

Licensing of Child Care Centres, Kindergartens and Restaurants

When applications are made to the licensing authorities in respect of child care centres, kindergartens and restaurants, the plans are referred to the Buildings Department (BD) for comments on structural safety and means of escape. The guidelines within BD may be of interest to authorized persons (APs) advising clients.

Child Care Centres and Kindergartens

2. Child care centres and kindergartens may not be located above G/F level in a non-purpose built building unless certain conditions are fulfilled. Where the premises is located above G/F, the following guidelines apply:

	Location	Conditions
Acceptable with conditions	(a) in composite buildings with not more than two commercial floors above G/F (b) in composite buildings with three or more commercial floors where the child care centre or kindergarten itself occupies one or more entire commercial floors and not more than two floors above G/F remain commercial (c) in institutional buildings (d) in high-rise domestic buildings	(1) Premises shall conform to general standards of the Code of Practice for Means of Escape. (2) Child care centre is subject to the 12m and 24m maximum height rule under Child Care Centre Regulation 19. (3) Kindergarten is subject to the 24m maximum height rule under Education Regulation 7.
	(e) in wholly commercial buildings (f) in composite buildings with three or more commercial floors above G/F other than (b)	(4) In addition to conditions (1), (2) & (3), two independent means of escape are provided for the exclusive use of the occupants of the centre or kindergarten.
	(g) in single staircase buildings other than (h) and (i)	(5) In addition to conditions (1), (2), & (3), two extra staircases must be provided to the premises to be licensed and the single staircase serving the whole building must be sealed off therefrom.

/Acceptable

	Location	Conditions
Acceptable without conditions	(h) in single-family domestic buildings not exceeding three main storeys (i) in New Territories "exempted" buildings	Unconditional

Unless applications comply with these guidelines, intended "change in use" under Buildings Ordinance section 25 will be prohibited.

3. Child Care Centres or kindergartens should not be located in an industrial building. They are considered incompatible uses both from a fire-fighting and town planning point of view.

Restaurants

(a) Certification

4. When commissioned for projects involving restaurant licence applications, authorized persons (APs) and Registered Structural Engineers (RSEs) may be required to certify direct to the licensing authority that certain categories of building safety requirements imposed by the Buildings Department have been fully complied with. Under such circumstances, APs and RSEs have an important role to play in supervising the works and ensuring the safety of restaurant patrons and employees. Certificates and structural justifications submitted direct to the licensing authorities are audited by BD and appropriate action will be taken in cases involving negligence and/or misconduct.

(b) Unauthorized Building Works

5. BD also advises the licensing authorities of the existence of any unauthorized building works (UBW) which constitute a risk to the safety of restaurant patrons and employees. In such cases, the licensing authorities are advised to reject the licence applications until the UBWs are removed or rectified. If building works which are not exempted under section 41 of the Buildings Ordinance are proposed, the attention of the building owners should be drawn to the contents of PNAP 125 regarding the consequences of carrying out such works without having first obtained the approval and consent of the Building Authority.

/(c) Discharge

(c) Discharge Value

6. Commercial buildings are often designed as shops or offices and later changed to restaurant use. In these cases, any surplus discharge capacity of the staircases in a building may have been utilised by other existing restaurants established after the issue of the occupation permit. These circumstances can render a proposed additional restaurant unacceptable in terms of the permitted discharge value. In preparing plans for alteration and addition, it should be noted therefore that existing restaurants should be taken into consideration when calculating discharge values of the staircases and exit routes.

(d) Structural Assessment

7. Floors proposed for restaurant use should be checked to demonstrate adequate structural capacity to safely sustain the loads caused by the floor slab self-weight, finishes, permanent partitions, any other permanent construction, any equipment/plant proposed and the minimum imposed load in accordance with the Building (Construction) Regulations. Supporting structural calculations should contain relevant particulars of all proposed equipment/plant and permanent construction as listed in Appendix A.

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Building Authority

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Required Particulars of Equipment/Plant and Permanent Construction

Equipment/plant and permanent construction commonly proposed for restaurants are :

- (a) raised screeds in kitchens, stages and lavatories etc.
- (b) new brickwalls or solid partitions
- (c) fish tanks
- (d) large kitchen equipment, walk-in freezers etc.
- (e) large centralized air-conditioning units.

2. With reference to raised screeds in item (a) above, the authorized person or registered structural engineer should either confirm that the screed was laid under his supervision or he should carry out a core test in respect of the material, type, density and thickness to ensure compatibility with any supporting calculation.

3. With regard to the items (b) to (e) above, the type, size, thickness and density of the constructional materials and the manufacturer's catalogue and specification of the plant and equipment should be clearly given, in order to demonstrate the correct specific/operating weight used in the checking calculation.