

THE ROLE OF THE FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT

Procedures of Processing Application for General/Light Refreshment Restaurant Licences

Submission of Application

Applicant should send the completed application form and the proposed layout plan in triplicate to the relevant Licensing Office of Food and Environmental Hygiene Department (FEHD). Additionally, the applicant should also submit a declaration on compliance with Government lease conditions for premises which are located in a private building.

2. During the application process, the applicant will be required to submit relevant documents to the Licensing Authority at different stages in order to fulfil the requirements for the issue of a licence.

Preliminary Screening of Layout Plans

3. A case manager of the Licensing Office will be assigned to handle an application throughout the licensing process. The officer will conduct a preliminary screening of the layout/UBW¹ plan(s) to ensure that the application and plan(s) conform to the requirements before they are processed further.

4. The applicant will be informed of whether his proposal has met the requirements, and will also be given advice on how to overcome shortcomings, if any. If the application fails to pass the preliminary screening, the proposed plans will be returned to the applicant within 10 working days. If the shortcomings are overcome afterwards, submission of a fresh application is required.

Referral of Application

5. On passage of preliminary screening, the application will be referred to the Buildings Department (BD), Fire Services Department (FSD) and Planning Department (Plan D)² for comments on building safety, fire safety and compliance with statutory plan restrictions respectively. If necessary, the application may also be referred to other departments concerned such as Lands Department and Environmental Protection Department for comments.

¹ If UBW are detected on the plan(s) concerned, the applicant will need either to remove the UBW, or obtain BD's approval of the building works, as one of the requirements for the issue of licence.

² Applications with premises at private properties and properties divested to The Link will be referred to the PlanD. For premises at Government and Housing Authority properties, referral is not necessary as the departments/organization concerned should have ascertained that the business is in compliance with the statutory plan restrictions.

Separate Site Inspection

6. The officers of the FEHD, BD and FSD will conduct separate site inspections with the applicant and/or his representatives. Site inspections will allow the departments concerned to come to an initial view as to whether the premises are suitable for the operation of a restaurant and to give professional advice within their respective ambits.

Application Vetting Panel

7. After the separate site inspections, an Application Vetting Panel (AVP) meeting will be arranged, normally within 20 working days after the acceptance of the application, in which the applicant (and the AP/RSE if appointed) can discuss the application with officers of all the three departments concerned (i.e. FEHD, BD and FSD). Problem areas, remedial works and the applicant's proposed construction/decoration programmes will be discussed. In the event that there are, for whatever reasons, impediments to licensing, he will be so informed and if remedies are feasible, advice will be given.

Issue of Letter of Requirements

8. After obtaining full clearance from the departments concerned, the FEHD will issue a letter of requirements for provisional licence, if applicable, and a letter of requirements for full licence to the applicant at the AVP meeting. Fire safety requirements will be issued to the applicant by the FSD separately. The applicant is advised to report to the respective Licensing Office of the FEHD for verification as soon as he has complied with all the requirements. For those premises which have obtained planning permission from the Town Planning Board, the approval conditions (if any) attached to the permission should be complied with by the applicant. The applicant should inform the PlanD upon fulfillment of all the approval conditions.

Refusal of Application

9. In the event that the premises are deemed to have serious impediments and remedies are considered not feasible by the AVP, the Licensing Authority may consider refusing the application. Layout plans failing the preliminary screening or being objected by relevant departments will not be further processed. If the shortcomings/objection is overcome after the refusal, submission of a fresh application is required.

Report of Compliance with Licensing Requirements

10. The applicant should expedite action to comply with the licensing requirements and to

report compliance as soon as possible to the respective FEHD Licensing Office for verification. If no report of compliance is received, the case manager will inspect the premises within the first three months upon issue of the letter of requirements to offer advice to the applicant as necessary. Subsequently, only quarterly reminder will be sent to applicant to remind him to expedite action to comply with outstanding requirements. The maximum period of time allowed for the applicant to comply with all licensing requirements is 3 months after the expiry of the provisional licence or 12 months after the issue of the letter of requirements for a full licence if no provisional licence has been issued, unless the applicant can demonstrate that the delay in meeting the licensing requirements is due to factors beyond his reasonable control. The application for a full restaurant licence will be deemed withdrawn after the above period of time.

11. After receipt of the applicant's compliance notice in writing and the acceptable documents, the case manager will make an appointment with the applicant to inspect the premises and check the licensing requirements. If there are still outstanding licensing requirements, these will be pointed out to the applicant during the inspection, and thereafter, the applicant will be advised in writing that he has to report compliance after he has complied with the outstanding requirements, so that another verification inspection can be arranged.

Final Verification Inspection

12. When full compliance with the licensing requirements is confirmed by the case manager, a Senior Health Inspector (Licensing) will conduct the final verification inspection (normally within eight working days after report of compliance by the applicant) in the presence of the applicant.

Notification of Result to Applicant

13. After the final verification inspection, the FEHD will inform the applicant in writing of full compliance with the licensing requirements and of the arrangements regarding the payment of prescribed fee³ and collection of the licence.

Professional Certification System

14. Other than the current licensing system, Professional Certification System (PCS) is adopted as an additional option for issue of **Full Light Refreshment Restaurant Licence**. Under the PCS, the applicant is allowed to report compliance with all health requirements for the full licence by submission of a Certificate of Compliance (Health Requirements) for Full Food Business Licence (FEHE 331) certified by an authorized person / a registered structural engineer (AP/RSE) registered under section 3 of the Buildings Ordinance, Cap. 123. After compliance with all licensing

³ A list of the prescribed fees in respect of restaurant licences is available at the Licensing Offices of FEHD.

requirements, the applicant is required to submit a Report of Compliance for the Grant of Full Food Business Licence (FEHE 332) enclosing the duly completed FEHE 331, certified final layout and ventilation plans, and all other required certificates and documents to the respective Licensing Office. For the final layout and ventilation plans, both the applicant and his/her AP/RSE have to certify by signing with date at back of the plans. After receipt of the submitted documents, the case manager will check the documents.

15. If all documents are found acceptable, without site inspection, the applicant will be informed of issue a full light refreshment restaurant licence within 2 working days. The FEHD will arrange on-site audit check within 7 working days from issue of the full licence in the presence of the licensee to confirm whether the certified layout plans are in strict conformity with the actual layout of the premises and all the licensing requirements have been fulfilled. The Licensing Authority shall carry out follow-up action if the certified layout plans or certifications / documents that are submitted in connection with the application are subsequently found to be false or misleading in a material particular.

On-line Licence Application Tracking Facility

16. An On-line Licence Application Tracking Facility (ATF) is available to provide a platform for applicants to check the status of their applications through the Internet. The website of the ATF is <http://www.licensing.gov.hk>. The FEHD will provide the access information to the applicant by sending a login name and password to him at the time of application.

Non-compliance Items

17. Experience shows that many applications were found to contain outstanding licensing requirements when applicants reported compliance for provisional and/or full licences. Given the need to take time for rectification of the non-conforming items, the progress of licensing had been hampered and the whole process was thus lengthened.