

**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 – May 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. At the last FRSTF meeting held on 17 February 2014, the OSA Working Group reported vide **FRSTF Paper 28** that the following two recommendations had been implemented :

- ***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 eight recommendations.

Implementation Progress

3. The implementation progress is summarized below-

A. Implementation of one recommendation has been completed

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

Recommendation 2

To strengthen the mechanism for considering objections to OSA applications from the public

- The enhanced mechanism for considering objections to OSA applications from the public has been devised. From mid-June 2014 onwards, when there are any public objections received against an OSA application, the Food and Environmental Hygiene Department (FEHD) will enquire of relevant departments whether they have enforcement action on hand and/or records of justified complaints related to the premises under OSA application in order to consider whether the grounds of objections are valid, so as to balance the interests of stakeholders.

B. Implementation of seven recommendations is in progress

Recommendation 1

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

- FEHD is seeking comments from relevant departments on the proposed criteria for providing OSA in ‘open area’ outside restaurant premises, such as those underneath balcony, veranda or canopy, 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. Meanwhile, FEHD has uploaded the general referral protocols for OSA applications and the Lands Department’s information on right of land use and fee payable in connection with OSA applications to its website for the trade's reference (http://www.fehd.gov.hk/english/licensing/osa_applications_info.html).

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 will also highlight in the Guide that separate OSA and restaurant application can be submitted for parallel processing and the outcome of restaurant licence application is independent of that of the OSA application.

Recommendation 5

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

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

Recommendation 6

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

- The Working Group is drawing up the implementation details of convening the proposed joint departmental meeting to enable the objecting department(s) to discuss the reasons of objection directly with the applicant.

Recommendation 8

To include OSA in the Licence Application Tracking Facility

- FEHD is preparing the user requirements for the enhancement of the Licence Application Tracking Facility to include OSA applications in the system so as to facilitate OSA applicants' tracking of their application status.

Recommendation 10

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

- Lands Department and FEHD are now finalizing the procedures for 'cancel and re-issue' of land licence in relation to the transfer of restaurant licence with approved OSA, which are planned to be launched in July 2014.

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
May 2014**