

CONTROLLING OFFICER'S REPLY

(Question Serial No. 3295)

Head: (49) Food and Environmental Hygiene Department

Subhead (No. & title): (-) Not Specified

Programme: (2) Environmental Hygiene and Related Services

Controlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)

Director of Bureau: Secretary for Food and Health

Question:

The Budget Speech has mentioned that the proposal to facilitate alfresco dining operation will be implemented as early as possible. In this connection, please advise on the work plan(s) concerned and the preliminary option(s). Please also advise whether small businesses will be given primary consideration when formulating the licensing criteria.

Asked by: Hon CHAN Yuen-han (Member Question No. 44)

Reply:

At present, if a restaurant licensee/licence applicant intends to use any open space adjoining the restaurant for alfresco dining, he/she is required to obtain approval for outside seating accommodation (OSA) from the Food and Environmental Hygiene Department (the Department). The major assessment considerations include the legal right to use the land concerned, compliance with the statutory planning restriction, building safety, fire safety, traffic requirements, views of the local community and hygiene requirements, such as provision of adequate food preparation area and sanitary facilities, etc. These regulatory considerations apply to all applicants alike. Therefore, applications for OSA are all made by existing restaurant licensees or those who are concurrently applying for restaurant licences. The Department provides a "one-stop-shop" licensing service in processing OSA applications. We will arrange for the necessary referrals to the concerned departments and follow through the whole process.

In 2013, the Economic Analysis and Business Facilitation Unit under the Financial Secretary's Office formed a Working Group comprising representatives from eight departments (including the Department, Fire Services Department, Buildings Department, Lands Department, Planning Department, Housing Department, Transport Department and Home Affairs Department) to review the procedures involved in handling applications for OSA permission from restaurants. The Working Group has put forward ten recommendations to enhance and streamline the OSA application procedures with a view to shortening the processing time and facilitating trade compliance.

The following six recommendations have been implemented -

- (i) To highlight in the OSA Application Guide (the Guide) that parallel processing of separate OSA and restaurant licence applications is allowed and the outcome of restaurant licence application is independent of that of the OSA application;
- (ii) To allow the granting of OSA permission to a provisional restaurant licence;
- (iii) To enhance the mechanism for considering objections to OSA applications from the public by seeking the relevant departments' comments in regard to complaint and enforcement statistics related to the restaurant under OSA application;
- (iv) To convene joint departmental meetings with applicants at which relevant departments will discuss their concerns/objections with the applicants direct;
- (v) To streamline the processing procedures for OSA applications by confining referral of such applications only to government departments which should be involved; and
- (vi) To streamline the application process for issue of land licence so that the Lands Department can issue the land licence to the applicants in a timely manner.

Implementation of the following four recommendations is underway -

- (vii) To consider relaxing the pre-requisite of open space adjoining the restaurant for OSA application without compromising public interest;
- (viii) To enhance the Guide to make it more informative and business-friendly;
- (ix) To include OSA in the Licence Application Tracking Facility currently provided by the Department for applicants to monitor the progress of their applications on-line; and
- (x) To adopt the "cancel and re-issue" approach to replace the current practice of processing a fresh application to shorten the land licence processing time in relation to the transfer of restaurant licence.

We plan to have them implemented within 2015.

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