

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force**

***Measures to Facilitate Applicants of Catering Business (Social Distancing)
Subsidy Scheme to Obtain Full Licence in a Timely Manner***

Purpose

This paper briefs members on the administrative measures to facilitate applicants of Catering Business (Social Distancing) Subsidy Scheme (Scheme) to obtain a full licence in a timely manner so as to satisfy eligibility to the scheme.

Background

2. As a result of the social distancing measures imposed by the Government in a public health emergency, the business of catering outlets selling or supplying food for consumption on their premises was hard hit by these measures. In view of the above, the government had launched the Scheme in the second round of the Anti-epidemic Fund to provide immediate financial relief to this business sector. One of the criteria of applying for the Scheme was that the related food business licences must be valid throughout the whole period from the date of approval of the application till the end of October 2020. Applicants holding provisional licences with their licences expired during the subsidy period are therefore required to obtain full licences before the provisional licence expiry in order to meet the eligibility criteria for application and subsidy release. In the Business Facilitation Advisory Committee meeting on 12th May 2020, members expressed concern on how to assist holders of provisional licences to obtain full licences before the expiry of provisional licences. Related measures are outlined below.

Measures to Facilitate Applicants' Early Action to Comply with the Licensing Requirements

3. The Food and Environmental Hygiene Department (FEHD), the Fire Services Department (FSD), the Buildings Department (BD) and the Independent Checking Unit, Office of the Permanent Secretary for Transport and Housing (Housing) (ICU) have implemented a number of measures on various aspects to facilitate applicants' early compliance with the licensing requirements for full licences, summarised as follows.

- i. To engage business operators in licence application so that appropriate action can be taken timely, in the Letter of Requirements and the letter

concerning the provisional licence issued by FEHD where it is stated that the provisional licence is valid for six months, bold type is used for emphasis to remind the applicants that they must comply with all the requirements for a full licence as soon as possible during the validity period of the provisional licence so as to obtain the full licence to continue the operation of their food business; FEHD also include the above message in the guides to application for food business licences;

- ii. To facilitate the business operators to keep abreast of the progress of their application and take appropriate follow-up action, FEHD would send a copy of the notification of the outstanding licensing requirements to the premises under application for licence in addition to sending the notification to the correspondence address in respect of the application ;
- iii. FEHD would send SMS (Short Message Services) messages and email separately to remind the applicants' side of the validity date of the provisional licence at three months, two months and one month intervals before the expiry of the provisional licence;
- iv. Licensing case managers of FEHD will inspect the premises within one month after a provisional restaurant licence has been issued. Through the inspection, FEHD staff will point out to the applicants or their contractors/agents the outstanding licensing requirements for a full licence and offer advice where necessary, thereby facilitating restaurant licence applicants' early compliance with the licensing requirements for a full licence;
- v. BD/ICU have launched a new Self-certification System (the System)¹. Applicants for restaurant licences may opt to join the System by submitting an Authorized Person (AP)'s certification to FEHD to certify that the proposed changes shown on the revised plan are in compliance with the building safety requirements if the application meets the specified criteria. Upon receipt of the AP's certification, FEHD will continue to process the application without the need of referring such plans to BD/ICU for comment;
- vi. Furthermore, FEHD, BD/ICU and FSD have conducted a review of the existing list of items not required to be shown on layout plans and also examples that require referral to other government departments so as to streamline the referral protocol;
- vii. To reduce the occurrence of typos, FEHD extracts relevant details of the applications (such as the name of the applicant, address of the

¹ Details of the Self-certification System can be found in BD website (<https://www.bd.gov.hk/en/about-us/our-services/licensing-advisory-services/index.html>)

premises and type of licence applied for) from the department's computer system, and inserts them into the relevant forms. The forms filled in with relevant details in advance will be sent by email to the applicants or their contractors/agents; and

- viii. FEHD, BD, FSD and other departments involved in the Seminar on Restaurant Licensing had reviewed the information prepared for the seminar to give potential restaurant operators a clearer picture of the licensing procedures and requirements, so that they can get better prepared and be ready to comply.

Further Measures to Facilitate Applicants' Early Compliance with the Licensing Requirements

4. In order to assist holders of provisional licences to obtain full licences so as to meet the eligibility criteria for application and subsidy release, FEHD, FSD and BD/ICU have proposed further measures, which are summarised below.

- i. FEHD has issued letter to alert applicant for the Scheme in respect of a provisional licence to take prompt action to comply with all the outstanding licensing requirements and obtain the full licence before expiry of the provisional licence so as to avoid FEHD to recover from you any approved subsidy released and all related expenses incurred. In addition, FEHD had provided list of application for the Scheme in respect of provisional licence to FSD, BD & ICU to consider according appropriate priority in processing the full licence application;
- ii. To facilitate the food business licence applicant/business operators to take appropriate follow-up action and/or rectification upon outstanding fire safety requirement (FSR) was noted during compliance inspection, FSD would, in parallel, send a copy of the notification letter of the outstanding FSR to the premises under application for licence;
- iii. In addition, case officers of FSD would proactively make telephone contacts with respective licence consultant/contractor/applicant in regular basis with a view to reminding them the outstanding document(s), such as Certificate of Fire Service Installation and Equipment (FS251) or test reports for obtaining the Fire Services Certificate timely; and
- iv. In order to facilitate food business licence applicants' early compliance with the FSR, case officers of FSD would, as far as practicable, notify the respective licence consultant/contractor/applicant and invite them to attend the compliance inspection such that the case officers could point out to them the outstanding FSR on spot and offer advice where necessary.

Way Forward

5. Members are invited to note and give comments on the content of this paper.

**Food and Environmental Hygiene Department
Fire Services Department
Buildings Department
Independent Checking Unit, Office of the Permanent Secretary for
Transport and Housing (Housing)**

July 2020