

# BUILDINGS DEPARTMENT

Seminar on Restaurant Licensing  
Building Safety Requirements



# Content

- Role of Buildings Department
- Application Processing
- 3-tier System for Verification of Compliance with Building Safety Requirements
- Area of Concerns for Building Safety
- Certification for Free of Unauthorised Building Works
- Signboard Validation Scheme
- Minor Works Control System
- Self-certification System
- Important Advice on Premises Selection and Licence Application
- Records of Completed Building Works





## Role of BD

BD advises Food and Environmental Hygiene Department (FEHD) from building safety point of view on the suitability of premises for restaurant licence applications in the following areas:

- Structural safety
- Fire resisting construction
- Means of escape and access for firefighting and rescue; and
- Unauthorised Building Works (UBWs)



# Application Processing



(1)

BD carries out **site inspection** upon receipt of FEHD's referral



(2)

## Performance Pledge

- Within 12 working days after receipt of referral, BD will issue the **building safety requirements (BSRs)** to the applicant for provisional licence and full licence



# Application Processing (cont'd)



(3)

## Application Vetting Panel (AVP)

- BD will attend and **discuss the application** with the applicant at the meeting

(4)

## Verification of Compliance with BSRs

- 3-tier system
- Audit check



# 3-tier System for Verification of Compliance with BSRs

To streamline and  
simplify the processing  
of verification of  
compliance with BSRs

(BSRs are graded into Categories 1, 2  
and 3)



# 3-tier System for Verification of Compliance with BSRs: 3 categories requirement

## Category 1

- Relating to matters of facts not involving a professional appraisal
- Applicant to certify compliance direct to FEHD



# 3-tier System for Verification of Compliance with BSRs: 3 categories requirement (cont'd)

## Category 2

- Involving a professional appraisal relative to well-established standards
- Authorized Person (AP) /Registered Structural Engineer (RSE) to certify compliance direct to FEHD



# 3-tier System for Verification of Compliance with BSRs: 3 categories requirement (cont'd)

## Category 3

- Involving more serious building safety concerns
- **AP/RSE to certify the compliance to BD**
- BD will raise objection to the issue of letter of requirements unless Category 3 requirements have been fully complied with



# Audit Check

## Random selection for audit check by BD

- AP/RSE's certificate of compliance and the related documents
- BD may take enforcement and/or disciplinary action under section 7 of the Buildings Ordinance (BO) and/or other legal action if false certification/irregularities are identified



# Area of Concerns for Building Safety

Suitability will be assessed in the following areas :

(1)  
Structural  
Safety

(2)  
Fire Resisting  
Construction  
(FRC)



(3)  
Means of  
Escape and  
Means of Access  
for Firefighting  
and Rescue  
(MOE & MOA)

(4)  
Unauthorised  
Building  
Works  
(UBWs)



# (1) Structural Safety

- minimum designed loading of the premises should not be less than 4 kPa (i.e. 80 lb/ ft<sup>2</sup> )

*(Remarks : If the applicant applies for Karaoke Establishment Permit in the restaurant, the minimum designed loading should not be less than 5 kPa (i.e. 100 lb/ft<sup>2</sup> ))*

- not under, over or in any structure built without the approval and consent of BD



# (1) Structural Safety(cont'd)

- For additional load e.g. fish tank, walk-in-freezer, solid partition\*, raised screed\*, metal supporting frames for air-conditioning units or any ventilation plants\* etc., AP/RSE is required to check and confirm, together with structural justification, the adequacy of the existing structure to cater for such additional loads

\* May be the minor works under the Minor Works Control System



# (1) Structural Safety(cont'd)

## Fish tank





# (1) Structural Safety(cont'd)

## Walk-in-freezer





# (1) Structural Safety(cont'd)

Solid partition





# (1) Structural Safety(cont'd)

## Raised screed





# (1) Structural Safety(cont'd)

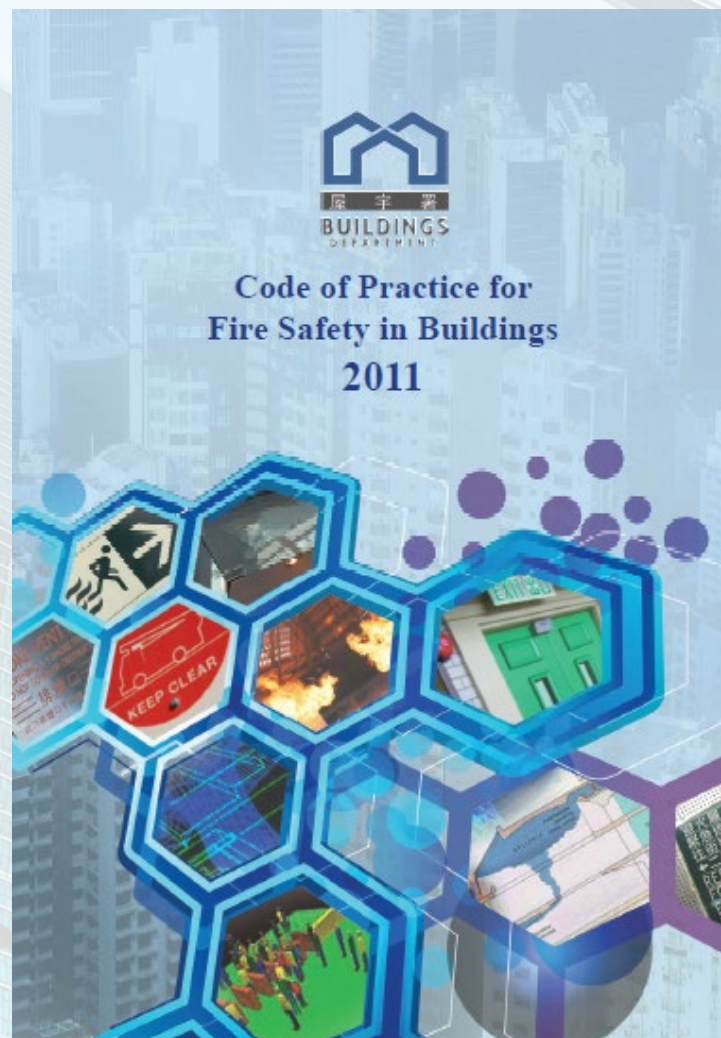
**Metal supporting frames for  
air-conditioning units or  
ventilation plants**





## (2) FRC

- To comply with “Code of Practice for Fire Safety in Buildings 2011” (FS Code)





## (2) FRC(cont'd)

### ➤ Kitchen

- ① Fire barrier of kitchen  
(60-min fire resistance rating (FRR))
- ② Self-closing fire door (60-min FRR)
- ③ Fire shutter at food hatch  
(60-min FRR)

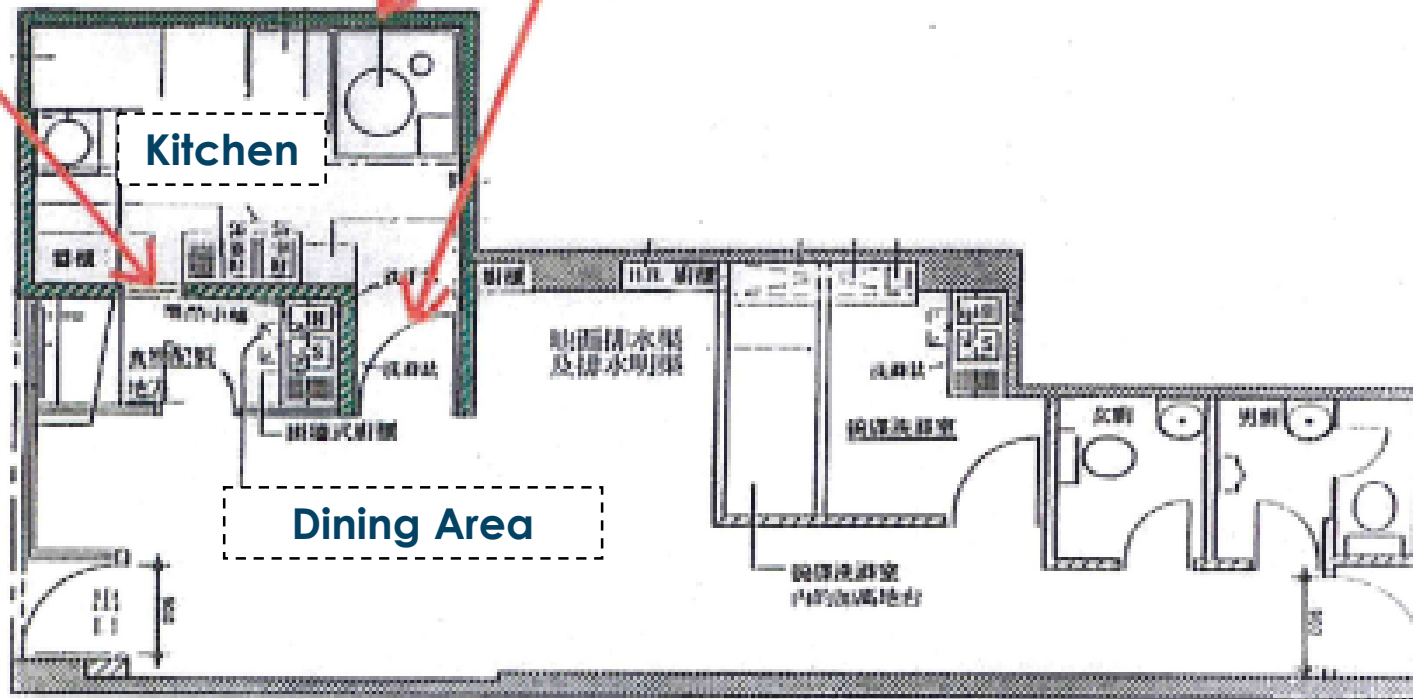


## (2) FRC(cont'd)

➤ Fire shutter at food hatch (60-min FRR)

➤ Fire barrier of kitchen (60-min FRR)

➤ Self-closing fire door (60-min FRR)



Layout plan



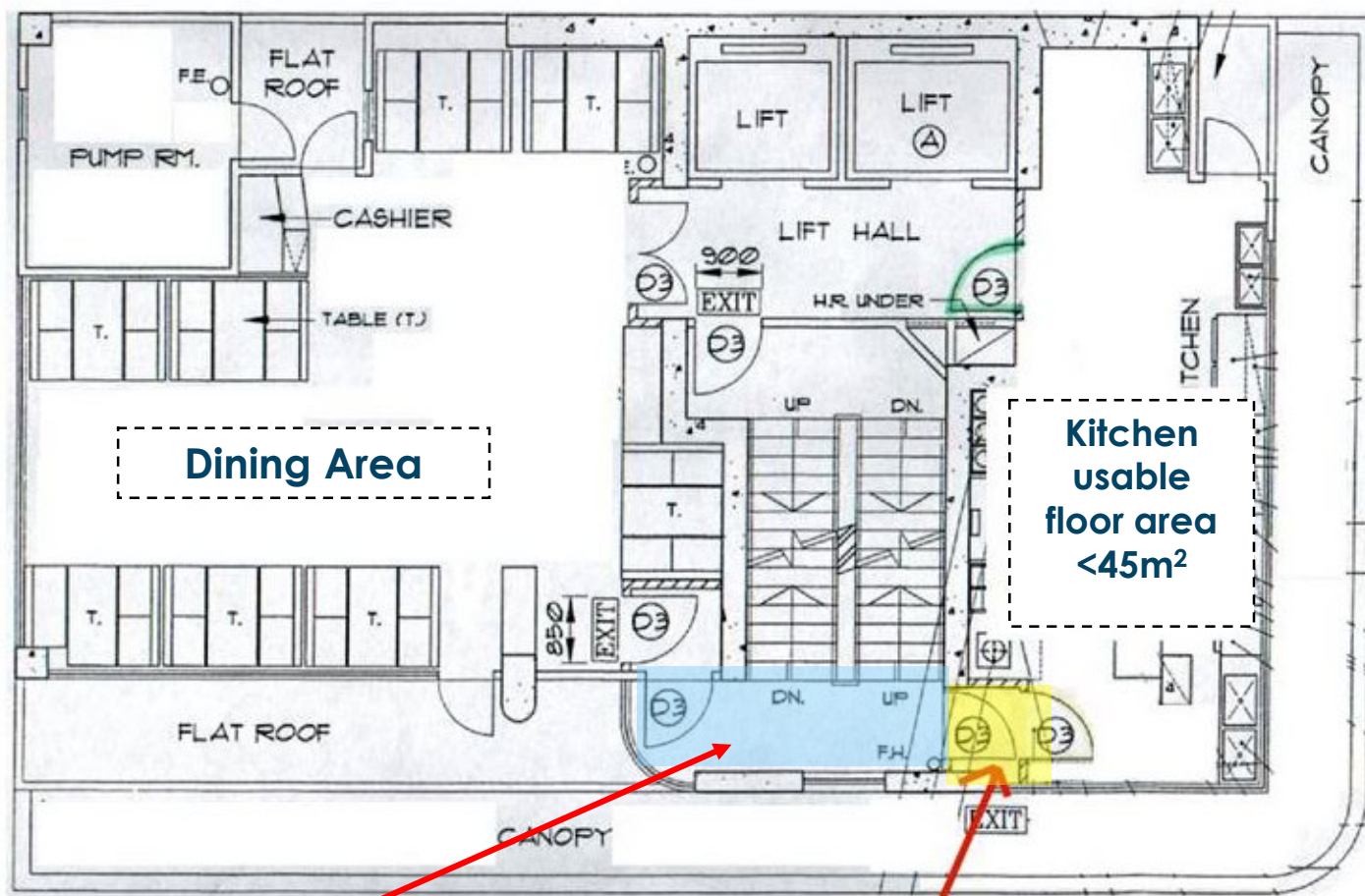
## (2) FRC(cont'd)

➤ **A protected lobby should be provided between kitchen and:**

- ① any exit route from the main building; and/or
- ② the dining area of the restaurant where the kitchen has a usable floor area exceeding 45m<sup>2</sup> and the door opens onto an exit route of the dining area



## (2) FRC(cont'd)



Dining Area

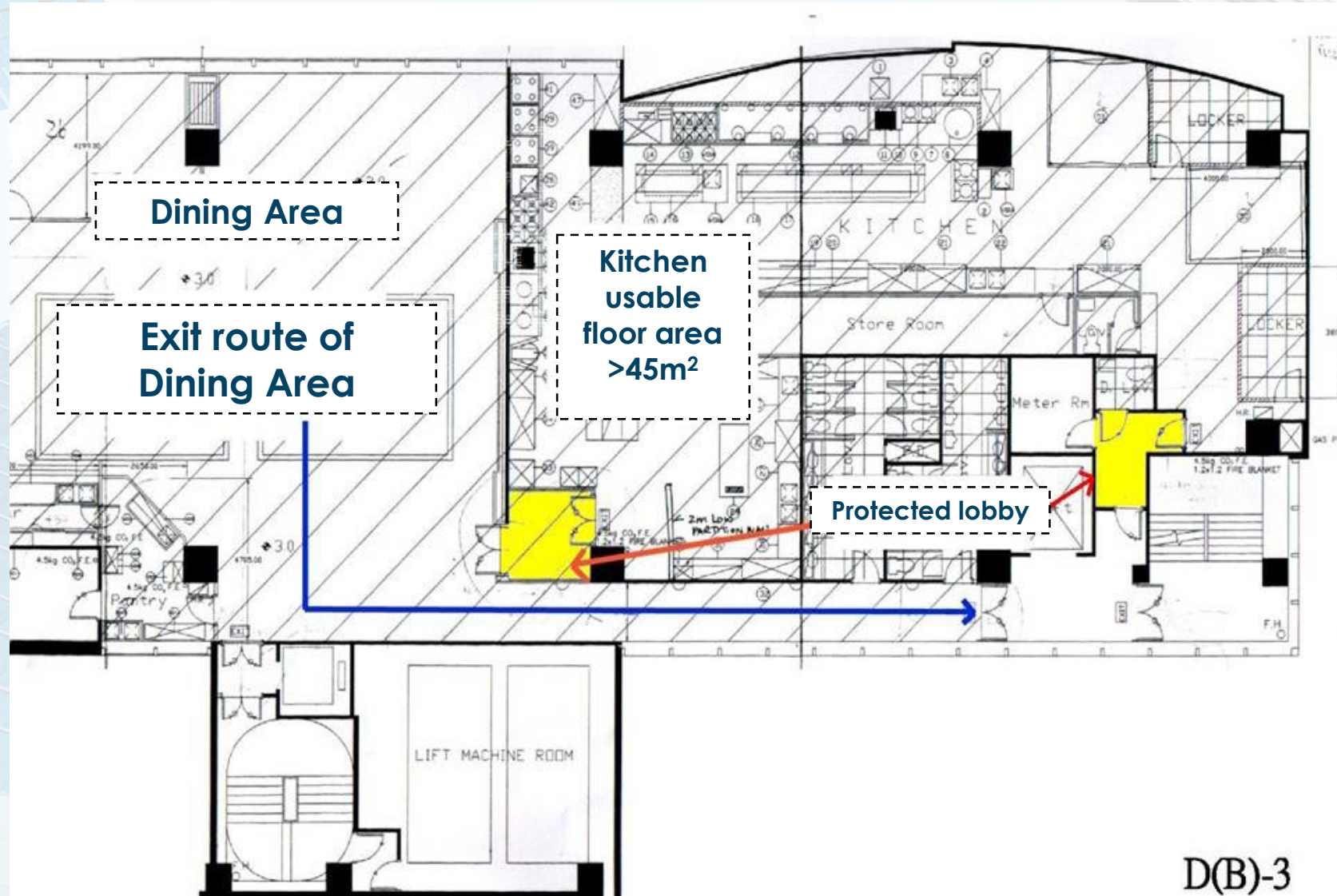
Kitchen  
usable  
floor area  
<45m<sup>2</sup>

Escape route of  
main building

Protected lobby



## (2) FRC(cont'd)



D(B)-3



## (2) FRC(cont'd)

- Openings for passage of ducts, pipes, wires, etc. through fire resisting walls such as kitchen wall should be properly protected by FRC in order to maintain the FRR of that wall
- Fire resisting materials such as walls, doors and fire dampers should be certified by AP/RSE
- Installation/alteration of fire damper for ventilation system should be inspected and certified by the registered specialist contractor (ventilation works) with submission of inspection certificate

*(From 1 September 2020, erection or alteration of a fire damper in a ventilation system has been designated as minor works and may be carried out under the simplified requirements under Minor Works Control System)*



## (2) FRC(cont'd)

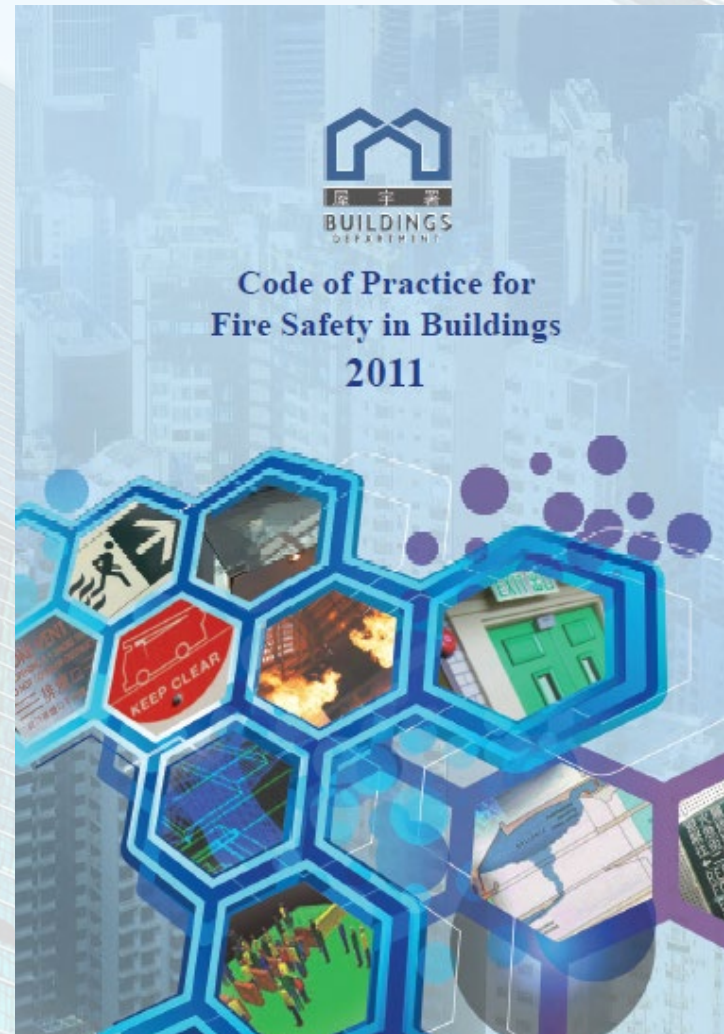
### Fire damper in ventilation system





### (3) MOE

- To comply with FS Code





### (3) MOE (cont'd)

- For premises on upper storeys or basements, **at least 2 escape staircases** should be provided
- Not permitted on upper floors of single staircase building
- Should provide the adequate number of exit route/staircase
- Should provide exit route/staircase having adequate width



### (3) MOE (cont'd)

➤ **Assessment of population based on the following:**

- ① Seating Area :  $1\text{m}^2$ / person
- ② Food Room :  $4.5\text{m}^2$ / person
- ③ Dancing Area :  $0.75\text{m}^2$ / person



# (3) MOE (cont'd)

## Table B2 in FS Code

Table B2: Minimum number and width of exit doors and exit routes from a room, fire compartment or storey

Occupant Capacity of room, fire compartment or storey (No. of persons)	Minimum No. of exit doors or exit routes	Minimum total width (in mm)		Minimum Width (in mm) of each	
		Exit doors	Exit routes	Exit door	Exit route
4- 30	1			750	1050
31-200	2	1750	2100	850	1050
201-300	2	2500	2500	1050	1050
301-500	2	3000	3000	1050	1050
501-750	3	4500	4500	1200	1200
751-1000	4	6000	6000	1200	1200
1001-1250	5	7500	7500	1350	1350
1251-1500	6	9000	9000	1350	1350
1501-1750	7	10500	10500	1500	1500
1751-2000	8	12000	12000	1500	1500
2001-2250	9	13500	13500	1500	1500
2251-2500	10	15000	15000	1500	1500
2501-2750	11	16500	16500	1500	1500
2751-3000	12	18000	18000	1500	1500
>3000 persons - the number of exit doors, exit routes and their width to be determined by the Building Authority					



### (3) MOE (cont'd)

- Any restaurant with a capacity not exceeding 30 persons should be provided with at least 1 exit
- According to the Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations issued by the Labour Department, every exit door leading out of a restaurant, other than a sliding door, should be opened outward and any part of its swing should not reduce the effective width of any MOE



### (3) MOE (cont'd)

➤ Any room with a capacity exceeding 30 persons

- ① should be provided with at least 2 exits
- ② exit doors should open in the direction of exit and should not obstruct any part of any exit route/pedestrian walkway by its swing
- ③ the lines of travel distance from any point in the room to the exits should form an angle of not less than  $30^{\circ}$



- should provide with 2 exits
- open in the direction of exit
- lines of travel distance from any point in the room to the two exits form an angle of not less than 30°

- should provide with 1 exit

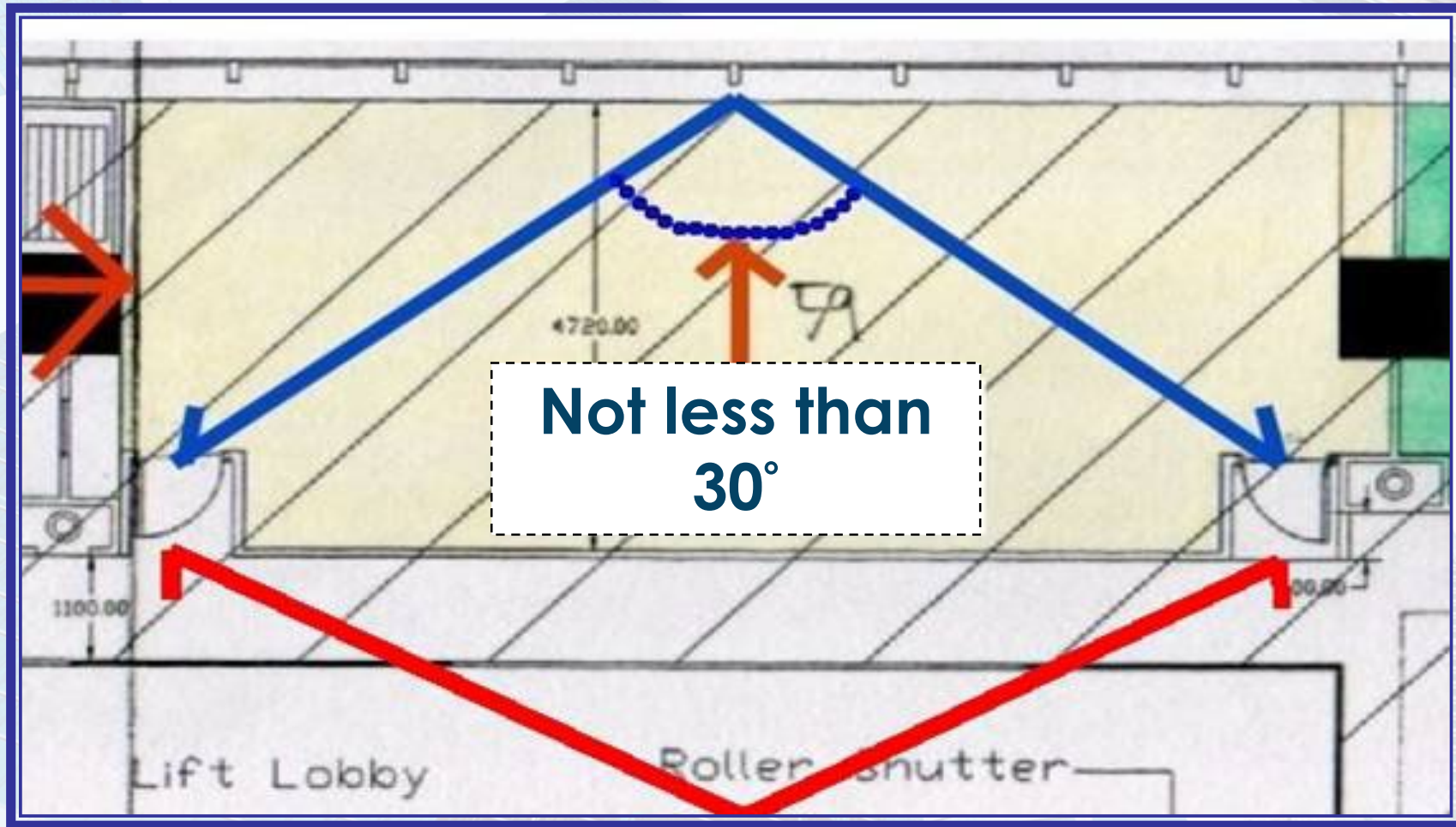


**Not obstruct any part of any exit route by its swing of the door**

## Restaurant Area

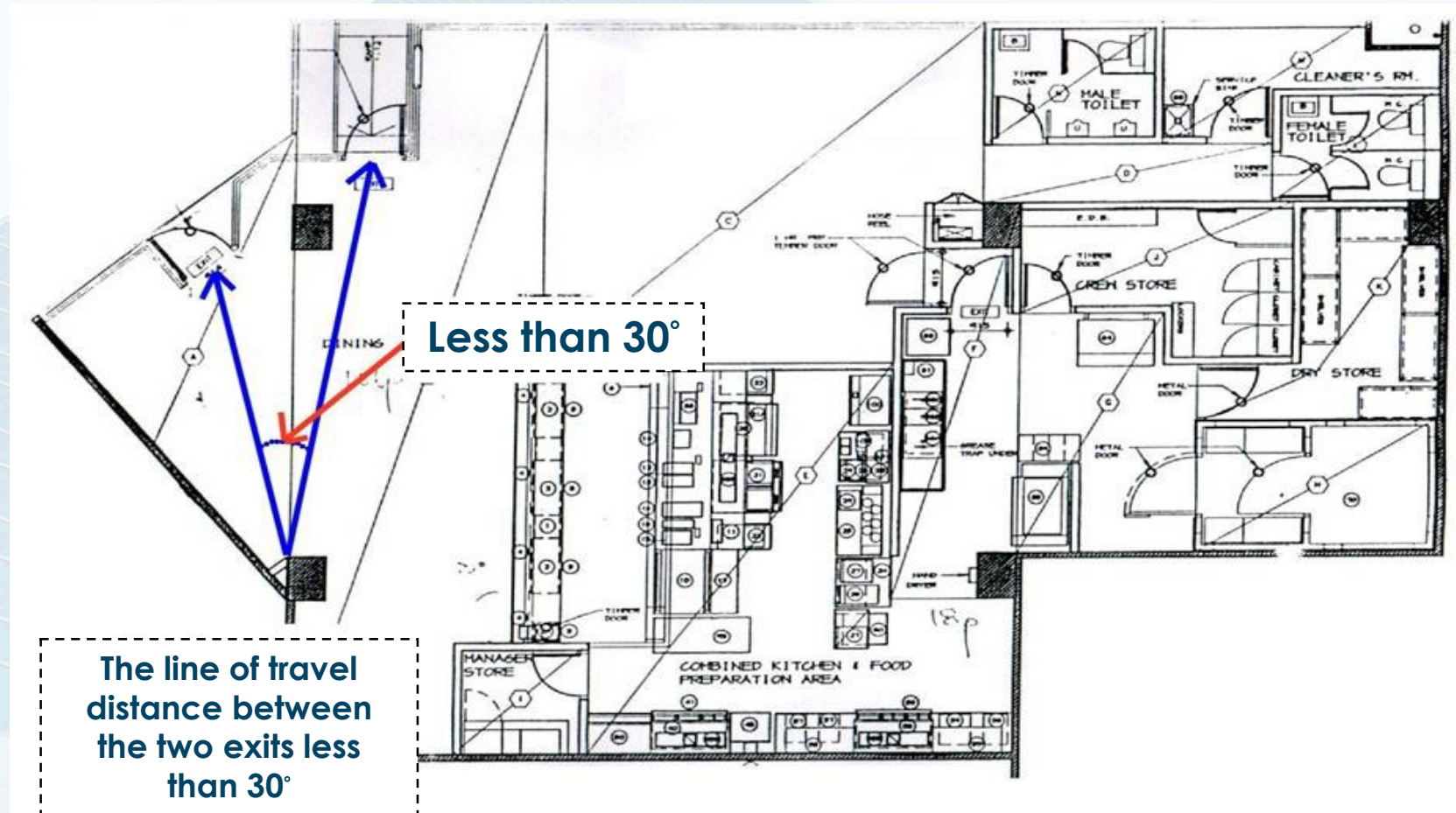


### (3) MOE (cont'd)



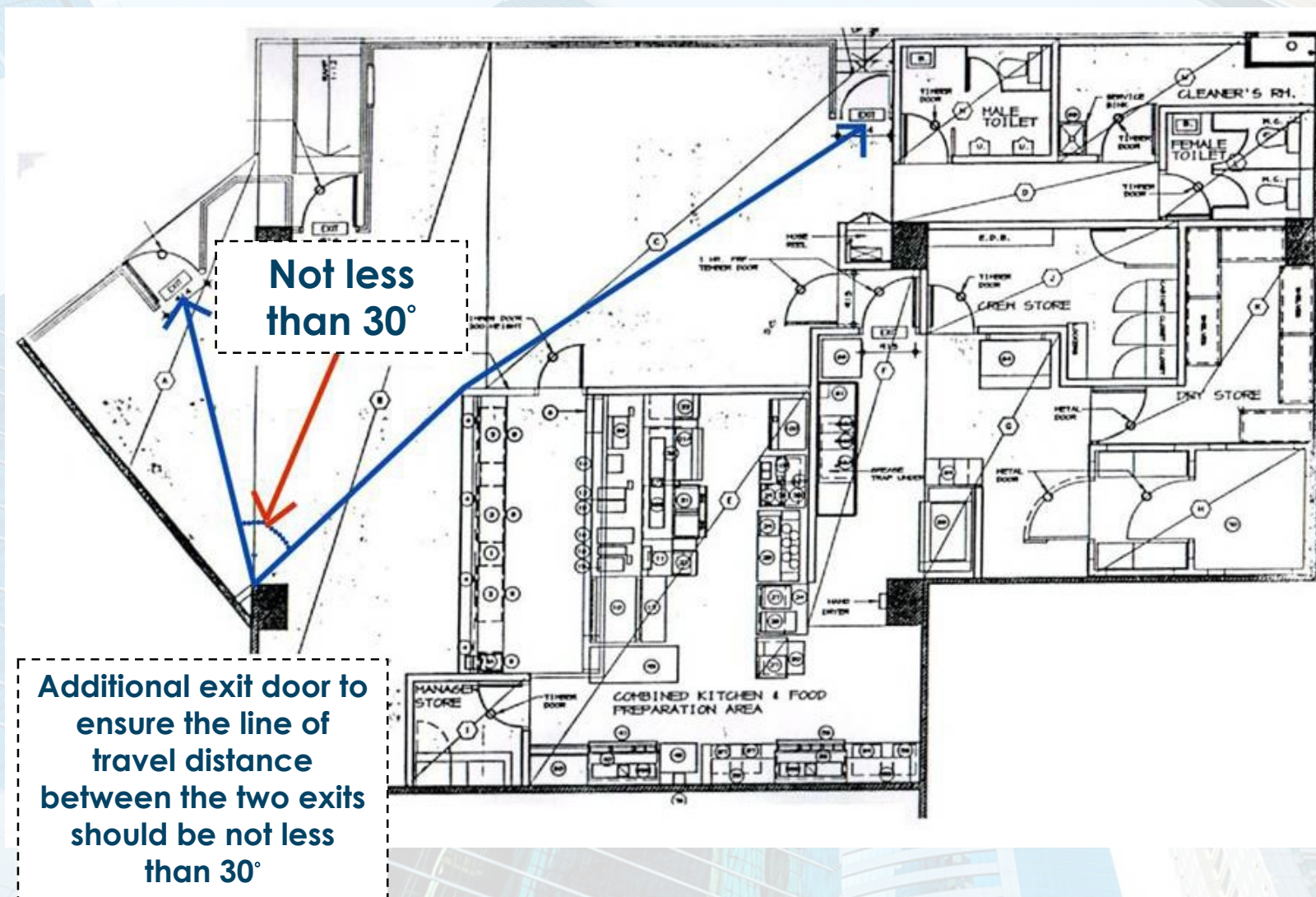


### (3) MOE (cont'd)





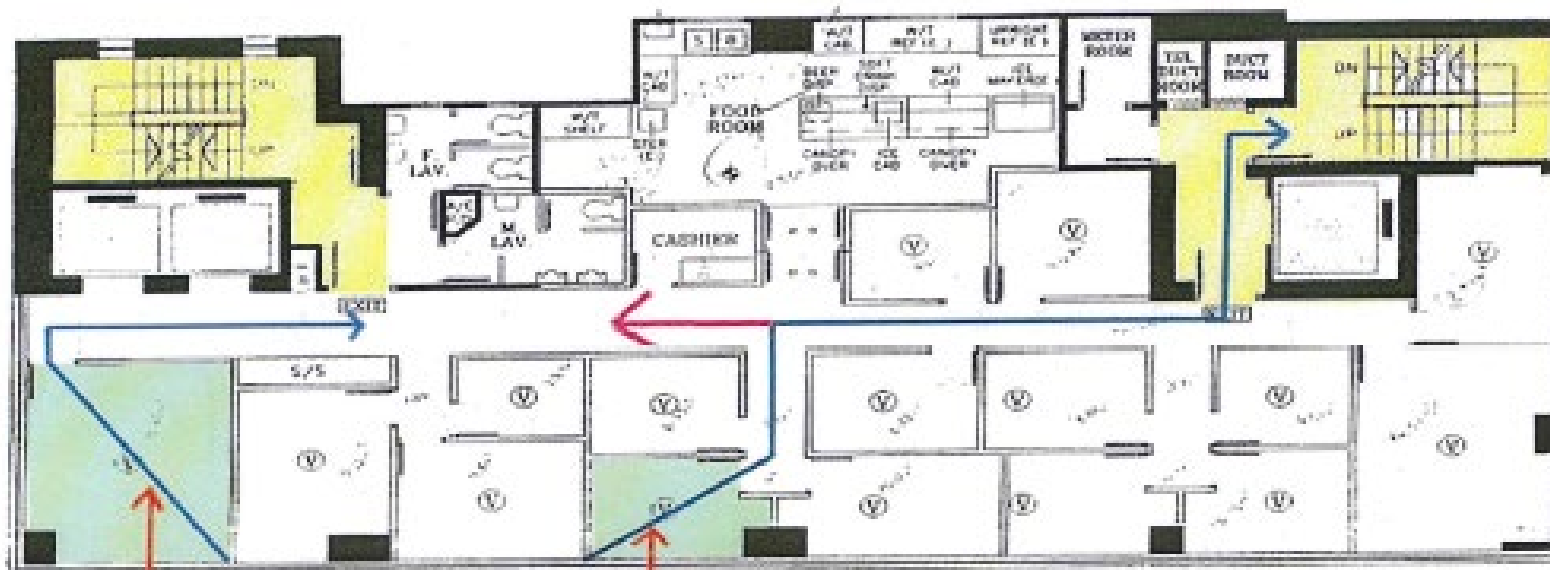
### (3) MOE (cont'd)





### (3) MOE (cont'd)

- For exit in one direction only, travel distance should not exceed **18m**
- In other cases, travel distance should not exceed **36m** (non-balcony approach) or **45m** (balcony approach)



Exit in one direction only,  
travel distance should not  
exceed 18m

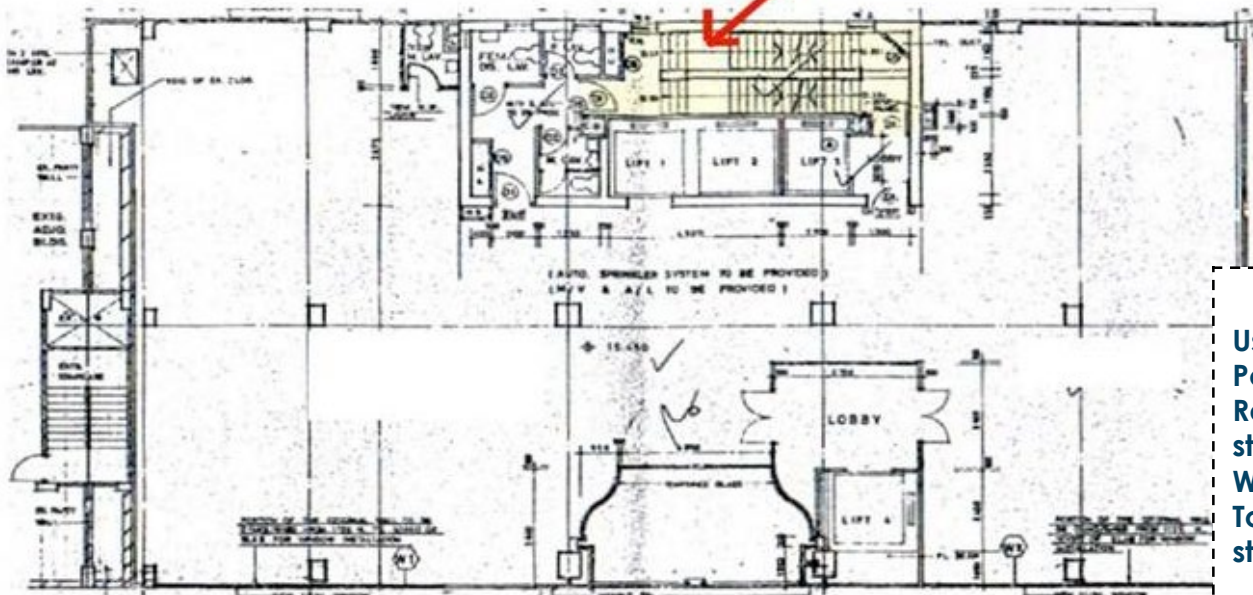
Exit in more than one direction exit, travel  
distance should not exceed 36-45m  
(depends on the FRR of the exit route)



### (3) MOE (cont'd)

- The restaurant should not render the MOE of other part of the building inadequate

Two existing 1050mm wide staircases



Approved Plan

Use: Shop  
Population: 84 persons  
Required exit staircase: 2 nos.  
Width of staircase: 1050mm  
Total width of staircases: 2100mm

Layout Plan

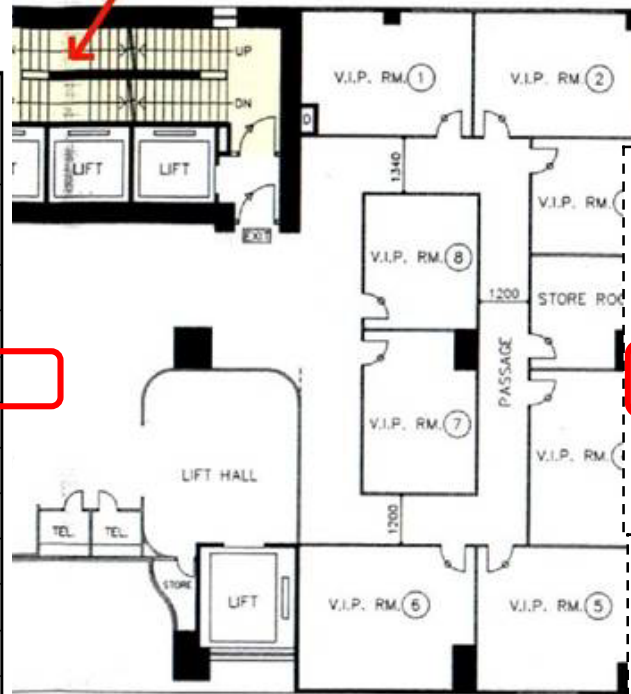


# (3) MOE (cont'd)

Table B2: Minimum number and width of exit doors and exit routes from a room, fire compartment or storey

Occupant Capacity of room, fire compartment or storey (No. of persons)	Minimum No. of exit doors or exit routes	Minimum total width (in mm)		Minimum Width (in mm) of each	
		Exit doors	Exit routes	Exit door	Exit route
4-30	1			750	1050
31-200	2	1750	2100	850	1050
201-300	2	2500	2500	1050	1050
301-500	2	3000	3000	1050	1050
501-750	3	4500	4500	1200	1200
751-1000	4	6000	6000	1200	1200
1001-1250	5	7500	7500	1350	1350
1251-1500	6	9000	9000	1350	1350
1501-1750	7	10500	10500	1500	1500
1751-2000	8	12000	12000	1500	1500
2001-2250	9	13500	13500	1500	1500
2251-2500	10	15000	15000	1500	1500
2501-2750	11	16500	16500	1500	1500
2751-3000	12	18000	18000	1500	1500
>3000 persons - the number of exit doors, exit routes and their width to be determined by the Building Authority					

Two existing 1050mm wide staircases



Layout plan of restaurant

Population: 277persons  
Required exit staircase: 2 nos.  
Width of staircase: 1050mm  
Total width of staircases: 2500mm

The existing exit staircase could not comply with the MOE requirement

Layout Plan

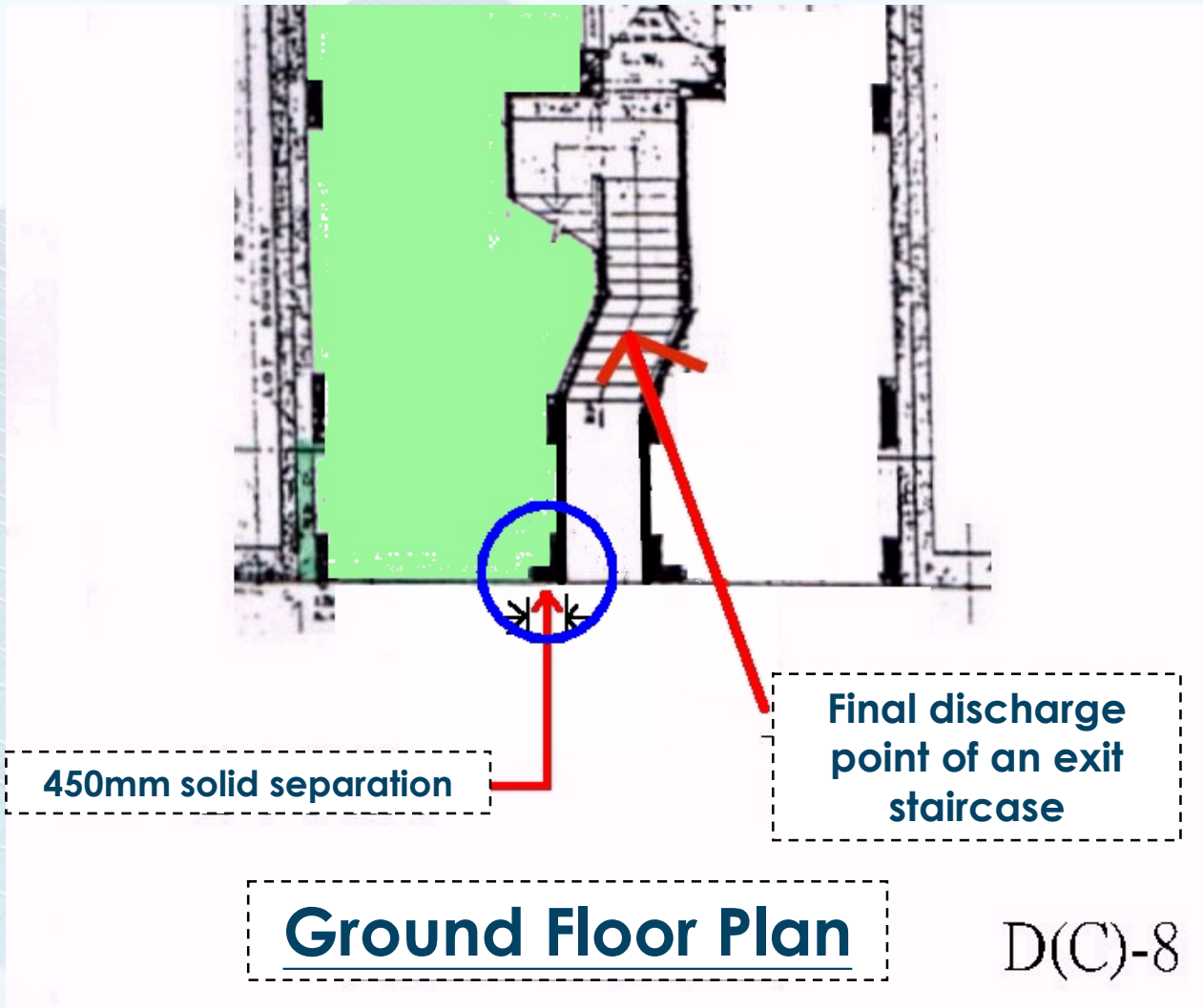


### (3) MOE (cont'd)

- All exit routes should have a clear height of not less than 2m
- All exit doors should be capable of being readily opened from the inside without the use of a key
- Security shutters across exits should be kept open during business hours
- Automatic sliding doors should stay open in the event of power failure or emergency
- A solid separation of 450mm should be provided between the shopfront of a restaurant and the final discharge point of an exit staircase of a building. The FRR of the solid separation should be not less than 60 mins



### (3) MOE (cont'd)





### (3) MOA

- Adequate means of access to enable firefighting personnel to effect rescue and fight fire should be provided
- Each point of discharge from a fireman's lift to the floor served, should be through a lobby having a floor area of not less than  $2.25\text{m}^2$  and a minimum dimension of 1.5m. The lobby should be separated from that floor by walls and doors, having an FRR not less than that required for the elements of construction in that floor (maximum 120 minutes)



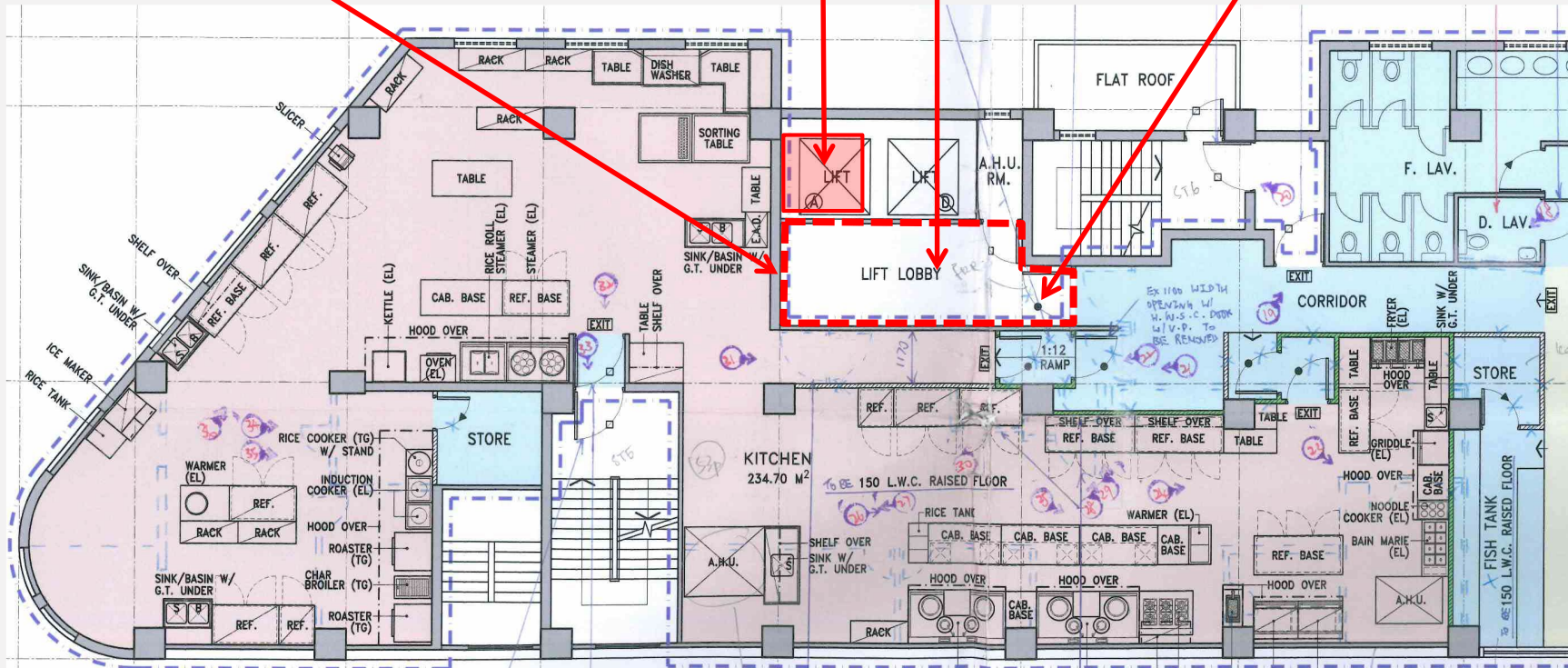
# (3) MOA (cont'd)

Enclosure wall having an FRR not less than that required for the elements of construction of that floor

Fireman's Lift Lobby

Fireman's Lift

Fire door having an FRR not less than that required for the elements of construction of that floor





## (4) UBWs

### Policy:

- The food premises for issue and transfer of food business licences should be free of unauthorised building works (UBWs)
- The BD will not recommend to the FEHD to issue a restaurant license if UBWs which pose risks to public safety are found on the premises under application



# Common UBWs- Example



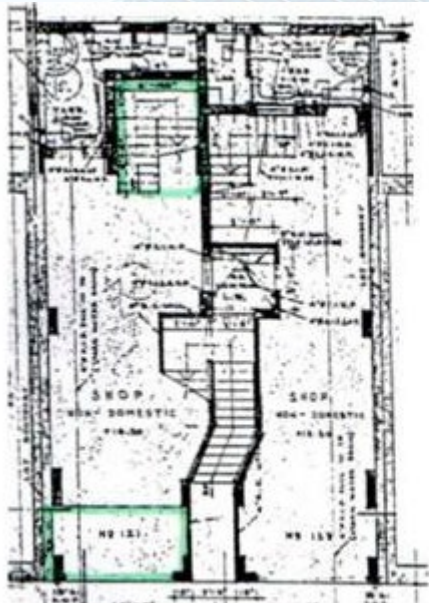
Unauthorized slab  
over cockloft/  
staircase void



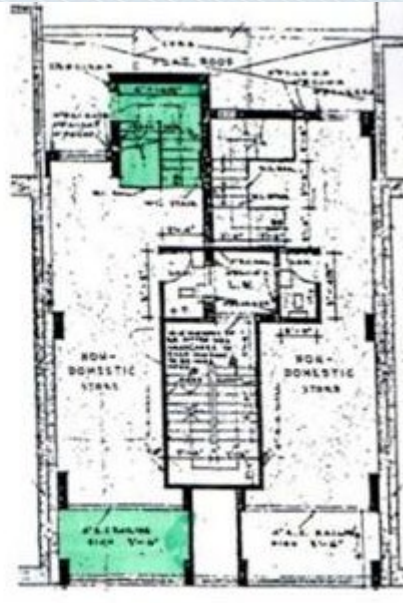


# Common UBWs- Example (cont'd)

**✗ Unauthorised slab over  
cockloft/staircase void**



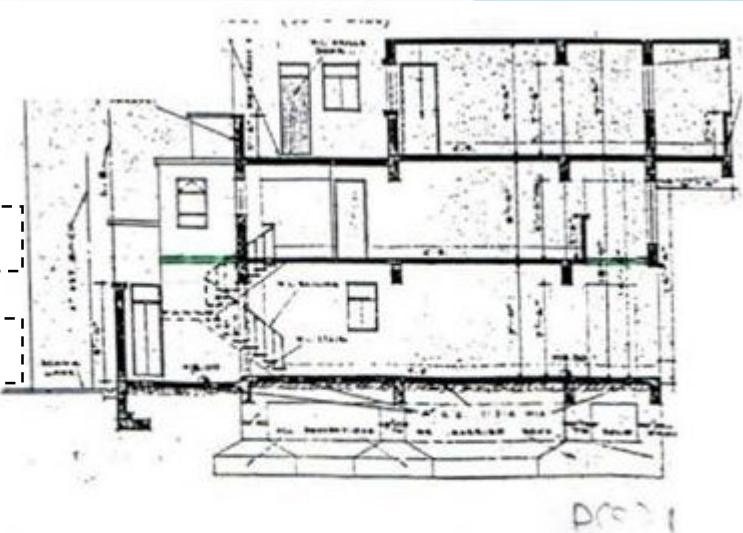
G/F Plan



Cockloft Plan

Cockloft

G/F



Section Plan



# Common UBWs- Example (cont'd)



Unauthorised  
staircase and  
cockloft





# Common UBWs- Example (cont'd)



Unauthorised  
roof/flat roof/  
yard structure





# Common UBWs- Example (cont'd)



Unauthorised metal frame for cooling tower attached to the external wall of the restaurant





# Common UBWs- Example (cont'd)

Unauthorised  
signboard



The display area  
of the projecting  
signboard more  
than 20m<sup>2</sup>





# Common UBWs- Example (cont'd)



Unauthorized structural alteration



Unauthorized obstructions to smoke vents



Unauthorized alterations or removal of fire doors



# Common UBWs- Example (cont'd)



Unauthorised removal of  
approved ramp for  
persons with a disability





# Common UBWs-Example (cont'd)

**Unauthorised removal of approved ramp for persons with a disability**

***[Requirements of the ramp:***

- *width not less than 1050mm*
- *gradient not steeper than 1 in 12*
- *A clear space of not less than 1500mm x 1500mm at the head and foot of ramp*
- *Handrails on both sides]*



# Common UBWs- Example (cont'd)



Unauthorised removal of  
approved toilet for persons with  
a disability





# Common UBWs- Example (cont'd)



**Raised floor which  
hinder the access for  
persons with a  
disability  
[except the raised  
floor at kitchen]**





# Certification for Free of Unauthorised Building Works (UBWs)

## The Applicant should:

- ✓ appoint an **AP/RSE** to certify that the premises are free of UBWs
- ✓ appoint **AP/RSE** to submit certificate
- ✓ remove UBWs before submitting restaurant licence application

*[Guidelines for Authorised Person and Registered Structural Engineer for Certification of Food Business Premises free of Unauthorised Building Works (Guidelines) for is available at FEHD's website ([www.fehd.gov.hk](http://www.fehd.gov.hk))]*



# Certification for Free of UBWs

## AP/RSE should:

- ✓ Check the approved plans, including the approval records of all alterations and additions works (A&A works)
- ✓ If the A&A works are minor works, check the completed “minor works” record
- ✓ For A&A works including minor works, check whether the completed works have been certified and accepted by the BA in accordance with the requirements of the BO
- ✓ Submit Certification for Free of UBWs



# Certification for Free of UBWs (cont'd)

## Scope of Certification

**(1) Check existence of UBWs within the food premises (except for the existing UBWs listed in para.6 of the Guidelines). Examples:**

- Within the premises (e.g. unauthorised slabs covering approved cockloft/staircase voids, removal of approved facilities for persons with a disability)
- Works attached to or extending from the external walls of the premises (e.g. unauthorised metal frames for cooling water towers)
- Works located off the premises but directly associated with or serving the premises under application (e.g. unauthorised metal frames of air-conditioning units)

(Not including the UBWs attached to the external walls or on the approved roofs of the premises if such UBWs are being used to serve premises other than the food business premises)



# Certification for Free of UBWs (cont'd)

## Scope of Certification

**(2) Existing UBWs mentioned in para.6 of the Guidelines are not in dilapidated or dangerous condition**

- ✓ AP/RSE should make necessary steps including a visual inspection for such purpose. Certification with structural justification should be submitted, if required

## Reminder:

- **Future action may be taken under sections 24, 24AA and 40 of the BO to secure removal or rectification of these UBWs by the BD in accordance with the prevailing enforcement policy**



# Certification for Free of UBWs (cont'd)

## Audit Check

- FEHD will refer specified forms UBW-1/UBW-1a\* (applicable for Provisional License) and UBW-2/UBW-2a\* (applicable for Full or Transfer License) and associated documents submitted by the AP/RSE to BD for audit check

*(\*Forms UBW-1a and UBW-2a are used for certification of the food business premises being free of UBWs and validation of unauthorised signboard)*



## Certification for Free of UBWs (cont'd)

### If false certification/irregularities are identified during audit check:

- BD notifies the AP/RSE and the applicant to rectify irregularities
- BD may take enforcement and/or disciplinary action to the AP/RSE under section 7 of the BO
- FEHD may cancel the provisional license and not to process the application for full license until irregularities are rectified



# Facilitation measures for “Signboard Validation Scheme (SVS)”

- Fully implemented since September 2, 2013
- Applicable to signboards that are relatively small and of low potential risk and already existed before 2 September 2013
- Signboard owners may appoint prescribed building professionals and/or prescribed registered contractors to inspect, strengthen (if necessary) the relevant signboards and certify their safety to the BD
- Validated signboards can be retained for five years, after which the signboard owner must re-inspect or remove the signboard
- Validated signboards are still considered as UBWs



# Facilitation measures for SVS

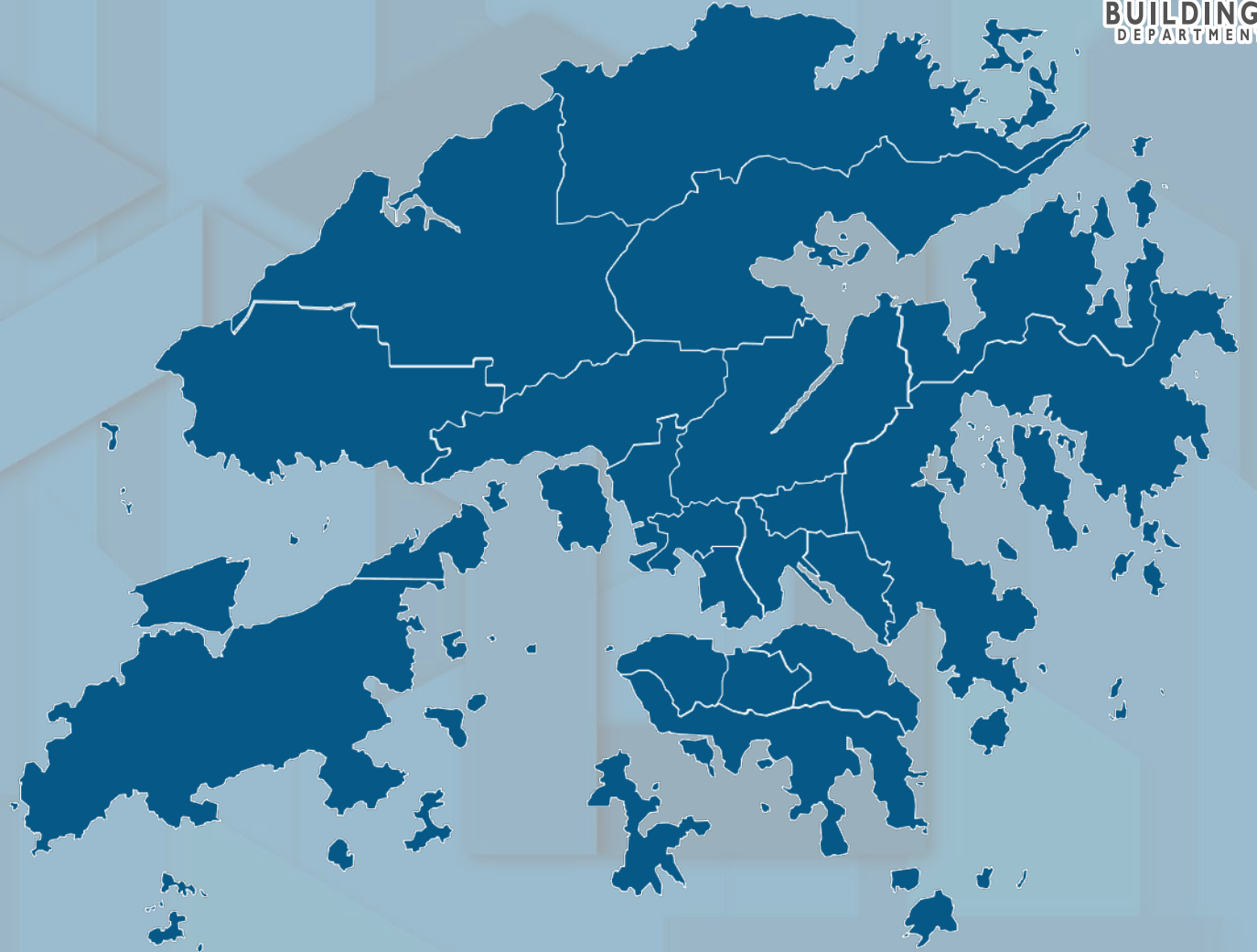


- To facilitate the food business applicants to retain their existing unauthorised signboards, the applicant have the option to appoint their AP/RSE to provide services for validation of the unauthorised signboards and the required certification of food business premises being free of UBWs (using forms UBW-1a and UBW-2a ) in one go

*[ For details about the SVS and the unauthorised signboards eligible to participate in the SVS, please refers to the Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-155 and the Guidelines available at FEHD's website ([www.fehd.gov.hk](http://www.fehd.gov.hk))]*



# Minor Works Control System (MWCS)





# MWCS

- “Minor Works Control System” (MWCS) aims to facilitate building owners and occupants in carrying out small-scale building works safely and lawfully through simplified requirements without approval and consent of the BA
- There are 187 minor works items which are classified into three classes according to their scale, complexity and risk to safety

*(For detailed information of the MWCS, please visit the BD website at [www.bd.gov.hk](http://www.bd.gov.hk) and refer to the "Building (Minor Works) Regulation" and "Technical Guidelines on Minor Works Control System")*



# MWCS (cont'd)

## Common minor works in restaurants:

- 1) Erection/alteration/removal of supporting frames for an air-conditioning unit/light fitting
- 2) Erection/alteration/repair/removal of canopies/retractable awnings
- 3) Erection/alteration/removal of metal ventilation ducts/associated supporting frames
- 4) Erection/alteration of fire dampers in ventilation system
- 5) Construction/alteration/repair/removal/replacement of windows/window walls
- 6) Erection of non-load bearing block walls in a flat
- 7) Thickening of floor slabs in a flat by laying solid screeding
- 8) Erection/alteration/repair/removal of external non-load bearing reinforced concrete walls/external block walls
- 9) Erection/alteration/removal of signboards
- 10) Installation/alteration/replacement/removal of display surface of signboards
- 11) Formation/reinstatement of slab openings

(Note: Please refer to "Minor Works Control System for Restaurant and Food Business" at BD website [www.bd.gov.hk](http://www.bd.gov.hk) )



# Facilitation measures - Self- certification System (SCS)

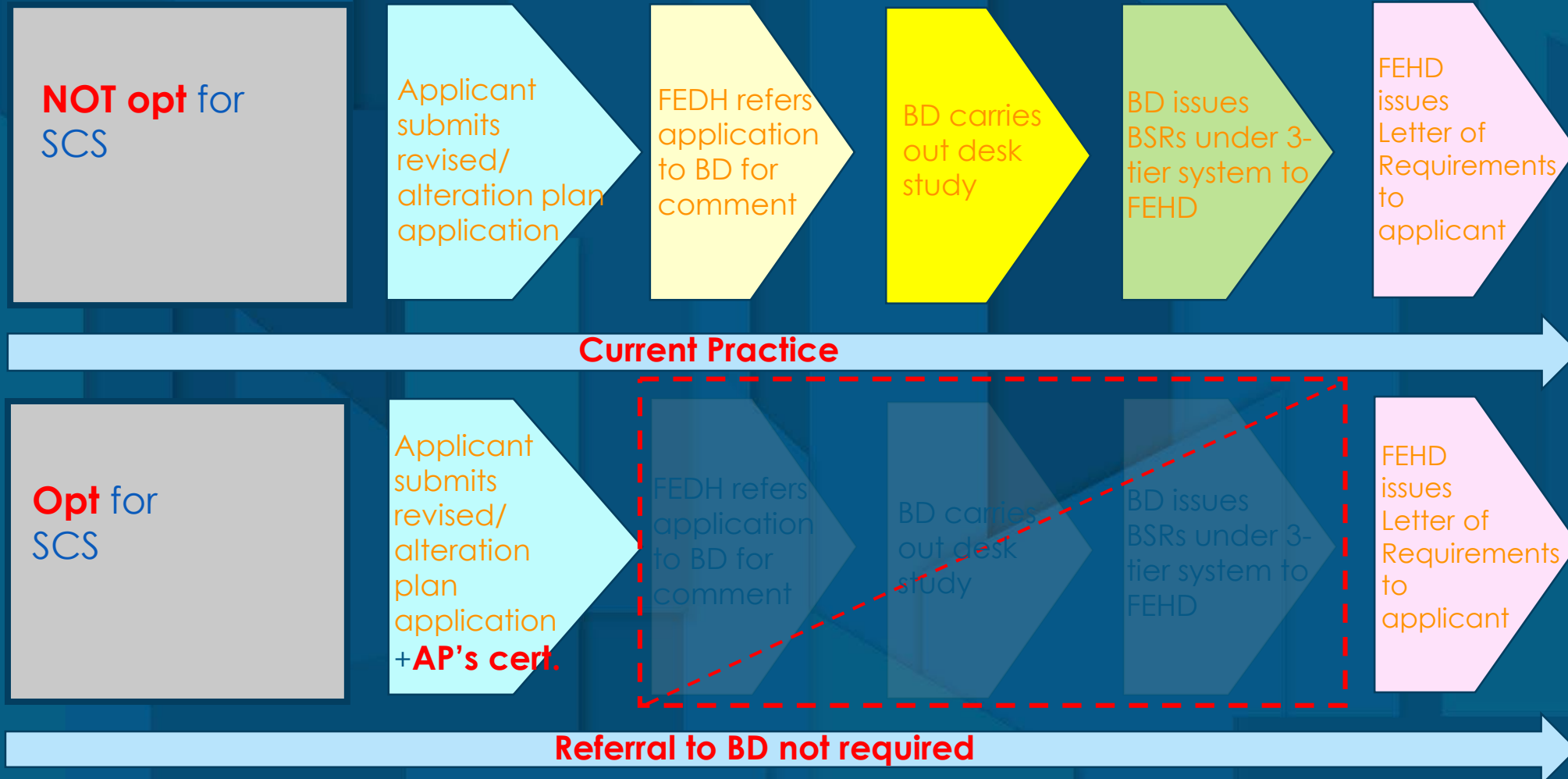


- Implemented since December 2019
- Streamlined measure to handle the applications for revised plans at licence application stage/alteration plans of licensed restaurant

*(For details of the “Self-certification System”, please visit the BD website at [www.bd.gov.hk](http://www.bd.gov.hk))*



# Facilitation measures-SCS





# Facilitation measures-SCS (cont'd)

## Eligibility of SCS



- **Type of Licence**

- ✓ General restaurant
- ✓ Light refreshment restaurant
- ✓ Other food business licence connected to restaurant (e.g. bakery licence)

- **Type of Submission**

- X New submission for proposed restaurant  
(New Layout Plan) (*Not applicable*)
- ✓ **Revised Plan**(**Note <sup>1</sup>**) submission for proposed restaurant
- ✓ **Alteration Plan** (**Note <sup>2</sup>**) submission for licensed restaurant

(**Note <sup>1</sup>**: Revised Plan- the restaurant has been processed by BD after implementation of the SCS)

(**Note <sup>2</sup>**: Alteration Plan- the licensed restaurant is licensed under the SCS or an alteration plan of the licensed restaurant has been processed by BD after implementation of the SCS)



# Facilitation measures-SCS (cont'd)



- Requirements of the Premises
  - ✓ All MOE being exclusive and direct exit(s) to ultimate place(s) of safety\*
  - ✓ Not served by fire safety constructions based on fire engineering design\*
  - ✓ Not involve change in the licence boundary

*(\*Whether or not the premises meet the criteria would be mentioned in the reply to FEHD issued by the BD. A copy of which will also be sent to the applicant)*

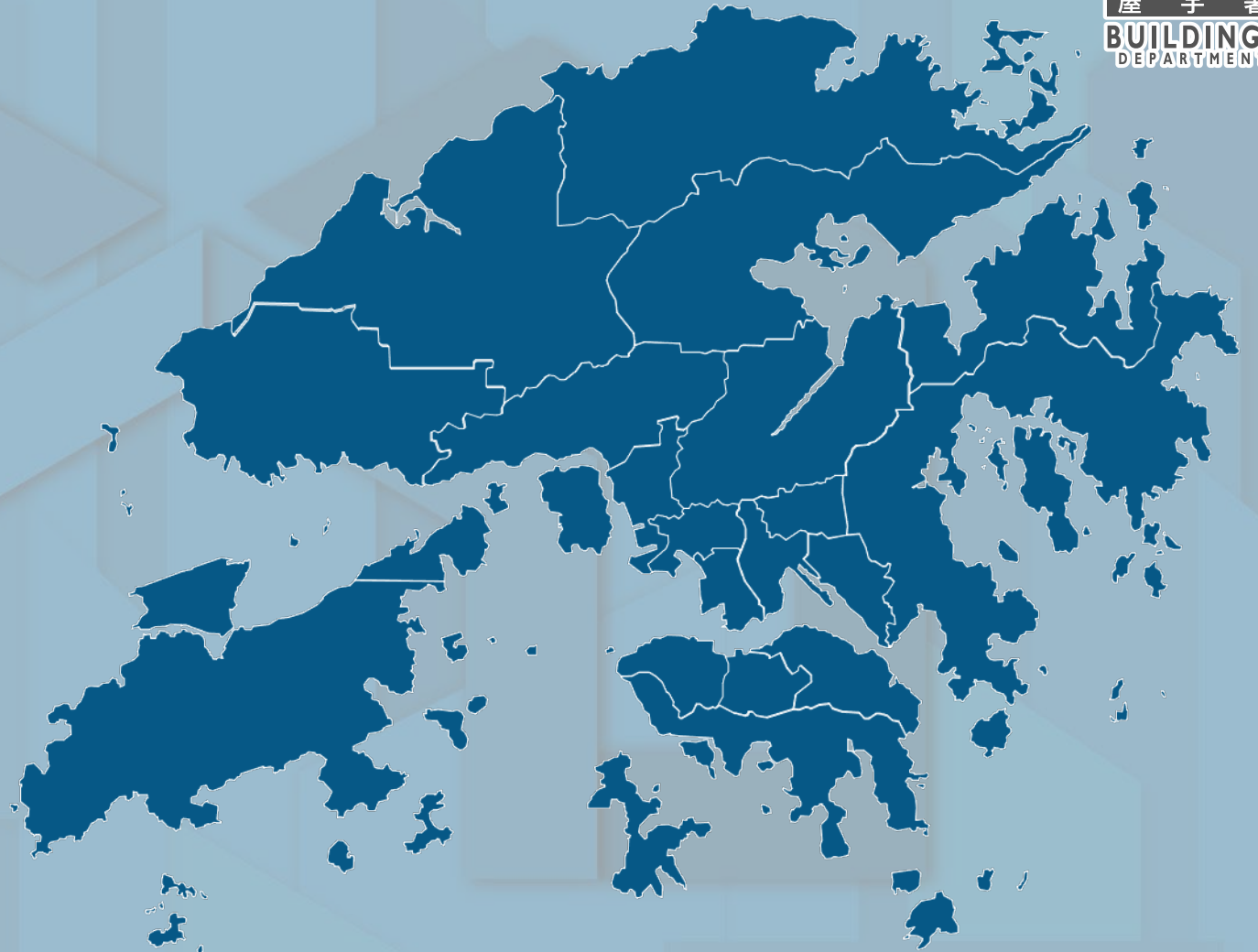


## Facilitation measures-SCS (cont'd)

- ✓ **Applicants can opt for the SCS**
  - For application not under SCS, BD will offer comments to the FEHD in accordance with the current arrangements
- ✓ **Applicants to submit AP's certificate**
  - To certify the revised plans/alteration plans complying with the building safety requirements
  - For report of works completion in parallel, AP is required to confirm that the premises have been completed in accordance with the plans and verify the full compliance of all BSRs
- ✓ **BD will conduct audit checks on AP's certificates**
  - To ascertain the compliance with the BSRs *unauthorised*



# Important Advice on Premises Selection and Licence Application





# Important Advice on Premises Selection



## DON'Ts

- ① Premises located under, over or in UBWs (e.g. unauthorised slab on cockloft/staircase void)  
(make reference to the approved building records in BD and BA's acknowledgement of completion of approved A&A works)
- ② Premises on the upper floors of single staircase buildings
- ③ The originally imposed load of the premises less than 4 kpa



# Important Advice on Premises Selection (cont'd)



## DOs

- ① Consult the AP/RSE as early as possible
- ② Consult the AP/RSE and submit to the BD for approval and consent if A&A works involving the building structure, MOE and FRC are required. If the relevant works are designated minor works items, they can be carried out in accordance with the simplified requirements of the MWCS and no prior approval and consent is required from the BD
- ③ Ensure the appointed the AP/RSE personally inspects the restaurant before submitting the certificate



# Important Advice on Licence Application



- ① Applicants and their consultants should study the BSRs in the letter of requirements carefully and, if necessary, clarify with the BD as soon as possible, in order to ensure the BSRs can be complied with before the expiry of the Provisional License
- ② The applicants are strongly advised to finalise the layout plans when submitting applications for restaurant licences. If revised plan is unavoidable after issuing of the provisional license, the applicant should submit well before the expiry of the Provisional License



# Important Advice on Licence Application (cont'd)



- ③ Highlight proposed changes on the revised plans with colour pens and simple descriptions (e.g. listing the corresponding item number in the BSRs) if revision is necessary.
- ④ Clearly indicate the relevant information of the new and existing ventilation systems on the ventilation plan (including weight, projection from external wall, clear height from the ground, size of the opening on the floor slab or fire rated wall, etc.)
- ⑤ Indicate the telephone number of the contact person on all the submitted plans



# Records of Completed Building Works

- Building Information Centre (BIC) of BD provides viewing and copying service of the approved plans and structural calculations for completed private buildings and A&A works; and completed “Minor Works” record thereon

*\***Except for** pre-war buildings, exempted houses in the New Territories and previous Housing Authority buildings sold or disposed of to the private sector*



# Records of Completed Building Works

## Inspection and copying services



### ① View Online\*

“BRAVO System” (<https://bravo.gov.hk>) (requires registration) enables on-line viewing of the building / minor works records and ordering the copies of records via the system

### ② Visit in-person\*

Visit the BIC (address: 2/F, Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon, Tel: 2626 1207) (handled by “1823”) in person and apply for viewing and copying of building/minor works records. Application forms can be obtained at BIC or downloaded via internet (Website: [www.bd.gov.hk](http://www.bd.gov.hk)).

***\*Fees will be charged for the inspection and/or copying services.***



# Licensing Unit, Buildings Department

## Address :

Buildings Department Headquarters,  
North Tower,  
West Kowloon Government Offices,  
11 Hoi Ting Road,  
Yau Ma Tei, Kowloon

**Tel. : 2626 1616**

*(\* Handled by "1823")*





**THANK  
YOU**

