

Information Note

Streamlined Arrangement for Short Term Tenancy (“STT”) Applications to Use Government Land for Outside Seating Accommodation (“OSA”) Purpose Subject to an OSA permission and Restaurant Licence issued by the Food and Environmental Hygiene Department (FEHD)

To follow up on the recommendation in the 2025 Policy Address of streamlining the approval process of applications for OSA of restaurants, FEHD has updated its guide for application in “A Guide to Application for Outside Seating Accommodation” (“the Guidelines”) ¹. Accordingly, the Lands Department (“LandsD”) has introduced streamlined arrangements to expedite the approval process of STT applications associated with OSA applications submitted to FEHD. This Information Note sets out the streamlined arrangements by LandsD for processing STT applications to use unleased and unallocated Government land for OSA purpose subject to an OSA permission and restaurant licence issued by FEHD.

No Separate Application to LandsD Required

2. According to FEHD’s Guidelines, OSA refers to any open area used for alfresco dining business, whether it is situated on Government land or within private property. When a restaurant operator or his representative (“the applicant”) wishes to use an area outside the restaurant premises for alfresco dining, he is required to obtain an OSA permission and restaurant licence from FEHD before operating OSA business, otherwise he may be subject to prosecution by FEHD. FEHD is the focal point to receive and process OSA applications. When the applicant submits the OSA application with the completed prescribed form to FEHD and if the proposed OSA is located on Government land, he has to specify whether he intends to apply for a land licence (LL)² for make-shift (non-exclusive use of government land) or an STT on a 24-hour basis (exclusive use of the land) from LandsD. FEHD will refer the case to LandsD for processing. There will be no need for the applicant to apply separately to LandsD.

¹ The Guidelines can be viewed at the website of FEHD:
(https://www.fehd.gov.hk/english/howtoseries/forms/new/OSA_Guide.pdf)

² LL is for part-time non-exclusive use of the Government land on a make-shift basis and no structures will be permitted. The streamlined arrangements to expedite the approval process of LL applications are stipulated in the Guidelines.

Streamlined Arrangement

3. If the STT application for OSA purpose is approved, the terms and fees payable for the STT will be offered to the applicant for acceptance. The offer would be subject to the following basic terms:

- (i) The Government land covered by the STT for OSA purpose shall tally with the Government land under the OSA application approved by FEHD;
- (ii) The STT will be for an initial fixed term of 6 months from the commencement date of the OSA licence issued by the Director of Food and Environmental Hygiene and thereafter quarterly renewable. The Director of Lands reserves the right to terminate the STT at any time when FEHD terminate the OSA licence;
- (iii) The STT will be subject to payment of an one-off administrative fee of \$26,800 for each application (the fee amount is subject to annual review);
- (iv) The STT (with or without structures) will be subject to payment of rent to be calculated at flat rates as follows (which are non-negotiable and subject to review from time to time):

Tier	Area of Government land to be covered by STT	Flat Rates for Monthly Rent for STT site without seafront	Flat Rates for Monthly Rent for STT site with seafront
1	50m ² or less	\$50/m ²	\$60/m ²
2	More than 50m ² to 100m ²	\$38/m ²	\$46/m ²
3	More than 100m ² to 500m ²	\$30/m ²	\$36/m ²
4	More than 500m ² to 1 000m ²	\$20/m ²	\$24/m ²

Remarks:

- (a) The minimum monthly rent of each tier should not be less than the maximum monthly rent of the previous tier (i.e. tier with a smaller area). For example, the minimum monthly rent for an STT falling within Tier 3 would be \$3,800 (site without seafront) and \$4,600 (site with seafront). For illustration purpose, the monthly rent for an STT having an area of

102m² with seafront would be \$4,600.

- (b) For the avoidance of doubt, the Director of Lands reserves the right to determine which flat rate should be applicable in respect of any application and the decision of the Director of Lands in this matter shall be final.

 - (v) The STT will be subject to payment of 6 months' rent as Deposit which the Deposit shall be subject to adjustment from time to time corresponding to the revision of the annual rental;

 - (vi) The STT will be subject to other terms and conditions as in the offer letter; and

 - (vii) Erection of any structure within the STT premises must obtain the prior written consent of the relevant District Lands Officer ("DLO"), who may impose any terms and conditions at his discretion for granting such consent. The erection of structure as consented by DLO must comply with the Buildings Ordinance (Cap. 123).
4. Relevant District Lands Office will pass the offer letter of an STT (if approved) to the applicant for acceptance with the demand notes for administrative fee, first quarterly rent and also the deposit for settlement. Upon receipt of the written acceptance of the STT offer by the applicant and checking of execution is in order, together with the demand notes settled, a tenancy agreement is deemed to be created. A copy of the offer letter will be returned to the applicant for retention.

Points to Note

5. It is the responsibility of the applicant to obtain all necessary approvals, permits, permissions etc. from the relevant authorities for the OSA business and to comply with all applicable requirements as imposed by Government Departments or under any Ordinances, by laws or regulations that are in force from time to time and the tenant shall be responsible for liabilities or claims arising from the activity within the OSA business.
6. Nothing in this Information Note shall in any way fetter, affect or prejudice the Government's rights as the landlord, and all such rights are hereby reserved. Each

application submitted will be considered on its own merits by LandsD at its sole and absolute discretion acting in its capacity as landlord. This Information Note shall not constitute any representation on the part of the Government or give rise to any expectation on the part of the owner that any application submitted to LandsD will be processed or approved.

7. This Information Note is issued for general information and reference purpose only. All rights to modify the whole or any part of this Information Note are hereby reserved.

8. The streamlined arrangement will take effect from **1 April 2026** and will apply to all new STT applications received by the FEHD on or after **1 April 2026**.

9. Applicants can make enquiries with the Estate Management Section of LAO, Lands Department for more detailed information about the application procedures.

Estate Management Section, LAO, Lands Department
22nd floor, North Point Government Offices,
333 Java Road, North Point, Hong Kong

(Attn: Ms. Elaine Kwan, Tel. No.: 2231 3732 or
Mr. Jasper Wong, Tel. No.: 2231 3927)

Lands Department
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