

民政事務總署
牌照事務處
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太古坊康和大廈十四樓



HOME AFFAIRS DEPARTMENT
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來函檔號 Your Ref.
電話 Tel.: 2881 7034
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All Guesthouse Licence Holders

23 September 2009

Dear Sir/Madam,

Hotel and Guesthouse Accommodation Ordinance, Cap 349

In view of the recent concern about illegal guesthouse operation, I am writing to remind you of the relevant provisions in the Hotel and Guesthouse Accommodation Ordinance (the Ordinance) against illegal guesthouse operation, and inform you of the requirement of displaying the guesthouse logo in prominent positions of licensed guesthouses.

Combat Against Illegal Guesthouse Operations

Under section 21(3)(b) of the Ordinance, any person who on any occasion operates, keeps, manages or otherwise has control of a guesthouse in respect of which a licence has been issued in any premises other than the premises indicated in the licence so issued would commit an offence, and is liable to a fine of \$100,000 and to imprisonment for 2 years and to a fine of \$10,000 for each day during which the offence continues.

Under section 5 of the Ordinance, any person who on any occasion operates, keeps, manages or otherwise has control of a guesthouse without a valid licence would commit an offence, and is liable on conviction 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.

To step up combat against illegal guesthouse operations, this Office will, upon detection of the above contraventions, institute direct prosecution against the responsible person without prior warning.

Requirement of Displaying New Guesthouse Logo

In order to facilitate tourists in identifying a licensed guesthouse, the Office of the Licensing Authority has re-designed the guesthouse logo which must be displayed at the main entrance and all guest room doors of the licensed guesthouse at all time. We have issued and attached a set of the new guesthouse logo in respect of your licensed guesthouse for your action. An Explanatory Note is prepared at Annex to further elaborate this requirement.

You are required to submit to this Office photo record of the display of the guesthouse logos in your licensed guesthouse as a proof of compliance with the condition within 28 calendar days from the issue date of this letter.

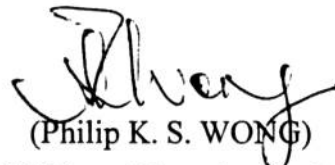
Please note that this Office may consider taking actions against the licence holder under section 21(3)(a), or section 10 of the Ordinance (i.e. to cancel, suspend or refuse to renew the licence concerned) if the aforesaid requirement of displaying the guesthouse logo is not being complied with.

Timeous Submission of Licence Renewal Application

You are further reminded that section 9(5) of the Ordinance, which provides for the licence to remain in effect after its expiry, **only** operates where an application for renewal of a licence has been made in accordance with section 9(1) of the Ordinance, i.e. not less than three months before the licence to be renewed expires. You are therefore advised to make timeous submission of application for renewal, or otherwise the Hotel and Guesthouse Accommodation Authority may be unable to process your application before the licence expires and the licence will **not** remain in effect under section 9(5) as the application is not made in accordance with section 9(1). This Office may take enforcement action against operating a guesthouse without a valid licence.

Should you need further information or have enquiries regarding the above, please contact Mr TSUI Hon-yung, Senior Building Surveyor (Licensing Authority) at 2881 7022.

Yours faithfully,



(Philip K. S. WONG)
Chief Officer (Licensing Authority)
Office of the Licensing Authority

Implementation of the Display of Guesthouse Logo Administrative Details in Obtaining/Returning the Logo

The followings are the administrative details in obtaining and returning the logos –

(a) *Issue of New Licence*

The logos will be issued to the licence holder upon issue of the new licence.

(b) *Renewal of Licence*

In respect of a licence being renewed, the logos will be issued to the licence holder upon issue of the renewed licence. The logos corresponding to the "old" licence are not required to return to OLA for cancellation.

On cases where renewal applications are submitted in accordance with section 9(1) but without being renewed before expiry, a letter will be issued to the licence holder 7 days before expiry for displaying so as to let members of the public know that the licence is protected under section 9(1) and still valid.

(c) *Transfer of Licence*

In respect of a licence to be transferred, the licence holder is not required to return the corresponding logos unless amendment of the information in the logos is required.

2. For replacement of the logo due to damage or amendment of information in the logo, the operator has to return the corresponding logo to OLA for cancellation. OLA will then issue a new logo to him/her within three working days.

3. Request for replacement of the logo due to loss will be entertained if the licence holder produces a lost property report from the Police.

Explanatory Notes to Condition for displaying the guesthouse logo issued by the Authority

- (a) It is one of the conditions for the grant of the guesthouse licence (see the covering letter issued together with the licence to you) that the guesthouse logo issued by the Authority must be displayed in a prominent position at the guesthouse at all times.
- (b) Prominent position means to include “the main entrance as well as the door of each of the rooms of the guesthouse.”
- (c) The licence holder shall comply with, amongst others, the condition mentioned in paragraph (a) above with reference to the clarification in paragraph (b) above.
- (d) If a condition of the guesthouse licence is contravened, the person concerned (including the licence holder) commits an offence and is liable to a fine of \$100,000 and to imprisonment for 2 years and to a fine of \$10,000 for each day during which the offence continues; and the Authority may cancel or suspend the licence or refuse to renew the licence or amend or vary any condition of the licence (sections 21(3)(a) and 10(d) of the Hotel and Guesthouse Accommodation Ordinance Cap 349).