaurant served by fire safety constructions² based on fire engineering design³; or
- (b) Proposed changes to the revised layout plan/alteration plans would involve change in the boundaries of the proposed or licensed restaurant.

¹ The Self-certification System only applies to licensed restaurants for which their licence application were received after the launching of the Self-certification System.

² They refer to means of escape, fire resisting constructions and means of access for firefighting and rescue.

³ Indication of such would be provided in BD's reply to FEHD which is also copied to the applicant.