

**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 – October 2014 Update***

Background

In October 2013, the Outside Seating Accommodation (OSA) Working Group¹ completed a review on the application for OSA permission of restaurants and put forward 10 recommendations.

2. As at June 2014, the implementation of the following three recommendations had been completed :

- ***Recommendation 2*** – To strengthen the mechanism for considering objections to OSA applications from the public;
- ***Recommendation 7*** – To develop referral rules in order to streamline the processing procedures; and
- ***Recommendation 9*** – To streamline the application process for issue of land licence.

This paper updates members on the implementation progress of the remaining seven recommendations.

Implementation Progress

3. The updated implementation progress is summarized below-

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

A. Implementation of two recommendations has been completed

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 has highlighted in the Guide published on its website that separate OSA and restaurant licence application can be submitted for parallel processing and the outcome of restaurant licence application is independent of that of the OSA application.

Recommendation 6

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

- The implementation details of convening the proposed joint departmental meeting have been finalized. The proposal will be put in place for OSA applications received on or after 1 October 2014, if there are concerns/objections raised by relevant departments.

B. Implementation of five recommendations is in progress

Recommendation 1

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

- FEHD is clarifying the comments received from the Architectural Services Department, Buildings Department and Housing Department on the proposed criteria for providing OSA in 'open area' outside restaurant premises, such as those underneath balcony, veranda or canopy. FEHD will take into consideration of all relevant factors in identifying any scope for relaxing the criteria without compromising public interest.

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 has already uploaded supplementary information such as the general referral protocols for OSA applications and Lands Department (LandsD)'s information on right of land use and fee payable in connection with OSA applications to the FEHD's website for trade's reference (http://www.fehd.gov.hk/english/licensing/osa_applications_info.html).

Recommendation 5

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

- FEHD is finalizing the detailed procedural arrangement for granting OSA permission to a provisional restaurant licence.

Recommendation 8

To include OSA in the Licence Application Tracking Facility

- FEHD has issued the enhancement requirements to the IT contractor to include OSA applications in the Licence Application Tracking Facility.

Recommendation 10

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

- LandsD and FEHD are finalizing the cross-departmental procedures for the 'cancel and re-issue' of land licence in relation to the transfer of restaurant licence with approved OSA. In parallel, FEHD has commenced to revise its relevant operational guidelines for implementation of the proposal.

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
October 2014**