

民政事務總署

牌照事務處

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HOME AFFAIRS DEPARTMENT
OFFICE OF THE LICENSING AUTHORITY
14th Floor, Cornwall House, Taikoo Place
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本署檔號 Our Ref. HAD/LA/CON/8/1 III

來函檔號 Your Ref.

電話 Tel.: 2881 7034

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19 August 2011

Holder of/Applicant for Hotel/Guesthouse Licence

Dear Sir/Madam,

Hotel and Guesthouse Accommodation Ordinance, Cap. 349
Combating Unlicensed Operation

In view of the recent concern about unlicensed hotels/guesthouses, I am writing to remind you of the relevant provisions under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the Ordinance) against unlicensed operation.

According to Section 2 of the Ordinance, "hotel" and "guesthouse" mean any premises whose **occupier, proprietor or tenant** holds out that, to the extent of his available accommodation, he will provide sleeping accommodation for any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and is in a fit state to be received. Under Section 5 of the Ordinance, **any person** who on any occasion operates, keeps, manages or otherwise has control of a hotel/guesthouse without a valid licence commits 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. Similarly, operating, keeping, managing or controlling a hotel/guesthouse in any premises other than the premises indicated in a licence is an offence under Section 21(3)(b) of the Ordinance. The offender is liable on conviction 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.

In addition, the Hotel and Guesthouse Accommodation Authority (the Authority) will consider invoking Section 10 of the Ordinance to cancel/refuse to renew all licences of a licence holder if the licence holder is convicted of operating an unlicensed guesthouse under Section 5 or 21(3)(b) of the Ordinance. You may wish to note that the Authority has cancelled/refused to renew three licences accordingly. A copy of the "Enforcement News" posted in the website www.hadla.gov.hk is attached for your attention.

The Office of the Licensing Authority (OLA) will continue its vigorous action to combat illegal operation. In this connection, OLA will strengthen enforcement action and mount more blitz operations against suspected licensed premises.

Should you have enquiries regarding the above matters, please contact our Mr. K. H. SUN, Assistant Divisional Officer (LA) Enforcement, at 2881 7023.

Yours faithfully,

(T. C. YU)

Chief Officer (Licensing Authority)
Office of the Licensing Authority
Home Affairs Department

c.c. HAD/LA/1/2

Enforcement News
Office of the Licensing Authority

1. The Office of the Licensing Authority (OLA) is responsible for administering and taking enforcement actions under the Hotel and Guesthouse Accommodation Ordinance, Cap. (the Ordinance).
2. Under Section 5(1) of the Ordinance, any person who operates, keeps, manages or otherwise has control of a hotel/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.
3. Moreover, under Section 21(3) of the Ordinance, any hotel/guesthouse licence holder who operates, keeps, manages or otherwise has control of a hotel/guesthouse in any premises other than the premises indicated in the licence so issued would commit an offence, and is liable on conviction 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.
4. The following are convictions for contravention of Sections 5(1)/21(3) of the Ordinance and sentenced for imprisonment :

Date of Conviction	Sentence
28 October 2009	Imprisonment for 4 months (suspended for 2 years)
2 November 2009	Imprisonment for 2 months and fined \$20,000.
18 November 2009	Imprisonment for 4 months (suspended for 2 years) and fined \$4,000
8 February 2010	Imprisonment for 2 months
25 August 2010	Imprisonment for 2 months (suspended for 2 years) and fined \$6,000
8 November 2010	Imprisonment for 3 months (suspended for 2 years)
	Imprisonment for 2 weeks (suspended for 1 year)
22 December 2010	Imprisonment for 1 month (suspended for 1 year) and fined \$5,000
	Imprisonment for 1 month (suspended for 1 year) and fined \$5,000
8 June 2011	Imprisonment for 3 months (suspended for 15 months) and fined \$5,000
	Imprisonment for 3 months
29 June 2011	Imprisonment for 4 weeks (suspended for 1 year) and fined \$5,000

5. The following guesthouse licences have been cancelled/refused to renewed under Section 10 of the Ordinance after the licensees had been convicted against contravention of Sections 5(1)/21(3) of the Ordinance :

Cancellation/Refusal Date	Remarks
2 November 2009	Refusal to renew the licence
14 June 2011	Cancellation of the licence
30 June 2011	Cancellation of the licence

6. The OLA will continue to take vigorous action to combat unlicensed operation to ensure the safety of lodgers and the public. To report any suspected unlicensed guesthouses to the OLA, members of the public can dial the hotline (2881 7498), send e-mail (hadlaenq@had.gov.hk) or download report form from this website.

Office of the Licensing Authority
Home Affairs Department
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