

**Business Facilitation Advisory Committee
Task Force on Business Liaison Groups**

Provisional Approval for Deletion of a Portion of Licensed Area

Background

The Food and Environmental Hygiene Department (FEHD), as the licensing authority for food business licence, is responsible for processing applications for food business licences granted under section 31(1) of the Food Business Regulation (Cap.132X) (the “Regulation”). After a licence has been granted, the licensee shall not make any alteration to the approved layout of the premises except with the written approval of FEHD. The formal approval to a change of layout of a licensed premises will not be granted until the licensee has complied with all health, building, fire and other relevant requirements pertaining to the alteration application.

Trade’s Concern

2. At the Business Liaison Group meeting for restaurants held in August 2013, the trade raised their concern on whether the issue of a new food business licence would be affected if the premises under application for food business licence fall within the licensed boundary of another licensed premises.

Administration’s Response

3. In response, FEHD has advised that -
(a) To avoid double licensing in respect of the same premises, the licence under application will not be granted until the existing licence/ permit has been cancelled or the subject portion has been deleted from the approved area of the licensed premises;

- (b) For cases where the subject premises have been issued with a valid licence/permit in the name of another person/corporation, FEHD will proceed to cancel the existing licence/permit upon receipt of documentary proof of sole control over the premises from the new licence applicant; and
- (c) For cases where the premises under licence application fall within the licensed boundary of another licensed premises, FEHD will require the licensee concerned to submit an application for deletion of the portion in question from the licensed boundary. Subject to receipt of documentary proof of sole control over the premises from the new licence applicant, physical segregation of the deleted portion from its former licensed area, full compliance of all licensing requirements for grant of the new licence and no objection from the government departments concerned in respect of the deletion application, FEHD will consider granting provisional approval to the deletion application without waiting for the completion of the alteration works.

4. This arrangements set out in the paragraph 3(b) & (c) above could facilitate the new licence applicant to obtain the requisite licence earlier.

Way Forward

5. Members are invited to note the above measure and offer your comments, if any.

Food and Environmental Hygiene Department
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