



Submission to Panel of Food Safety and Environmental Hygiene of the Legislative Council on New Food Business Licensing Procedure Implemented since 18 April 2006

The Hong Kong Institute of Architects supports in principle the government's effort in tackling existing unauthorized building works (UBWs) to enhance public safety and to improve living environment.

We believe that Authorized Person (A.P.) is a suitable person to ensure compliance with requirements imposed by the authorities in the present licensing process.

The new procedure, requiring the A.P. to identify presence of UBWs in a premises intended to be utilised for licensed operations, our experience showed that the following effects on the licensee in general :

1. Additional time and cost spent to check for UBWs before and during the license application.
2. The process is being hindered when approval plans of the existing premises are not available from the Buildings Department's information centre and enquiry has to be made to the Buildings Department for special treatment.
3. More time is taken for the A.P. to resolve with the Buildings Department's representatives any individual case of UBWs when such UBWs fall within grey area of definition. In the past, the Buildings Department is almost solely responsible for identifying the presence of UBWs.
4. Licensee has to exclude certain part of the premises from licence application when the building works found in the premises fall within grey area of UBWs definition or when the removal of the UBWs are so complicated that they could not be carried out within a short period.

Since the new procedure has been effective for a few months (from 18 April 2006), the Institute is concerned that the newly implemented procedure would deter some food businesses from getting a licence especially those only affording to run their businesses in small premises. Unless other measures are introduced in the new procedure, these small businesses, which are normally to the convenience and benefit of the public, would find it difficult to continue the business under the new procedure with zero tolerance measures.

We would like to reiterate that the licensing procedure is to control the food businesses in the realm of public hygiene and safety. UBW, on the other hand, may involve a much wider variety of building issues not necessarily related to hygiene and safety and some UBWs are used to be considered non-actionable by the Authorities in other non-licensing situations. We suggest that a more flexible approach should be established for dealing with difficult cases.

The Hong Kong Institute of Architects
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