

General Referral Protocols for Outside Seating Accommodation Applications in Restaurants

(Depending on its location and mode of operation, etc., each case will be referred to the relevant Government departments as appropriate.

The information contained in the table below is for general information purpose only.)

Government Departments to be Referred	FSD	ArchSD/ BD/ICU See Note (1)	LandsD See Note (2)	PlanD	TD	HAD See Note (3)	EPD See Note (4)
Type of Application							
Outside Seating Accommodation	Yes	Yes	Yes (except those locations under application are located in Housing Authority's properties/ divested Housing Authority's properties)	Yes	Yes (except those locations under application involve ● roof/podium floor of a building with no traffic flow; or ● no public road/footpath)	Yes	On need basis

Explanatory Note:

- (1) For building safety issues of OSA applications related to private properties, referral will be made to BD. ICU will process the OSA applications situated in Housing Authority's properties/divested Housing Authority's properties. Similarly, ArchSD will process the OSA applications situated in Government properties.
- (2) Legal right to use the land for a proposed OSA should be obtained by acquiring appropriate documents e.g. Land Licence (LL), Short Term Tenancy (STT) or Short Term Waiver (STW) from LandsD. LL is for part-time non-exclusive use of the Government land on a make-shift basis and no structures will be permitted. The fees for LL are calculated in accordance with the Land (Miscellaneous Provision) Regulations. STT is for exclusive use of the Government land on a 24-hour basis and proposed structures may be permitted subject to the prior approval and consent of BD under the Buildings Ordinance. A rental reflecting the market value of the site as OSA together with an administrative fee and a refundable deposit will be charged for use of land granted by STT. If temporary change of land use for the OSA purpose within private property is required, a STW should be sought from LandsD at a fee representing the enhancement in the rental value of the land together with an administrative fee and a refundable deposit. If STT or STW has to be issued at least two additional calendar months would be required for processing.
- (3) Cases will be referred to HAD to conduct local consultation. The consulted parties may include the concerned District Council members, Area Committee members, residents' organisations and rural representatives in the vicinity of the proposed OSA, as appropriate.
- (4) Cases will be referred to EPD for special comment on need basis, such as the business hours in the OSA is outside the period from 11 a.m. to 11 p.m.

Legend:

ArchSD : Architectural Services Department

BD : Buildings Department

EPD : Environmental Protection Department

FSD : Fire Services Department

HAD : Home Affairs Department

ICU : Independent Checking Unit under the Office of the Permanent Secretary for Housing

LandsD : Lands Department

OSA : Outside Seating Accommodation

PlanD : Planning Department

TD : Transport Department