

**Certification of Food Business Premises Free of Unauthorized Building Works
Guidelines for Authorized Persons and Registered Structural Engineers
(Applicable to Private Buildings excluding the divested Housing Authority's Properties)**

Introduction

The following guidelines are provided for authorized persons (AP) and registered structural engineers (RSE) who are commissioned to certify that food business premises are free of unauthorized building works (UBW) required by the Licensing Authority.

Unauthorized Building Works

2. Buildings and building works are defined in section 2 of the Buildings Ordinance (BO). Unless exempted under section 41(3) and 41(3A) of the BO, buildings erected or building works carried out without the prior approval and consent from the Building Authority (BA) are UBW.

3. To verify if any buildings or building works are unauthorized, the AP/RSE are advised to examine the approved plans of the subject building including the approved plans for all alteration and addition (A&A) works relating to the premises in question and, if any, the record plans. For A&A works, the AP/RSE should check if the completed works have been certified under the BO and accepted by the BA.

Scope and Extent of AP/RSE's Certification

4. For the purpose of certifying that food business premises are free of UBW, the AP/RSE should check the existence of any UBW within the food business premises (e.g. unauthorized slabs covering approved cockloft/staircase voids, removal of approved facilities for persons with a disability), UBW attached to or extending from the external walls of the food business premises (e.g. metal frames for cooling towers) and UBW located off the premises but directly associated with or serving the premises under application *(e.g. metal frames for air-conditioning plants).

5. The certification system, as regards free of UBW, does not include UBW attached to the external walls or on the approved roofs of the food business premises if such UBW are being used to serve premises other than the food business premises.

* For the avoidance of doubt, if the food business premises under application is served by the central air-conditioning plant of the building in which the premises is situated, those ventilation ducts, associated frames and related branching off accessories of the central plant serving the premises need not be included in the certification subject to compliance with item (f) of paragraph 6.

6. Subject to para. 4, the following types of UBW need not be included in the certification. However, the AP/RSE should make a visual inspection and satisfy himself that such UBW are not in dilapidated or dangerous condition. Any certification with structural justification, if required, should be submitted prior to the application for full licence and transfer of licence.

- (a) Continuous unauthorized canopies or overhead projections serving both the premises and other premises and that the portion of the canopy or projection serving the premises under application is not more than 50% of the total length of the canopy or projection;
- (b) Lightweight canopies projecting not more than 500mm beyond the building line and having a minimum vertical clearance of 2.5m;
- (c) Lightweight shopfront overhead projections not more than 600mm beyond the building line and having a minimum vertical clearance of 2.5m;
- (d) Lightweight decorative shopfront extensions/projections of not more than 300mm beyond the building line;
- (e) Existing signboards not resting on or suspended from approved canopies and with the area of the largest planer surface of the prescribed prism being less than 30m² ('prescribed prism' means the smallest virtual rectangular prism which can contain all parts of the signboard, including its supporting structure but excluding structural members solely for preventing lateral movement of the signboard);
- (f) Supporting frames projecting not more than 600mm from the external wall and at a height not less than 2.5m from the ground for air-conditioning units and vent ducts;
- (g) Supporting frames not resting on approved suspended slabs and less than 600mm high for air-conditioning plants;
- (h) Supporting frames resting on approved roofs/slabs and less than 600mm high for air-conditioning plants.

- (i) Supporting frames suspended from the approved floor slabs for air-conditioning plants if such frames are certified, with supporting calculations, to be structurally safe. For the avoidance of doubt, ventilation ducts and associated accessories for the air-conditioning units wholly within the licensed premises not passing through compartment walls/floors and with a minimum vertical headroom of 2m need not be included in the certification.
- (j) Existing openings on or slabs over existing floors for food hoists and pipe ducts if such openings or slabs are certified, with supporting calculations, to be structurally safe and any slabs should not result in additional gross floor area under the Building (Planning) Regulations;
- (k) Hollow raised platforms within approved premises with a height not greater than 600mm and not hindering the access for persons with a disability;
- (l) Hollow raised platforms with a height between 600mm to 2000mm within approved premises if such platforms are certified, with supporting calculations, to be structurally safe and not hindering the access for persons with a disability;
- (m) Removal of internal staircases not involving unauthorized strengthening works if such removal is certified, with supporting calculations, to be structurally safe;
- (n) Kitchens and toilets within approved premises and drainage works certified as being in proper function and properly connected;
- (o) Small storage chamber for LPG cylinders with an aggregate capacity not exceeding 130L and complying with “LPG Installation for Catering Purposes in Commercial Premises” issued by the Electrical and Mechanical Services Department; and
- (p) Grease traps suspended from the approved slab if such grease traps are certified, with supporting calculations, to be structurally safe.

Where structural assessment is made, the supporting calculations should be prepared in accordance with the guidelines at Appendix A.

7. A list of typical UBW in food business premises and a checklist for carrying out certification are at Appendices B and C for general reference. The UBW described in Appendix B should not be taken as exhaustive.

8. For removal of UBW, reference should be made to the “Guidelines for the Removal of Typical Unauthorized Building Works and General Maintenance of External Walls” published by the Buildings Department.

9. The guidelines provided in paragraph 6 are for the purpose of application for a food business licence and transfer of a licence from the Licensing Authority only. The operators should be reminded that future action may be taken under sections 24 and 40 of the BO to secure removal or rectification of these UBW by the Buildings Department in accordance with the prevailing enforcement policy.

Records of Completed Building Works

10. Except for pre-war buildings and buildings falling within the purview of the Buildings Ordinance (Application to New Territories) Ordinance, the approved plans and structural calculations for completed private buildings and A&A works thereon may be viewed in the Building Information Centre of BD at 13/F of Pioneer Centre, 750 Nathan Road, Kowloon (tel. no.: 2626 1207) upon application and payment of the requisite fee. Certified copies of plans and documents are available upon submission of an application form together with the payment of the requisite fee. Application forms may be obtained from the Information Counter on 12/F of Pioneer Centre, 750 Nathan Road, Kowloon or by downloading soft copies from the website <http://www.info.bd.gov.hk>.

Enquiries

11. For specific enquiries, please approach the Licensing Unit of BD at 12/F of Pioneer Centre, 750 Nathan Road, Kowloon (tel. no. 2626 1257 – handled by “1823 Citizen’s Easy Link” of the Government).

Information and Assessment to be included in the Supporting Structural Calculations

1. General Requirements

- (a) Whilst the structural members of the UBW should be checked under the current Building Regulations, all approved structural elements should be checked in accordance with the original design principle and the prevailing codes of practice at the time of construction.
- (b) The imperial units shown in the approved plan and/or original design calculations should be converted to metric units for easy reference.
- (c) The structural integrity of the affected structures should be checked in accordance with the minimum imposed loads stipulated in Regulation 17 of the Building (Construction) Regulations.

2. Fundamental Information and Assessments (if applicable)

- (a) The original design data retrieved from the approved plan and/or original design calculations, such as material specifications, permissible stress and design imposed load should be given.
- (b) Relevant structural framing part plans should be submitted to show the affected portion of existing structures.
- (c) Relative disposition of the additional elements such as partition walls, raised screeding, walk-in freezers, fish tanks, water pools, over hanging air-conditioning units and cooling towers should be shown on the structural framing part plans with appropriate setting out dimensions.
- (d) The weight of all additional elements, such as partition walls and raised screeding, should be conformed with the type, size, thickness and density of the construction materials resulting from these additional works.
- (e) The structural adequacy of the existing structures arising from the total combined loadings should be demonstrated.

3. Specific Information (if applicable)

- (a) The manufacturer's catalogue and specification of the relevant plants and equipment should be attached in order to substantiate the design operational weight.
- (b) The design of steel frame supporting the relevant plants or equipment should be submitted. The connection details of these steel members and fixing details into existing structures should also be given.
- (c) Depending on the circumstances of individual cases, additional information and assessment may be required.

New Issue or Transfer of Food Business Licence Typical Unauthorized Building Works Requiring Removal/Rectification

1. Unauthorized rooftop/flat roof/yard structures
2. Unauthorized structures on or suspended from approved canopies.
3. Unauthorized canopies/projections /extensions/cladding.
4. Unauthorized signboards resting on or suspended from approved canopies.
5. Unauthorized support frames for vent ducts.
6. Unauthorized supporting frames for air-conditioning or ventilating plants.
7. Unauthorized obstructions to smoke vents.
8. Unauthorized alteration or removal of compartment walls or fire resisting walls/shutters/doors not complying with fire and structural safety requirements.
9. Unauthorized slabs filling up approved voids.
10. Unauthorized openings through slabs.
11. Unauthorized cocklofts, intermediate floors or floor extensions.
12. Unauthorized staircases.
13. Unauthorized removal, partial removal or alteration of staircases.
14. Unauthorized removal, partial removal or alteration of structural members.
15. Unauthorized removal of approved facilities for persons with a disability (e.g. toilet or access ramp) and unauthorized building works which hinder the access to the food business premises for persons with a disability (e.g. raised platform in seating areas).
16. Unauthorized alterations and additions works contravening the provisions of the Buildings Ordinance (e.g. sub-division of a floor into separate units not complying with the fire and structural safety requirements, conversion of plant rooms/car parks to usable floor areas for licensing, obstruction of means of escape from the premises or the parent building, etc.).

**Checklist for Certifying Food Business Premises
Free of Unauthorized Building Works (UBW)**

Part 1 – General Information

Address of Premises : _____ Lot No. _____

Part 2 – Examination of Approved Records

	Yes	N/A
Approved plans for the parent buildings		
Approved plans for all alterations and additions (A&A) works affecting the subject premises		
Record plan of completed A&A works affecting the subject premises		
Completion certification of A&A works affecting the subject premises		
Building Authority’s acknowledgement of the completion certification of A&A works affecting the subject premises		

Part 3 – Site Inspection

- (i) Prior to site inspection, the findings in Part 2 and the guidelines should be studied.
- (ii) When conducting the site inspection, reference should be made to the copy of the latest set of approved plans including those for A&A works with Building Authority’s acknowledgement.

	Yes	No
UBW within the premises, attached to or extended from the external walls of the premises, or located off the premises but directly associated with or serving the premises	<input type="checkbox"/> itemize all UBW with detailed description including their condition, essential dimensions and location <input type="checkbox"/> record on a copy of approved plans, and <input type="checkbox"/> take record photos.	

Part 4 – Submission of Certification

Complete the certificate and submit all the required supporting documents and structural justification, if applicable.