

**Twenty-ninth 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 (BFAC) meeting held on 26 March 2015.

Work progress of FRSTF

***Proposed Regulatory Control on the Disposal of Waste Cooking Oil from
Licensed Food Premises***

2. The Food and Environmental Hygiene Department (FEHD) and Environmental Protection Department (EPD) have consulted FRSTF on the proposed regulatory control on the disposal of waste cooking oil¹ (WCO) from licensed food premises. At the invitation of FRSTF, two trade representatives attended the meeting to express their views.

3. To prevent at source WCO from re-entering the food chain, FEHD proposes to impose a new licensing condition on all restaurant, factory canteen, food factory and bakery licences requiring that WCO generated from the licensed food premises should only be collected by or delivered to WCO collectors, recyclers or exporters registered with EPD and that relevant transaction records should be kept properly. Small quantities of WCO that are already mixed with other kitchen waste will not be subject to the control since it would be impracticable to separate the oil from the waste. EPD plans to invite the WCO trade to apply for registration in September 2015 and FEHD will impose the new licensing condition in late 2015/early 2016.

¹ Waste cooking oil includes grease trap waste, used cooking oil and unused cooking oil that has to be disposed of due to spoilage or other reasons.

4. In general, FRSTF supports regulatory control on WCO for food safety purpose. However, FRSTF is concerned about the availability of enough WCO collectors registered by EPD to timely collect WCO from licensed food premises, especially those located in remote areas. FRSTF also considers that there should be sufficient time for the food trade to understand and familiarise with the proposal.

5. The Government agrees with FRSTF to take into account of the current practice of restaurant chains arranging in-house, centralised collection of WCO from their individual premises when drawing up the implementation details of the proposed regulatory control. At the Convenor's request, both FEHD and EPD will consult FRSTF again at its next meeting to be held in October 2015 when more details of the proposal are available.

Legislative Amendments to Improve the Liquor Licence Regulatory Regime

6. The Food and Health Bureau (FHB) and FEHD have briefed FRSTF on the amendments to the Dutiable Commodities (Liquor) Regulations (Cap. 109B) to improve the liquor licence regulatory regime. At the invitation of FRSTF, representatives from Hong Kong Bar & Club Association and Hong Kong Bars & Karaoke Rights Advocacy attended the meeting to express their views.

7. With effect from 3 August 2015, the maximum validity period of a liquor licence will be extended from one year to two years. The fee for a licence that is valid for two years is set at 1.5 times higher than the fee prescribed for a one-year licence. On facilitation for electronic submission of liquor licence applications, apart from the use of digital signature, the use of a password assigned or approved by the Liquor Licensing Board will also be allowed to verify the identity of the applicants.

8. The trade and FRSTF welcome the above business facilitation measures. To address the trade's concern over the disruption in business operation arising from sudden departure of a licence holder, who is usually an employee, FRSTF urges the Government to expedite the implementation of the 'reserve licensee' mechanism.

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

9. In October 2013, the Outside Seating Accommodation (OSA) Working Group² completed a review on the application for OSA permission of restaurants and put forward 10 recommendations. As reported at the last BFAC meeting, six recommendations had already been implemented.

10. At the last FRSTF meeting held in early June 2015, the OSA Working Group updated the Task Force that the remaining four recommendations would be implemented by the end of June this year.

11. The Licence Application Tracking Facility has been enhanced to include OSA applications in the system. With effect from 18 March 2015, OSA applicants can track the progress of their applications on-line.

12. The Lands Department has adopted a 'cancel and reissue' approach to deal with the Land Licence (LL) application in relation to the transfer of restaurant licence with approved OSA covered by LL with effect from 29 May 2015. As a result, the time for issuance of a new LL is shortened from 4 to 3 weeks. FEHD can now provide a 'one-stop' service for handling the application for transfer of restaurant licence with OSA permission involving LL.

13. FEHD has, in collaboration with other relevant departments, completed a review of the pre-requisite for OSA applications. In addition to the open (i.e. non-roofed over) areas used for alfresco dining, specific criteria on the acceptability of the areas underneath or partially covered by the overhanging structures as well as the areas in backyards or open yards for providing alfresco dining have been clearly set out at **Annex** and have taken effect from 8 June 2015.

² 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.

14. FEHD has revised 'A Guide to Application for Outside Seating Accommodation' (the Guide) to provide more updated information related to OSA applications. The revised Guide in both English and Chinese is now available on the FEHD's website for the trade's reference.

15. FRSTF appreciates the implementation efforts taken by the departments concerned and welcomes all the improvement measures that have been implemented to facilitate alfresco dining operation. The Convenor has requested FEHD to update FRSTF on the achievements with relevant OSA application statistics after the completion of a post-implementation review in a year.

Way forward

16. 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
July 2015

**Pre-requisite for OSA applications –
Criteria on acceptability of specific areas for providing alfresco dining**

Areas underneath or partially covered by overhanging structures

(a) On Government land

- (i) Any area underneath authorised structures constructed by the Government such as footbridge / flyover / canopy or (ii) any area underneath authorised structures constructed by private parties such as balcony, canopy, architectural projections and signboards from the external walls of a private building; and
- The area should be attached to the restaurant concerned.

(b) On private land or within the properties / divested properties of the Hong Kong Housing Authority

- (i) Any area underneath authorised structures that has been counted in Gross Floor Area calculations or (ii) any area underneath architectural projections or wall signboards within 500mm and 600mm projection respectively from the external walls of a building on the condition that such features are approved or erected under the Minor Works Control System and the area is not within a dedicated area subject to a deed of dedication for the purposes of the Building (Planning) Regulations; and
- The area should be attached to the restaurant concerned.

Areas in backyards or open yards

- There are no waste / soil pipes or manholes prejudicing the hygienic operation of the OSA; and
- The area should be attached to the restaurant concerned.