

Government relaxes application arrangement for Offensive Trades Licence for specified food businesses

The Lands Department (LandsD) announced today (November 5) that the Government will streamline administrative procedures by relaxing the arrangement for the food businesses covered by three types of licences to apply for the Offensive Trades Licence (OT Licence) under government leases with immediate effect.

Currently, if a government lease contains an offensive trades clause, which prohibits the carrying out of the trades of sugar-baker, oilman, butcher, victualler and tavern-keeper on the concerned lot and the premises thereon, the owner of such premises has to apply for and obtain an OT Licence from the LandsD to remove the prohibition on these five relevant trades in order to operate a food business in such premises.

Having considered the operation of the existing mechanism and stakeholders' views, the LandsD will relax the arrangement for applying for the OT Licences in respect of specified licensed food businesses. Specifically, in respect of a food business that obtained one or more of the following statutory licence(s) (including the relevant provisional licence(s)): (i) a General Restaurant Licence or (ii) a Light Refreshment Restaurant Licence granted by the Director of Food and Environmental Hygiene; or (iii) a Liquor Licence granted by the Liquor Licensing Board, where the premises is subject to the offensive trades clause under the government lease, an OT Licence will automatically be deemed to be granted to the owner of the concerned premises by the LandsD without requiring the owner to make an application separately and pay the relevant fee to the LandsD.

"The new arrangement aims to foster a facilitating business environment for the food business industry by relaxing existing barriers and reducing the time and cost required for setting up a food business. An OT Licence deemed to be granted by the LandsD under the new arrangement will remain in force as long as the relevant statutory food business licence is also in force. However, upon the expiration or cancellation of the relevant statutory licence, such an OT Licence shall automatically cease to have effect, and the original offensive trades clause under the government lease shall resume to be applicable to the relevant premises," a spokesperson for the LandsD said.

Details of the relaxed arrangement are contained in the Lands Administration Office Practice Note No. 3/2021 (www.landsd.gov.hk/en/resources/practice-notes/lao.html).