



Licence Under
the Bedspace
Apartments
Ordinance,
Cap. 447

how to apply



HOW TO APPLY FOR A LICENCE UNDER THE THE BEDSPACE APARTMENTS ORDINANCE, CAP. 447

The Legislation

The Bedspace Apartments Ordinance has been enacted to provide for a licensing scheme to ensure that the premises comply with the licensing requirements in respect of building and fire safety, health and sanitation.

Under the Bedspace Apartments Ordinance:

“**bedspace**” means any floor space, bed, bunk or sleeping facility of any other type, or any part thereof, used or intended to be used as sleeping accommodation for one person;

“**bedspace apartment**” means

- (a) any flat; or
- (b) where the partitioning wall or walls between 2 or more adjoining flats in a building has or have been demolished, such 2 or more adjoining flats,

in which there are 12 or more bedspaces used or intended to be used as sleeping accommodation under rental agreements, and for the purpose of determining whether any flat constitutes a bedspace apartment, the existence of partitions in the flat shall be disregarded.

Application for a Licence

Any person who operates, keeps, manages or otherwise controls a bedspace apartment should obtain a licence from the Bedspace Apartment Authority. Prior to the issue of a licence, the premises need to comply with the current fire and building safety requirements together with those for health and sanitation.

Renewal of a Licence

The licence is subject to annual renewal. The holder of a licence should apply for renewal not less than 3 months prior to expiry of the licence.

Transfer of a Licence

Any person who wishes to transfer his licence to another person should make an application to that effect. If the licence is lost, the licence holder should report the loss to the Police and apply to the Office of the Licensing Authority for a certified true copy of the licence before applying for transfer.

Upon transfer of the Licence, the transferee has to take up the obligation of complying with the conditions imposed on the previous licence holder (i.e. the transferor).

Penalties

Under the Bedspace Apartments Ordinance, any person who operates, keeps, manages or otherwise controls a bedspace apartment: –

- (i) without a licence, will be liable on conviction to a fine of \$100,000 and to imprisonment for 2 years, and to a further fine of \$20,000 for each day during which the offence continues ; or
- (ii) in contravention of any of the conditions specified in the Licence, will be liable on conviction to a fine of \$50,000 and to imprisonment for 1 year, and to a further fine of \$10,000 for each day during which the offence continues.

Fees

The fee for a Licence will depend upon the number of bedspaces of the bedspace apartment. A fee will be charged for any alteration, transfer, endorsement or addition to a Licence. Information on the current fee scales can be obtained from the Office of the Licensing Authority.

How To Apply

Forms for the application, renewal and transfer of a Licence can be obtained free of charge from the Licensing Authority of the Home Affairs Department. They can also be downloaded from the Home Affairs Department Homepage – www.had.gov.hk

The application form, completed in duplicate, should be returned to the Office of the Licensing Authority. Details concerning the submission of the application form and guidelines for completion of the form are given in the footnotes of the form.

Application in electronic form

Pursuant to the enactment of the Electronic Transactions Ordinance, applications for a licence / renewal of a licence / transfer of a licence in electronic form are now accepted by the Office of the Licensing Authority. For details, please visit the Home Affairs Department Homepage – www.had.gov.hk

Other Liability

The issue of the bedspace apartment Licence does not act as a waiver of any terms in any lease or licence 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 bedspace apartment is situated.

The issue of the bedspace apartment Licence does not in any way exempt or indemnify the holder of the Licence 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

Enquiry

Enquiries may be made to the Office of the Licensing Authority of the Home Affairs Department at 2881 7034, or at the address below :

10/F, 14 Taikoo Wan Road,
Taikoo Shing,
Hong Kong