

# An overdue change in licensing laws

Jason Mak had a dream. He had visited South Africa more than 30 times on business, liked the people, loved the land, adored the food. So why not open a restaurant in Hong Kong with a South African theme, with furniture, decorations, carvings, art and colour scheme as well as Cape wines and crocodile steaks?

He and other investors put in \$12 million, found premises, imported vast quantities of art and decorations including wooden statues of giraffes and Zulu war shields. They found extensive, expensive third-floor premises in the heart of Central on the doorstep to Lan Kwai Fong.

Then they tried to get licences to run a restaurant and sell beer and wine to go with the food. That's when Mr Mak's dream began to go sour. Opening with enthusiasm, his staff swiftly got two summonses from police for selling liquor without a licence. So wine from the Cape and Castle beer was taken out of Mr Rhino's restaurant in D'Aguilar Street; customers could have fruit drinks, instead.

Suddenly, there were fewer customers. People would come in by the score, admire the carved rhinoceros and the stylish furniture, then ask for a glass of chenin blanc. "Sorry," the barman would explain. "Care for a passion fruit juice?"

No thanks, the customers would say, heading out the door. Mr Mak and his fellow investors were distraught, watching their potential returns on their restaurant venture disappearing because it seemed to take an inexplicable time to get the necessary licences. This is a lament long familiar in Hong Kong, where some upmarket eateries lavishly bankrolled by enthusiastic amateurs have had to wait up to a year to get their proper authorisations.

That's a situation about to change, and about time. Under the auspices of the Hong Kong Tourist Association, all departments involved have since 1993 been meet-



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ing with organisations of hotels, restaurants, architects and real estate developers.

A new system is being introduced that will slash the present average six months' waiting time by two-thirds.

The present licensing system has haunted the restaurant industry for three decades. The problem has been split responsibility for issuing a restaurant licence. Urban or Regional Services, depending on location, Fire Services and the Building Department all have to agree and

give written approval. In the past, unless inspectors from all three departments agreed that every aspect of a new restaurant met all requirements, no licence was issued.

Once the restaurant licence was issued, and only then, could the applicant begin the process of trying to get the further documentation that will allow him to serve a glass of wine with his food.

This requires yet another department; now police move in to give their approval and to check the licensee doesn't have a criminal record.

It is this awkward, cumbersome bureaucratic procedure that has driven generations of would-be restaurateurs, professionals as well as keen amateurs, to rage and frustration.

From now on, things will be different. The top priority must remain safety. Everyone agrees on that. It would be unthinkable for

Urban or Regional Services inspectors to permit a restaurant to open if there were insufficient fire exits, for instance, or basic structural hazards. And if there is a health danger, it is obviously wrong for a business to sell food.

Once the restaurant licence is in place, issuing the liquor licence becomes relatively simple, a matter of five days, on average.

Under new guidelines, health, building and licensing inspectors will look at premises and fittings. If kitchen layouts, adequacy of toilets, fire fighting gear, air ventilation and circulation, exits or hygiene do not meet standards, a letter of requirement will be issued.

This tells the applicant exactly what is wrong and what must be done before the restaurant can open. Often, these are minor matters, shifting a sink or putting in additional fire doors.

It was at this stage where most of

the earlier frustration arose; necessary work would be done but inspectors were not available to return to look at it again. So completed restaurants could not open although they had carried out all required work.

In future, when that warning notice goes out, management will be able to have the work done, then open their shops without waiting for the formal approval. But, and it's here that things become tricky, an "authorised person" - generally an architect or structural engineer - has to lodge a report promising the necessary work has been done.

All will hinge on his professional standing. If he vows the work has been done and the final check shows it was not up to standard, he will be prosecuted vigorously.

The new procedures seem logical and sensible. They are also well overdue.

Pressure is considerable; there

are 5,187 restaurants in Hong Kong and 392 new licences were issued last year, along with 348 liquor licences.

Urban Services issues an 80-page guide advising people who want a restaurant licence what steps they must take.

This is a daunting document, filled with details of everything from toilet floors to kitchen hatches to cooking fuels to grease traps.

"We've ironed out most of the problems," says HKTA executive director Amy Chan. "We will continue working for more improvements."

The aim of both Urban and Regional Services is to speed up the inspection and approval process, while not sacrificing the total insistence on public safety. If there is a question of basic structural safety, for instance, there is no question of the provisional licences being issued.

The move means people like Jason Mak will be up and running within two months of making their first application, instead of the current six months.

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