

**A Layman's Guide to Application of Certificate of
Compliance
Under the Clubs (Safety of Premises) Ordinance, Chapter
376**

December 2023

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Important Advice for Prospective Applicants

DO's and DON'T's

DOs

- DO spend 10 minutes to go through this booklet before you go further with your plan to set up and operate a club-house.
- DO have documents to substantiate the existence and operation of your club, including constitution, objectives of association, major business and activities, criteria and procedures for admission of members.
- DO bear in mind that the Certificate of Compliance for the club-house is issued on the proviso that the service and facilities of the premises are to be used by members of the club and their accompanied guests only.
- DO consider enlisting the services of the professionals to assist you in making application if you are not familiar with the requirements for the Certificate of Compliance, e.g. to consult an authorized building professional or a registered structural engineer on the suitability and layout of the premises, and to prepare plans and documents for the application.
- DO hire competent contractor to carry out the required upgrading works.
- DO engage registered FSI contractors in the required fire service installations.
- DO keep in a secure place all registered layout plans and documents from the Office of the Licensing Authority for handy reference. Upon written request and payment of charges, the Licensing Authority may retrieve and produce copy of these documents for the applicant or holder of the Certificate.

DON'Ts

- DON'T choose premises in a building where the Deed of Mutual Covenant (DMC) or the lease conditions contain clauses prohibiting the use of the premises as a club-house and/or its related use (copy of DMC and government lease is obtainable from the Land Registry at a fee).
- DON'T choose premises which do not have proper means of escape.
- DON'T choose premises situated in an industrial building as most of them are normally considered not suitable for use as club-house due to high potential of fire risk.
- DON'T choose floors above the ground floor of a single staircase building.
- DON'T choose premises at level four of a basement or below.
- DON'T choose premises in areas designated for emergency or circulation use such as a buffer floor or a public area of a building.
- DON'T choose premises with kitchen facilities located vertically below a registered school, child care centre, or residential care home for the elderly.
- DON'T choose premises which have unauthorized building works.
- DON'T start any construction, renovation, or decoration works in the club-house premises before the Licensing Authority has given you the advice on the upgrading requirements for the premises after the preliminary site inspection with you.
- DON'T commence operation before a Certificate of Compliance is obtained from the Licensing Authority.
- DON'T ignore the requirements imposed by other government departments including the Buildings Department, Fire Services Department, Electrical and Mechanical Services Department, and Environmental Protection Department notwithstanding that a Certificate of Compliance has been issued by the Licensing Authority.

Part A: General

1. Introduction

Under the Clubs (Safety of Premises) Ordinance (Cap. 376) (“the Ordinance”), any person who on any occasion operates, keeps, manages or otherwise has control of a club-house is required to obtain a Certificate of Compliance in respect of the premises from the Licensing Authority.

The issue of the Certificate of Compliance does not in any way exempt or indemnify the holder of the Certificate of Compliance from the consequences of non-compliance with the provisions of any other enactments or from the consequences of any breach of any other regulations or laws of Hong Kong (including The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region).

For the Certificate of Compliance to be issued under the Ordinance, the applicant shall ensure that no act or activity on the premises with Certificate of Compliance may constitute or is likely to cause the occurrence of an offence endangering national security under the National Security Law or other laws of the Hong Kong Special Administrative Region.

This Guide explains how to apply for a Certificate of Compliance for a club-house.

The purpose of the Certificate of Compliance is to ensure that the requirements in respect of building safety, fire safety, health and sanitation for a club-house are met so as to safeguard the safety of the club members and their accompanied guests using the services and facilities provided inside the premises.

2. What is a “club”?

Under the Clubs (Safety of Premises) Ordinance (Cap. 376), “club”

means any corporation or association of persons formed for the purpose of affording its members facilities for social intercourse or recreation and which –

- (a) provides services for its members (whether or not for the purpose of gain); and
- (b) has a club-house of which only its members and their accompanied guests have a right of use.

“Club-house” means any premises or part thereof exclusively set aside for use permanently or temporarily by a club and its members.

Applicants are advised to seek professional advice as to whether or not, on the basis of the mode of operation of their club-house, they need a certificate of Compliance for the premises.

3. Choice of premises to be used as a club-house

The premises proposed to be used as a club-house should --

- (a) be fit for use as a club-house (i.e. it is not associated with any kind of high fire risk to which access for the purpose of rescue is difficult in case of emergency);
- (b) satisfy the building safety requirements such as having adequate means of escape and fire resisting construction, structurally capable of withstanding the required imposed load due to the change in use, and free from unauthorized building works and advertising signs attached on the external walls;
- (c) satisfy the fire safety requirements such as adequate appropriate fire service installations and equipment;
- (d) have adequate lighting and ventilation; and
- (e) have sufficient sanitary fitments.

IMPORTANT NOTE

- (1) Any club-house application in respect of premises approved by the Building Authority for domestic use shall be accompanied by evidence showing that Building Authority has granted prior approval/acceptance for the change of use of the premises from domestic to non-domestic use. This arrangement has taken effect and applied to application made on and after 1.1.2008.

- (2) Any application for club-house with sleeping accommodation in respect of premises approved by the Building Authority for non-domestic use shall be accompanied by evidence showing that the Building Authority has granted prior approval/acceptance for the change of use in respect of the part of the premises for providing sleeping accommodation from non-domestic to domestic use. This arrangement has taken effect and applied to application made on and after 15.8.2011.

- (3) In the absence of written approval/acceptance from the Building Authority, the Secretary for Home Affairs will not process the application under the Clubs (Safety of Premises) Ordinance Cap. 376. For avoidance of doubt, the above apply to alteration of existing club-house for providing sleeping accommodation, and extension of existing club-houses. For enquiries on the procedure of application to the Building Authority for such change of use of the concerned premises, you may contact the Buildings Department at 2626 1616.

Part B: Application Procedures

4. Who to apply?

Applicants may either be an individual (who is an office-bearer of the club or the appointed person representing the club), or a body corporate (e.g. a limited company).

Corporate applicant should authorize a person to represent the club in making application. The authorization should be made by resolution of the Board of Directors (or the governing body) and a formal documentation should be provided to substantiate the authorization.

For the Certificate of Compliance to be issued under the Ordinance, the applicant shall ensure that no act or activity on the premises with Certificate of Compliance may constitute or is likely to cause the occurrence of an offence endangering national security under the National Security Law or other laws of the Hong Kong Special Administrative Region.

5. Where to apply?

Application should be made at the Office of the Licensing Authority by means of an application form (HAD 142) which is obtainable from all District Offices and the Office of the Licensing Authority, or downloaded from the Home Affairs Department's website of http://www.had.gov.hk/en/public_forms/forms.htm. The address and telephone number of the Office of the Licensing Authority are listed in Section 18 of this booklet.

Application in electronic form is also accepted by the Licensing Authority at the following e-address: hadlaenq@had.gov.hk. For detail, please visit the Home Affairs Department Office of the Licensing Authority's website - <http://www.hadla.gov.hk>.

6. How to apply?

The duly completed application form (HAD 142), in duplicate, should be forwarded to the Office of the Licensing Authority by hand, mail or electronic means together with the following documents:

If the applicant is an individual

- (a) a photocopy of the identity card of the applicant;
- (b) a copy of the constitution of the club;
- (c) a photocopy of the Business Registration Certificate of the club, if applicable;

Or, if the applicant is a company

- (a) a photocopy of the Business Registration Certificate of the company;
- (b) a certified true copy of the Memorandum and Articles of Association of the company, and the resolution of the Board of Directors approving the constitution of the club;
- (c) a copy of the constitution of the club;
- (d) a certified true copy of the resolution by the Board of Directors showing the details of the authorized person and the authority given to this person to exercise personal supervision of the operation, keeping, management and control of the club and club-house; and the notice of acceptance of those responsibilities by the authorized person;

plus

- (e) declared statements by the applicant to substantiate that the club is to be operated as a club under the Clubs (Safety of Premises) Ordinance (Cap. 376) confirming:

- (i) the business and activities stated in the application form are in congruence with the constitution of the club, and
 - (ii) the criteria and procedures for recruitment of members tally with the objectives of the club as provided in the constitution;
- (f) 3 copies of the layout plans of the proposed premises, drawn in metric units and to scale of not less than 1:100 with the area intended for Certificate of Compliance clearly delineated. The layout plans should show:
- (i) the intended use of all designated areas and rooms with the necessary dimensions and annotations;
 - (ii) all existing and or proposed building works in the premises;
 - (iii) the types, standards and specifications of all materials used and/or intended to be used in the premises;
 - (iv) all the existing and proposed sanitary fitments and drainage works;
 - (v) the location of all windows, ventilation ducting and means of mechanical ventilation (if any); and
 - (vi) the extent and details of raised floors, partitions and other alterations.

To enable prospective applicants to prepare submission of documents, samples of a dummy completed application form and one set of registered layout plans of a club-house are shown in the Office of the Licensing Authority's website – <http://www.hadla.gov.hk>.

7. Accommodating capacity of club premises

The number of persons to be allowed in a club-house (the accommodating capacity) depends on a number of considerations such as the type and total usable floor area of the premises. In this

connection, the Licensing Authority would, upon written request, provide prospective applicants in 10 working days the estimated accommodating capacity of the premises proposed to be used as a club-house.

The maximum capacity of a club-house will be specified in the Conditions of the Certificate of Compliance of the respective premises.

8. Application process

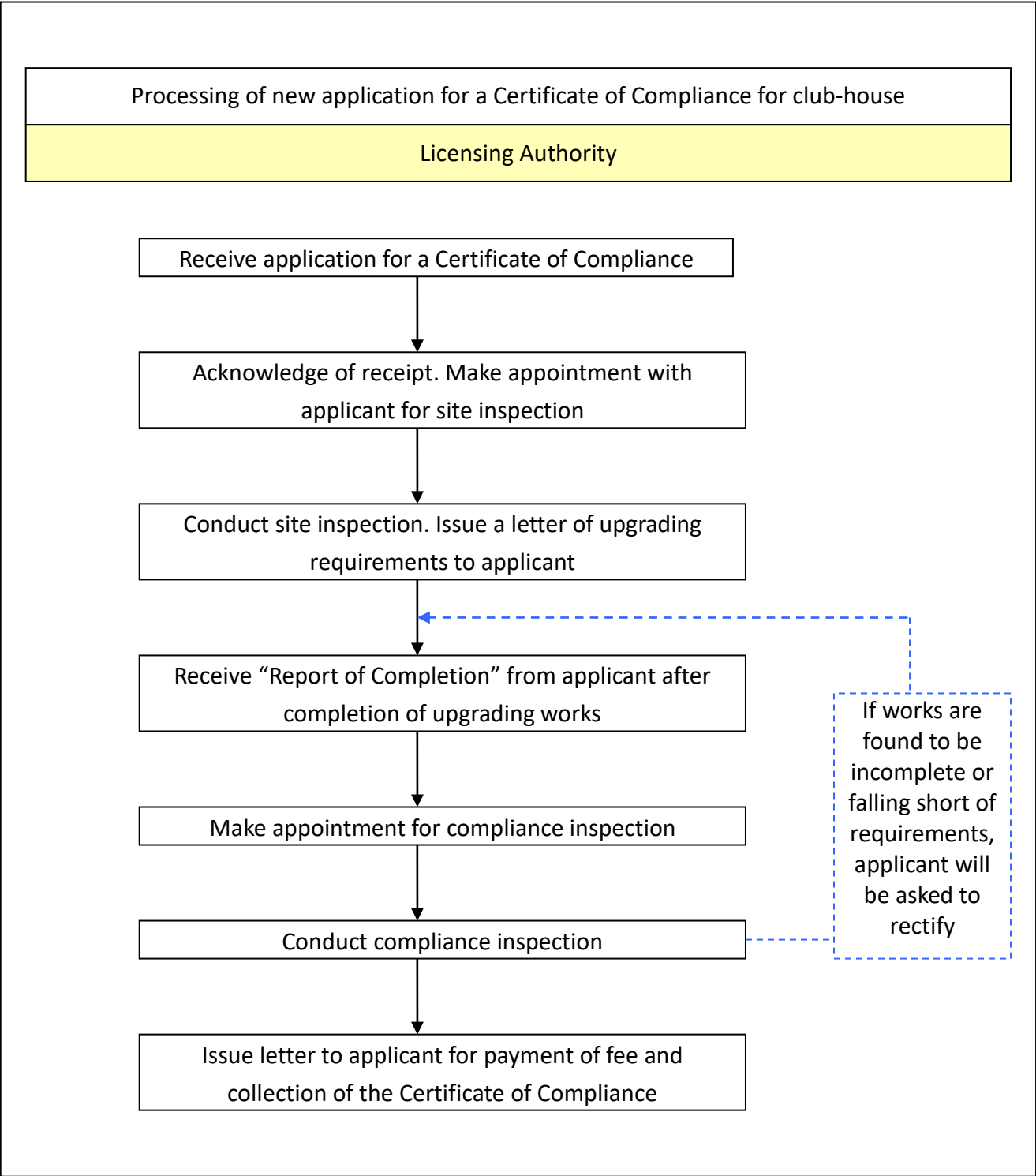
Upon receipt of an application for Certificate of Compliance, the Licensing Authority will give a written acknowledgement within 4 working days. After ascertaining that all documents required for processing the application (see Section 6 above) are available, staff of the Licensing Authority will arrange with the applicant for a preliminary site inspection (see Section 9 below).

On the basis of the findings of the preliminary site inspection, the Licensing Authority will notify the applicant in writing in 22 working days the upgrading works required to be carried out in the premises for compliance with the requirements and standards stipulated for the Certificate. The applicant is expected to complete all the required upgrading works within 6 months.

The applicant should report to the Licensing Authority completion of the required upgrading works by means of the prescribed form provided. Upon receipt of the report, staff of the Licensing Authority would arrange with the applicant to conduct a compliance inspection (see Section 10 below) to the premises. If there are incomplete, unsatisfactory and/or outstanding works found during the compliance inspection, the applicant will be asked to rectify them accordingly.

Prospective applicants are advised to read another booklet published by the Office of the Licensing Authority with the title of “A Guide to Compliance Requirements for the Certificate of Compliance for Club-houses” which outlines the general safety and compliance requirements applicable to most club premises.

Below is a flow chart depicting the application and vetting process:



9. Preliminary site inspection

After receipt of an application and all the required supporting documents, staff of the Licensing Authority would contact the applicant to arrange for a mutually convenient date to conduct a preliminary site inspection of the proposed premises.

The preliminary site inspection is to ascertain whether or not the premises do comply with the building safety, fire safety, health and sanitation requirements set out for the Certificate of Compliance. The items to be checked include:

On building safety, health and sanitation provisions

- (a) details of the building (type, width of staircases, means of escape, whether or not the submitted layout plans are approved ones);
- (b) internal layout (compartments, exit routes, travel distance, width and height of internal exit routes);
- (c) separation details (perimeter walls, floor slab, enclosure for high risk areas, pipe ducts, fire damper to air ducts, holes/gaps/service pipes, insulation around chiller pipes);
- (d) capacity (layout configuration, calculations, usable floor area of the premises, acceptability of the discharge routes);
- (e) sanitary fitments (total number of users, provision of water-closets and wash-hand basins) and plumbing (pipes material and diameter);
- (f) unauthorized building works;
- (g) structural stability;
- (h) lighting and ventilation (in toilets, kitchen, offices, rooms and artificial lighting); and

- (i) facilities in the premises (food counter, kitchen, pantry, fuel use, sleeping accommodation, facilities for disabled persons, fireman lifts)

On fire safety

- (a) type of building where the premises are situated, existing fire service installations (fire extinguisher, fire hydrant, hose reel, dry riser, sprinkler, fire detection systems, fire alarm systems), and number of staircases;
- (b) the premises (type of activities of the club, floor area, combustibles per m², percentage of area to form cubicles by combustible partitions, percentage of windows sealed up, assessment of fire potential, provision of kitchen, fuel used, provision of fire service installations, number of exits, sleeping accommodation); and
- (c) other occupancies of the building.

After the site inspection, the applicant will be notified within 22 working days in writing of the upgrading works required for the premises to comply with the safety, health and sanitation requirements for the proposed club-house. The applicant is expected to complete the upgrading works in not more than 6 months.

10. Report of completion and compliance inspection

Upon completion of the required upgrading works, the applicant should use the Report of Completion form to report it to the Licensing Authority. Staff of the Licensing Authority would make an appointment with the applicant for a compliance inspection to the premises.

If there are any inadequacies, incompleteness and/or unsatisfactory items found during the compliance inspection, the applicant will be notified of them in writing for rectification. The applicant will be

required to submit another Report of Compliance Form to report completion of the outstanding and rectification works.

11. Payment of fees and issue of Certificate of Compliance

Upon confirmation of the completion of the compliance requirements of the premises, the applicant will be notified of the results in writing, and the Certificate of Compliance will be issued upon receipt of payment of the prescribed fee.

Applicants and holders of Certificate of Compliance are reminded to keep in a secure place all types of plans, correspondence and documents in connection with the application and issue of the certificate for handy reference. Copies of layout plans and ventilation plans of the certificated premises may be made for certificate holders and applicants concerned upon written request and payment of charges.

After the issue of the Certificate of Compliance, certificate holders must seek the prior approval of the Licensing Authority whenever they want to carry out alteration and/or addition works in the certificated premises.

12. Validity period of a Certificate of Compliance

The validity period of a Certificate of Compliance is normally one year. The Certificate is renewable on an annual basis.

13. Fees

The fee payable is determined by reference to the gross floor area of the club-house, which is tabulated as follows –

| Gross Floor Area | Annual Fee* |
|--|--------------------|
| Not exceeding 100m ² | \$4,025 |
| Over 100m ² , but not exceeding 150m ² | \$4,805 |
| Over 150m ² , but not exceeding 200m ² | \$6,730 |
| Over 200m ² , but not exceeding 250m ² | \$8,535 |
| Over 250m ² , but not exceeding 300m ² | \$10,600 |
| Over 300m ² , but not exceeding 350m ² | \$12,400 |
| Over 350m ² , but not exceeding 400m ² | \$14,300 |
| Over 400m ² , but not exceeding 1,000m ² | \$25,300 |
| Over 1,000m ² | \$53,500 |

* The fee scale shown in this table is correct at the time of publication (September 2007). As the fee scale is subject to periodical review, please visit the Licensing Authority's website for the updated fee scale.

14. Refusal of application

The Licensing Authority may refuse an application on one or more of the following grounds:

- (a) the premises are not fit to be used for the purposes of a club-house for reasons connected with (i) the situation, means of ingress or egress, design, construction, size, equipment, or type of building; or (ii) the protection of life and property under the Fire Services Ordinance (Cap. 95);
- (b) the premises do not comply with any requirement relating to design, structure, fire precautions, health, sanitation and safety set out in the Buildings Ordinance (Cap. 123); or
- (c) the operation, keeping, management and other control of the club-house would not be under the continuous and personal supervision of the person to whom the Certificate of Compliance would be issued.

15. Renewal of a Certificate of Compliance

The Certificate of Compliance is subject to annual review and renewal. The holder of a Certificate of Compliance should, ***not less than 3 months prior to expiration of the certificate***, apply for the certificate to be renewed for a period of time being not more than 12 months. The certificate holder should use the Renewal Form (HAD 154) for renewal.

The certificate holder should ensure that all conditions stipulated in the certificate are fully complied with. Staff of the Licensing Authority will inspect the premises to ensure that the basic fire and building safety requirements are complied with and maintained.

When all the requirements under the Clubs (Safety of Premises) Ordinance (Cap. 376) are complied with, the certificate will be renewed upon payment of the prescribed fee.

For the Certificate of Compliance to be renewed under the Ordinance, the applicant shall ensure that no act or activity on the premises with Certificate of Compliance may constitute or is likely to cause the occurrence of an offence endangering national security under the National Security Law or other laws of the Hong Kong Special Administrative Region.

It should be noted that any Certificate of Compliance in respect of which an application for renewal is made under section 9 of the Clubs (Safety of Premises) Ordinance (Cap. 376) i.e. not less than 3 months before the expiration of the Certificate, and which expires prior to the determination of such application will, unless such application is withdrawn, or the certificate is cancelled or suspended under section 10 of the Clubs (Safety of Premises) Ordinance (Cap. 376), remain in effect until the determination by the Licensing Authority of such application.

16. Transfer of a Certificate of Compliance

During the validity period of a Certificate of Compliance, the holder may apply to the Licensing Authority for transfer of the Certificate to another person. The holder and the proposed transferee have to jointly complete a Transfer Application Form (HAD 149) and submit it to the Licensing Authority. They should carefully read and follow the notes contained in the Transfer Application Form.

The proposed transferee is equivalent to an applicant in an application for the Certificate of Compliance. The transferee is required to submit documents and information to substantiate that the club is to be operated as a club under the Clubs (Safety of Premises) Ordinance (Cap. 376) and to specify the opening hours of the club-house for its members.

For the Certificate of Compliance to be transferred under the Ordinance, the transferee shall ensure that no act or activity on the premises with Certificate of Compliance may constitute or is likely to cause the occurrence of an offence endangering national security under the National Security Law or other laws of the Hong Kong Special Administrative Region.

When an application for transfer is approved, the Licensing Authority may impose conditions in addition to or in place of any condition previously imposed. The new holder of the Certificate (the transferee) is required to comply with all the requirements under the Clubs (Safety of Premises) Ordinance (Cap. 376) and the conditions imposed on the Certificate.

The original validity period of the Certificate will remain unchanged.

If the Licensing Authority refuses the transfer of a Certificate, the current holder will be advised in writing of the reasons for the refusal.

17. Appeal

Any person aggrieved by a decision of the Licensing Authority with regard to an application, renewal, transfer, cancellation or suspension of a Certificate of Compliance may lodge an appeal with the Appeal Board under Section 13 of the Clubs (Safety of Premises) Ordinance (Cap. 376) **within 28 days** of receiving the notice of the decision.

The appellant should specify the grounds of the appeal, the particulars of evidence etc in the Notice of Appeal and copy it to the Licensing Authority. The Office of the Appeal Board, Home Affairs Bureau, is situated at 31st floor, Southorn Centre, 130 Hennessy Road, Wan Chai. The enquiry telephone number is 2835 1046.

The Notice of Appeal under Section 13 of the Clubs (Safety of Premises) Ordinance (Cap. 376) (Form 1) can be downloaded from the website www.legislation.gov.hk "Legislation Database Cap. 376".

It should be noted that the hearing will normally be conducted in public and the Appeal Board may decide on the costs to be paid by the appellant.

18. Terms and conditions that holder of the Certificate of Compliance should be complied with

For the Certificate of Compliance to be issued under the Ordinance, the applicant shall ensure that no act or activity on the premises with Certificate of Compliance may constitute or is likely to cause the occurrence of an offence endangering national security under the National Security Law or other laws of the Hong Kong Special Administrative Region.

19. Enquiries

Enquiries should be made to:

Office of the Licensing Authority, Home Affairs Department

Address : 10th Floor, Cityplaza 3, 14 Taikoo Wan Road,
Taikoo Shing, Hong Kong

Enquiry Hotline : 2881 7034

Fax number : 2894 8343

e-mail address : hadlaenq@had.gov.hk

Website : www.hadla.gov.hk

Other useful information:

Buildings Department

(for building plans, unauthorized building works, and lists of authorized building professionals and registered contractors)

Address : 12th floor, Pioneer Centre,
750 Nathan Road, Mong Kok, Kowloon

Telephone number : 2626 1616

Fax number : 2840 0451

Fire Services Department

(for registered fire service installations contractors, registered suppliers of fire equipment, and enquiries about the ventilation system)

Licensing & Certification Command

Address : 5th floor, South Wing,
Fire Services Headquarters Building,
1 Hong Chong Road, Tsim Sha Tsui East,
Kowloon

Telephone number : 2733 7619

Fax number : 2367 3631

Ventilation Division

Address : 5th floor, South Wing
Fire Services Headquarters Building,

1 Hong Chong Road, Tsim Sha Tsui East,
Kowloon

Telephone number : 2718 7567

Fax number : 2382 2495

Electrical & Mechanical Services Department

(for electrical and gas installations)

Address : 3 Kai Shing Street, Kowloon

Telephone number : 1823

Fax number : 2890 7493

The Land Registry

(for government lease and Deed of Mutual Covenant of a building)

Address : 19th floor, Queensway Government Offices,
66 Queensway, Hong Kong.

Telephone number : 3105 0000

Fax number : 2523 0065

Appeal Board

Address : 31st floor, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong

Telephone number : 2835 1046

Fax number : 2591 6002

IMPORTANT NOTE

- (1) Information contained in this Guide is for reference only. Application for issue, renewal, and transfer of the Certificate of Compliance is to be processed in accordance with the Clubs (Safety of Premises) Ordinance (Cap. 376) and its subsidiary regulations.
- (2) It is an offence under the Clubs (Safety of Premises) Ordinance if any person, who on any occasion operates, keeps, manages or otherwise has control of a club-house without a Certificate of Compliance or Certificate of Exemption in respect of the premises. The person convicted of the offence is liable to a fine of \$200,000 and to imprisonment for 2 years, and to a fine of \$20,000 for each day during which the offence continues.
- (3) The issue of the Certificate of Compliance does not act as a waiver of any terms in any lease or license granted by the Government of the Hong Kong Special Administrative Region or any public officer, nor does it in any way affect or modify any agreement, covenant or Deed of Mutual Covenant relating to any premises or building in which the club-house is situated.
- (4) The issue of the Certificate of Compliance does not in any way exempt the holder of the Certificate from the consequence of non-compliance with the provisions of any other enactments, or indemnify him against the consequences of any breach of any other regulations or laws of Hong Kong (including The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region).
- (5) For the Certificate of Compliance to be issued under the Ordinance, the applicant shall ensure that no act or activity on the premises with Certificate of Compliance may constitute or is likely to cause the occurrence of an offence endangering national security under the National Security Law or other laws of the Hong Kong Special Administrative Region.