

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force
Measures to Expedite the Processing of
Applications for Alteration to the Layout Plans of Food Premises**

Purpose

This paper briefs members on the administrative measures to expedite the processing of applications for alteration to the layout plans of food premises.

Background

2. Under the Food Business Regulation, food business licensees are required to seek approval from the Director of Food and Environmental Hygiene (Director) before carrying out any alteration or addition to their licensed premises which would result in material deviation from the layout plan of the premises approved by the Government.
3. In recent years, the trade has expressed concern about the lengthy time (from several months to more than half a year) required to vet applications for alteration to the layout plans, thus affecting the implementation of the alteration which may not be fully compatible with their operational needs. To address the trade's concern, the Food and Environmental Hygiene Department (FEHD), the Fire Services Department (FSD), the Buildings Department (BD) and the Independent Checking Unit (ICU)¹, after reviewing the existing system and procedures for processing applications for alteration to the layout plans, have proposed a package of enhancement measures.

Enhancement Measures to Facilitate the Application for Alteration to the Layout Plans

Allowing more flexibility in the layout of the premises

4. To ensure public safety, the law requires that the approved plan of a food premises should clearly show the layout of the premises and the position of appliances/furniture therein, and any alterations to the plan should be submitted to FEHD for approval. At present, the following

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

items are not required by in the relevant guides of FEHD to be shown on the layout plan of a restaurant:

- Movable appliances not of a permanent and substantial nature, e.g. coffee grinder, blender, juice extractor, microwave oven, portable electric rice cooker, portable electric warmer, toaster, electric water heater, bread slicer, electric coffee warmer, electric mixer, electric mincer, egg cooker in kitchen and food preparation room; and
- Movable facilities/furniture not of a permanent and substantial nature, e.g. chopping block, storage rack/shelf, food preparation table and computer terminal in kitchen and food preparation room; and non-fixed tables and chairs, storage rack/shelf, magazine rack, condiment rack, sauce container, display shelf, trackless folding screens for flexible partitioning of seating accommodation for customers, wall-mounted light-weight television set, computer terminal, non-food display cabinet, trolley and decoration in seating area.

5. To give operators in the trade more flexibility in the layout of a premises and the arrangement of appliances/furniture therein, the departments concerned have reviewed the existing guidelines and considered allowing operators to make certain alterations without the need to seek prior approval from the licensing authority. The departments are of the view that exempting the internal layout and arrangements of store-rooms, cloak rooms/changing rooms and position of shrine cabinet in seating area from being shown on the plan will not compromise public safety. FEHD will update the guides to application for food business licences to reflect the above changes. The updating exercise is expected to be completed within 2018. The departments concerned will also review from time to time the list of items not required to be shown on the layout plan.

Revising the inter-departmental referral protocols to streamline the processing procedures

6. Upon receipt of a licensee's application for alteration to the plan, FEHD will refer the case to BD/ICU and FSD according to the established protocols to seek their advice on building safety and fire safety respectively. As an effort to enhance the current system, FEHD, BD/ICU and FSD have conducted a comprehensive review of the prevailing protocols. In order to streamline the processing procedures, the departments will set out clearly certain circumstances under which referral can be obviated without compromising public safety. For instance, applications regarding the change to use electric cooking appliances need not be referred to FSD, and alteration and addition works to be carried out under the Minor Works Control System need not be referred to BD/ICU by FEHD. While the departments concerned will continue the discussion, the new referral protocols are expected to be finalised by the end of 2018.

FEHD will include the new protocols in the relevant guides to application for food business licences upon implementation.

Engaging professionals to process applications for alteration to the layout plans

7. After reviewing their internal workflow to process applications for alteration to the layout plans, and taking into account the well-established and effective Authorized Persons/Registered Structural Engineers (APs/RSEs) system currently in place, under which building safety certification of the premises is undertaken by APs/RSEs), BD and ICU considered that the professional services of APs/RSEs could be further engaged to help process these applications with regard to matters concerning building safety. BD and ICU will also conduct audit checks on such certifications and take follow-up action accordingly.

8. BD and ICU propose that, as a general rule, the licensees may choose to appoint APs/RSEs to certify the planned alteration or addition is in compliance with the building safety requirements so long as the applications for alteration to the layout plans **do not involve** any of the following:

- the alteration will increase the capacity of the premises to over 200 persons at any time;
- the alteration will reduce the number and width of the exit route and exit doors of the premises;
- the alteration will change the location of the exitdoors of the premises;
- the licensed area of the premises will be increased;
- the alteration will involve the addition of equipment/appliances weighing over 500kg apiece; and
- the alteration will change the approved use of cocklofts to non-storage purpose.

The arrangement will expedite the processing of applications under this category as there is no need for FEHD to further consult BD/ICU.

9. As restaurants account for the majority of food premises applying for alteration to the layout plans, and FEHD invariably consults with BD/ICU on applications for licences and for alteration to the layout plans in respect of restaurants, BD/ICU plan to implement the proposed

measure for restaurant licences first. The implementation details are being formulated and are expected to be implemented by the end of 2019 at the earliest.

Clearing the backlog of long-outstanding cases

10. To clear the backlog of long-outstanding applications for alteration to the layout plans with potential public safety implications, FEHD will process them in batches under a special arrangement. Applications for alteration to the layout plans which were submitted before 2013 but received objection(s) by the department(s) concerned due to their potential public safety implications will be processed first. FEHD will issue warning letters to the licensees, requiring them to resolve the objection(s) raised by the department(s) concerned within three months from the date of the warning letters. Should they fail to do so within three months, FEHD will issue a 10-day assumption letter to them stating that unless they resolve the objection(s) raised by the department(s) concerned and reply to FEHD within 10 days, their applications shall be deemed to have been abandoned and FEHD will not further process their cases. For food premises with application for alteration to the layout plan deemed to have been abandoned and the proposed alteration or addition have been effected, he/she will be required to revert the layout of the premises to that shown on the latest plan(s) approved by the Director. Otherwise, the licence concerned will be subject to cancellation.

Way Forward

11. Members are invited to note the above proposed enhancement measures and offer comments, if any.

Food and Environmental Hygiene Department

Buildings Department

Independent Checking Unit

Fire Services Department

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