

# A Guide to Licence Application For Bedspace Apartments

**under the Bedspace Apartments Ordinance, Chapter 447**

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民政事務總署

**Home Affairs Department**

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## IMPORTANT NOTE

(1) Information contained in this Guide is for reference only. Application for issue, renewal, and transfer of a licence is to be processed in accordance with the Bedspace Apartments Ordinance (Cap. 447) and its subsidiary regulations.

(2) It is an offence under the Bedspace Apartments Ordinance if any person, who on any occasion operates, keeps, manages or otherwise has control of a bedspace apartment without a licence or certificate of exemption in respect of the premises. The person convicted of the offence is liable 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.

(3) The issue of the licence 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 B.S.A. is situated.

(4) The issue of the licence does not in any way exempt the holder of the licence 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 licence to be issued under the Bedspace Apartments Ordinance, 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.

## IMPORTANT ADVICE for Prospective Applicants

### Do's and Don'ts

#### DOs

- ✓ consider appointing building professionals to assist you in making application if you are not familiar with the requirements outlined in this booklet.
- ✓ hire competent contractors to carry out the required upgrading works.
- ✓ engage registered fire services installations (FSI) contractors in the required fire service installations.

#### DON'Ts

- ✗ choose premises not suitable to be used as a B.S.A. (See "Choice of Premises" in this Guide)
- ✗ start any construction, renovation, decoration or installation works in the premises before the Licensing Authority has conducted the preliminary site inspection and then informed you of the upgrading works required to be carried out in the premises.
- ✗ carry out any building works and structural alterations to the premises before obtaining prior approval and consent from the Building Authority.
- ✗ use the flat roof, if there is one annexed to your B.S.A. premises, for any purposes other than that shown on the approved building plans.
- ✗ commence operation or business in the B.S.A. premises before a licence is obtained from the Licensing Authority.

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## Chapter I : Introduction

### **General**

1.1 Under the Bedspace Apartments Ordinance Cap 447, any person who intends to operate, keep, manage, or otherwise has control of a bedspace apartment (B.S.A.) should apply for and hold a valid licence from the Bedspace Apartments Authority (the Authority) before commencing operation.

1.2 Part 5 of the Bedspace Apartments Ordinance requires that “A licensed bedspace apartment shall comply with such standards and requirements relating to building and fire safety and sanitation as are provided for in Section 18 of the Ordinance”.

1.3 This Guide outlines the general licensing requirements applicable to most B.S.A. so that prospective applicants and building professionals would have a general idea of the basic compliance requirements and standards for B.S.A. Details could also be reference to the Standard Licensing Requirements for Licence of a B.S.A. which is available in the website of the Office of the Licensing Authority: <http://www.hadla.gov.hk>.

1.4 The Authority deals with each case on its merits after full consideration of the circumstances. Detailed requirements will be issued upon formal application for licence. The Authority may, as it deems fit and necessary, impose special and additional requirements for individual premises having reference to the circumstances and situation of the premises concerned.

1.5 Before the actual commencement of any building and fire services installation works, applicants should consult an Authorized Person (AP) and/or Registered Structural Engineer (RSE)<sup>1</sup>.

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<sup>1</sup> An AP and RSE means a person whose name is on the APs' register and RSEs' register kept under Section 3(1) and 3(3) of the Buildings Ordinance respectively. The lists of both AP and RSE are available for inspection free of charge in the offices and websites of the Buildings Department.

## **Choice of Premises**

1.6 It is the responsibility of the applicants for the Licence to ensure that the proposed B.S.A. use do comply with the lease conditions and the Deed of Mutual Covenant of the building. Prospective applicants are therefore advised, before making any financial or contractual commitment, to check the government lease and Deed of Mutual Covenant of the building at the Land Registry to ascertain whether or not the proposed premises could be used as a B.S.A.

1.7 Proposed premises for B.S.A. shall be for domestic use as approved or accepted by the Building Authority. The Authority will not normally issue licence for B.S.A. situated in:

- (a) a non-domestic building;
- (b) premises at a basement;
- (c) an unauthorized structure;
- (d) a building containing incompatible uses<sup>2</sup>;
- (e) premises in an area designated for emergency or circulation use of a building such as a buffer floor, refuge floor, or a common area of a building;
- (f) upper floors (i.e. all floors above the ground floor) of a building where clear width of the staircase is less than 1050 mm as required under the Code of Practice for Fire Safety in Building 2011 (FS Code).

1.8 B.S.A. situated in village type houses in the New Territories should be issued with a Certificate of Compliance or a letter of No Objection to Occupy by the District Lands Office of the Lands Department(DLO) and the proposed B.S.A. use should be accepted by the relevant DLO.

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<sup>2</sup> Incompatible uses include motor repair shop, vulcanizing shop, automobile or carriage painting, paintshop 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).

## **Application procedures**

1.9 New and renewal applications for a licence for a B.S.A. should be made by means of the prescribed application form (HAD 160) and application form (HAD 175) respectively. The application forms are obtainable at Office of the Licensing Authority of the Home Affairs Department, or the website of the Office of the Licensing Authority: <http://www.hadla.gov.hk>. The completed application form, in duplicate, should be forwarded to the Office of the Licensing Authority together with all the required supporting documents. For detail, please read the pamphlet "How to Apply-Licence under the Bedspace Apartments Ordinance (Cap. 447)" which sets out the new and renewal application procedures for the licence. Flow charts for processing new and renewal applications of licence for a B.S.A. are shown in [Appendix A](#) and [Appendix B](#) respectively.

## Chapter II : Building Safety Requirements

### **Introduction**

2.1 All proposed and required works shall comply with the provisions of the Buildings Ordinance (BO), its subsidiary regulations and the requirements stipulated in the FS Code.

2.2 Other than building and drainage works that are exempted under section 41(3), 41(3B) and 41(3C) of the BO, prior approval and consent shall be obtained from the Building Authority under section 14 of the BO before actual commencement of the works. However, if the works are "Minor Works" as itemised at Schedule 1 of the Building (Minor Works) Regulation (Cap. 123N), the simplified requirements for submission under the Minor Works Control System shall be followed.

### **Structural safety**

2.3 Structural assessment with justifications and structural calculation prepared by an AP/RSE, for the effects of the additional loading resulting from renovation works and/or change of use as compared with that shown on the plans approved by the Building Authority on the existing structure, should be submitted.

2.4 Any additional solid walls, raised floor or parapet wall located on approved cantilevered structures, balcony, canopy or flat roof should be demolished unless they were approved by the Building Authority or properly carried out under the Minor Works Control System.

2.5 No structural openings or recesses should be formed through/in the structural slabs, beams, columns or walls for the passages of electrical conduits, air conditioning pipes, pipes for fire services installations, drainage pipes or other utilities unless approved by Building Authority or they could be carried out under the Minor Works Control System but subject to paragraph 2.23 below.

## **Fire resisting construction**

2.6 The element of construction of every B.S.A. should have adequate fire resisting rating (FRR) and satisfy the requirements in Part C of the FS Code unless otherwise accepted by the Authority.

## **Compartmentation**

2.7 No unauthorized openings shall be made in the separating/party walls between separate buildings.

2.8 Any openings in a wall or floor for the passage of air-conditioning ducts, ventilation ducts, electrical trunking, conduits, pipes and wires or holes left after construction should be protected with fire dampers or other suitable form of fire stop to maintain the required FRR of that wall or floor.

2.9 Where ducts, pipes, wires and any insulation passing through the wall are made of combustible material, such material should be contained within an enclosure having a FRR corresponding to that of the surrounding structure. Where access openings are provided to the enclosure, such openings should be provided with self-closing doors or securable covers having a FRR of not less than half that of the enclosure.

## **Kitchen**

2.10 Every B.S.A. shall be provided with a kitchen.

2.11 The kitchen should be constructed in accordance with the requirements in Part C of the FS Code.

2.12 No bathroom, watercloset or communal toilet shall open directly onto a kitchen.

2.13 Suitable waterproofing material shall be applied to the structural concrete slabs of the kitchen to prevent water leakage. If raised floor is constructed, the raised floor slab should also be applied with suitable waterproofing material.

## **Means of escape**

2.14 The exit arrangement for each B.S.A. including the clear height and the width of the exit route(s), the width of exit doors, the travel distance and the maximum number of occupant (including staff) to be accommodated should satisfy the requirements in Part B of the FS Code unless otherwise accepted by the Authority.

## **Bedspace**

2.15 Only single beds or double bunks should be provided and properly secured to the floor as necessitated by the circumstances.

2.16 Any multi-tier/elevated beds to be provided in the premises should comply with the requirements set out in the "Guideline on the Arrangement and Disposition of Multi-tier/Elevated Beds" (See Appendix C)

2.17 The multi-tier/elevated bed should be open on one or more sides for aggregate length equal to length of the bed, otherwise, the Authority may impose additional building and fire safety requirements.

## **Lighting and ventilation**

2.18 Every room used for habitation shall have a floor height of not less than 2.5 m measured from floor to ceiling and 2.3 m measured from floor to the underside of any beam.

2.19 Every room used for habitation or kitchen shall be provided with natural lighting and ventilation in accordance with Regulations 30 and 31 of the Building (Planning) Regulations unless otherwise accepted by the Authority.

2.20 Every bathroom or toilet shall be provided with natural lighting and ventilation in accordance with Regulation 36 of the Building (Planning) Regulations unless otherwise accepted by the Authority.

2.21 Where a room-sealed gas heater serves a bathroom or is installed in any place in a B.S.A. other than in the bathroom, a suitable flue aperture in an external wall shall be provided to the satisfaction of the Authority.

### **Sanitary fitments**

2.22 Every B.S.A. shall be provided with adequate number of sanitary fitments in accordance with Building (Standards of Sanitary fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap 123I).

### **Plumbing and pipework**

2.23 No drainage pipes should protrude into the floor below or other premises unless prior approval and consent of such drainage works have been obtained from the Building Authority.

2.24 Floor drains should be provided to every kitchen, bathroom and toilet.

2.25 Suitable waterproofing materials should be applied to the structural concrete slabs in every bathroom and toilet to prevent water leakage. If raised floor is constructed, the raised floor slab should also be applied with suitable waterproofing material.

### **Railings and balustrades**

2.26 Protective barriers shall be provided where level difference is greater than 600 mm.

### **Unauthorized building works**

2.27 Unauthorised building works should be demolished and any affected area should be reinstated in accordance with the plans approved by the Building Authority.

2.28 Any unauthorised removal of barrier free access and facilities as showed in the plans approved by the Building Authority should be properly reinstated.

### **Signboard**

2.29 Any signboard associated with a B.S.A. shall be approved by Building Authority unless they could be carried out under the Minor Works Control System.

### **Minor Works Control System**

2.30 If the building and drainage works involve in the B.S.A. are classified as "Class I & II Minor Works" as itemised at Schedule 1 of Cap. 123N, copy of the specified form and supporting documents/plans/photos submitted to the Buildings Department (BD) and corresponding acknowledgement letter issued by BD should be submitted to the Authority upon completion of works.

2.31 If the building and drainage works involve are classified as "Class III Minor Works", copy of the specified form and and corresponding acknowledgement letter issued by BD should be submitted to the Authority upon completion of works.

## Chapter III : Fire Safety Requirements

3.1 All fire services 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"

3.2 All fire safety requirements and definitions on Fire Service Installations and Equipment are based upon the "Codes of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment".


3.3 All fire service installations or equipment shall be installed and maintained in accordance with the Fire Service Ordinance (Cap. 95) by a registered fire services contractor as defined under the Fire Service (Installation Contractors) Regulation (Cap. 95A) of the appropriate class and a certificate (FS 251) issued under the Fire Service (Installations and Equipment) Regulations (Cap. 95B) shall be submitted to the Authority.

3.4 All portable firefighting equipment shall be kept in efficient working order at all times and inspected by a registered contractor as defined by the Fire Service (Installation Contractors) Regulations (Cap. 95A) at least once every 12 months and a certificate (FS 251) issued under the Fire Service (Installations and Equipment) Regulations (Cap. 95B) shall be submitted to the Authority.

3.5 Dangerous goods shall be properly stored in the kitchen and the quantity shall not exceed that permitted by the Authority

3.6 Electrical installations shall be installed, inspected, tested and certificated by a registered electrical worker under the Electricity Ordinance (Cap. 406). A copy of the certificate shall be forwarded to the Authority as proof of compliance, which shall be re-validated every five years thereafter.

3.7 All linings for acoustic and thermal insulation and decorative purposes within protected means of escape in the BSA shall be of Class 1 or 2 Rate of Surface Spread of Flame as per BS 476 Part 7 or its international equivalent, or be brought up to that standard by use of an approved fire retardant product. To this effect, a copy of the 'Certificate of Fire Service Installations and Equipment' (F.S. 251) issued by the Registered Fire Service Installation Contractor shall be submitted to the Authority as proof of compliance.

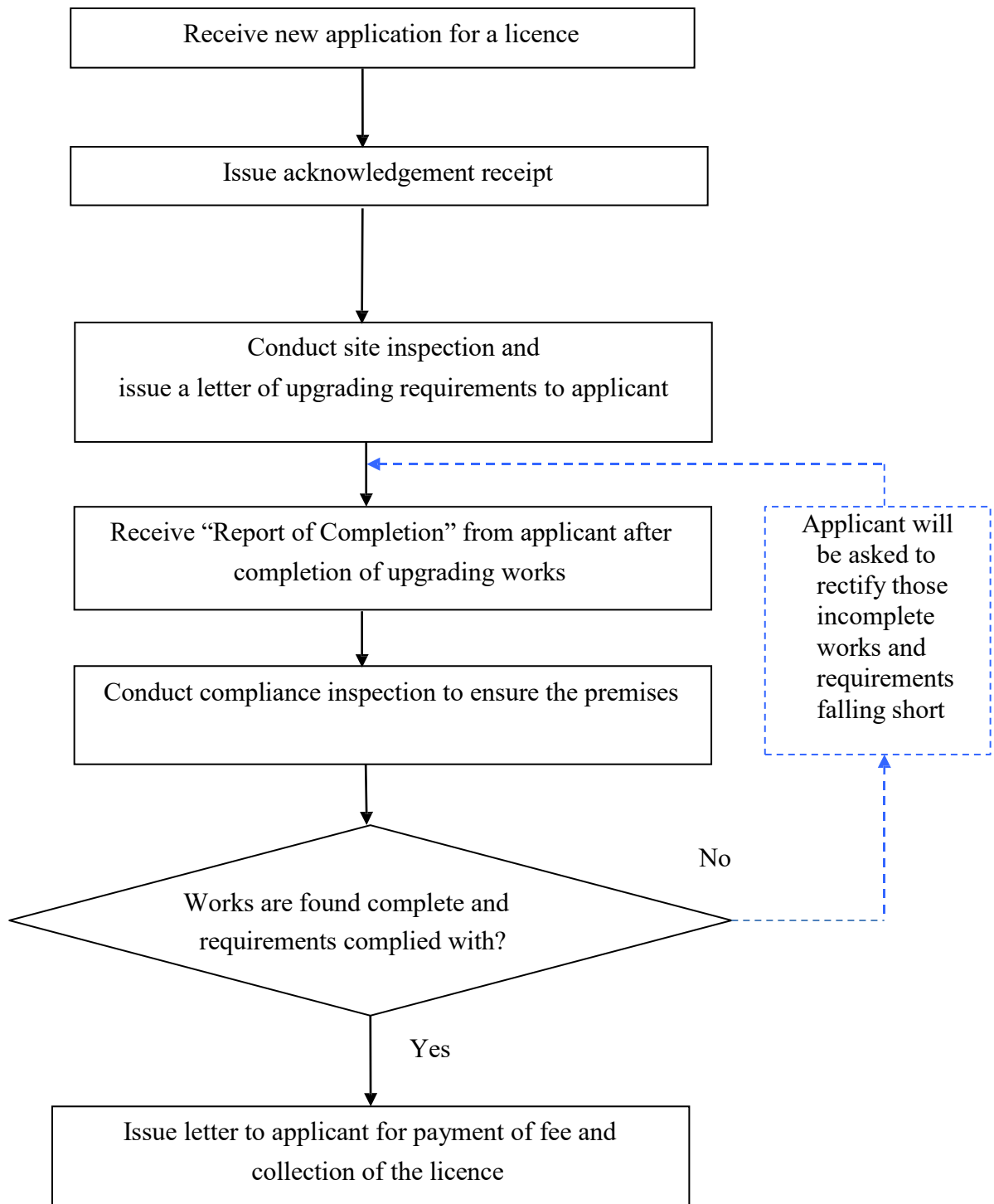


3.8 All linings for acoustic and thermal insulation purposes in ductings and concealed locations shall be of Class 1 or 2 Rate of Surface Spread of Flame as per BS 476 Part 7 or its international equivalent, or be brought up to that standard by use of an approved fire retardant product. To this effect, a copy of the 'Certificate of Fire Service Installations and Equipment' (F.S. 251) issued by the Registered Fire Service Installation Contractor shall be submitted to the Authority as proof of compliance.

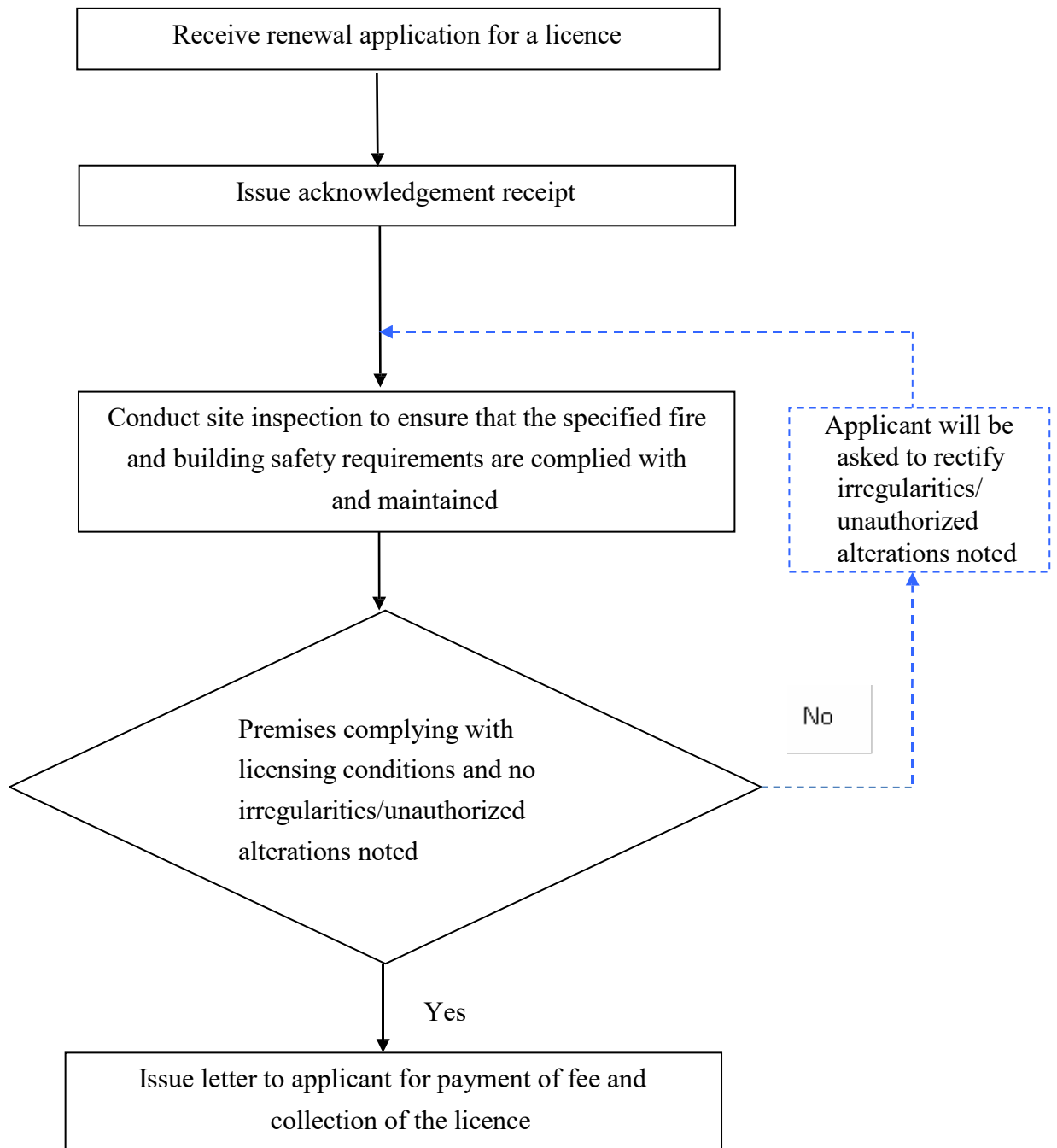
3.9 If Polyurethane (PU) foam filled mattresses and upholstered furniture are used in the BSA, they shall meet the flammability standards as specified in BS 7177 : 1996 and BS 7176 : 1995 (or their latest editions) for use in medium hazard premises/building or standards acceptable to the Director of Fire Services.

3.10 Any fuel gas system/appliances installed for use in the BSA shall be installed in accordance with the provisions in the Gas Safety Ordinance, Cap. 51 by a registered contractor and a Certificate of Compliance/Completion shall be submitted to the Authority as proof of compliance.

## Flow Chart for Processing New Application of Licence for Bedspace Apartment



## Flow Chart for Processing Renewal Application of Licence for Bedspace Apartment



## **Guideline on the Arrangement and Disposition of Multi-tier/ Elevated Beds**

1. This guideline aims to address the concerns on the safety of the patrons concerned pursuant to the Bedspace Apartments Ordinance (Cap. 447). The requirements stipulated in this guideline apply to all sleeping accommodation under new applications for licence or any alterations and additions proposals for existing licensed premises subject to the Bedspace Apartments Ordinance. Failure to comply with the requirements stipulated hereunder may render the Authority to refuse the application.

### **Access/Egress Arrangement** (see Figure 1)

2. Independent access/egress device in the form of climbing aid such as step-type ladder shall be provided for any tier of an elevated bed where such tier including its mattress is more than 700mm high measuring from floor level. Guardrails should be provided when appropriate.

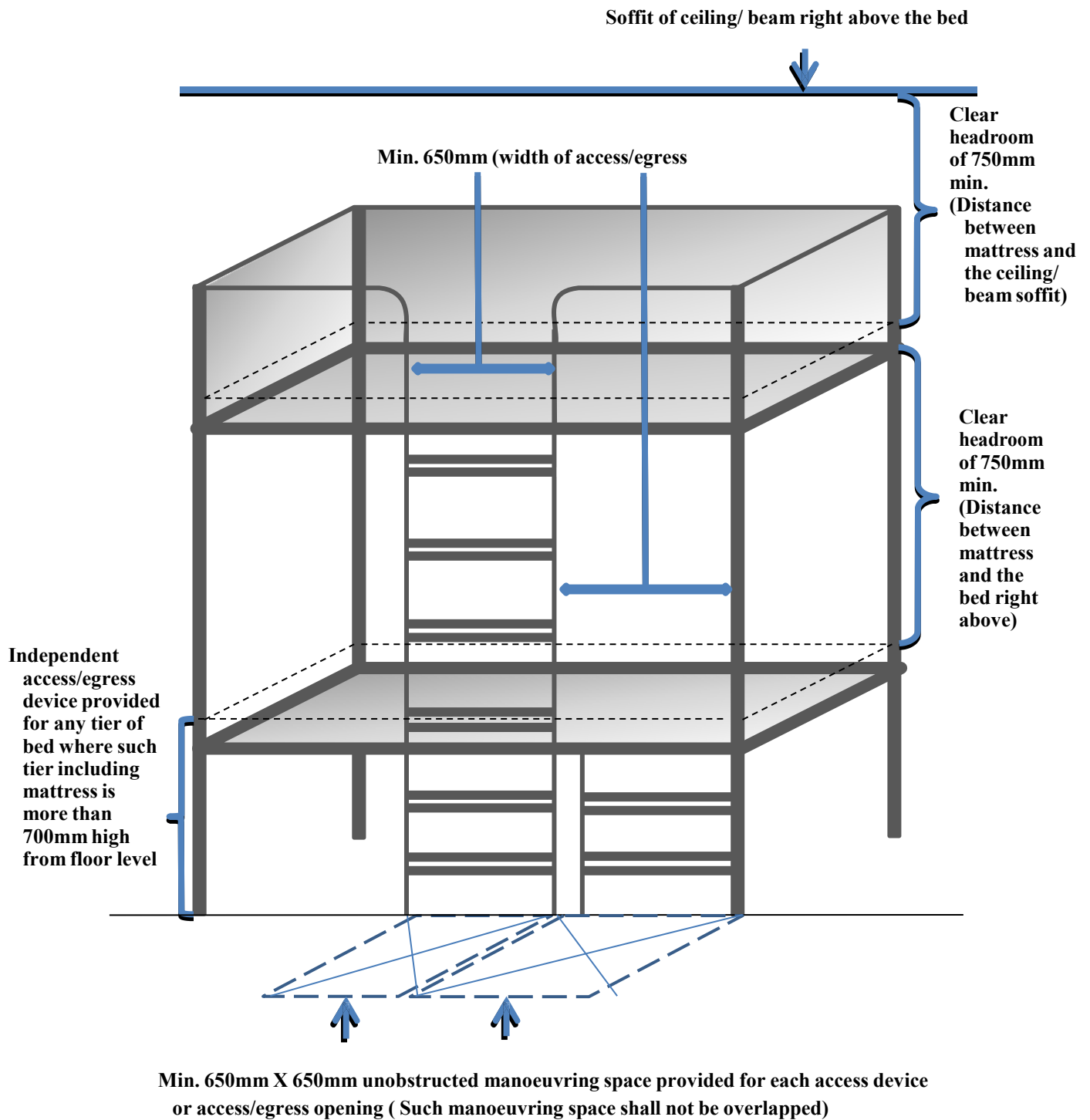
3. The clear width of access/egress opening for each tier of an elevated bed shall be not less than 650mm and leading to an unobstructed horizontal space not less than 650 mm x 650mm for each access/egress opening or device at the point of landing on floor level.

4. Within any room with elevated beds accommodating more than 4 people, width for the corridor/ space between the beds/ fixed furniture/ walls/ should not be less than the minimum width of the required exit route for the guestroom unless the case can be fully justified to the satisfaction of the Authority.

5. The vertical distance between the upper surface of the bed mattress and the underside of the bed/ ceiling/ beam directly above shall not be less than 750mm high. (see Figure 1) Besides, no part of the multi-tier/elevated bed shall obstruct the sprinkler system and the fire detection system which shall be designed and installed in accordance with the Loss Prevention Council Rules, BS EN 12845 (with suitable modification pertinent to Hong Kong) and BS5839 : Part I or other standards acceptable to the Director of Fire Services.

6. The Authority will assess on individual merit having taken into account the special circumstances of each case, the hardship and the other safety enhancement measures.

**Figure 1 Arrangement and Disposition of Multi-tier/Elevated Beds**



## **Enquiries**

### **Office of the Licensing Authority, Home Affairs Department**

Address	:	10/F, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong
Enquiry Hotline	:	2881 7034
Fax number	:	2894 8343
e-mail address	:	<a href="mailto:hadlaeng@had.gov.hk">hadlaeng@had.gov.hk</a>
Website	:	<a href="http://www.hadla.gov.hk">www.hadla.gov.hk</a>

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

Address	:	G/F, Buildings Department Headquarters, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, 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	:	3/F, Fire Services Department Kwai Chung Office Building, No. 86 Hing Shing Road, Kwai Chung, New Territories.
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