

**20th Business Liaison Group Meeting
with the Hotel Trade**

Date: 31 August 2015
Time: 2:15 p.m. – 3:45 p.m.
Venue: Room Idea 1&2, Efficiency Unit, 41/F, Revenue Tower, 5 Gloucester Road,
Wan Chai
Convenor: Mr CHAN Wah-chan Head, Business Facilitation Division,
Economic Analysis and Business Facilitation Unit

Trade Attendees:

Federation of Hong Kong Hotel Owners

Mr Michael LI Executive Director

Regal Hotels

Mr Teddy FUNG Vice President- Engineering

Hong Kong Hotels Association

Mr C.K. LAM Convenor, Chief Engineers Committee

Acesite Knutsford Hotel

Mr Jeff MA Sales Manager

Chinachem Group

Mr Chris CHAN Licensing Manager

Kings De Nathan Hotel

Mr Ken KWAN Director
Ms Yvonne KWAN Manager
Ms Janet KWAN Manager
Ms Molly CHAN Administrative Secretary

Oriental Lander Hotel

Mr K.C. LAI Managing Director

Government Representatives:

Home Affairs Department (HAD)

Mr AU Wing-hung Chief Officer (Licensing Authority)
Mr Paul HEUNG Building Surveyor (Licensing Authority)
Ms Iris CHAN Senior Executive Officer (Licensing Authority) (Acting)

Buildings Department (BD)

Mr CHU Wai-yiu, Dick Senior Building Surveyor/New Territories East 1
Mr Kelvin WONG Building Surveyor/Licensing (Special Duties)

Food and Environmental Hygiene Department (FEHD)

Ms WONG Yi-mui Superintendent (Licensing)1
Mr CHAN Kut-yee Superintendent (Hygiene)1

Economic Analysis and Business Facilitation Unit (EABFU)

Mr Peter FUNG Chief Management Services Officer (Business Facilitation)²
(Secretary)
Miss Jenny YEUNG Business Facilitation Officer

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The **Convenor** welcomed all to the meeting. He said that the notes of the last meeting had been posted to the Business Facilitation Initiatives website (http://www.gov.hk/tc/theme/bf/pdf/H_BLG_19_Notes.pdf) for trade's reference. He also reminded the meeting of the following –

- (i) *The BLG meetings were open for participation by any member of the trade. There were no appointed BLG members from the trade.*
- (ii) *It was not appropriate to discuss individual cases at BLG meetings.*
- (iii) *The Task Force on BLGs (BLGTF) under the Business Facilitation Advisory Committee was tasked to oversee and monitor the work of BLGs. As such, BLGTF members attended BLG meetings as observers.*
- (iv) *Smoking in meeting venues (including corridor and toilet) was strictly prohibited.*

Agenda Item 1 - Briefings by Government department

Business facilitation measures for Outside Seating Accommodation (OSA)

2. **Ms Yi-mui WONG** gave a briefing on the subject with her presentation slides at Annex 1. She said that the implementation of these measures streamlined OSA application procedures, enhanced transparency of the OSA application process, increased potential OSA business opportunities of the trade and provided flexibility for the trade to start the OSA business earlier.

3. **Mr Chris CHAN** enquired whether FEHD would approve application for restaurant licence when the application for OSA was still under processing, and vice versa. **Ms WONG** advised that the applications for restaurant licence and OSA would be processed and approved independently but OSA must be attached to a restaurant licence as an endorsement. If a restaurant licence was granted but the application for OSA was still under processing, the licensed restaurant could open for business but not the OSA part. As approval for OSA would only be granted together with or after the issue of the restaurant licence, the trade could only start the OSA business after the restaurant licence was granted.

4. **Mr Ken KWAN** enquired about the lead time for OSA approval. **Ms WONG** advised that before the implementation of the aforementioned business facilitation measures, there were 121 applications in 2014 and so far 25 of them were approved. The processing time ranging from about 3 to 23 months. She said that the implementation of the new enhancement measures would shorten the processing time and facilitate trade compliance.

5. **Mr Michael LI** welcomed the new business facilitation measures for OSA

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applications but he was also concerned on the enforcement of FEHD. Certain OSAs in Tsim Sha Tsui East blocked pedestrian's pathway at nights and caused hygienic problems. Even he had lodged several complaints to FEHD previously, he saw no significant improvement to the situation. **Mr CHAN Kut-ye** advised that FEHD had been tackling illegal extension of business area by food premises through the licensing system and enforcement under the Public Health and Municipal Services Ordinance (Cap. 132), Food Business Regulation (Cap. 132X) and the Summary Offences Ordinance (Cap.228). In addition to prosecution, FEHD would also impose administrative sanctions on the licensees concerned under the Demerit Points System for convicted offences under Cap. 132 and its subsidiary legislation, and under the Warning Letter System for breaches of licensing requirements or conditions. Regarding the case raised by Mr LI that might have involved breach of relevant licensing conditions on the control of business area and/or specified business hours of approved OSA, **Mr CHAN Kut-ye** advised that he would refer the case to the FEHD district office concerned to investigate and take enforcement actions against these premises where appropriate.

(Post meeting notes: The case was subsequently referred to the Yau Tsim district office after the meeting.)

Enhanced Application Tracking Facility (ATF) for hotel licence applications

6. **Ms Iris CHAN** gave a briefing on the subject with her presentation slides at Annex 2. **Ms CHAN** said that since the trade opined that sometimes it was difficult to get in touch with HAD case officers through office telephone because they needed to work outside (e.g. conduct site inspections), the email address of the case officer was added to the ATF at the latest enhancement exercise to facilitate better communication between the trade and HAD.

7. **Mr Teddy FUNG** said that the date of submission of the documents shown on the ATF was sometimes not up-to-date. **Ms CHAN** said that upon receipt of the documents, the case officer had to verify whether they were in order. HAD would not show documents on the ATF unless they were confirmed in order by the case officers.

8. **Mr LI** enquired whether HAD could show the date of the first submission of a document. **Ms CHAN** advised that as there were normally more than one submissions of a single document during the application vetting process, the suggestion would lead to a long list of dates of each required document in the ATF.

9. **Mr Teddy FUNG** said that the ATF could not show the status of documents being submitted. **Ms CHAN** clarified that there was an icon on the right bottom corner of the webpage where a list of required documents would be shown. The trade could click on that icon and see which documents were submitted and which documents were outstanding.

10. **Mr Chris CHAN** enquired whether the ATF could include the application for merge of multiple licences into one licence. **Ms CHAN** advised that this was not supported as ATF required a unique licence number to operate.

Dissemination of relevant regulations and guidelines as well as business facilitation measures through the website of Federation of Hong Kong Hotel Owners(FHKHO)

11. The **Secretary** briefed the trade on the subject with his presentation slides at Annex 3. He said that to facilitate easier access to relevant regulations, guidelines and business facilitation measures etc. by the trade, the BLG secretariat proposed to upload such information to FHKHO's website. With the support of FHKHO, a new "Government Information" section was added to its website in July 2015. Through this new webpage, the trade could access relevant information such as the licensing requirements / guidelines for hotel licence and other hotel related licences, and relevant regulatory review (e.g. results of the public consultation on the Review of the Hotel Accommodation Ordinance). He also highlighted the "Business Facilitation Corner" under this new section where the trade could access the business facilitation measures arising from the work of the BLG for hotels in a convenient way.

12. **Mr LI** remarked that the new section "Government Information" allowed the trade to have an access to so many different pieces of important Government information relevant to hotel licensing and regulations at one spot. He appreciated the efforts of BLG secretariat to take forward this initiative. The **Convenor** thanked FHKHO for support to launch the "Business Facilitation Corner" in its website.

(Post meeting notes: On 2 Sep 2015, FHKHO issued a circular informing its members of the new section "Government Information" on its website.)

Agenda Item 2 - New issues

Height of the protective barriers erected on the roof floor of hotel buildings

13. The **Secretary** said that some trade participants intended to erect protective barrier on the roof floor of the hotel buildings for safety reasons. They would like to enquire whether there was any requirement in terms of the height of these protective barriers set out by BD.

14. **Mr Dick CHU** advised that under regulation 8 of the Building (Construction) Regulations, a protective barrier should be provided at the outer edge of an accessible roof to restrict or control the movement of persons. The protective barrier should have a height of not less than 1.1 m, and be designed and constructed to minimise the risk of persons falling, rolling, sliding or slipping through gaps in the barrier or climbing over the barrier. The Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-110 provided the design and construction requirements of the barriers. To avoid abuse of an accessible roof, the height of the protective barrier at the outer edge of an accessible roof should not be excessive. In response to a follow-up enquiry on HAD's requirement, **Mr AU Wing-hung** said that the above requirement on protective barrier was also applicable to hotel licence applications.

15. **Mr KWAN** opined that protective barrier on the roof floor should be over 2 m

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high so as to effectively prevent suicidal attempts. **Mr CHU** advised that the legislative intent was not to prevent suicidal attempt. To avoid abuse of an accessible flat roof, the height of the protective barrier should not be excessive. The acceptable height of such protective barrier would depend on the design of individual projects. Generally, it should not be higher than 1.8m. The trade could provide further information of his case after the meeting for him to relay it to relevant BD officers for follow-up.

16. **Mr LI** said that old hotel buildings approved by BD in the 80's were not required to provide any protective barriers on the roof floors. If this was a new requirement, BD should not impose it to old hotel buildings retrospectively because the roof floors of these hotel buildings were usually locked, and only staff responsible for maintenance and provided with safety equipment were allowed to access these areas. **Mr CHU** advised that regulation 8 of the Building (Construction) Regulations should not apply to inaccessible roof such as a roof which was only accessible to restricted personnel for maintenance works.

(Post meeting notes: BD clarified that the provisions under regulation 8 of the Building (Construction) Regulations were not new requirements.)

17. **Mr LI** said that whereas BD did not require the trade to provide protective barriers on roof floors accessible to restricted personnel for maintenance work, the Labour Department (LD) however required such protective barriers on these roof floors. To facilitate compliance by the trade, he opined that the departments concerned should make sure that there were no inconsistencies between their requirements. **Mr Teddy FUNG** asked whether the trade had to seek the permission of HAD for erecting protective barriers on the roof floors. **Mr AU** advised that hotel should apply for approval from HAD for all alteration works on the hotel licensing area, and HAD would consider such applications from fire and building safety perspectives. The trade could make applications in parallel to both HAD and BD regarding application for erecting protective barrier or increasing its height.

18. The **Convenor** advised the trade to provide relevant information on the requirements imposed by LD to BLG secretariat for follow-up.

(Post meeting notes: After the meeting, BLG secretariat asked the trade to provide the relevant information but no such information was found.)

Waiver of licence fees for hotels arising from the occupy movement

19. The **Secretary** said that in his budget speech 2015-16, the Financial Secretary announced that certain short-term measures would be launched to support the sectors affected by the occupy movement. One of them was to waive the licence fees for hotels for six months. The trade would like to know the implementation details of this measure.

20. In response, **Ms CHAN** gave a briefing on “*Waiver of licence fees for hotels arising from the occupy movement*” with her presentation slides at [Annex 4](#). She said that a letter was issued to each licence holder on 16 June 2015 to inform them of the

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arrangements of the refund/wavier of licence fee.

Waiver of licence fees for restaurants and restricted food permits arising from the occupy movement

21. The **Secretary** said that in his budget speech 2015-16, the Financial Secretary also announced that the licence fees for restaurants and fees for restricted food permits would be waived for six months. The trade would like to know the implementation details of this measure.

22. In response, **Ms WONG** gave a briefing on “*Waiver of licence fees for restaurants and restricted food permits arising from the occupy movement*” with her presentation slides at Annex 5. She said that the concession period would last for one year, commencing on 1 July 2015 to 30 June 2016 (both dates inclusive). The fee waiver was applicable to both new issue/renewal of restaurant licences and restricted food permits commenced during the concession period, and the waiver also covered provisional restaurant licences.

Agenda Item 3 - Date of the next meeting

23. The **Convenor** said that the secretariat would inform the trade of the date of the next meeting in due course.

**Economic Analysis and Business Facilitation Unit
September 2015**