

Business Facilitation Measures for Outside Seating Accommodation (OSA)



Application Procedures for OSA (1)

- * Upon receipt of OSA application, the Food and Environmental Hygiene Department (FEHD) will refer the application to the Buildings Department (BD)/Architectural Services Department/Independent Checking Unit, Office of the Permanent Secretary for Transport and Housing, Fire Services Department (FSD), Planning Department (PlanD), Home Affairs Department (HAD), Lands Department (LandsD) and Transport Department (TD), where appropriate for comments.
- * To ensure applicant in compliance with the OSA licensing criteria covering legal right to use the land concerned, building safety, fire safety, traffic, statutory plan restrictions and hygiene, etc. Respective district office of HAD will assist in conducting local consultation.

Application Procedures for OSA (2)

- * Provided that the departments and the local community do not object to the OSA, FEHD will issue a letter of requirements to applicant for compliance before approval can be granted.
- * Processing time for an application is contingent upon the time spent by the applicant in complying with the relevant licensing requirements, settling objections raised by the public or other departments concerned and addressing relevant land issues, if any, which varies from case to case.

OSA Working Group

- * In 2013, the Economic Analysis and Business Facilitation Unit under the Financial Secretary's Office formed a Working Group comprising representatives from eight departments (including FEHD, FSD, BD, LandsD, PlanD, Housing Department, TD and HAD) to review the procedures involved in handling applications for OSA permission from restaurants.
- * The Working Group has put forward ten recommendations to enhance and streamline the OSA application procedures with a view to shortening the processing time and facilitating trade compliance.

Implementation Progress of Recommendations (1)

All the following recommendations have been implemented:

- 1) To consider relaxing the pre-requisite for OSA application without compromising public interest
 - ✓ Open area also includes flat roof of a building, a backyard/open yard of a building where there are no waste/soil pipes or manholes prejudicing the hygienic operation of the OSA and area underneath or partially covered by projecting structures listed below.

Implementation Progress of Recommendations (2)

Subject to the fulfilment of relevant licensing criteria for OSA, the following areas underneath or partially covered by projecting structures are acceptable for OSA applications -

- (A) If the proposed area is on Government land
 - (a) (i) Area underneath authorised structures constructed by the Government such as footbridge/flyover/canopy; or
 - (ii) Area underneath approved structures constructed by private parties such as approved balcony, canopy, architectural projections and signboards from the external walls of a private building; and
- (b) The area should be attached to the restaurant.

Implementation Progress of Recommendations (3)

(B) If the proposed area is on private land or within the properties/divested properties of the Hong Kong Housing Authority

(a) (i) Area underneath approved structures that has been counted in Gross Floor Area calculations; or

(ii) 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 an area dedicated for public use and subject to a deed of dedication for the purposes of the Building (Planning) Regulations (Cap. 123F) (dedicated area)¹; and

(b) The area should be attached to the restaurant.

¹ Information of dedicated areas is available in the BD's website (www.bd.gov.hk) for reference and the approved building plans should be referenced to. Please seek advice from professionals if necessary.

Implementation Progress of Recommendations (4)

- 2) To strengthen the mechanism for considering objections to OSA applications from the public
 - ✓ If there is local objection to the application, FEHD will consult the relevant departments in regard to complaints and enforcement action related to the restaurant under OSA application. All local objections, if any, will be assessed and FEHD will strike a balance between the interests of all relevant stakeholders.
- 3) To enhance the OSA Application Guide to make it more informative and business-friendly

Implementation Progress of Recommendations (5)

- 4) To highlight in “A Guide to Application for OSA” that parallel processing of separate OSA and restaurant licence applications is allowed and the outcome of restaurant licence application is independent of that of the OSA application
- 5) To allow granting of OSA permission to a provisional restaurant licence

Implementation Progress of Recommendations (6)

- 6) To convene joint departmental meetings with applicants at which relevant departments will discuss their concerns/objections with the applicants direct
- 7) To develop referral rules in order to streamline the processing procedures
 - ✓ Referral to LandsD is not required for application for providing OSA located in Housing Authority's properties/divested Housing Authority's properties
 - ✓ Referral to TD is not required for application for providing OSA on the roof/podium floor of a building with no traffic flow or no public road/footpath

Implementation Progress of Recommendations (7)

- 8) To include OSA in the Licence Application Tracking Facility
 - ✓ Checking updated progress of major milestones of OSA application, including preliminary screening of proposed plans, referral of application/plans to relevant departments for comments, comments from relevant departments, issue of letter of requirements and approval of OSA application, etc.
- 9) To streamline the application process for issue of Land Licence
- 10) To adopt the 'cancel and reissue' approach to shorten the Land Licence processing time in relation to the transfer of restaurant licence

Benefits

- * Increased potential OSA business opportunities of the trade **[Recommendation 1]**
- * Provision of flexibility for the trade to start the OSA business earlier **[Recommendation 5]**
- * Enhancement in the transparency of the OSA application process and better understanding by the OSA applicants of the licensing requirements (including the right of land use) for compliance in making their applications **[Recommendations 2, 3, 4, 6 and 8]**
- * Streamlined application procedures to reduce the processing time of a simple and straightforward OSA application from 53 to 46 working days **[Recommendations 7, and 9]**
- * Provision of 'one-stop' service in handling the application for transfer of restaurant licence with OSA permission involving Land Licence with the adoption of the 'cancel and reissue' approach to deal with the Land Licence application, which shortens the Land Licence processing time from 4 to 3 weeks **[Recommendations 10]**



Thank you!