

**Twenty-fifth Meeting of
the Business Facilitation Advisory Committee**

***Agenda Item 4(b) : Report on the work of the Food Business
and Related Services Task Force***

Purpose

This paper reports on the work of the Food Business and Related Services Task Force (FRSTF) since the last Business Facilitation Advisory Committee meeting held on 28 November 2013.

Work progress of FRSTF

New Licensing Conditions in the Guidelines on Assessing Liquor Licence Applications

2. At the last FRSTF meeting, the Food and Health Bureau briefed members on the new licensing conditions as stated in the Guidelines on Assessing Liquor Licence Applications (“the Guidelines”). At the invitation of FRSTF, representatives from Hong Kong Bar & Club Association, Hong Kong Bars & Karaoke Rights Advocacy, and Entertainment Business Rights Concern Group also attended the meeting to express their views.

3. With effect from 1 December 2013, upon receipt of applications for new issue, transfer or renewal of liquor licence of upstairs bars, the Liquor Licensing Board (LLB) will impose an additional licensing condition requiring the licensee to attend the “Seminar on Liquor Licensing” (the Seminar) within the licence period. The Seminar will cover the topics of fire safety, public order and environmental hygiene catering for the needs of managing upstairs bars.

4. Upon receipt of applications for new issue of liquor licence of upstairs bars on or after 1 June 2014, LLB will, having regard to the actual circumstances and the advice of the departments concerned, consider adopting a 90% safety margin on the capacity limit for upstairs bars as a licensing condition. For licences of upstairs bars that already exist on or before 31 May 2014, LLB will give ample grace period by only considering

the adoption of the safety margin at the renewal application immediately following the next renewal.

5 In addition, upon receipt of applications for new issue or renewal of liquor licence on or after 1 June 2014, LLB will consider imposing licensing conditions regarding noise insulation which are more stringent than the existing ones in cases with serious noise problems. When considering doing so, LLB will take into account the actual circumstances of individual premises, such as the practicability of installing double-glazed windows or double doors at the entrance of such premises as well as the availability of any other more appropriate acoustic insulation materials.

6. The Guidelines do not carry the force of law and, as such, are not meant to bind LLB members. It is a step forward to making the application process more transparent by disclosing the Guidelines to the public.

7. The trade has no objection to requiring the licensees of “upstairs bars” to attend the Seminar but has reservation on imposing more stringent capacity limit on the premises of “upstairs bars” as the definition of “upstairs bars” is still ambiguous. The trade also has concerns on the licensing conditions regarding noise insulation which will increase their compliance cost. FRSTF requests the Administration to take into account the views of the trade and refine the new licensing conditions as appropriate. FRSTF also urges the Administration to implement as soon as possible business facilitation initiatives such as extension of the maximum validity period of a liquor licence from one year to two years, and authorization of “deemed licensee” to temporarily manage the liquor-licensed premises when the licensee no longer works there.

Implementation Progress of the Review Recommendations on Application for Outside Seating Accommodation Permission

8. At the last FRSTF meeting held on 17 February 2014, the OSA Working Group¹ updated members on the implementation progress of the review recommendations. Out of the 10 recommendations, two have already been implemented and the rest are in good progress.

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.

9. FRSTF notes that the Food and Environmental Hygiene Department (FEHD) has streamlined the OSA application process by adopting the following referral rules –

- Referral to the Lands Department (LandsD) is not required for application for providing an OSA within public housing estates.
- Referral to the Transport Department is not required for application for providing an OSA on the roof/podium floor of a building with no traffic flow or no public road/footpath.

10. Besides, LandsD has advanced the processing of a land licence application to the time when FEHD issues a Letter of Requirements.

11. FRSTF welcomes the implementation of the two recommendations which help reduce the overall OSA application processing time. The Convenor appreciates the efforts taken by the departments concerned to facilitate food business and requests them to implement other review recommendations as soon as possible.

Briefing on the Film Censorship Ordinance (Cap 392)

12. The Office for Film, Newspaper and Article Administration (OFNAA) briefed FRSTF on the relevant provisions and requirements of the Film Censorship Ordinance (FCO) (Cap 392) for public exhibition of films.

13. According to FCO, a film intended for public exhibition must be approved by the Film Censorship Authority (FCA) (i.e. the Director of Film, Newspaper and Article Administration) before exhibition.

14. As the scopes of “film” and “exhibition” under FCO are broad, FRSTF has concerns whether the law covers exhibition of advertisement/promotional films as well as video recordings of wedding events in restaurants.

15. OFNAA has clarified that under FCO, only films intended for public exhibition require prior approval by FCA. Depending on the circumstances of individual cases, if a film is exhibited in an enclosed area of a private premises for guests by invitations only (such as wedding events), it might not fall within the scope of public exhibition under FCO and require prior approval by FCA.

16. FRSTF is pleased to note OFNAA's clarification. FRSTF requests OFNAA to provide guidelines in the form of FAQs at its website for trade's reference.

Way forward

17. Members are invited to note the work progress of FRSTF. FRSTF will continue to monitor the development of the above issues.

Economic Analysis and Business Facilitation Unit,
Financial Secretary's Office
March 2014