A Guide to Licence Application

under the Hotel and Guesthouse Accommodation Ordinance (Chapter 349)

Office of the Licensing Authority
Home Affairs Department

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1.Introduction

This guide explains how to apply for a licence under the Hotel and Guesthouse Accommodation Ordinance (HAGAO), Chapter 349 of the Laws of the Hong Kong Special Administrative Region, taking into account the operation of the Hotel and Guesthouse Accommodation (Amendment) Ordinance 2020 on 1 December 2020.

- For the purposes of the HAGAO, premises are a "hotel" or "guesthouse" if the premises are held out as providing sleeping accommodation to any persons presenting themselves who are willing to pay a fee for the sleeping accommodation. In this context: -

    (a) "any persons" includes any person or persons of a particular category, class, group or description; and

    (b) "presenting" includes presenting in person or through an agent or a representative, whether physically or through any other means, and whether with or without prior booking or notice.

- Under the HAGAO, any person who intends to operate, keep, manage or otherwise has control of a hotel or guesthouse should apply for and hold a valid licence before commencing operation.

- The authority for the issue/renewal of a licence and the enforcement work under the HAGAO is the Hotel and Guesthouse Accommodation Authority (Licensing Authority). Applications can be submitted to the Office of the Licensing Authority (OLA), Home Affairs Department.

- For the licence to be issued under the HAGAO, the applicant shall ensure that no act or activity on the licensed premises 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.

■ Transitional arrangements

The amended HAGAO provides for a transitional period of 12 months, i.e. from 1 December 2020 up to 30 November 2021 for existing licensees to make preparation for migration to the new regime.

(i) For an application for new licence under processing and has not yet determined by 1 December 2020, the Licensing Authority may issue a licence for a duration not exceeding 12 months under the old licensing regime.

(ii) For an application for renewal of a licence which expires between 1 December 2020 and 30 November 2021, the Licensing Authority may renew the licence under the old licensing regime for a duration not exceeding 12 months.

(iii) If a licence's expiry date is beyond 30 November 2021, the renewal application shall be processed in accordance with the new licensing regime.

2.Criteria for each type of licence

The Licensing Authority is empowered to issue two categories of licences (i.e. hotel licence and guesthouse licence) and three sub-categorises of guesthouse licences (i.e. guesthouse (general), guesthouse (holiday camp) and guesthouse (holiday flat) licences).

- **Hotel licence for premises approved or accepted by the Building Authority for hotel use.** Unless otherwise accepted by the Building Authority, the following supporting facilities for hotel operation as promulgated in the prevailing Practice Note for Authorized Persons and Registered Structural Engineers on "Hotel Development" by the Building Authority should be provided: -

  (i) A place for picking up and setting down patrons departing or arriving by vehicles;

  (ii) Adequate parking, loading and unloading facilities;

  (iii) Basic facilities for the operation of the hotel and facilities ncillary to the functions of the hotel;

  (iv) Central air-conditioning system and centralized hot water supply system; and

  (v) Adequate number of accessible guestrooms in accordance with the prevailing Design Manual: Barrier Free Access as promulgated by the Building Authority.

- **Guesthouse (general) licence for premises in a domestic building or domestic part of a composite building.** If the premises are approved for non-domestic use, the licence application must be accompanied by a written acceptance from the Building Authority for changing it to domestic use.

- **Guesthouse (holiday camp) licence for premises in a domestic building or domestic part of a composite building within a camping site.**

- **Guesthouse (holiday flat) licence for village type houses in the New Territories.** The proposed guesthouse use was accepted by the relevant District Lands Office (DLO) of the Lands Department.

Hotel licence and guesthouse licence

There is a naming restriction to prohibit guesthouses from using the word "hotel/酒店" in their business names. A licence condition will be imposed on a guesthouse licence to serve the purpose.

Licence period

Hotel and guesthouse licences are normally valid for maximum 36 months. However, for purpose-built hotel/guesthouse approved by the Building Authority, the licence may have a validity period more than 36 months (up to 84 months) on condition that the licensees are required to submit an annual "Authorized Person's Certificate" in respect of the premises to ensure building and fire safety.

The hotel/ guesthouse premises apply for a licence with validity period exceeding 36 months should be purposely built in that they were designed and constructed as a hotel/ guesthouse, the use of which has also been approved by the Building Authority, either as shown in the Occupation Permit or as indicated in the alterations and additions plans approved by the Building Authority. The completion certificate for such alterations and additions works should have been acknowledged by the Building Authority.

For the "Authorized Person's Certificate" [1], it is required to submit to the Licensing Authority by the licensee annually to certify that since the date upon which the licence was issued or, since the immediate previous anniversary of the licence, the hotel or the guesthouse:

i) Has not undergone any substantial alteration by reference to the latest plan deposited with and agreed to by the Authority.
ii) Has been operated, kept, managed, or otherwise controlled by you in a manner which does not contravene any of the conditions imposed under the Ordinance.
iii) Has been maintained in a proper condition with regard to building and fire safety.

[1] Standard form and corresponding explanatory notes are available on OLA's website at https://www.had.gov.hk/file_manager/en/documents/public_forms/4d02-2.pdf.

For a hotel or guesthouse licence with validity period exceeding 12 months, the applicant or proposed transferee should have been managing a hotel or guesthouse with a licence under HAGAO for 12 months preceding the date of the application.

3.Licence requirements

Upon the implementation of the Hotel and Guesthouse Accommodation (Amendment) Ordinance 2020 on 1 December 2020, the following four licence requirements will be considered when processing applications for new licence and licence renewal: -

(i) no-use restriction requirement;
(ii) suitability requirement;
(iii) fit and proper requirement; and
(iv) operation requirement (for licence renewal only)

No-use restriction requirement

The premises under application should be free from a use restriction under the deed of mutual covenant (DMC)[2] or Government lease if there is no DMC. Restrictive provision in such land documents means an express provision to the effect that the premises is: -

(i) prohibited from being used as a hotel or guesthouse;
(ii) prohibited from being used for commercial purposes; or
(iii) permitted to be used only for private residential purposes.

- Copy of DMC or Government lease can be obtained from the Land Registry at a fee. Applicants are reminded to check in advance whether the premises would be in contravention of the above land documents before signing any tenancy or sale and purchase agreement. Advice from legal professionals should be sought where necessary.

- Any application for new licence or licence renewal must be accompanied by a written legal advice given by a legal practitioner[3] on whether there is a restrictive provision in such land documents, otherwise the application **must be refused**. For details, please

[2] DMC is a private covenant among the owners, the property manager and the developer of a building. Engaged parties are empowered to act under the power conferred by the DMC to enforce the DMC provisions in relation to the control, management and administration of the building.

[3] Legal practitioner means a barrister or solicitor as defined by section 2(1) of the Legal Practitioners Ordinance (Cap. 159).

refer to the Guidelines on no-use restriction requirement which are available on OLA's website at https://www.hadla.gov.hk/en/licensing_matters/related/index.php.

Suitability requirement

The design and construction of the premises, together with any proposed alteration and refurbishment works, should generally comply with the prevailing standards as set out in the Buildings Ordinance (Cap. 123) and the Fire Services Ordinance (Cap. 95).

- The premises shall satisfy the following building safety, health and sanitation standards under the Buildings Ordinance: -

  (i) the means of access for firefighting, the means of escape in case of fire and the fire resisting construction should be provided in accordance with the Codes of Practice for Fire Safety in Buildings 2011 issued by the Buildings Department;

  (ii) the Minor Works shall be carried out in compliance with the statutory requirements under the Building (Minor Works) Regulation (Cap. 123N);

  (iii) adequate lighting and ventilation in accordance with the Building (Planning) Regulations (Cap. 123F);

  (iv) sufficient sanitary fitments and drainage system;

  (v) proper water supply system; and

  (vi) if the premises are situated in village type houses in the New Territories, it should be issued with a Certificate of Compliance or a letter of No Objection to Occupy by the DLO of the Lands Department and the proposed use should be accepted by the relevant DLO.

  Note:
  From building safety point of view, the Licensing Authority will NOT issue a licence if the premises is situated in a basement, an unauthorized structure, areas designed for emergency/circulation use, a building containing incompatible use[4] or upper floors of a building where clear width of the staircase is less than 1,050 mm.

[4] Incompatible uses include motor repair shop, vulcanizing shop, automobile or carriage painting, paint shop where paint or varnish is manufactured or mixed, areas for manufacturing/storage of any dangerous goods within the meaning of the Dangerous Goods Ordinance (Cap. 295).

- The premises shall satisfy the following fire safety requirements: -

  (i) the fire service installations and equipment shall be provided in accordance with the Codes of Practice for minimum fire service installations and equipment and inspection, testing and maintenance of installations and equipment issued by the Fire Services Department;

  (ii) the ventilating system shall be provided in compliance with the statutory requirements under the Building (Ventilating Systems) Regulations (Cap.123J);

  (iii) all fixed electrical installation work shall be carried out in compliance with the Electricity (Wiring) Regulations (Cap. 406E) and the relevant codes of practice; and

  (iv) the use, installation and set up of all gas works shall be carried out in compliance with the statutory requirements under the Gas Safety Ordinance (Cap. 51).

- The operation, keeping, management or other control of the premises as a hotel or guesthouse would be under the continuous and personal supervision of the applicant or licence holder (as the case requires).

- OLA has prepared a set of "Standard Licensing Requirements" for hotel or guesthouse licence. Details of such requirements are available on OLA's website at https://www.hadla.gov.hk/en/licensing_matters/related/index.php.

Fit and proper requirement

An applicant, or any related person[5] in case of a body of persons, must be a fit and proper person to operate, keep, manage or otherwise have control of a hotel or guesthouse. The Licensing Authority will not issue a licence to a person if –

[5] Related person, in relation to a body of persons, means – (a) for a body corporate – (i) a director of the body corporate; (ii) a company secretary of the body corporate; or (iii) a person concerned in the management of the body corporate; (b) for a partnership – (i) a partner in the partnership; (ii) a person concerned in the management of the partnership; or (iii) an office holder in the partnership; or (c) for an unincorporated body other than a partnership – (i) a person concerned in the management of the body; or (ii) an office holder in the body.

(i) the person has been convicted of an offence under HAGAO less than 5 years prior to the date of application;

(ii) the person has been convicted of an offence[6], other than an offence under HAGAO, in Hong Kong or elsewhere and sentenced to imprisonment for a term exceeding 3 months and the offence was committed less than 5 years prior to the date of application;

(iii) the applicant or any related person is an undischarged bankrupt, is in liquidation or is the subject of a winding-up order; or

(iv) the person is otherwise not a fit and proper person.

For details, please refer to the Guidelines on fit and proper requirement which are available on OLA's website at https://www.hadla.gov.hk/en/licensing_matters/related/index.php.

Operation requirement

The operation requirement will be considered upon application for licence renewal. The application may be refused if –

(i) a provision under HAGAO is being contravened;

(ii) a requirement, order or direction made or given under HAGAO has not been complied with;

(iii) a licence condition has not been complied with;

(iv) the premises have ceased to be a hotel or guesthouse, or the licence holder has ceased to operate, keep, manage or otherwise have control of the premises as a hotel or guesthouse; or

(v) an Authorized Person's[7] certificate has not been submitted within the period required, or the submitted certificate is incomplete, incorrect or false in a material particular.

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[6] Any breach of the 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).

[7] Authorized person means an architect, engineer or surveyor whose name is on the authorized persons register kept by the Buildings Department.

4.Local consultation

The local consultation process is a statutory requirement but it does not apply if the premises concerned are permitted for use as a hotel or guesthouse under the Town Planning Ordinance (Cap. 131).

If local consultation is required for a new or renewal application, the Licensing Authority will appoint a panel of persons (advisory panel) to: -

- collect the views of affected persons[8] in respect of an application for new licence or licence renewal;

- invite the applicant to provide a response to those views; and

- give advice to the Licensing Authority on the application, including whether to approve or refuse the application, and whether to impose any conditions on the licence. The advice is not binding on the Licensing Authority.

For details, please refer to the Guidelines on local consultation and advisory panel which are available on OLA's website at https://www.hadla.gov.hk/en/licensing_matters/related/index.php.

[8] Affected person, in relation to a licence application for any premises, means –
(a) if the premises form part but not the whole of a building – (i) an owner or occupier of any other part of the building; and (ii) if the Authority considers appropriate – an owner or occupier of any other premises situated in the surrounding area specified by the Authority for the application; or
(b) if the premises form the whole of a building – an owner or occupier of any other premises situated in the surrounding area specified by the Authority for the application.

5.Administrative measures

To enhance the safety and management of premises being licensed as a hotel or a guesthouse under HAGAO, the following administrative measures as promulgated in the "Guideline on New Licensing Requirements under HAGAO" on 11 December 2015 will continue: -

- For any licensed hotel or guesthouse, a third party risks insurance (public liability insurance) policy with a minimum limit of indemnity of HK$10 million per event and cover for unlimited events for any one period of insurance is required to be taken out by the applicant in respect of the use of the licensed premises by any person. For details, please see Guideline on Procurement of Third Party Risks Insurance at Appendix I.

- For any licensed guesthouse **(general category only)**, a 24-hour manned counter is required to be installed unless alternative measures are provided to the satisfaction of the Licensing Authority. For details, please see Guideline on Provision of 24-hour Manned Counter at Appendix II.

6. Licence application procedure

Applicants for a licence under HAGAO shall provide all necessary documents and information as per the checklist at Appendix III.

Appointment of authorized persons and registered contractors

Before submission of the Application Form (Form HAD 133), applicants are strongly recommended to appoint an Authorized Person to advise on: -

(i) the suitability of the premises which is of paramount importance;

(ii) the required upgrading works and relevant submission procedures, i.e. some works will require submissions to the Buildings Department for formal approval and consent before commencement whilst some may be carried out following the simplified submission procedures under the Minor Works Control System;

(iii) preparation of plans for the aforesaid submissions and licence application; and

(iv) the appointment of appropriate contractors, if necessary.

Appropriate contractors should be appointed to carry out the relevant category of upgrading works, i.e.

(i) Building and drainage works – a general building contractor and relevant minor works contractors registered with the Buildings Department;

(ii) Ventilation works - a specialist contractor (ventilation works) registered with the Buildings Department;

(iii) Fire service installations and equipment - a fire service installation (FSI) contractor registered with the Fire Services Department;

(iv) Electrical installation works - an electrical contractor/worker registered with the Electrical and Mechanical Services Department; and

(v) Gas works - a gas contractor registered with the Electrical and Mechanical Services Department.

Note: The lists of APs and relevant registered contractors are available for inspection free of charge in the offices and websites of the Buildings Department, the Fire Services Department and the Electrical and Mechanical Services Department.

Major steps

Key steps	Details
Submission of application	The applicant shall complete an application form (Form HAD 133) and attach three additional copies to the Licensing Authority together with the essential documents as referred in the application form, in particular the written legal advice by a legal practitioner on use restriction of the premises. The applicant and all related persons shall complete individual authorization forms to authorize the Hong Kong Police Force [9] and the Official Receiver's Office to release relevant information to the Licensing Authority.
Inspection and issuance of "Letter of Requirements"	The Licensing Authority will contact the applicant for conducting an inspection of the premises. The Licensing Authority will issue a "Letter of Requirements" listing out all the required upgrading works and enclose a "Report of Completion" form.
Local Consultation	The applicant will be informed of the views of affected persons and his/her responses will be invited for consideration by the advisory panel. The Licensing Authority will consider the recommendations from the advisory panel and inform the applicant of any additional licensing requirements and/or licence conditions to be imposed.

[9] The Hong Kong Police Force may take the applicant and related persons' fingerprint impressions for the verification purpose.

Key steps	Details
Completion of upgrading works	The applicant should complete all the upgrading works by the date specified in the "Letter of Requirements". Application of extension of time will be considered on the merits of each case. If the applicant fails to complete the upgrading works within a reasonable period of time, the Licensing Authority may consider refusing the application. Upon completion of all the works, the applicant shall complete the "Report of Completion" form and return it to the Licensing Authority together with all required supporting documents as referred in the form.
Compliance inspection	Upon receipt of the Report of Completion, the Licensing Authority will contact the applicant for a compliance inspection of the premises.
Submission of as-built drawings and issue of licence	When all the works and documentation are found in order, the applicant will be requested to submit appropriate sets of as-built building, drainage and fire services installation drawings for endorsement by the Licensing Authority. One set of the endorsed plans will be returned to the applicant. The Licensing Authority will notify the applicant for provision of the required third party insurance proof, payment of the prescribed licence fee and collection of the licence. Upon collection of a licence, the business name shown on the business registration certificate and the third party risks insurance (public liability insurance) should be identical to the business name of the hotel/guesthouse under application.

7. Renewal of licence

There is a validity period for licences issued under HAGAO. An application for the renewal of a licence must be made within 3 to 6 months before the expiry of the licence. Otherwise, the Licensing Authority may refuse to renew the licence and the hotel or guesthouse operation will have to cease on the expiry date of the licence. Submission of an application for a new licence is then required.

Before submission of the Renewal Application Form (Form HAD 140A[10]), the licence holder should ensure compliance with all conditions stipulated in the licence and validity of relevant certificates related to fire services installations and equipment, ventilation system, fixed electrical installation, etc. The checklist before submission of a renewal application is at Appendix IV.

The Licensing Authority will inspect the premises to ensure compliance with building and fire safety requirements and licensing conditions, review the no-use restriction requirement, verify if the licensee is still a fit and proper person and conduct local consultation as necessary.

[10] The amended HAGAO provides for a transitional period of 12 months, i.e. from 1 December 2020 up to 30 November 2021 for existing licensees to make preparation for migration to the new regime. For an application for renewal of a licence which expires between 1 December 2020 and 30 November 2021, the Licensing Authority may renew the licence under the old licensing regime for a duration not exceeding 12 months. Please refer to Part 5 of "A Layman's Guide to Licence Application" which is available for viewing on OLA's website at https://www.hadla.gov.hk/filemanager/en/docs/layman.pdf.

8. Transfer of licence

If a person holding a licence intends to transfer the business operation to another person/company, they have to jointly submit an application form (Form HAD 141) and the licensee should show a cause of the transfer to the satisfaction of the Licensing Authority.

Under the HAGAO, the Licensing Authority has a discretionary power to determine whether or not to permit a transfer application. A transfer application may be refused if -

(i) The licence is about to expire;

(ii) The licence is not valid;

(iii) Licensing conditions stipulated in the licence have not been fully complied;

(iv) The Licensing Authority does not satisfy with the cause of the transfer;

(v) The transferee does not satisfy the fit and proper requirement under the HAGAO;

(vi) It appears to the Licensing Authority that the operation, keeping, management or other control of the premises as a hotel or guesthouse would not be under the continuous and personal supervision of the transferee; or

(vii) The prescribed fee not duly paid.

9. Appeal

Any person who objects to a decision of the Licensing Authority with regard to an application, renewal, transfer, cancellation or suspension of a licence may lodge an appeal with the Appeal Board under HAGAO, using the appeal form - Notice of Appeal.

When lodging an appeal, the appellant should note that-

- An appeal must be lodged in the prescribed form (the notice of appeal) within 28 days after the date of notice stated in the notice of decision to which the appeal relates;
- The notice of appeal must -
  - set out the grounds of the appeal;
  - be accompanied by a document containing (i) the particulars of evidence to be adduced by the appellant at the appeal hearing; and (ii) the name of every witness whom the appellant intends to call at the appeal hearing; and
  - be accompanied by a copy of every document the appellant intends to produce at the appeal hearing.
- A date and time for hearing the appeal will be fixed by the Convenor;
- The hearing will normally be conducted in public; and
- The appeal board may decide on costs involved in the appeal to be paid by either party.

10. Enquiries

Applications and enquiries should be made to -

Office of the Licensing Authority
Home Affairs Department
10th Floor, 14 Taikoo Wan Road,
Taikoo Shing,
Hong Kong
Enquiry telephone *(general issues)*: 2881 7034
Email address *(general issues)*: hadlaenq@had.gov.hk

Enquiry telephone *(licence requirements and local consultation)*: 3107 3021
Email address *(licence requirements and local consultation)*: hadlaapu@had.gov.hk

Fax number: 2894 8343

Other useful addresses

Buildings Department

- G/F, North Tower, West Kowloon Government Offices,
  11 Hoi Ting Road,
  Yau Ma Tei, Kowloon, Hong Kong.
  Tel: 2626 1616 Fax: 2840 0451

Fire Services Department

- Licensing & Certificate Command
  5th Floor, South Wing,
  Fire Services Headquarters Building,
  No 1, Hong Chong Road,
  Tsim Sha Tsui East, Kowloon.
  Tel: 2733 7619 Fax: 2367 3631

- Ventilation Division
  3th Floor,
  Fire Services Department Kwai Chung Office Building,
  No 86, Hing Shing Road,
  Kwai Chung, New Territories.
  Tel: 2718 7567 Fax: 2382 2495

Electrical & Mechanical Services Department

- Head Office
  3 Kai Shing Street,
  Kowloon.
  Tel: 1823 Fax: 2890 7493

- The Gas Authority
  3 Kai Shing Street,
  Kowloon.
  Tel: 1823 Fax: 2576 5945

- Electricity Legislation Division
  3 Kai Shing Street,
  Kowloon.
  Tel: 1823 Fax: 2895 4929

Land Registry

- 19th Floor, Queensway Government Offices,
  66 Queensway, Hong Kong.

  Tel: 3105 0000 Fax: 2523 0065

Guideline on Procurement of Third Party Risks Insurance

Procurement of a third party risks insurance policy for the use of the licensed premises by any person is regarded as an essential measure whereby the lodgers and the public can be better protected. If a licensee procures sufficient third party risks insurance for the use of the licensed premises by any person, the financial risk faced by the licensee in times of accidents will also be reduced. When taking out third party risks insurance, consideration should be paid to the coverage, terms and conditions of the policy.

The third party risks insurance policy required to be taken out by a licensee shall cover liabilities of the licensee for any death, injury and damage suffered by any third party arising from or in connection with the use of the licensed premises and/or anything provided therein. The maximum limit of indemnity of the policy shall be HK$10 million per event and cover for unlimited events for any one period of insurance in respect of the licensed premises. The indemnity of the policy is provided for paying claims in respect of death or bodily injury of the third parties and third party property damage due to the negligent acts of the licensee and/or its employees, contractors, agents, etc. during the course of its business.

The licensee shall maintain a valid third party risks insurance policy during the entire licensing period of the licence. The licensee shall keep a copy of the insurance proof in the licensed premises and produce it for inspection on demand. The insurance proof (e.g. the valid insurance policy, certificate of insurance, etc. issued by the insurance company) shall contain detailed information, including the insurance policy/reference number, name of the insurance company, the limit of indemnity and aggregate limit (minimum limit of indemnity of HK$10 million per event and cover for unlimited events for any one period of insurance in respect of the licensed premises), effective date and date of expiry of the insurance policy, name of the insured and address of the insured premises).

A licensee should ensure that the business name shown on the third party risks insurance policy is identical to the business name of the licensed hotel/guesthouse at all times.

Guideline on Provision of 24-hour Manned Counter

(applicable to licensed guesthouses (general) only)

Provision of a 24-hour manned counter inside the licensed guesthouse is essential as the patrons may require assistance from time to time. A counter required to be provided inside a licensed guesthouse shall be as follows :–

(a) The counter shall be located near the entrance of the guesthouse, as far as practicable, for easy identification by the patrons.
(b) The area of the counter shall not be less than $0.6m^2$ ($6.5\ ft^2$).
(c) The name(s) of the manning staff shall be displayed in a prominent position in the vicinity of the counter.

The following safety requirements shall also be observed :–

Building safety requirements: -

(a) The counter shall not reduce the effective width of any exit route.
(b) The counter shall be properly secured to the floor or wall as necessitated by the circumstances.

Fire safety requirements: -

(a) The counter shall be installed with one actuating point of the manual fire alarm system (optional for all existing licences issued before 28 December 2015).
(b) All fire service installation control panels shall be installed at the counter or near the main entrance inside the premises (optional for all existing licences issued before 28 December 2015).
(c) Other fire safety requirements such as Polyurethane foam filled mattress and upholstered furniture items, electrical installations, fire extinguisher, fire retardant treatment, etc. shall be applicable to the counter.

If there is insurmountable physical constraint in the premises in meeting the above requirements, the licensee/applicant may submit a proposal with detailed arrangements for any alternative measure in place of a 24-hour manned counter requirement. The alternative measures should comply with the following –

(a) some other means of 24-hour manned direct communication should be provided between the guesthouse operator and patrons (e.g. designated telephone number, email address, etc.) in tandem with the installation of closed-circuit television (CCTV) to monitor the situation in all the guesthouses concerned;

(b) the licensee/applicant should pledge that help will be provided at the guesthouse concerned around 20 minutes from the time of a patron's call; and

(c) the licensee/applicant should provide documentary proof that the means of 24-hour manned direct communication and the installation of CCTV are in a location under his/her management or control.

The Office of the Licensing Authority will consider proposals of alternative measures on a case by case basis, taking into account their merits and circumstances. Subject to compliance with the conditions set out above, proposals such as hotel-like front-desk management, sharing of counter among guesthouses of the same licensee or among different licensees, etc. may be accepted.

After installation of the counter, the licensee shall man the counter for 24 hours.

Checklist before submission of applications for new issue of licence

An applicant should submit the following essential documents to apply for new issue of a licence –

☐ the original and three copies of the completed application form (Form HAD 133).

☐ a photocopy of the Hong Kong Identity Card of the applicant (if the applicant is an individual) or business registration certificate (may be submitted before the licence is issued) of the applicant and the Hong Kong Identity Card / travel document of the related person (if the applicant is a body of persons).

☐ if applicant or the related person (the applicant is a body of persons) is not a permanent resident of Hong Kong, he/she should submit the completed "consent form" at Appendix II of the application form and a copy of his / her travel document.

☐ completed "personal data authorization form" at Appendix III of the application form and "consent form" at Appendix IV of the application form by the applicant or the related person (the applicant is a body of persons).

☐ written legal advice given by a legal practitioner confirming that the Deed of Mutual Covenant (DMC) or the Government Lease if there is no DMC of the premises under application do not contain any express provision which prohibits the premises concerned from being used (i) as a hotel or guesthouse; (ii) for commercial purposes; or (iii) other than for private residential purpose.

☐ evidence showing that the Building Authority has granted prior approval for the change of use of the premises from non-domestic to domestic use (if the proposed guesthouse/hotel is situated in premises approved by the Building Authority for non-domestic use).

- ☐ a Certificate of Compliance or a letter of No Objection to Occupy issued by the District Lands Office of the Lands Department (if the proposed guesthouse/hotel is a village type house in the New Territories).

- ☐ 3 sets of detailed layout plans in metric and to scale (normally not less than 1:100) with the boundary of the premises of the hotel/ guesthouse area under this licence application clearly delineated and partitions layout of the hotel/guesthouse shown and a block plan showing the location of the hotel/guesthouse concerned. Details are set out in Appendix V of this guide. For applicant for guesthouse (general) licence installing 24-hour manned counter, details of the counter including the location, dimension and materials used should be indicated.

- ☐ proposal of alternative measure if there is no 24-hour manned counter (applicable to guesthouse (general) licence).

Checklist before submission of applications for renewal of licence

An applicant should submit the following essential documents to apply for renewal of a licence –

☐ the original and three copies of the completed application form (Form HAD 140A).

☐ a photocopy of the Hong Kong Identity Card of the applicant (if the applicant is an individual) or business registration certificate of the applicant and the Hong Kong Identity Card / travel document of the related person (if the applicant is a body of persons, i.e. limited company/partnership).

☐ if the applicant is not a permanent resident of Hong Kong, he/she should submit the completed "consent form" at Appendix II of the application form and a copy of his / her travel document.

☐ completed "personal data authorization form" at Appendix III of the application form and "consent form" at Appendix IV of the application form by the applicant and the related person (the applicant is a body of persons).

☐ written legal advice given by a legal practitioner confirming that the DMC or Government lease if there is no DMC of the premises under application do not contain any express provision which prohibits the premises concerned from being used (i) as a hotel or guesthouse; (ii) for commercial purposes; or (iii) other than for private residential purpose.

☐ 3 sets of detailed layout plans in metric and to scale (normally not less than 1:100) with the boundary of the premises of the hotel/guesthouse area under the licence application clearly delineated and partitions layout of the hotel/guesthouse shown and a block plan showing the location of the hotel/guesthouse concerned. Details are set out in Appendix V of this guide. For application of guesthouse (general) licence, details of the 24-hour manned counter including the location, dimension and materials used should be indicated.

☐ proposal of alternative measure if there is no 24-hour manned counter (applicable to guesthouse (general) licence).

☐ a copy of valid Certificate of Fire Service Installations and Equipment (F.S. 251) issued by a registered fire service contractor who certified that all fire service installations and equipment in the licensed premises are in efficient working order.

☐ a copy of valid "Work Completion Certificate – Form WR1" or "Periodic Test Certificate – Form WR2" issued by a registered electrical worker who certified that the Fixed Electrical Installation complies with the Electricity Ordinance (Cap. 406) and is in safe working order in the premises, where –

(i) If a low voltage fixed electrical installation located in such premises that has an approved loading exceeding 100A, single or three phase, shall have the installation inspected, tested and certified at least once every 5 years; or

(ii) If a low voltage fixed electrical installation located in the premises that is used for sleeping accommodation such as hotel, guesthouse, holiday flat and holiday camp shall have the installation inspected, tested and certified at least once every 5 years.

☐ a copy of valid annual ventilation maintenance certificate issued by a registered ventilation contractor who certified that all dampers / filters / precipitators in the ventilating system(s) are in safe and efficient working order in the premises where damper, filter and precipitator are presented in the ventilating system.

Requirements for the layout plan

The layout plan should contain the following particulars in detail: –

- The area intended for licence clearly delineated;
- Intended use of all designated areas and rooms, with the necessary dimensions, annotations and population;
- The total population of the licensed areas (including patrons and staff) and breakdown in each floor if applicable;
- All existing and/or proposed building works in the premises;
- The types, standards and specifications of all materials used and/or intended to be used in the premises;
- All existing and proposed sanitary fitments and drainage works;
- The location of all windows, ventilation ducting and means of mechanical ventilation;
- The extent and details of raised floors, partitions and other alterations; and
- The location, extent and details of the 24-hour manned counter.