

**For discussion
on 29 April 2003**

LegCo Panel on Food Safety and Environmental Hygiene

**Progress Report on Outside Seating Accommodation
for Licensed Restaurants**

PURPOSE

This paper informs Members of the progress of the outside seating accommodation (OSA) scheme since its implementation in March 2002.

THE OSA SCHEME

2. In view of the growing popularity of outdoor dining in Hong Kong, and the contribution of such activities towards the development of the restaurant trade and tourism, the Food and Environmental Hygiene Department (FEHD) introduced a scheme to facilitate restaurants to apply for OSA in March 2002. To qualify for OSA approval, an applicant must be able to meet a number of criteria in respect of land use, building safety, fire safety, transport, such as -

- (a) the proposed OSA should be annexed to the restaurant premises without an intervening public thoroughfare;
- (b) the proposed OSA should not obstruct the emergency exits of adjoining buildings;
- (c) the proposed OSA should not cause obstruction to any fire services installation and should not be close to any dangerous goods store or installation;
- (d) the proposed OSA should be compatible with the provisions of the relevant Outline Zoning Plan; and

(e) the proposed OSA should not affect pedestrian and vehicular traffic and should not cause nuisances to local residents.

3. To facilitate operators in obtaining OSA approval, FEHD provides “one-stop” licensing service to OSA applicants. For each application, FEHD assigns a case manager to follow through the entire application process. FEHD makes the necessary referrals to other Government departments, including applications for the right to use Government land. Separately, FEHD has issued a Guide to Application for OSA setting out the application procedures and key criteria for assessing the applications.

4. A Letter of Requirements will be issued to an applicant for compliance if the application criteria are met. Once the applicant has complied with the relevant requirements, FEHD will approve the OSA application. The average time for approving an application, including the time taken by applicants to comply with the licensing requirements, is 4.9 months.

PROGRESS

5. As of end March 2003, FEHD has received a total of 246 applications under the OSA scheme. 41 applications have been approved, and another 65 have been issued with Letter of Requirements pending compliance by the applicants. 90 applications were either found to be unsuitable (62 cases) or were subsequently withdrawn by the applicants (28 cases). The remaining 50 applications are still being assessed. Of the 50 outstanding applications, 35 have been processed for more than two months. These applications are more complicated as they have encountered various difficulties such as local objections, impact on pedestrian/vehicular traffic, land use compatibility, failure to submit revised plans and existence of unauthorized building works. Where appropriate, FEHD will arrange a case conference with relevant departments/agencies with a view to expediting the processing of the application. For example, in case of local objections, FEHD and Home Affairs Department will meet with representatives of the relevant district

organisations to understand their concerns and then invite the applicants to address these concerns.

6. A summary of the progress in processing OSA applications is at Annex.

Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
April 2003

Annex

**Summary of Progress in Processing OSA Applications
As at End March 2003**

A. Eligible applications		
OSA approval given	41	
Letter of Requirements issued	<u>65</u>	
		106
B. Disqualified/withdrawn applications		
Unsuitable for setting up OSA	62	
Withdrawn by applicants	<u>28</u>	
		90
C. Applications being processed and letter of requirements not yet issued		
Submitted by applicants within two months	15	
Submitted by applicants for more than two months	<u>35</u>	
		50
Total		<u>246</u>