

## **A Guide to Applicants/Licensees on Procedures of Applying for Issue and Transfer of Food Business Licences on –**

- (i) Certification of Free of Unauthorized Building Works (UBW)**
- (ii) Compliance with Government Lease Conditions**
- (iii) Compliance with †Statutory Plan Restrictions**

### **A. New Policies**

1. With effect from 18 April 2006, the following three new licensing policies have come into operation –

- (i) Free of Unauthorized Building Works (UBW) at food premises of restaurant, factory canteen, cold store, food factory, fresh provision shop, bakery and \*composite food shop licences;
- (ii) Compliance with Government lease conditions in respect of all food business licences including restaurant, factory canteen, cold store, food factory, bakery, frozen confection factory, fresh provision shop, siu mei and lo mei shop, milk factory and \*composite food shop licences; and
- (iii) Compliance with statutory plan restrictions in respect of all food business licences including restaurant, factory canteen, cold store, food factory, bakery, frozen confection factory, fresh provision shop, siu mei and lo mei shop, milk factory and \*composite food shop licences.

2. The new policies apply to -

- (i) New applications for food business licences received on or after 18 April 2006;
- (ii) Change of licence applicant on or after 18 April 2006 for existing licence applications received before 18 April 2006; and
- (iii) Transfer of food business licences on or after 18 April 2006.

† Statutory Plan refers to plan prepared and published by the Town Planning Board under the Town Planning Ordinance (Cap. 131).

\* Composite food shop licence only came into operation on 1 August 2010.

## **B. New Arrangements**

### **(i) Certification of Free of UBW in Food Premises**

#### **(a) New Applications for Food Business Licences**

##### ***(I) Premises in Private Buildings***

3. New applications for food business licences in private buildings are subject to the new regulatory framework as follows-

- (a) To facilitate assessment of the existence of UBW, applicants will be required at the time of application to indicate existing UBW and proposed UBW according to items (m) & (n) of the \*Note at Annex on the proposed floor plans/layout plans and ventilation plans (*an extra copy of plan in addition to normal submission of 3 copies of plan is required if referral to District Lands Office is needed*).
- (b) If UBW are detected on the proposed layout or ventilation plans submitted or during any site inspections, the applicant will need either to remove the UBW, or obtain Buildings Department (BD)'s approval of the building works, as one of the requirements for the issue of licence.
- (c) The premises under application are free from UBW shall be certified by a recognized professional (such as an authorized person or a registered structural engineer (AP/RSE) registered under Section 3 of the Buildings Ordinance (Cap. 123)).
  - (i) Applicants shall furnish the certification in prescribed form(s) [Form UBW-1 for Provisional Licence (FEHB 190) and Form UBW-2 for Full Licence (FEHB 191)] that the food business premises are free of UBW in accordance with the Guidelines for Authorized Person and Registered Structural Engineer for Certification of Food Business Premises free of Unauthorized Building Works (Guidelines UBW-1 to UBW-3) issued by the Director of Buildings, Director of Lands or Independent Checking Unit (ICU) under the Office of the Permanent Secretary for Housing as appropriate, with 2 copies of latest licence layout plan.

(ii) In case of different UBW in the food business premises are to be certified by different APs/RSEs, each AP/RSE should submit a separate certification (Form UBW-1 for Provisional Licence and Form UBW-2 for Full Licence).

(d) BD will carry out audit checks in respect of certification made by AP/RSE for premises at private buildings whereas Lands Department (Lands D) for food premises in New Territories Exempted Houses.

(e) A provisional or full licence so issued may be cancelled if UBW are subsequently detected.

***(II) Premises in Housing Authority's Properties / the Divested Housing Authority's Properties***

4. The procedures in paragraph 3 above will apply except that Independent Checking Unit will assume the role of BD. Premises situated in non-divested Housing Authority's properties are no longer required to submit certification on free of UBW with effect from 8 April 2008.

***(III) Premises in other Government Properties***

5. Premises situated in Government properties are no longer required to submit certification on free of UBW with effect from 8 April 2008.

**(b) Change of licence applicant on or after 18 April 2006 for existing licence applications received before 18 April 2006**

6. In case there is change of licence applicant on or after 18 April 2006 for existing licence applications received before 18 April 2006, the prospective licence applicant will be required to follow the new arrangement as outlined in paragraphs 3 or 4 above.

**(c) Transfer of Food Business Licences**

7. For transfer of food business licence, the transferee of an existing food business licence is required to obtain certification from AP/RSE that the premises are free from UBW. The transferee is required to follow the course of

actions as set out in paragraphs 3 or 4 above (as appropriate) for submission of Form UBW-1 and Form UBW-2 for transfer of provisional and full food business licences respectively. FEHD will *not process* application for transfer of a food business licence if the professional certification is not submitted at the time of application.

**(d) Non-availability of approved plans in private buildings**

8. For cases where approved plans in private buildings (excluding New Territories Exempted Houses) are not available, for instance, pre-war buildings and premises without official records, AP/RSE may seek advice from case officers of BD. BD will assist in certification of free of UBW on individual case basis. AP/RSE is required to confirm certification upon BD's advice.

**(ii) Compliance with Government Lease Conditions (*applicable to Premises in Private Buildings only*)**

**(a) New Application / Transfer of Food Business Licences**

9. Applicant for new issue / transfer of food business licence in respect of premises in private buildings is required to make a declaration that the use of the premises for the proposed food business is in compliance with Government lease conditions (Declaration Form, FEHB 192). FEHD will *not process* application for the issue / transfer of a food business licence if such declaration is not submitted at the time of application.

**(b) Change of Licence Applicant on or after 18 April 2006 for Existing Food Business Licence Applications received before 18 April 2006**

10. For change of food business licence applicant on or after 18 April 2006 for existing applications in private buildings, FEHD will require the prospective licence applicant to submit a declaration to the effect that the proposed food business at the premises under application is in compliance with Government lease conditions. FEHD will *not process* application for the issue of a food business licence if the lease declaration is not submitted at the time of application for change in name of the licence applicant for food premises at private properties.

**(iii) Compliance with Statutory Plan Restrictions**

**New Application / Transfer of Food Business Licences / Change of Licence Applicant on or after 18 April 2006 for Existing Food Business Licence Applications received before 18 April 2006**

11. It is a pre-requisite in complying with statutory plan restrictions for new issue / transfer of a food business licence. When receiving an application for new issue / transfer of a food business licence / change of licence applicant on or after 18 April 2006 for existing food business licence applications received before 18 April 2006, FEHD will seek comments from Planning Department to confirm if the proposed food business is in compliance with statutory plan restrictions before processing the application.

**C. Sanction System**

12. A Full or Provisional Licence so issued or transferred may be cancelled if-

- (i) UBW are subsequently detected when the professional certificate subject to further examination, auditing and verification by the BD, Lands D or ICU (as appropriate), and that the information in those certifications is found to be false, incorrect or misleading, whether willfully so or otherwise. The responsible recognized professional(s) will be liable to disciplinary action under Section 7 of the Buildings Ordinance and/or other legal penalties; or
- (ii) Lands D confirms that the operation of food business at the premises is in breach of Government lease conditions or the declaration on compliance with Government lease conditions is false.

Food and Environmental Hygiene Department  
Updated in July 2022

Note \* The proposed floor plans/layout plans should contain the following particulars –

- (a) space allocated to the cooking, preparation and handling of food;
- (b) space allocated to the storage of any kind of open food;
- (c) space allocated to the serving of meals to customers;
- (d) space allocated to the cleansing, sterilizing, drying and storage of utensils;
- (e) sanitary fitments and drainage works;
- (f) cloak rooms, passageways and open spaces;
- (g) all means of exit, entry and internal circulation;
- (h) all windows, ducts providing ventilation and means of mechanical ventilation;
- (i) the siting of all furniture and equipment of a substantial and permanent nature, including food manufacturing or preparation plant, cooking ranges, sterilizers, dish-washing machines, refrigeration or cooling equipment, fixed sideboards, washbasins and sinks, drying racks and water tanks;
- (j) means of refuse storage and disposal;
- (k) the type of fuel to be annotated. If liquid fuel is used, the location of the fuel tank and its capacity should be indicated on the layout plan;
- (l) the extent of raised floor area should be indicated;
- (m) existing UBW within the interior and attached to or extending from the premises that will be demolished before the issue of provisional licence or full licence; and
- (n) proposed UBW that need NOT be included in the Free of UBW Certification, within interior and attached to or extending from the

premises in connection with the food business. Position and major dimensions of these UBW should be indicated on the layout plan.

## **Guideline UBW-1**

### **Certification of Food Business Premises Free of Unauthorised Building Works Guidelines for Authorized Persons and Registered Structural Engineers (Applicable to Private Buildings)**

#### **Introduction**

The following guidelines are provided for authorized persons (AP) and registered structural engineers (RSE) who are commissioned to certify that food business premises are free of unauthorised building works (UBW) required by the Licensing Authority.

#### **Unauthorised Building Works**

2. Buildings and building works are defined in section 2 of the Buildings Ordinance (BO). Unless exempted under section 41(3) of the BO, buildings erected or building works carried out without the prior approval and consent from the Building Authority (BA) or minor works violating the statutory requirements of the Building (Minor Works) Regulation are UBW.

3. To verify if any buildings or building works are unauthorised, the AP/RSE are advised to examine the approved plans of the subject building including the approved plans for all alteration and addition (A&A) works relating to the premises in question and, if any, the record plans and the completed “minor works” record in case the A&A works are “minor works”. For A&A works including minor works, the AP/RSE should check if the completed works have been certified under the BO and accepted by the BA.

#### **Scope and Extent of AP/RSE’s Certification**

4. For the purpose of certifying that food business premises are free of UBW, the AP/RSE should check the existence of any UBW within the food business premises (e.g. unauthorised slabs covering approved cockloft/staircase voids, removal of approved facilities for persons with a disability), UBW attached to or extending from the external walls of the food business premises (e.g. metal frames for cooling towers) and UBW located off the premises but directly associated with or serving the premises under application\*(e.g. metal frames for air-conditioning units).

\* For the avoidance of doubt, if the food business premises under application is served by the central air-conditioning plant of the building in which the premises is situated, those ventilation ducts, associated frames and related branching off accessories of the central plant serving the premises need not be included in the certification subject to compliance with item (f) of paragraph 6.



5. The certification system, as regards free of UBW, does not include UBW attached to the external walls or on the approved roofs of the food business premises if such UBW are being used to serve premises other than the food business premises.

6. Subject to paragraph 4 above and without violating the statutory requirements of the Building (Minor Works) Regulation, the following types of existing UBW need not be included in the certification. However, the AP/RSE should make necessary steps including a visual inspection to satisfy himself that such UBW are not in dilapidated or dangerous condition. Any certification with structural justification, if required, should be submitted prior to the application for full licence and transfer of licence.

- (a) Continuous unauthorised canopies or overhead projections serving both the premises and other premises and that the portion of the canopy or projection serving the premises under application is not more than 50% of the total length of the canopy or projection;
- (b) Canopies, which do not consist of stone, tiles, glass or cement mortar and are not constructed of concrete, projecting not more than 500mm beyond the building line and having a minimum vertical clearance of 2.5m;
- (c) Shopfront overhead projections, which do not consist of stone, tiles, glass or cement mortar and are not constructed of concrete, not more than 600mm beyond the building line and having a minimum vertical clearance of 2.5m;
- (d) Decorative shopfront extensions/projections, which do not consist of stone, tiles, glass or cement mortar and are not constructed of concrete, of not more than 300mm beyond the building line;
- (e) Existing signboards not resting on or suspended from approved canopies and with the area of the largest planar surface of the prescribed prism being less than 20m<sup>2</sup> ('prescribed prism' means the smallest virtual rectangular prism which can contain all parts of the signboard, including its supporting structure but excluding structural members solely for preventing lateral movement of the signboard);
- (f) Supporting frames projecting not more than 600mm from the external wall and at a height not less than 2.5m from the ground for air-conditioning units and vent ducts;
- (g) Supporting frames not resting on approved suspended slabs and less than 600mm high for air-conditioning units;
- (h) Supporting frames resting on approved roofs/slabs and less than 600mm high for air-conditioning units;
- (i) Supporting frames suspended from the approved floor slabs for air-conditioning

plants if such frames are certified, with supporting calculations, to be structurally safe. For the avoidance of doubt, ventilation ducts and associated accessories for the air-conditioning units wholly within the licensed premises not passing through compartment walls/floors and with a minimum vertical headroom of 2m need not be included in the certification;

- (j) Existing openings on or slabs over existing floors for food hoists and pipe ducts if such openings or slabs are certified, with supporting calculations, to be structurally safe and any slabs should not result in additional gross floor area under the Building (Planning) Regulations;
- (k) Hollow raised platforms within approved premises with a height not greater than 600mm and not hindering the access for persons with a disability;
- (l) Hollow raised platforms with a height between 600mm to 2000mm within approved premises if such platforms are certified, with supporting calculations, to be structurally safe and not hindering the access for persons with a disability;
- (m) Removal of internal staircases not involving unauthorised strengthening works if such removal is certified, with supporting calculations, to be structurally safe;
- (n) Kitchens and toilets within approved premises and drainage works certified as being in proper function and properly connected;
- (o) Small storage chamber for LPG cylinders with an aggregate capacity not exceeding 130L and complying with “LPG Installation for Catering Purposes in Commercial Premises” issued by the Electrical and Mechanical Services Department; and
- (p) Grease traps suspended from the approved slab if such grease traps are certified, with supporting calculations, to be structurally safe.

Minor works should be carried out under the Building (Minor Works) Regulation. Minor works violating the requirements of the said Regulation are UBW and will not be accepted. In paragraph 4 above, for example, supporting frames for air-conditioning units, if being minor works and not erected in accordance with the said Regulation are UBW, and the affected premises should not be certified as free of UBW.

Where structural assessment is made, the supporting calculations should be prepared in accordance with the guidelines at Appendix A.

7. A list of typical UBW in food business premises and a checklist for carrying out certification are at Appendix B and C for general reference. The UBW described in Appendix B should not be taken as exhaustive. If minor works are commenced and carried out in accordance with the Building (Minor Works) Regulation, they are not considered as UBW.

8. For removal of UBW, reference should be made to the “Guidelines for the Removal of Typical Unauthorised Building Works and General Maintenance of External Walls” published by the Buildings Department. However, certain removal works as stipulated in Schedule 2 Part 2 of the Building (Minor Works) Regulation are classified as designated exempted works which may be commenced under the said Regulation.

9. The guidelines provided in paragraph 6 are for the purpose of application for a food business licence and transfer of a licence from the Licensing Authority only. The operators should be reminded that future action may be taken under sections 24, 24AA and 40 of the BO to secure removal or rectification of these UBW by the Buildings Department in accordance with the prevailing enforcement policy.

### **Facilitation Measures for Signboard Validation Scheme (SVS)**

10. The SVS was introduced with the enactment of the relevant amendments to the BO through the Buildings Legislation (Amendment) Ordinance 2012 in July 2012 and the Building (Minor Works) (Amendment) Regulation 2013 in July 2013.

11. The SVS has been implemented since 2 September 2013 to allow certain existing unauthorised signboards that are relatively small and of low potential risk to be retained for continued use provided that they have undergone safety inspection, strengthening (if necessary), and certification of the structural safety by the appointed persons as specified in the BO.

12. Under the SVS, the unauthorised signboards having been validated can be retained for five years. The signboard owners should, at intervals of not more than five years, either make a fresh validation submission for the signboards concerned or remove them.

13. To facilitate those food business licence applicants to retain their existing unauthorised signboards, a new facilitation measures has been implemented to enable the food business operators to have the option to appoint their AP/ RSE to provide services for validation of the unauthorised signboards together with the required certification on UBW in one go.

14. Applicants of Food Business Licence would have the option to:

- (a) Follow the existing procedures by appointment of the AP/ RSE to certify the food business premises being free of UBW and to submit the required certification (Form UBW-1 and Form UBW-2) to the Licensing Authority; or
- (b) Appoint the AP/ RSE to provide services for validation of the unauthorised signboards and the required certification of the food business premises being free of UBW (Form UBW-1a and Form UBW-2a) to the Licensing Authority in one go.

15. The unauthorised signboards that fall within the types of the existing unauthorised signboards specified in this Annex (i.e. Guideline UBW-1 for premises in private buildings) and comply with “List of Prescribed Building or Building Works Relating to Section 39C(1A) of Ordinance” in Part 3 of Schedule 3 of the Building (Minor Works) Regulation are eligible for the new facilitation measures.

16. BD will not take the enforcement action against the validated signboards so that they could be preserved for continued use and the business operations would not be interrupted. However, the signboard owners should provide proper maintenance to their signboards within the validity period. Where a validated signboard becomes dangerous because of change in circumstances or lack of proper maintenance, the BD may take prompt enforcement action under section 105(1) of the Public Health and Municipal Services Ordinance (Cap 132) to require the signboard owners to remove the signboard or do such work as required to make it safe for protecting public safety.

17. If the validation involves unauthorised signboard erected at the exterior or other common parts of the building, the signboard owners should liaise with the co-owners of the building/owners' corporation, the management company and/or the owners concerned regarding the right of use of these common parts and observe all obligations as stipulated in the deed of mutual covenant of the building. Without obtaining the consent of the co-owners of the building/owners' corporation, the management company and/or the owners concerned for erection of any signboard at the exterior or other common parts of the building, the signboard owners may be in breach of the deed of mutual covenant of the building and liable to civil proceedings and bearing of civil liabilities.

18. According to section 7(1)(a) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121), the SVS does not apply to any building specified in a “certificate of exemption” issued under that Ordinance commonly known as the New Territories exempted houses.

19. More information on the SVS is available on BD website at <https://www.bd.gov.hk>.

### **Records of Completed Building Works**

20. Except for pre-war buildings and buildings falling within the purview of the Buildings Ordinance (Application to the New Territories) Ordinance, the approved plans and structural calculations for completed private buildings and A&A works; and completed “Minor Works” record thereon may be viewed in the Building Information Centre (BIC) of BD at 2/F Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon (tel. no.: 2626 1207 – handled by “1823”) or through Building Records Access and Viewing Online (BRAVO) system upon application and payment of the requisite fee. Certified copies of plans and documents are available upon submission of an application form

together with the payment of the requisite fee. Application forms may be obtained from the BIC or by downloading soft copies from the website <https://www.bd.gov.hk>.

### **Enquiries**

21. For any enquiries, please contact BD hotline at 2626 1616 (handled by “1823”).

### **Buildings Department**

**August 2021**

**Information and Assessment to be included in the Supporting Structural Calculations**

**1. General Requirements**

- (a) Whilst the structural members of the UBW should be checked under the current Building Regulations, all approved structural elements should be checked in accordance with the original design principle and the prevailing codes of practice at the time of construction.
- (b) The imperial units shown in the approved plan and/or original design calculations should be converted to metric units for easy reference.
- (c) The structural integrity of the affected structures should be checked in accordance with the minimum imposed loads stipulated in Regulation 17 of the Building (Construction) Regulations.

**2. Fundamental Information and Assessments (if applicable)**

- (a) The original design data retrieved from the approved plan and/or original design calculations, such as material specifications, permissible stress and design imposed load should be given.
- (b) Relevant structural framing part plans should be submitted to show the affected portion of existing structures.
- (c) Relative disposition of the additional elements such as partition walls, raised screeding, walk-in freezers, fish tanks, water pools, over hanging air-conditioning units and cooling towers should be shown on the structural framing part plans with appropriate setting out dimensions.
- (d) The weight of all additional elements, such as partition walls and raised screeding, should be conformed to the type, size, thickness and density of the construction materials resulting from these additional works.
- (e) The structural adequacy of the existing structures arising from the total combined loadings should be demonstrated.

**3. Specific Information (if applicable)**

- (a) The manufacturer's catalogue and specification of the relevant plants and equipment should be attached in order to substantiate the design operational weight.
- (b) The design of steel frame supporting the relevant plants or equipment should be submitted. The connection details of these steel members and fixing details into existing structures should also be given.
- (c) Depending on the circumstances of individual cases, additional information and assessment may be required.

**New Issue or Transfer of Food Business Licence**  
**Typical Unauthorised Building Works Requiring Removal/Rectification**

1. Unauthorised rooftop/flat roof/yard structures.
2. Unauthorised structures on or suspended from approved canopies.
3. Unauthorised canopies/projections /extensions/cladding.
4. Unauthorised signboards resting on or suspended from approved canopies.
5. Unauthorised support frames for vent ducts.
6. Unauthorised supporting frames for air-conditioning or ventilating plants.
7. Unauthorised obstructions to smoke vents.
8. Unauthorised alteration or removal of compartment walls or fire resisting walls/shutters/doors not complying with fire and structural safety requirements.
9. Unauthorised slabs filling up approved voids.
10. Unauthorised openings through slabs.
11. Unauthorised cocklofts, intermediate floors or floor extensions.
12. Unauthorised staircases.
13. Unauthorised removal, partial removal or alteration of staircases.
14. Unauthorised removal, partial removal or alteration of structural members.
15. Unauthorised removal of approved facilities for persons with a disability (e.g. toilet or access ramp) and unauthorised building works which hinder the access to the food business premises for persons with a disability (e.g. raised platform in seating areas).
16. Unauthorised alterations and additions works contravening the provisions of the Buildings Ordinance (e.g. sub-division of a floor into separate units not complying with the fire and structural safety requirements, conversion of plant rooms/car parks to usable floor areas for licensing, obstruction of means of escape from the premises or the parent building, etc.).

**Checklist for Certifying Food Business Premises  
Free of Unauthorised Building Works (UBW)**

**Part 1 – General Information**

Address of Premises : \_\_\_\_\_ Lot No. \_\_\_\_\_

**Part 2 – Examination of Approved Records/Minor Works Records**

	Yes	N/A
Approved plans for the parent buildings		
Approved plans for all alterations and additions (A&A) works affecting the subject premises		
Record plan of completed A&A works affecting the subject premises		
Completion certification of A&A works affecting the subject premises		
Building Authority’s acknowledgement of the completion certification of A&A works affecting the subject premises		
Records of Minor Works affecting the subject premises including record plans and associated documents		
BA’s acknowledgement of the completion certification of Minor Works affecting the subject premises		

**Part 3 – Site Inspection**

- (i) Prior to site inspection, the findings in Part 2 and the guidelines should be studied.
- (ii) When conducting the site inspection, reference should be made to the copy of the latest set of approved plans and record plans including those for A&A works with Building Authority’s acknowledgement and record plans for minor works with Building Authority’s acknowledgement.

		Yes	No
UBW within the premises, attached to or extended from the external walls of the premises, or located off the premises but directly associated with or serving the premises	<input type="checkbox"/> Itemize all UBW with detailed description including their condition, essential dimensions, location, material and fixing details.  <input type="checkbox"/> record on a copy of approved plans, and  <input type="checkbox"/> take record photos.		

**Part 4 – Submission of Certification**

Complete the certificate and submit all the required supporting documents and structural justification, if applicable.



## **Guideline UBW-2**

### **Certification of Food Business Premises Free of Unauthorized Building Works in respect of New Territories Exempted Houses Guideline for Authorized Persons and Registered Structural Engineers**

#### **Introduction**

This guideline is provided for authorized persons (APs) and registered structural engineers (RSEs) who are commissioned to certify that food business premises are free of unauthorized building works (UBW) in respect of New Territories Exempted Houses (NTEHs) required by the Licensing Authority. In this certification exercise, the APs/RSEs should first check with the requirements stipulated in the Buildings Department Guidelines before certifying that the food premises under application is free of UBW.

#### **Definition of New Territories Exempted Houses**

2. NTEHs which are covered by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) are houses not exceeding 65.03m<sup>2</sup> (700 ft<sup>2</sup>) in area, 3 storeys and 8.23m (27 ft) in height. Small Houses are NTEHs built in accordance with the Small House Policy under which male indigenous villagers in the New Territories are allowed to build a house on Government land upon payment of a concessionary premium or on his private agricultural land. As all Small Houses must be built in compliance with the provisions of Cap. 121, they are all NTEHs.

3. On the other hand, NTEHs are not necessarily Small Houses. There are many house lots in the New Territories which are not granted under the Small House Policy. Examples include 'old schedule' house lots and 'new grant' house lots. Owners of these 'old schedule' and 'new grant' house lots may apply to the respective District Lands Officers to build houses in compliance with the provisions of Cap. 121.

4. In short, for the purpose of this guideline, NTEHs refer to houses built in compliance with Cap. 121 under the Small House Policy, on 'old schedule' house lots or 'new grant' house lots, as long as the houses are not bigger than 65.03m<sup>2</sup>, not higher than 8.23m and not exceeding 3 storeys.

## **Unauthorized Building Works**

5. To verify whether there are UBW in an NTEH, the APs/RSEs are advised to examine the lease in respect of the NTEH, the certificates of exemption in respect of site formation, building works and drainage works (if the NTEH is erected after October 1987) and the certificate of compliance. In case if the NTEH is an ‘old schedule’ house lot or a ‘new grant’ house lot where approval for redevelopment has been given by the respective New Territories District Lands Officer, the APs/RSEs are advised to also examine the letter of approval for redevelopment and the letter of ‘No objection to occupy’. Except the lease conditions which can be found in the Land Registry, certified true copy of the abovementioned documents (if available) can be obtained from the respective New Territories District Lands Offices upon payment of the relevant fees and charges. Application forms (LAOVIC\_001) may be obtained from the Village Improvement and Lease Enforcement/Land Control Section of Lands Department at 22/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong or download from Lands Department’s Homepage.

6. This guideline is drawn up for APs/RSEs for the purpose of new issue and transfer of food business licences only. It does not prejudice Lands Department’s or Buildings Department’s rights to take enforcement actions if they detect UBW in the licensed food business premises or if there are other breaches of the leases or land grants. Lands Department reserves its rights to determine if any building works in licensed food business premises are UBW and if there are/have been other breaches of the leases or land grants and to take such enforcement or other actions as it considers appropriate.

7. Nothing contained in this guideline shall be treated or considered as giving rise to any representation or expectation that NTEHs shall be permitted to be used as food business premises or for purposes other than those permitted under the relevant leases or land grants.

## **Enquiries**

8. Enquiries may be made at Village Improvement and Lease Enforcement/Land Control Section of Lands Department at 22/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong (Tel. No. 2231 3575).

**Lands Department**  
**April 2006**

## APPLICATION FORM FOR COPYING OF DOCUMENTS

(USE ONE FORM FOR EACH PREMISES)

### I. PARTICULARS OF THE PREMISES – to be completed by the applicant in BLOCK letters

- (a) D.D./Lot No. : \_\_\_\_\_
- (b) Address : \_\_\_\_\_
- (c) District : \_\_\_\_\_

### II. DETAILS OF SERVICES REQUESTED – to be completed by the applicant

No.	Services Requested	*Please '√'
1.	Certified true copy of C of E in respect of building works	
2.	Certified true copy of C of E in respect of site formation works	
3.	Certified true copy of C of E in respect of drainage works	
4.	Certified true copy of Certificate of Compliance	
5.	Certified true copy of Approved Letter of Redevelopment of Old Schedule/New Grant House Lot	
6.	Certified true copy of letter of 'No objection to occupy'	

### III. DECLARATION OF THE APPLICANT (AP/RSE)

I/We hereby declare that the information in the above documents will be used for ensuring compliance with the provisions of the Buildings Ordinance or any other enactment

- i.e.  \* licensing application \_\_\_\_\_ (state the type of license).  
 \* others \_\_\_\_\_ (state the purpose).

AND I/We hereby undertake that I/we will not use the information so obtained for any other purposes and pay the prescribed fee(s).

Name : \_\_\_\_\_ Tel No. : \_\_\_\_\_ Fax No. : \_\_\_\_\_

Address : \_\_\_\_\_

Signature : \_\_\_\_\_ Date : \_\_\_\_\_

- Notes :
1. The personal data provided in this application form will be used by the District Lands Office for the processing of this application. The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the District Lands Office may not be able to process your application.
  2. The completed application form should be submitted in person to the relevant District Lands Offices whose addresses are listed overleaf.

<b>District Lands Office</b>	<b>Address</b>	<b>Telephone No.</b>	<b>Fax No.</b>
District Lands Office/Islands	19th floor, Harbour Building, 38 Pier Road, Central, Hong Kong	2852 4265	2850 5104
District Lands Office/North	6th floor, North District Government Offices, 3 Pik Fung Road, Fanling, New Territories	2675 1809	2675 9224 2676 6432
District Lands Office/Shau Tin	11th floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories	2158 4700	2602 4093
District Lands Office/Sai Kung	3rd and 4th floors, Sai Kung Government Offices, 34 Chan Man Street, Sai Kung, New Territories	2791 7019	2792 0706
District Lands Office/Tai Po	1st floor, Tai Po Government Offices, Ting Kok Road, Tai Po, New Territories	2654 1263	2650 9896
District Lands Office/Tsuen Wan and Kwai Tsing	10th and 11th floors, Tsuen Wan Station Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan, New Territories	2402 1164	2415 0703 2412 0505
District Lands Office/Tuen Mun	6th and 7th floors, Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun, New Territories	2451 1176	2459 0795
District Lands Office/Yuen Long	9th to 11th floors, Yuen Long Government Offices, 2 Kiu Lok Square, Yuen Long, New Territories	2443 3573	2473 3134 2479 9736 2478 8554

## **Guideline UBW-3**

### **Certification of Food Business Premises Free of Unauthorized Building Works Guidelines for Authorized Persons and Registered Structural Engineers (Applicable to the divested Housing Authority's Properties)**

#### **Introduction**

The following guidelines are provided for authorized persons (AP) and registered structural engineers (RSE) who are commissioned to certify that food business premises are free of unauthorized building works (UBW) required by the Licensing Authority with respect to the divested Housing Authority (HA)'s properties.

#### **Unauthorized Building Works**

2. Buildings and building works are defined in section 2 of the Buildings Ordinance (BO). Unless exempted under section 41(3) of the BO, buildings erected or building works carried out without the prior approval and consent from the Building Authority (BA) or "minor works" violating the statutory requirements of the Building (Minor Works) Regulation are UBW.

3. The Independent Checking Unit (ICU) under the Office of the Permanent Secretary for Housing administers the building control of the divested HA's properties to which the BO applies, under the delegated authority from the BA.

4. To verify if any buildings or building works are unauthorized, the AP/RSE are advised to examine the records of the subject building including the latest layout and fitting out plan accepted by the ICU, and the plans for all alteration and addition (A&A) works relating to the subject premises approved by the ICU, if any. For any A&A works, the AP/RSE should check with the ICU if any such works have been certified completion and such certification have been accepted by the ICU.

#### **Scope and Extent of AP/RSE's Certification**

5. For the purpose of certifying that food business premises are free of UBW, the AP/RSE should check the existence of any UBW within the food business premises (e.g. unauthorized slabs covering approved cockloft/staircase voids, removal of approved facilities for persons with a disability), UBW attached to or extending from the external walls of the food business premises (e.g. metal frames for cooling towers) and UBW located off the premises but directly associated with or serving the premises under application \* (e.g. metal frames for air-conditioning units).

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\* For the avoidance of doubt, if the food business premises under application is served by the central air-conditioning plant of the building in which the premises is situated, those ventilation ducts, associated frames and related branching off accessories of the central plant serving the premises need not be included in the certification subject to compliance with item (f) of paragraph 7

6. The certification system, as regards free of UBW, does not include UBW attached to the external walls or on the approved roofs of the food business premises if such UBW are being used to serve premises other than the food business premises.

7. Subject to paragraph 5 above and without violating the statutory requirements of the Building (Minor Works) Regulation, the following types of existing UBW need not be included in the certification. However, the AP/RSE should make necessary steps including a visual inspection to satisfy himself that such UBW are not in dilapidated or dangerous condition. Any certification with structural justification, if required, should be submitted prior to the application for full licence and transfer of licence.

- (a) Continuous unauthorized canopies or overhead projections serving both the premises and other premises and that the portion of the canopy or projection serving the premises under application is not more than 50% of the total length of the canopy or projection;
- (b) Canopies, which do not consist of stone, tiles, glass or cement mortar and are not constructed of concrete, projecting not more than 500mm beyond the building line and having a minimum vertical clearance of 2.5m;
- (c) Shopfront overhead projections, which do not consist of stone, tiles, glass or cement mortar and are not constructed of concrete, of not more than 600mm beyond the building line and having a minimum vertical clearance of 2.5m;
- (d) Decorative shopfront extensions/projections, which do not consist of stone, tiles, glass or cement mortar and are not constructed of concrete, of not more than 300mm beyond the building line;
- (e) Existing signboards not resting on or suspended from approved canopies and with the area of the largest planer surface of the prescribed prism being less than 20 m<sup>2</sup> ('prescribed prism' means the smallest virtual rectangular prism which can contain all parts of the signboard, including its supporting structure but excluding structural members solely for preventing lateral movement of the signboard)
- (f) Supporting frames projecting not more than 600mm from the external wall and at a height not less than 2.5m from the ground for air-conditioning units and vent ducts;
- (g) Supporting frames not resting on approved suspended slabs and less than 600mm high for air-conditioning units;
- (h) Supporting frames resting on approved roofs/slabs and less than 600mm high for air-conditioning units;
- (i) Supporting frames suspended from the approved floor slabs for air-conditioning plants if such frames are certified, with supporting calculations, to be structurally safe. For the avoidance of doubt, ventilation ducts and associated accessories for the air-conditioning units wholly within the licensed premises not passing through

compartment walls/floors and with a minimum vertical headroom of 2m need not be included in the certification;

- (j) Existing openings on or slabs over existing floors for food hoists and pipe ducts if such openings or slabs are certified, with supporting calculations, to be structurally safe and any slabs should not result in additional gross floor area under the Building (Planning) Regulations;
- (k) Hollow raised platforms within approved premises with a height not greater than 600mm and not hindering the access for persons with a disability;
- (l) Hollow raised platforms with a height between 600mm to 2000mm within approved premises if such platforms are certified, with supporting calculations, to be structurally safe and not hindering the access for persons with a disability;
- (m) Removal of internal staircases not involving unauthorized strengthening works if such removal is certified, with supporting calculations, to be structurally safe;
- (n) Kitchens and toilets within approved premises and drainage works certified as being in proper function and properly connected;
- (o) Small storage chamber for LPG cylinders with an aggregate capacity not exceeding 130L and complying with “LPG Installation for Catering Purposes in Commercial Premises” issued by the Electrical and Mechanical Services Department; and
- (p) Grease traps suspended from the approved slab if such grease traps are certified, with supporting calculations, to be structurally safe.

Minor works should be carried out under the Building (Minor Works) Regulation. Minor works violating the requirements of the said Regulation are UBW and will not be accepted. In paragraph 5 above, for example, supporting frames for air-conditioning units, if being minor works and not erected in accordance with the said Regulation are UBW, and the affected premises should not be certified as free of UBW.

Where structural assessment is made, the supporting calculations should be prepared in accordance with the guidelines at Appendix A.

8. A list of typical UBW in food business premises and a checklist for carrying out certification are at Appendix B and C for general reference. The UBW described in Appendix B should not be taken as exhaustive. If minor works are commenced and carried out in accordance with the Building (Minor Works) Regulation, they are not considered as UBW.

9. For removal of UBW, reference should be made to the “Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls” published by the Buildings Department (BD). However, certain removal works as stipulated in Schedule 2 Part 2 of the Building (Minor Works) Regulation are classified as designated exempted works which may

be commenced under the said Regulation.

10. The guidelines provided in paragraph 7 above are for the purpose of application for a food business licence and transfer of a licence from the Licensing Authority only. The operators should be reminded that future action may be taken under sections 24, 24AA and 40 of the BO to secure removal or rectification of these UBW by the ICU under the delegated authority from the BA.

### **Records of Completed Building Works**

11. Approved plans and structural calculations for A&A works and completed “Minor Works” record may be viewed at the ICU on 8/F of Lung Cheung Office Block, 138 Lung Cheung Road, Wong Tai Sin, Kowloon (tel. no.: 3162 0621) or through Housing Electronic Building Records Online System (HeBROS) upon application and payment of the requisite fee. Certified copies of such approved plans and documents are available upon submission of an application form together with the payment of the requisite fee. Application forms may be obtained from the reception counter on 8/F of Lung Cheung Office Block, 138 Lung Cheung Road, Wong Tai Sin, Kowloon or by downloading soft copies from the website <https://hebros.housingauthority.gov.hk>.

### **Enquiries**

12. For specific enquiries, please write to the ICU, 8/F of Lung Cheung Office Block, 138 Lung Cheung Road, Wong Tai Sin, Kowloon (tel. no.: 3162 0597).

### **Independent Checking Unit**

**July 2022**



**Information and Assessment to be included in the Supporting Structural Calculations**

**1. General Requirements**

- (a) Whilst the structural members of the UBW should be checked under the current Building Regulations, all approved structural elements should be checked in accordance with the original design principle and the prevailing codes of practice at the time of construction.
- (b) The imperial units shown in the approved plan and/or original design calculations should be converted to metric units for easy reference.
- (c) The structural integrity of the affected structures should be checked in accordance with the minimum imposed loads stipulated in Regulation 17 of the Building (Construction) Regulations.

**2. Fundamental Information and Assessments (if applicable)**

- (a) The original design data retrieved from the approved plan and/or original design calculations, such as material specifications, permissible stress and design imposed load should be given.
- (b) Relevant structural framing part plans should be submitted to show the affected portion of existing structures.
- (c) Relative disposition of the additional elements such as partition walls, raised screeding, walk-in freezers, fish tanks, water pools, over hanging air-conditioning units and cooling towers should be shown on the structural framing part plans with appropriate setting out dimensions.
- (d) The weight of all additional elements, such as partition walls and raised screeding, should be conformed with the type, size, thickness and density of the construction materials resulting from these additional works.
- (e) The structural adequacy of the existing structures arising from the total combined loadings should be demonstrated.

**3. Specific Information (if applicable)**

- (a) The manufacturer's catalogue and specification of the relevant plants and equipment should be attached in order to substantiate the design operational weight.
- (b) The design of steel frame supporting the relevant plants or equipment should be submitted. The connection details of these steel members and fixing details into existing structures should also be given.
- (c) Depending on the circumstances of individual cases, additional information and assessment may be required.

**New Issue or Transfer of Food Business Licence**  
**Typical Unauthorized Building Works Requiring Removal/Rectification**

1. Unauthorized rooftop/flat roof/yard structures.
2. Unauthorized structures on or suspended from approved canopies.
3. Unauthorized canopies/projections /extensions/cladding.
4. Unauthorized signboards resting on or suspended from approved canopies.
5. Unauthorized support frames for vent ducts.
6. Unauthorized supporting frames for air-conditioning or ventilating plants.
7. Unauthorized obstructions to smoke vents.
8. Unauthorized alteration or removal of compartment walls or fire resisting walls/shutters/doors not complying with fire and structural safety requirements.
9. Unauthorized slabs filling up approved voids.
10. Unauthorized openings through slabs.
11. Unauthorized cocklofts, intermediate floors or floor extensions.
12. Unauthorized staircases.
13. Unauthorized removal, partial removal or alteration of staircases.
14. Unauthorized removal, partial removal or alteration of structural members.
15. Unauthorized removal of approved facilities for persons with a disability (e.g. toilet or access ramp) and unauthorized building works which hinder the access to the food business premises for persons with a disability (e.g. raised platform in seating areas).
16. Unauthorized alterations and additions works contravening the provisions of the Buildings Ordinance (e.g. sub-division of a floor into separate units not complying with the fire and structural safety requirements, conversion of plant rooms/car parks to usable floor areas for licensing, obstruction of means of escape from the premises or the parent building, etc.).

**Checklist for Certifying Food Business Premises**  
**Free of Unauthorized Building Works (UBW)**

(applicable to the divested Housing Authority’s Properties )

**Part 1 – General Information**

Address of Premises: \_\_\_\_\_

Lot No./Vesting Order No. \_\_\_\_\_

**Part 2 – Examination of Records/Minor Works Records**

	Yes	N/A
(a) Check with the Independent Checking Unit (ICU) regarding plans for all alteration and addition (A&A) works approved by the ICU which may affect the subject premises		
(b) Check with the ICU regarding record plans of completed A&A works acknowledged by the ICU which may affect the subject premises		
(c) Check with the ICU for any completion certification of A&A works affecting the subject premises		
(d) Check with the ICU for any acknowledgement of the completion certification of A&A works affecting the subject premises		
(e) Check with the ICU regarding records of Minor Works affecting the subject premises including record plans and associated documents		
(f) Check with the ICU for any acknowledgement of the completion certification of Minor Works affecting the subject premises		

**Part 3 – Site Inspection**

- (i) Prior to site inspection, the findings in Part 2 and the guidelines should be studied.
- (ii) When conducting the site inspection, reference should be made to the copy of the latest layout and fitting out plans which are obtained from the ICU, and those for A&A works with ICU’s acknowledgement and record plans for minor works with ICU’s acknowledgement.

		Yes	No
UBW within the premises, attached to or extended from the external walls of the premises, or located off the premises but directly associated with or serving the premises	<input type="checkbox"/> itemize all UBW with detailed description including their condition, essential dimensions and location, material and fixing details. <input type="checkbox"/> record on a copy of the latest layout plan accepted by the HD/ICU, if any, and <input type="checkbox"/> take record photos.		

**Part 4 – Submission of Certification**

Complete the certificate and submit all the required supporting documents and structural justification, if applicable.

**Certification of Food Business Premises Free of  
Unauthorised Building Works (UBW) for Provisional Licence Application  
(Form UBW-1)**

I, \_\_\_\_\_ (\_\_\_\_\_) (Mr./Ms.\*),  
(Surname in English) (Other names in English) (Name in Chinese)

being the Authorised Person(AP)/Registered Structural Engineer(RSE)\* registered under Section 3 of the Buildings Ordinance (Cap. 123) do hereby certify and declare that:

(a) On \_\_\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_,  
(Date(s) of inspection) (Time(s) of inspection)

I personally inspected \_\_\_\_\_  
(Shop sign in English)

(\_\_\_\_\_), situated at \_\_\_\_\_  
(Shop sign in Chinese) (Address of premises)

\_\_\_\_\_ which is under application for issue/transfer\* of a provisional food business

licence by \_\_\_\_\_ (\_\_\_\_\_  
(Name of applicant/transferee\* in English) (Name of applicant/transferee\* in Chinese)

The inspection was conducted in accordance with the Guidelines for Authorised Person and Registered Structural Engineer for Certification of Food Business Premises free of Unauthorised Building Works (Guidelines) issued by the Director of Buildings (D of B), Director of Lands (D of L) or the Independent Checking Unit (ICU), as appropriate.

- ^(b)  I have read the Letter of Requirements addressed to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 1)</sup> and understand the contents thereof.  
(Not applicable to transfer of food business licence) or
- I have read the Memorandum issued by the Buildings Department (BD) /ICU\* and copied to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 2)</sup>  
(file ref.: \_\_\_\_\_) and understand the contents thereof.  
(Not applicable to transfer of food business licence)

Note 1: Date of the Letter of Requirements issued by the Food and Environmental Hygiene Department, whichever is the latest, should be stated.

Note 2: Date of the Memorandum issued by the BD /ICU, whichever is the latest, should be stated.

\* Please delete where appropriate.

Please tick the appropriate box(es).

^ (c) In accordance with paragraphs 4 to 9 of the Guidelines of the D of B/paragraphs 5 to 10 of the Guidelines of the ICU\*, I certify that the subject premises is free of UBW except those mentioned in paragraph (d) below.

^ (d) In accordance with paragraph 6 and Appendix C of the Guidelines of the D of B/paragraph 7 and Appendix C of the Guidelines of the ICU\*, I have inspected the following UBW# and was satisfied that they are not in dilapidated or dangerous condition:

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(e) In accordance with paragraphs 4 to 9 and Appendix C of the Guidelines of the D of B/ paragraphs 5 to 10 and Appendix C of the Guidelines of the ICU\*, I attach the plan(s) showing UBW mentioned in paragraph (d) and record photos taken during my inspection showing the conditions of the subject premises and external walls of the premises and UBW mentioned in paragraph (d) to support my certification.

(f) I have taken all reasonable and practical steps to ensure the correctness of the information in this certification and referred to the following approved/record plans/documents in accordance with the Guidelines:

Description of documents (File reference of private building, excluding the divested Housing Authority's properties)\*

Description of documents (Applicable to New Territories Exempted Houses)\*

Description of documents (Applicable to the divested Housing Authority's properties)\*

\* Please delete where appropriate.

- (g) I understand that all matters and information covered by this certification and all the related documents submitted for this licence application will be subject to further examination, auditing and verification by the Building Authority, Lands Department or the ICU (as appropriate). If I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorised officer or a public officer with information knowing that it is false or misleading in a material particular in this Certification, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap. 123) and/or other legal penalties..

\_\_\_\_\_  
Date (dd/mm/yyyy)

\_\_\_\_\_  
Signature and full name<sup>@</sup> of Authorised Person/  
Registered Structural Engineer\*

Certificate of registration number<sup>@</sup>: \_\_\_\_\_

Date of expiry of registration<sup>@</sup>: \_\_\_\_\_ (dd/mm/yyyy)

Registered address: \_\_\_\_\_

Contact telephone No.: \_\_\_\_\_ Contact fax No.: \_\_\_\_\_

Contact email address: \_\_\_\_\_

**Matters to Note:**

<sup>^</sup> Please delete where appropriate. Only one Authorised Person(AP)/Registered Structural Engineer(RSE) should certify paragraph (c). In case of different UBW in the food business premises are to be certified by different APs/RSEs, each AP/RSE should submit a separate certification. If the AP/RSE certifying paragraph (c) is based on his/her and another AP/RSEs' certification of paragraph (d), that AP/RSE should specify in paragraph (c) of his/her certification.

# Itemise the UBW with detailed description including their condition, essential dimensions and locations and use separate sheets if necessary. The itemised UBW shall be indicated on the latest licence layout plan attached with the Form UBW-1. The separate sheets should be endorsed by the AP/RSE.

@ In accordance with the registration record.

\* Please delete where appropriate.

**Collection of Personal Data in Connection with  
Application for Food Business and Other Trade Licences or  
Application for Alteration to the Approved Plan of Licensed Premises**

**(In accordance with the Personal Data (Privacy) Ordinance)**

**Statement of Purpose**

**1. Purposes of Collection**

The personal data provided by means of this form will be used by the Food and Environmental Hygiene Department (FEHD) for:

- (a) activities relating to applications for the issue/transfer of food business and other trade licences/permits made to the FEHD;
- (b) activities relating to applications for alteration to the approved plan of licensed premises made to the District Environmental Hygiene Office/Licensing Section of the FEHD; and
- (c) facilitating communication among the staff of the FEHD, other government departments and you concerning compliance with the laws and regulations applicable to the food business and other trades.

The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the FEHD may not be able to process your application.

**2. Class of Transferees**

The personal data which you have provided by means of this form may be disclosed to other government departments, bureaux, organisations or any persons for the purposes mentioned in paragraph 1 above.

**3. Access to Personal Data**

You have the right of access and correction with respect to the personal data as provided under Personal Data (Privacy) Ordinance. Request for personal data access and correction should be addressed to FEHD. FEHD has the right to charge a reasonable fee for the processing of any data access request.

**4. Enquiries**

Enquiries concerning the licence application, including the personal data collected by means of this form, should be addressed to the officer in charge of the respective Licensing Offices of the Department:

**Hong Kong & Islands**

Assistant Secretary, Licensing Office  
Hong Kong & Islands Licensing Office,  
8/F, Lockhart Road Municipal Services Building,  
225 Hennessy Road,  
Wanchai, Hong Kong  
Tel. No.: 2879 5712

**Kowloon**

Assistant Secretary, Licensing Office  
Kowloon Licensing Office,  
4/F, Pei Ho Street Municipal Services Building,  
333 Ki Lung Street,  
Sham Shui Po, Kowloon  
Tel. No.: 2729 1293

**New Territories**

Assistant Secretary, Licensing Office  
New Territories Licensing Office,  
4/F, Tai Po Complex, 8 Heung Sze Wui Street,  
Tai Po, New Territories  
Tel. No.: 3183 9234



**Certification of Food Business Premises Free of  
Unauthorised Building Works (UBW) for Full Licence Application  
(Form UBW-2)**

I, \_\_\_\_\_ (\_\_\_\_\_) (Mr./Ms.\*),  
(Surname in English) (Other names in English) (Name in Chinese)

being the Authorised Person(AP)/Registered Structural Engineer(RSE)\* registered under Section 3 of the Buildings Ordinance (Cap. 123) do hereby certify and declare that :

(a) On \_\_\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_,  
(Date(s) of inspection) (Time(s) of inspection)

I personally inspected \_\_\_\_\_  
(Shop sign in English)

(\_\_\_\_\_) , and situated at \_\_\_\_\_  
(Shop sign in Chinese) (Address of premises)

\_\_\_\_\_ which is under application for issue/transfer\* of a full food business

licence by \_\_\_\_\_ (\_\_\_\_\_) .  
(Name of applicant/transferee\* in English) (Name of applicant/transferee\* in Chinese)

The inspection was conducted in accordance with the Guidelines for Authorised Person and Registered Structural Engineer for Certification of Food Business Premises free of Unauthorised Building Works (Guidelines) issued by the Director of Buildings (D of B), Director of Lands (D of L) or the Independent Checking Unit (ICU), as appropriate.

- ^(b)  I have read the Letter of Requirements addressed to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 1)</sup> and understand the contents thereof.  
(Not applicable to transfer of food business licence) or
- I have read the Memorandum issued by the Buildings Department (BD)/ICU\* and copied to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 2)</sup> (file ref.: \_\_\_\_\_) and understand the contents thereof.  
(Not applicable to transfer of food business licence)

Note 1: Date of the Letter of Requirements issued by the Food and Environmental Hygiene Department, whichever is the latest, should be stated.

Note 2: Date of the Memorandum issued by the BD/ICU, whichever is the latest, should be stated.

\* Please delete where appropriate.

Please tick the appropriate box(es).

^(c) In accordance with paragraphs 4 to 9 of the Guidelines of the D of B/paragraphs 5 to 10 of the Guidelines of the ICU\*, I certify that the subject premises is free of UBW except those mentioned in paragraph (d) below.

^(d) In accordance with paragraph 6 and Appendix C of the Guidelines of the D of B/paragraph 7 and Appendix C of the Guidelines of the ICU\*, I have inspected the following UBW# and was satisfied that they are not in dilapidated or dangerous condition:

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^(e) In accordance with paragraph 6 of the Guidelines of the D of B/paragraph 7 of the Guidelines of the ICU\*, I have inspected the following UBW# and based on the attached supporting structural justification and my site inspection(s), I was satisfied that they are structurally safe and not in dilapidated or dangerous condition:

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(f) In accordance with paragraphs 4 to 9 and Appendix C of the Guidelines of the D of B/paragraphs 5 to 10 and Appendix C of the Guidelines of the ICU\*, I attach the plan(s) showing UBW mentioned in paragraphs (d)\* and (e)\* and record photos taken during my inspection showing the conditions of the subject premises and external walls of the premises and UBW mentioned in paragraphs (d)\* and (e)\* to support my certification.

(g) I have taken all reasonable and practical steps to ensure the correctness of the information in this certification and referred to the following approved/record plans/documents in accordance with the Guidelines:

Description of documents (File reference of private building, excluding the divested Housing Authority's properties)\*

Description of documents (Applicable to New Territories Exempted Houses)\*

\* Please delete where appropriate.

Description of documents (Applicable to the divested Housing Authority's properties)\*

- (h) I understand that all matters and information covered by this Certification and all the related documents submitted for this licence application will be subject to further examination, auditing and verification by the Building Authority, Lands Department or the ICU (as appropriate). If I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorised officer or a public officer with information knowing that it is false or misleading in a material particular in this Certification, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap. 123) and/or other legal penalties.

\_\_\_\_\_  
Date (dd/mm/yyyy)

\_\_\_\_\_  
Signature and full name<sup>@</sup> of Authorised Person/  
Registered Structural Engineer\*

Certificate of registration number<sup>@</sup>: \_\_\_\_\_

Date of expiry of registration<sup>@</sup>: \_\_\_\_\_ (dd/mm/yyyy)

Registered address: \_\_\_\_\_

Contact telephone No.: \_\_\_\_\_ Contact fax No.: \_\_\_\_\_

Contact email address: \_\_\_\_\_

**Matters to Note:**

<sup>^</sup> Please delete where appropriate. Only one Authorised Person(AP)/Registered Structural Engineer(RSE) should certify paragraph (c). In case of different UBW in the food business premises are to be certified by different APs/RSEs, each AP/RSE should submit a separate certification. If the AP/RSE certifying paragraph (c) is based on his/her and another AP/RSEs' certification of paragraphs (d) and (e), that AP/RSE should specify in paragraph (c) of his/her certification.

<sup>#</sup> Itemise the UBW with detailed description including their condition, essential dimensions and locations and use separate sheets if necessary. The itemised UBW shall be indicated on the latest licence layout plan attached with the Form UBW-2. The separate sheets should be endorsed by the AP/RSE.

<sup>@</sup> In accordance with the registration record.

\* Please delete where appropriate.

**Collection of Personal Data in Connection with  
Application for Food Business and Other Trade Licences or  
Application for Alteration to the Approved Plan of Licensed Premises**

**(In accordance with the Personal Data (Privacy) Ordinance)**

**Statement of Purpose**

**1. Purposes of Collection**

The personal data provided by means of this form will be used by the Food and Environmental Hygiene Department (FEHD) for:

- (a) activities relating to applications for the issue/transfer of food business and other trade licences/permits made to the FEHD;
- (b) activities relating to applications for alteration to the approved plan of licensed premises made to the District Environmental Hygiene Office/Licensing Section of the FEHD; and
- (c) facilitating communication among the staff of the FEHD, other government departments and you concerning compliance with the laws and regulations applicable to the food business and other trades.

The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the FEHD may not be able to process your application.

**2. Class of Transferees**

The personal data which you have provided by means of this form may be disclosed to other government departments, bureaux, organisations or any persons for the purposes mentioned in paragraph 1 above.

**3. Access to Personal Data**

You have the right of access and correction with respect to the personal data as provided under Personal Data (Privacy) Ordinance. Request for personal data access and correction should be addressed to FEHD. FEHD has the right to charge a reasonable fee for the processing of any data access request.

**4. Enquiries**

Enquiries concerning the licence application, including the personal data collected by means of this form, should be addressed to the officer in charge of the respective Licensing Offices of the Department:

**Hong Kong & Islands**

Assistant Secretary, Licensing Office  
Hong Kong & Islands Licensing Office,  
8/F, Lockhart Road Municipal Services Building,  
225 Hennessy Road,  
Wanchai, Hong Kong  
Tel. No.: 2879 5712

**Kowloon**

Assistant Secretary, Licensing Office  
Kowloon Licensing Office,  
4/F, Pei Ho Street Municipal Services Building,  
333 Ki Lung Street,  
Sham Shui Po, Kowloon  
Tel. No.: 2729 1293

**New Territories**

Assistant Secretary, Licensing Office  
New Territories Licensing Office,  
4/F, Tai Po Complex, 8 Heung Sze Wui Street,  
Tai Po, New Territories  
Tel. No.: 3183 9234

**Certification of Food Business Premises Free of  
Unauthorised Building Works (UBWs) for Provisional Licence Application cum  
Notice of Inspection and Certification of Unauthorised Signboard(s)<sup>1</sup>  
(Form UBW-1a)**

**Part A** [To be completed by the applicant for provisional Food Business Licence and the person for whom the signboard was erected]

I/We, \_\_\_\_\_ ( \_\_\_\_\_ )  
(Name in English) (Name in Chinese)

have appointed the person described in Part B as the Authorised Person(AP)/Registered Structural Engineer(RSE)\* under section 62A(3) of the Building (Minor Works) Regulation [B(MW)R] for the inspection of the unauthorised signboard(s) at the location described in Part B(d). I/We declare that I/we am/are the person for whom the signboard(s) have been erected and who arranged for the inspection. I/We also undertake to maintain the signboard in a structurally safe condition at all times and to remove the unauthorised signboard(s) if I/we cease to operate the business at this location and notify the Buildings Department.

\_\_\_\_\_ Date (dd/mm/yyyy) \_\_\_\_\_ Signature/Company Seal (if applicable)

Business Registration No.: \_\_\_\_\_

Name of Business: \_\_\_\_\_ ( \_\_\_\_\_ )  
(Name in English) (Name in Chinese)

Contact Telephone No.: \_\_\_\_\_ Contact Fax No.: \_\_\_\_\_

Business/Correspondence Address: \_\_\_\_\_

**Part B** [To be Completed by the AP/RSE appointed under section 62A(3) of the B(MW)R]

I, \_\_\_\_\_ ( \_\_\_\_\_ ) (Mr./Ms.\*),  
(Surname in English) (Other names in English) (Name in Chinese)

being the AP/RSE\* registered under section 3 of the Buildings Ordinance (Cap. 123), have been appointed as the AP/RSE\* for the inspection and certification of UBWs including signboard(s); and do hereby certify and declare that:

<sup>1</sup> The signboard(s) should be the prescribed building or building works as stipulated in Part 3 of Schedule 3 of the Building (Minor Works) Regulation and completed before 2 September 2013.

\* Please delete where appropriate.

(a) On \_\_\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_  
 (Date(s) of inspection) (Time(s) of inspection)  
 I personally inspected \_\_\_\_\_  
 (Shop sign in English)  
 ( \_\_\_\_\_ ), and situated at \_\_\_\_\_  
 (Shop sign in Chinese) (Address of premises)

\_\_\_\_\_ which is under application for issue/transfer\* of a provisional food business licence by \_\_\_\_\_ ( \_\_\_\_\_ ).  
 (Name of applicant/transferee\* in English) (Name of applicant/transferee\* in Chinese)

The inspection was conducted in accordance with the Guidelines for Authorised Person and Registered Structural Engineer for Certification of Food Business Premises free of Unauthorised Building Works (Guidelines) issued by the Director of Buildings (D of B).

- ^(b)  I have read the Letter of Requirements addressed to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 1)</sup> and understand the contents thereof. *(Not applicable to transfer of food business licence)* or
- I have read the Memorandum issued by the Buildings Department (BD) and copied to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 2)</sup> (file ref.: \_\_\_\_\_) and understand the contents thereof. *(Not applicable to transfer of food business licence)*

^(c) In accordance with paragraphs 4 to 9 of the Guidelines of the D of B, I certify that the subject premises is free of UBWs except those mentioned in paragraph (d) below.

^(d) In accordance with paragraph 6 and Appendix C of the Guidelines of the D of B and the PNAP APP-155, I have inspected the following UBWs including signboard(s)<sup>#</sup> and was satisfied that they are not in dilapidated or dangerous condition and are also structurally safe:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(e) In accordance with paragraphs 4 to 9 and Appendix C of the Guidelines of the D of B and the PNAP APP-155, I attach the plan(s) showing the UBWs including signboard(s)<sup>#</sup> mentioned in paragraph (d) and record photos taken during my inspection showing the conditions of the subject premises and the external walls of the premises and the UBWs including signboard(s) mentioned in paragraph (d) to support my certification.

Note 1: Date of the Letter of Requirements issued by the Food and Environmental Hygiene Department, whichever is the latest, should be stated.

Note 2: Date of the Memorandum issued by the BD, whichever is the latest, should be stated.

\* Please delete where appropriate.  
 Please tick the appropriate box(es).

- (f) I have taken all reasonable and practical steps to ensure the correctness of the information in this certification and referred to the following approved/record plans/documents in accordance with the Guidelines/PNAP:

Description of documents (File reference of private building)

- (g) I understand that all matters and information covered by this Certification and all the related documents submitted for this licence application will be subject to further examination, auditing and verification by the Building Authority. If I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorised officer or a public officer with information knowing that it is false or misleading in a material particular in this Certification, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap. 123) and/or other legal penalties.

\_\_\_\_\_  
Date (dd/mm/yyyy)

\_\_\_\_\_  
Signature and full name<sup>@</sup> of Authorised Person/  
Registered Structural Engineer\*

Certificate of registration number<sup>@</sup>: \_\_\_\_\_

Date of expiry of registration<sup>@</sup>: \_\_\_\_\_ (dd/mm/yyyy)

Correspondence address: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

Contact fax number: \_\_\_\_\_

Contact email address: \_\_\_\_\_

<sup>@</sup> In accordance with the registration record.

\* Please delete where appropriate.

Matters to Note:

- (1) This form is not applicable for any signboard which is not a specified construction under section 37(4) of the B(MW)R.
  - (2) This form must be signed by an AP if any signboard falls within the description of a Class I minor works item under the B(MW)R.
- ^ Please delete where appropriate. Only one AP/RSE should certify paragraph (c). In case of different UBWs in the food business premises are to be certified by different APs/RSEs, each AP/RSE should submit a separate certification. If the AP/RSE certifying paragraph (c) is based on his/her and another AP/RSEs' certification of paragraph (d), that AP/RSE should specify in paragraph (c) of his/her certification.
- # Itemise the UBWs including signboard(s) with detailed description including their condition, essential dimensions and locations and use separate sheets if necessary. The itemised UBWs including signboard(s) shall be indicated on the latest licence layout plan attached with this form. The separate sheets should be endorsed by the AP/RSE. The corresponding minor works item under B(MW)R for the signboard(s) must be indicated on plan(s).



**Collection of Personal Data in Connection with  
Application for Food Business and Other Trade Licences or  
Application for Alteration to the Approved Plan of Licensed Premises**

**(In accordance with the Personal Data (Privacy) Ordinance)**

**Statement of Purpose**

**1. Purposes of Collection**

The personal data provided by means of this form will be used by the Food and Environmental Hygiene Department (FEHD) for:

- (a) activities relating to applications for the issue/transfer of food business and other trade licences/permits made to the FEHD;
- (b) activities relating to applications for alteration to the approved plan of licensed premises made to the District Environmental Hygiene Office/Licensing Section of the FEHD; and
- (c) facilitating communication among the staff of the FEHD, other government departments and you concerning compliance with the laws and regulations applicable to the food business and other trades.

The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the FEHD may not be able to process your application.

**2. Class of Transferees**

The personal data which you have provided by means of this form may be disclosed to other government departments, bureaux, organisations or any persons for the purposes mentioned in paragraph 1 above.

**3. Access to Personal Data**

You have the right of access and correction with respect to the personal data as provided under Personal Data (Privacy) Ordinance. Request for personal data access and correction should be addressed to FEHD. FEHD has the right to charge a reasonable fee for the processing of any data access request.

**4. Enquiries**

Enquiries concerning the licence application, including the personal data collected by means of this form, should be addressed to the officer in charge of the respective Licensing Offices of the Department:

**Hong Kong & Islands**

Assistant Secretary, Licensing Office  
Hong Kong & Islands Licensing Office,  
8/F, Lockhart Road Municipal Services Building,  
225 Hennessy Road,  
Wanchai, Hong Kong  
Tel. No.: 2879 5712

**Kowloon**

Assistant Secretary, Licensing Office  
Kowloon Licensing Office,  
4/F, Pei Ho Street Municipal Services Building,  
333 Ki Lung Street,  
Sham Shui Po, Kowloon  
Tel. No.: 2729 1293

**New Territories**

Assistant Secretary, Licensing Office  
New Territories Licensing Office,  
4/F, Tai Po Complex, 8 Heung Sze Wui Street,  
Tai Po, New Territories  
Tel. No.: 3183 9234

**Certification of Food Business Premises Free of  
Unauthorised Building Works (UBWs) for Full Licence Application cum  
Notice of Inspection and Certification of Unauthorised Signboard(s)<sup>1</sup>  
(Form UBW-2a)**

**Part A** *[To be completed by the applicant for full Food Business Licence and the person for whom the signboard was erected]*

I/We, \_\_\_\_\_ ( \_\_\_\_\_ )  
(Name in English) (Name in Chinese)

have appointed the person described in Part B as the Authorised Person(AP)/Registered Structural Engineer(RSE)\* under section 62A(3) of the Building (Minor Works) Regulation [B(MW)R] for the inspection of the unauthorised signboard(s) at the location described in Part B (d)\* and (e)\*. I/We declare that I/we am/are the person for whom the signboard(s) have been erected and who arranged for the inspection. I/We also undertake to maintain the signboard in a structurally safe condition at all times and to remove the unauthorised signboard(s) if I/we cease to operate the business at this location and notify the Buildings Department.

\_\_\_\_\_ Date (dd/mm/yyyy) \_\_\_\_\_ Signature/Company Seal (if applicable)

Business Registration No.: \_\_\_\_\_

Name of Business: \_\_\_\_\_ ( \_\_\_\_\_ )  
(Name in English) (Name in Chinese)

Contact Telephone No.: \_\_\_\_\_ Contact Fax No.: \_\_\_\_\_

Business/Correspondence Address: \_\_\_\_\_

**Part B** *[To be Completed by the AP/ RSE appointed under section 62A(3) of the B(MW)R ]*

I, \_\_\_\_\_ ( \_\_\_\_\_ ) ( \_\_\_\_\_ ) (Mr./Ms.\*),  
(Surname in English) (Other names in English) (Name in Chinese)

being the AP/RSE\* registered under section 3 of the Buildings Ordinance (Cap. 123), have been appointed as the AP/RSE\* for the inspection and certification of the UBWs including signboard(s); and do hereby certify and declare that:

<sup>1</sup> The signboard(s) should be the prescribed building or building works as stipulated in Part 3 of Schedule 3 of the Building (Minor Works) Regulation and completed before 2 September 2013.

\* Please delete where appropriate.

(a) On \_\_\_\_\_ (dd/mm/yyyy) at \_\_\_\_\_,  
(Date(s) of inspection) (Time(s) of inspection)

I personally inspected \_\_\_\_\_  
(Shop sign in English)

( \_\_\_\_\_ ), and situated at \_\_\_\_\_  
(Shop sign in Chinese) (Address of premises)

\_\_\_\_\_ which is under application for issue/transfer\* of a full food business licence by  
\_\_\_\_\_  
(Name of applicant/transferee\* in English) (Name of applicant/transferee\* in Chinese).

The inspection was conducted in accordance with the Guidelines for Authorised Person and Registered Structural Engineer for Certification of Food Business Premises free of Unauthorised Building Works (Guidelines) issued by the Director of Buildings (D of B).

- ^(b)  I have read the Letter of Requirements addressed to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 1)</sup> on the subject premises and understand the contents thereof. (*Not applicable to transfer of food business licence*) or
- I have read the Memorandum issued by the Buildings Department (BD) and copied to the abovenamed applicant dated \_\_\_\_\_ (dd/mm/yyyy)<sup>(Note 2)</sup> (file ref.: \_\_\_\_\_) on the subject premises and understand the contents thereof. (*Not applicable to transfer of food business licence*)

^(c) In accordance with paragraphs 4 to 9 of the Guidelines of the D of B, I certify that the subject premises is free of UBWs except those mentioned in paragraph (d) or (e) below.

^(d) In accordance with paragraph 6 of the Guidelines of the D of B, Appendix C of the Guidelines of the D of B and the PNAP APP-155, I have inspected the following UBWs including signboard(s)<sup>#</sup> and was satisfied that they are not in dilapidated or dangerous condition and are also structurally safe:

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Note 1 Date of the Letter of Requirements issued by the Food and Environmental Hygiene Department, whichever is the latest, should be stated.

Note 2: Date of the Memorandum issued by the BD, whichever is the latest, should be stated.

\* Please delete where appropriate.  
 Please tick the appropriate box(es).

^(e) In accordance with paragraph 6 of the Guidelines of the D of B and the PNAP APP-155, I have inspected the following UBWs including signboard(s)# and based on the attached supporting structural justification and my site inspection(s), I was satisfied that they are not in dilapidated or dangerous condition and are also structurally safe:

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(f) In accordance with paragraphs 4 to 9 and Appendix C of the Guidelines of the D of B and the PNAP APP-155, I attach herewith the plan(s) showing the UBWs including signboard(s) mentioned in paragraphs (d)\* and (e)\* and record photos taken during my inspection showing the conditions of the subject premises and the external walls of the premises and UBWs including signboard(s) mentioned in paragraphs (d)\* and (e)\* to support my certification.

(g) I have taken all reasonable and practical steps to ensure the correctness of the information in this certification and referred to the following approved/record plans/documents in accordance with the Guidelines/PNAP:

Description of documents (File reference of private building)

(h) I understand that all matters and information covered by this certification and all the related documents submitted for this licence and validation application will be subject to further examination, auditing and verification by the Building Authority. If I provide information that is false or misleading in a material particular or furnish the Director of Food and Environmental Hygiene, an authorised officer or a public officer with information knowing that it is false or misleading in a material particular in this Certification, I shall render myself liable to disciplinary action under section 7 of the Buildings Ordinance (Cap. 123) and/or other legal penalties.

\_\_\_\_\_  
Date (dd/mm/yyyy)

\_\_\_\_\_  
Signature and full name<sup>@</sup> of Authorised Person/  
Registered Structural Engineer\*

\* Please delete where appropriate.

@ In accordance with the registration record.

Certificate of registration number<sup>@</sup>: \_\_\_\_\_

Date of expiry of registration<sup>@</sup>: \_\_\_\_\_ (dd/mm/yyyy)

Correspondence address: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

Contact fax number: \_\_\_\_\_

Contact email address: \_\_\_\_\_

Matters to Note:

- (1) This form is not applicable for any signboard which is not a specified construction under section 37(4) of the B(MW)R.
- (2) This form must be signed by an AP if any signboard falls within the description of a class I minor works item under the B(MW)R.
  - ^ Please delete where appropriate. Only one AP/RSE should certify paragraph (c). In case of different UBWs in the food business premises are to be certified by different APs/RSEs, each AP/RSE should submit a separate certification. If the AP/RSE certifying paragraph (c) is based on his/her and another AP/RSEs' certification of paragraphs (d)\* and (e)\*, that AP/RSE should specify in paragraph (c) of his/her certification.
  - # Itemise the UBWs including signboard(s) with detailed description including their condition, essential dimensions and locations and use separate sheets if necessary. The itemised UBWs including signboard(s) shall be indicated on the latest licence layout plan attached with this form. The separate sheets should be endorsed by the AP/RSE. The corresponding minor works item under B(MW)R for the signboard(s) must be indicated on the plan(s).

\* Please delete where appropriate.

@ In accordance with the registration record.

**Collection of Personal Data in Connection with  
Application for Food Business and Other Trade Licences or  
Application for Alteration to the Approved Plan of Licensed Premises**

**(In accordance with the Personal Data (Privacy) Ordinance)**

**Statement of Purpose**

**1. Purposes of Collection**

The personal data provided by means of this form will be used by the Food and Environmental Hygiene Department (FEHD) for:

- (a) activities relating to applications for the issue/transfer of food business and other trade licences/permits made to the FEHD;
- (b) activities relating to applications for alteration to the approved plan of licensed premises made to the District Environmental Hygiene Office/Licensing Section of the FEHD; and
- (c) facilitating communication among the staff of the FEHD, other government departments and you concerning compliance with the laws and regulations applicable to the food business and other trades.

The provision of personal data by means of this form is voluntary. However, if you do not provide sufficient information, the FEHD may not be able to process your application.

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The personal data which you have provided by means of this form may be disclosed to other government departments, bureaux, organisations or any persons for the purposes mentioned in paragraph 1 above.

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Hong Kong & Islands Licensing Office,  
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225 Hennessy Road,  
Wanchai, Hong Kong  
Tel. No.: 2879 5712

**Kowloon**

Assistant Secretary, Licensing Office  
Kowloon Licensing Office,  
4/F, Pei Ho Street Municipal Services Building,  
333 Ki Lung Street,  
Sham Shui Po, Kowloon  
Tel. No.: 2729 1293

**New Territories**

Assistant Secretary, Licensing Office  
New Territories Licensing Office,  
4/F, Tai Po Complex, 8 Heung Sze Wui Street,  
Tai Po, New Territories  
Tel. No.: 3183 9234

聲明書  
**DECLARATION**

(A) 日期 (日/月/年) : \_\_\_\_\_  
Date (dd/mm/yyyy)

(B) 聲明者個人資料 :  
Personal Particulars of Person Making the Declaration

(倘以公司名義提出申請，請填寫獲授權人資料。)  
(Please fill in particulars of the authorised person if the application is made in the name of a corporation.)

姓名 : \_\_\_\_\_ 年齡/性別 : \_\_\_\_\_ / \_\_\_\_\_  
Name Age/Sex

香港身份證/護照\*號碼 : \_\_\_\_\_ 電話 : \_\_\_\_\_  
Hong Kong Identity Card/Passport\* No. Tel. No.

通訊地址 : \_\_\_\_\_  
Correspondence Address \_\_\_\_\_

(C) 申請簽發/轉讓\*食物業牌照類別 : \_\_\_\_\_  
Type of Food Business Licence Under  
Application for Issue/Transfer\*

(D) 申請簽發/轉讓\*食物業牌照的處所地址 : \_\_\_\_\_  
Address of Premises Under Application  
for Issue/Transfer\* of Food Business Licence \_\_\_\_\_

(E) 聲明內容 :  
Declaration

本人聲明 :  
I DECLARE as follows:

(1) 本人明白在上文 (D) 段列明的處所經營 ( \_\_\_\_\_ )，必須符合相關的  
(食物業類別)  
政府租契條款，否則本人/本公司\*的簽發/轉讓\* ( \_\_\_\_\_ ) 牌照申請  
(食物業類別)  
將會被拒。

I understand that the operation of a ( \_\_\_\_\_ ) at the premises  
(type of food business)  
stated in paragraph (D) above should be in compliance with the relevant Government lease  
condition(s). Otherwise, my/the corporation's\* application for the issue/transfer\* of a  
( \_\_\_\_\_ ) licence will be refused.  
(type of food business)

(2) 本人已/並未\*查閱相關的政府租契條款。

I have/have not\* checked the relevant Government lease condition(s).

\* 請刪去不適用者。 Please delete where appropriate.

(3) 本人確認在上文 (D) 段列明的處所經營( \_\_\_\_\_ )符合相關的政府租契條款。

(食物業類別)

I confirm that the operation of a ( \_\_\_\_\_ ) at the premises  
(type of food business)  
stated in paragraph (D) above is in compliance with the relevant Government lease condition(s).

(4) 本人明白如作出虛假聲明，已獲准簽發／轉讓\*的牌照可能會被取消。

I understand that if this declaration is false, the licence granted for issue/transfer\* may be cancelled.

(5) 本人已閱讀此聲明書夾附的「申請人須知」，並明白其中的內容。

I have read and understood the “Notice to Applicant” attached to this declaration.

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牌照申請人／獲授權人（以公司名義申請）／擬議承讓人\*簽署  
Signature of Applicant/Authorised Person (Corporation as Applicant)/  
Proposed Transferee\*

\* 請刪去不適用者。Please delete where appropriate.



**申請人須知**  
**NOTICE TO APPLICANT**

揀選處所時，申請人須確保在該處所經營食物業，符合相關的政府租契條款。如該處所的用途不符合政府租契條款（例如違反對厭惡性行業的限制<sup>#</sup>、違反用途限制等），處所業主可向地政總署申請修訂租契條款、短期豁免書或厭惡性行業許可證（視乎屬何情況而定）。地政總署會根據既定政策和程序審批申請。申請人應盡早查閱相關政府租契的條款，確保所選土地／處所擬作的用途屬租契容許的範疇。申請人可於網上 ([https://www1.iris.gov.hk/eservices/welcome.jsp?language=zh\\_TW](https://www1.iris.gov.hk/eservices/welcome.jsp?language=zh_TW))，或從土地註冊處客戶服務中心（地址如下）取得相關政府租契的複本。如對政府租契條款、查閱資料程序或跟進事宜有疑問，請諮詢獨立專業人士。

When choosing premises, the applicant must ensure that the operation of food business at the subject premises is in compliance with the relevant Government lease condition(s). If the use of a premises is not in compliance with the Government lease (e.g. breach of the offensive trade restriction<sup>#</sup>, the user restriction, etc.), the owner of the premises can apply to Lands Department (LandsD) for a lease modification, a temporary waiver or an offensive trades licence (as the case may be). LandsD will process such application in accordance with the established policy and procedures. The applicant is strongly advised to check well in advance the relevant Government lease condition(s) to ensure that the intended use of the land/premises is permitted under the Government lease. A copy of the Government lease may be obtained on-line (<https://www1.iris.gov.hk/eservices/welcome.jsp?language=en>) or from the Customer Centre of the Land Registry (see address below). The applicant may consult an independent professional if there is any query on the relevant Government lease condition(s), the procedures for accessing information or follow-up action.

**土地註冊處**

- 客戶服務中心
- 地址：香港金鐘道 66 號金鐘道政府合署 19 樓
- 查詢電話：2867 2871
- 網址：<https://www.iris.gov.hk/eservices/>
- 該處會收取提供政府租契及入伙紙（如已在土地註冊處登記）複本的服務費用。

**Land Registry**

- Customer Centre
- Address: 19/F, Queensway Government Offices, 66 Queensway, Hong Kong
- Enquiry No.: 2867 2871
- Website: <https://www.iris.gov.hk/eservices/>
- A fee will be charged for supplying copies of a Government Lease and the Occupation Permit (if registered in the Land Registry) of the building.

<sup>#</sup> 關於所述限制（一般稱作「厭惡性行業條款」），可參考《地政處作業備考編號 3/2023》。由 2023 年 3 月 31 日開始，凡經營之業務持有並依照（甲）普通食肆牌照或（乙）小食食肆牌照或（丙）烘製麵包餅食店牌照或（丁）食物製造廠牌照或（戊）新鮮糧食店牌照或（己）冰凍甜點製造廠牌照或（庚）奶品廠牌照或（辛）燒味及滷味店牌照或（壬）綜合食物店牌照營運，若其政府地契載有限制製糖、油料、售肉、食物供應及旅館業務的厭惡性行業條款，地政總署會放寬現行申領厭惡性行業許可證的安排。該作業備考可從地政總署網站 (<https://www.landsd.gov.hk/tc/resources/practice-notes/laio.html>) 下載。

Reference may be made to the LAO Practice Note No. 3/2023 about the concerned restriction (commonly known as the “offensive trades clause”). With effect from 31<sup>st</sup> March 2023, LandsD would relax the existing requirement of applying for an offensive trades licence in respect of the trades of sugar-baker, oilman, butcher, victualler and tavern-keeper contained in the offensive trades clause in Government Lease provided that the operation of the business or businesses is permitted under and in accordance with (a) a General Restaurant Licence or (b) a Light Refreshment Restaurant Licence or (c) a Bakery Licence or (d) a Food Factory Licence or (e) a Fresh Provision Shop Licence or (f) a Frozen Confection Factory Licence or (g) a Milk Factory Licence or (h) a Siu Mei and Lo Mei Shop Licence or (i) a Composite Food Shop Licence. Such Practice Note can be downloaded from LandsD’s website (<http://www.landsd.gov.hk/en/resources/practice-notes/laio.html>).