

**Business Facilitation Advisory Committee
Food Business and Related Services Task Force
Measures to Facilitate Food Business Licence Applicants
to Obtain a Full Licence in a Timely Manner**

Purpose

This paper briefs members on the administrative measures to facilitate food business licence applicants to obtain a full licence in a timely manner.

Background

2. At present, there is a provisional licensing system for food business, under which a provisional licence will be issued, on application, to premises that have met all essential requirements for the issue of a provisional licence imposed by the various government departments concerned. Upon submission of the certificate(s) duly signed by recognised professionals certifying the premises are in compliance with the essential licensing requirements, the applicant will be granted a provisional licence for commencement of business. The provisional licence is valid for six months, during which the applicant has to continue to comply with the licensing requirements for a full licence. The Licensing Authority may in exceptional circumstances renew the provisional licence, before it expires, for only a further period not exceeding six months¹.

3. In recent years, operators in the trade very often failed to obtain a full licence before the expiry of their provisional licences. The Task Force has expressed concern about the situation, and urged the Government to look into the issue and take appropriate follow-up action.

¹ The applicant must satisfy the Licensing Authority that the non-compliance with the outstanding requirements for the issue of a full licence is due to factors beyond the reasonable control of the licensee, his contractors and his agents. Examples of such exceptional circumstances are:

- (a) the processing of the full licence application being hindered by a cause which is not attributable to the act, default or omission of the licensee, his contractors and his agents; and
- (b) the occurrence of such events as labour strikes, curfews and natural disasters.

Proposed Measures to Facilitate Applicants' Compliance with the Licensing Requirements

4. The Food and Environmental Hygiene Department (FEHD), the Fire Services Department (FSD), the Buildings Department (BD) and the Independent Checking Unit (ICU)² have reviewed the application procedures for food business licence and examined some cases in detail. After discussion, a number of measures on various aspects have been proposed to facilitate applicants' compliance with the licensing requirements for a full licence. The proposed measures are summarised below.

I. Engaging the business operators in licence application

5. Most business owners/operators, as licence applicants, will appoint contractors or agents to handle licence application matters. As usually the correspondence addresses provided on the application forms are the addresses of the contractors/agents, business operators do not directly receive the correspondence relating to their applications and therefore may not know the requirements for obtaining a full licence or the status of their applications. To engage business operators in licence application so that appropriate action can be taken where necessary, we plan to implement the following measures:

- (i) 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 will be 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 will also include the above message in the guides to application for food business licences;
- (ii) Regarding the notification of the outstanding licensing requirements issued upon inspection of the premises by FEHD staff, apart from sending the notification by post to the correspondence address given on the application form, FEHD will also send a copy of the notification to the premises under application for licence, so that the business operators can keep abreast of the situation and take appropriate follow-up action;
- (iii) FEHD will send email messages to the parties concerned, including the licence applicants and their contractors or agents, two months before the expiry of the provisional licence

² The ICU is set up directly under the Office of the Permanent Secretary for Transport and Housing (Housing) to advise the FEHD on building safety matters relating to licence applications for premises on existing and divested properties of the Housing Authority.

to remind them of the validity period of the provisional licence, provided that their valid email addresses are given on the licence application form; and

- (iv) If mobile phone numbers of the concerned parties are given on the licence application form, FEHD will send SMS (Short Message Services) messages to them at three months, two months and one month intervals before the expiry of the provisional licence to remind the applicants of the expiry date of the provisional licence and the need to comply with the licensing requirements for a full licence as soon as possible.

II. Inspection schedule for premises issued with a provisional restaurant licence

6. FEHD will review its existing manpower and, so far as circumstances permit, arrange for case managers to inspect the premises within one month after a provisional restaurant licence has been issued. Through the inspection, FEHD staff can 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.

III. Streamlining the workflow of processing revised plans

7. One of the licensing requirements for a full licence is that the plans submitted by the applicants must be in conformity with the layout of the premises. It is very common for licence applicants to change the layout design after submitting the proposed layout plan, revise the layout of the premises during renovation to suit the actual site conditions, or make alterations to the layout in the light of actual operational experience gained after commencement of business. Upon receipt of the revised plan, FEHD will refer it to the BD/ICU, FSD, etc. as appropriate for comment.

8. Having reviewed the departmental workflow of processing revised plans, BD/ICU propose that if the revisions do not involve material changes to the structure or means of escape of the premises, and will not lead to an increase in the capacity of the premises to over 200 persons at any time, licence applicants may choose to appoint Authorized Persons /Registered Structural Engineers (APs/RSEs) to certify that the revised plans comply with the building safety requirements, with a view to utilizing the professional manpower resources in the private market and facilitating more effective processing of applications by the Government. This proposal is the same as the measure proposed by BD/ICU of engaging professionals to process alteration plans, the details of which are set out in FRSTF Paper 65.

9. Furthermore, FEHD, BD/ICU and FSD have conducted a review of the existing referral protocols. To streamline the processing procedures, the protocols will be updated and revised

to set out more clearly the circumstances under which comments from the departments concerned can be obviated without compromising public safety.

IV. Providing FEHD prescribed forms filled in with relevant details in advance

10. To report compliance with all the licensing requirements for a full licence, licence applicants are required to submit supporting documents, including the following prescribed forms: (a) Certificate of Compliance (Category 1 Requirements) (Cat. 1 Certificate) completed and signed by the applicants or the APs/RSEs; (b) Certificate of Compliance (Category 2 Requirements) (Cat. 2 Certificate) completed and signed by the APs/RSEs; (c) Certification of Food Business Premises Free of Unauthorized Building Works (UBW) for Full Licence Application (Form UBW-2); (d) Work Completion Certificate (Form WR1)/Periodic Test Certificate (Form WR2) for electrical installations; and (e) Certificate of Compliance/Certificate of Completion for gas installations.

11. However, there have been cases where typos made by the parties concerned when completing the forms rendered it necessary for them to fill in and submit the forms again, thus causing delays in the issue of full licences. To reduce the occurrence of typos, FEHD will explore the feasibility of extracting relevant details of the applications (such as the name of the applicant, address of the premises and type of licence applied for) from the department's computer system, and inserting them into the relevant forms (i.e. Cat. 1 Certificate, Cat. 2 Certificate and Form UBW-2) and the certificates for electrical and gas installations. The forms filled in with relevant details in advance will be sent by email to the applicants or their contractors/agents. This measure will also apply to the Certificates of Compliance submitted for the issue of a provisional licence (i.e. Certificates of Compliance A to D) and the Certification of Food Business Premises Free of Unauthorized Building Works (UBW) for Provisional Licence Application (Form UBW-1).

V. Enhancing publicity and education on good practices

12. Based on their experience in processing licence applications, FEHD, BD/ICU and FSD recognize that the following good practices can serve as reference for licence applicants and help them obtain a full licence in a timely manner:

- avoid making unnecessary changes to the layout plan which has been accepted by the departments; submit a revised plan as soon as possible if the actual layout/installations of the premises do not conform to the plan;
- highlight proposed changes on the revised plan with colour pens and provide simple descriptions if revisions to the plan are necessary;

- keep track of the status of the application and, where appropriate, prompt the contractor or agent to take action to comply with the licensing requirements;
- attend the Application Vetting Panel meeting (if any) in person and participate in the compliance inspection conducted by the case manager at the premises;
- allow for early preparation of the required supporting documents such as the Work Completion Certificate for electrical installations, the certificate from the supplier of the ventilation system, the food supplier certificate, and the valid Certificate of Fire Service Installations and Equipment; and
- report to FEHD of compliance with the licensing requirements at least 15 working days before the expiry of the provisional licence, so that FEHD can conduct the final verification inspection within eight working days, and issue a full licence within seven working days upon confirmation of compliance with all the licensing requirements.

13. We will publish feature articles from time to time through trade associations, setting out the points to note and good practices in relation to licence application for the trade's reference. Furthermore, FEHD, BD, FSD and other departments involved in the Seminar on Restaurant Licensing will review 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.

Implementation Schedule of the Proposals

14. The anticipated implementation dates of the above proposed measures are as follows:

Proposed Measures	Anticipated Implementation Date
Use bold type for emphasis in the Letter of Requirements and the letter concerning the provisional licence to remind the applicants that the provisional licence is valid for six months, and that they must comply with all the licensing requirements for a full licence during this period for the issue of a full licence to continue the operation of the food business; FEHD will include the above message in the guides to application for food business licences [<i>paragraph 5(i)</i>]	End of 2018
Send a copy of the notification of the outstanding licensing requirements to the premises under application [<i>paragraph 5(ii)</i>]	End of 2018

Proposed Measures	Anticipated Implementation Date
Send email messages to remind the applicants that the provisional licence will expire in two months [<i>paragraph 5(iii)</i>]	End of 2018
Send SMS messages at interval to remind the applicants at three months, two months and one month before expiry of the provisional licence [<i>paragraph 5(iv)</i>]	End of 2018
Review the schedule for inspecting premises issued with a provisional restaurant licence [<i>paragraph 6</i>]	Mid 2019
Engage professional services to process revised plans [<i>paragraph 8</i>]	End of 2019
Review and update the referral protocols [<i>paragraph 9</i>]	End of 2018
Provide prescribed forms filled in with relevant details in advance [<i>paragraph 11</i>]	Mid 2019
Review and consolidate the information prepared for the Seminar on Restaurant Licensing [<i>paragraph 13</i>]	Early 2019

Way Forward

15. Members are invited to note the above business facilitation measures and offer comments, if any.

Food and Environmental Hygiene Department
Buildings Department
Independent Checking Unit
Fire Services Department
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