

# A Guide to Licence Application for Guesthouse in Village House

under the Hotel & Guesthouse Accommodation Ordinance,  
Chapter 349

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民政事務總署  
Home Affairs Department

(June 2026)

## IMPORTANT NOTE

(1) Operation of hotel/guesthouse in Hong Kong is regulated by the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the Ordinance). The authority under the Ordinance is the Hotel and Guesthouse Accommodation Authority (Licensing Authority). The Office of the Licensing Authority (the OLA) of the Home Affairs Department (HAD) is responsible for administering the Ordinance.

(2) 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 Ordinance and its subsidiary regulations.

(3) It is an offence under the Ordinance if any person, who on any occasion operates, keeps, manages or otherwise has control of a hotel/guesthouse without a licence in respect of the premises. The person convicted of the offence is liable to a fine of \$500,000 and to imprisonment for 3 years, and to a fine of \$20,000 for each day during which the offence continues. A conviction will result in a criminal record.

(4) The issue of the licence under the Ordinance does not in any way exempt or protect the holder of the licence from any consequence and liability of any breach of the laws (including The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region and the Safeguarding National Security Ordinance), any lease or licence or agreement granted by the Government of the Hong Kong Special Administrative Region, or Deed of Mutual Covenant (DMC)<sup>1</sup> or Government lease relating to any village houses in which the guesthouse is situated.

(5) A licence issued under the Ordinance contains a condition that there shall not be any act or activity that is illegal or prejudicial to national security in the licensed premises. Non-compliance of the relevant licensing condition may warrant immediate cancellation of the licence and the

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<sup>1</sup> A 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. They may also take appropriate actions and measures against any owner who does not comply with the DMC. The operator of licensed premises, as one of the occupants of the building, is obliged to observe and comply with all the provisions of the DMC.



licensee may be ordered to cease operation of the licensed premises immediately. The licensee's any application for a hotel/guesthouse licence in future may also be affected.

(6) This Guide to licence applications is only applicable to proposed guesthouse situated in a village house in the New Territories. Generally, a guesthouse situated in village house is commonly referred to as a "holiday flat" and is issued with guesthouse (holiday flat) licence. For clarity, it will be quoted as "holiday flat" throughout this Guide.


# IMPORTANT ADVICE

## for Prospective Applicants of Guesthouse Licence in Village House

### DOs and DON'Ts

#### DOs

- ✓ also read another Guide: "A Guide to Licence Applications under the Hotel & Guesthouse Accommodation Ordinance (Chapter 349)" ([https://www.hadla.gov.hk/tc/licensing\\_matters/related/index.php](https://www.hadla.gov.hk/tc/licensing_matters/related/index.php)) published by the OLA of the HAD which explains how to apply for a hotel/guesthouse licence.
- ✓ choose premises situated in village type houses in the New Territories built on or after 1 January 1961:
  - (a) complying with the requirements set out in the Buildings Ordinance (Cap. 123) (BO), the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) or the then Buildings Ordinance (Application to the New Territories) Ordinance (then Cap. 322); and
  - (b) issued with a Certificate of Compliance or a letter of No Objection to Occupy by the District Lands Office (DLO) of the Lands Department.
- ✓ choose premises situated in village houses in the New Territories built before 1 January 1961 which:
  - (a) comply with the lease conditions; and
  - (b) (i) be free from any addition and/or alteration carried out on or after 1 January 1961; or
    - (ii) obtain approval and consent from the Building Authority or the DLO of the Lands Department for the addition and/or alteration carried out on or after 1 January 1961.
- ✓ choose premises free from a use restriction under the DMC or Government lease.

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- ✓ consider appointing legal practitioners and/or registered building professionals to assist you in making application if you are not familiar with the requirements outlined in this Guide.
  - ✓ hire competent contractors to carry out the required upgrading works to be laid down by the Licensing Authority.
  - ✓ engage Registered Fire Service Installation Contractors (RFSIC) to carry out the required fire service installations.
  - ✓ indicate in the application that the proposed holiday flat is for different occupancies or for a single occupancy, in case where the premises is partitioned off into separate guestrooms.

## DON'Ts

- X** choose premises in a village house to which the DLO of the Lands Department has objection for use as guesthouse/holiday flat.
- X** choose premises that are wholly or mainly constructed of timber structures.
- X** start 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.
- X** carry out any building works and structural alterations to the premises before obtaining prior approval and consent from the Building Authority or DLO of the Lands Department.
- X** use the flat roof, if there is one annexed to the premises, for any purposes other than that shown on the building plans approved or accepted by the Building Authority or DLO of the Lands Department.
- X** commence operation or business of a holiday flat before a licence is obtained from the Licensing Authority.
- X** ignore requirements of other government departments including the Planning Department, Lands Department, Buildings Department (BD), Fire Services Department (FSD), Electrical and Mechanical Services Department, and Environmental Protection Department notwithstanding that a licence has been issued by the Licensing Authority.

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## Chapter I : Introduction

### **General**

1.1 This Guide is published by the OLA of the HAD summarizing the general licensing requirements for a holiday flat in the New Territories.

1.2 Under the Ordinance, any person who intends to operate, keep, manage, or otherwise has control of a “holiday flat” shall apply for and hold a valid guesthouse (holiday flat) licence from the OLA before commencing operation.

1.3 The objectives of the licence are to ensure that the requirements in respect of building safety, fire safety, health and sanitation for holiday flat are met.

1.4 This Guide outlines the general licensing requirements applicable to most holiday flats so that prospective applicants, professional and technical personnels would have a basic idea of the general licensing requirements and standards for holiday flats in village houses. It shall be emphasized that the Licensing 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 such as means of ingress or egress, design, construction, size and type of building.

### **General licensing requirements**

1.5 The following four general licensing requirements will be considered when processing hotel and guesthouse applications for new licence or renewal of licence under the Ordinance, including the guesthouse (holiday flat) licence:

#### **(a) *no-use restriction requirement***

- the premises under application shall be free from a use restriction under the DMC or Government lease if there is no DMC. Restrictive provision in such land documents means an express provision to the effect that the premises are:
  - (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 (website is <http://www.landreg.gov.hk>, and service hotline is 3105 0000). Applicants are reminded to check in advance whether the DMC or Government lease if there is no DMC of the premises contains restriction provision before signing any tenancy or sale and purchase agreement.
- any application for new licence or licence renewal must be accompanied by a written legal advice given by a legal practitioner<sup>2</sup> on whether there is a restrictive provision in such land documents, otherwise the application **must** be refused.
- for details, please refer to the Guidelines on No-use Restriction Requirement which are available on the website of the OLA at [https://www.hadla.gov.hk/en/licensing\\_matters/related/index.php](https://www.hadla.gov.hk/en/licensing_matters/related/index.php).

**(b) suitability requirement**

- the design and construction of the premises, together with any proposed alteration and refurbishment works, shall generally comply with the prevailing standards as set out in the BO (Cap. 123) and the Fire Services Ordinance (Cap. 95).
- please refer to Chapter II and III for details:
  - (i) Chapter II – Building Safety Requirements
  - (ii) Chapter III – Fire Safety Requirements.

**(c) fit and proper requirement**

- an applicant, or any related person<sup>3</sup> in case of a body of persons, must be a fit and proper person to operate, keep, manage or

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<sup>2</sup> Legal practitioner means a barrister or solicitor as defined by section 2(1) of the Legal Practitioners Ordinance (Cap. 159).

<sup>3</sup> 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.

otherwise have control of a guesthouse. The Licensing Authority may not issue a licence to a person if:

- (i) the person has been convicted of an offence under the Ordinance less than five years prior to the date of application;
  - (ii) the person has been convicted of an offence, other than an offence under the Ordinance, in Hong Kong or elsewhere and sentenced to imprisonment for a term exceeding three months and the offence was committed less than five 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<sup>4</sup>.
- For details, please refer to the Guidelines on Fit and Proper Requirement which are available on the website of the OLA at [https://www.hadla.gov.hk/en/licensing\\_matters/related/index.php](https://www.hadla.gov.hk/en/licensing_matters/related/index.php).

**(d) operation requirement (for licence renewal only)**

- the operation requirement will be considered upon application for licence renewal. The application may be refused if:
  - (i) a provision under the Ordinance has been or is being contravened;
  - (ii) a requirement, order or direction made or given under the Ordinance has not been complied with by the licence holder;

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<sup>4</sup> A number of other factors will be considered on a case-by-case basis if applicable. Other factors include, but not limited to, whether the person has engaged, or is engaging or is in the Government's reasonable belief to have engaged or to be engaging in acts or activities that are likely to constitute or cause the occurrence of offences endangering national security, the public interest, public morals, public order or public safety of Hong Kong, or the continuation of the licence is or shall in the Licensing Authority's reasonable belief be contrary to the interest of national security, the public interest, public morals, public order or public safety of Hong Kong; the conviction of the person is for an offence for which it is necessary to find out the person has acted fraudulently, corruptly or dishonestly; whether the person has entered into a composition or arrangement with his or her creditors; whether a receiver has been appointed; whether the person is a mentally disordered person; and whether the person or a related person is a director, officer, partner or sole proprietor in a business entity whose application for a hotel licence or a guesthouse licence has been refused or whose licence has been revoked or suspended. The applicant has to provide such information (if any) in the application form.

- (iii) a licence condition has not been or is not being complied with by the licence holder; or
- (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 certificate has not been submitted within the period required, or the submitted certificate is incomplete, incorrect or false in a material particular.

### **Local consultation**

1.6 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).

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

- (a) collect the views of affected persons<sup>5</sup> in respect of an application for new licence or licence renewal;
- (b) invite the applicant to provide a response to those views; and
- (c) 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.

1.8 For details of the local consultation, please refer to the Guidelines on Local Consultation and Advisory Panel which are available on the website of the OLA at [https://www.hadla.gov.hk/en/licensing\\_matters/related/index.php](https://www.hadla.gov.hk/en/licensing_matters/related/index.php).

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<sup>5</sup> 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 Licensing 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 are specified by the Licensing Authority for the application.

### **Third party risks insurance**

1.9 To enhance the safety and management of premises being licensed as guesthouse under the Ordinance, a third party risks insurance (public liability insurance) policy with a minimum limit of indemnity of HK\$10 million per event and over 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.

### **Promotional materials and advertisements**

1.10 To facilitate the public to identify the specific type of the licensed premises, holders of "Guesthouse (Holiday Flat) Licence" are required to indicate clearly "(licensed guesthouse)" in all promotional materials/advertisements related to the holiday flat. The font size shall not be smaller than the smallest print of the promotional materials/advertisements.

### **Choice of premises for holiday flat**

1.11 Not all premises are suitable for use as a holiday flat. It is the responsibility of the prospective applicants for the licence to ensure that their premises do comply with the no-use restriction requirement.

1.12 For the premises situated in village type houses in the New Territories which were built on or after 1 January 1961, such village type house shall:

(a) comply with the requirements set out in the BO (Cap.123), the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121) or the then Buildings Ordinance (Application to the New Territories) Ordinance (then Cap. 322); and

(b) be issued with a Certificate of Compliance or a letter of No Objection to Occupy by the DLO of the Lands Department.

1.13 For the premises situated in village houses in the New Territories which were built before 1 January 1961, such village houses shall:

(a) comply with the lease conditions; and

(b) (i) be free from any addition and/or alteration carried out on or after 1

January 1961; or

- (ii) obtain approval and consent from the Building Authority or the DLO of the Lands Department for the addition and/or alteration carried out on or after 1 January 1961.

1.14 The Licensing Authority will not normally issue licence for holiday flats situated in:

- (a) premises at a basement;
- (b) an unauthorised structure;
- (c) a timber structure;
- (d) a building which contains any of the following incompatible uses:-
  - (i) a motor repair shop;
  - (ii) a vulcanizing shop;
  - (iii) automobile or carriage painting; and/or
  - (iv) a paint shop where paint or varnish is manufactured or mixed.
- (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) an area for manufacturing of any dangerous goods within the meaning of the Dangerous Goods Ordinance (Cap 295); or
- (g) accommodation adjoining a dangerous goods storage area.

### **Common layout designs of holiday flat**

1.15 Common layout designs of holiday flat fall into 2 types as follows:

- (a) premises is for renting out as a whole for a single occupancy, similar to a domestic flat, and is known as **“holiday flat of domestic flat layout”**. Please refer to [Appendix C](#) for typical layout plan for holiday flat of domestic flat layout ; or
- (b) premises is partitioned off into separate self-contained guestrooms (which is similar to layout design of guesthouse) for individual rental and is known as **“holiday flat of guesthouse layout”**. Please refer to [Appendix D](#) for typical layout plan for holiday flat of guesthouse

layout.

1.16 In vetting an application, the Licensing Authority will take into consideration the proposed layout and the intention as declared by the applicant and carry out site inspection to the proposed holiday flat in order to determine the types of layout deemed involved and then based on which to formulate relevant building safety and fire safety requirements.

### **Facilitating measures for holiday flat application in village house**

#### **1.17 Building safety requirements**

- (a) For the guesthouse licence application in village house which was built before 1961, the OLA takes a pragmatic and flexible stance on building safety licensing requirements in order to facilitate the operation of holiday flat. Due to the special nature and restrictions of rural settings of these kinds of village houses that the prescriptive requirements may not be fully met, alternative proposals on addressing the building safety licensing requirements will be considered on individual case merits. The OLA will consider if such alternative design can achieve an equivalent level of safety and health standards of its performance to ensure the safety of the patrons in holiday flat.
- (b) The pragmatic and flexible measures on building safety licensing requirements given in paragraphs 2.37 to 2.46 of Chapter II of this Guide aims to provide guidance for resolving common constraints or restrictions that may be encountered in complying with the current building safety and health requirements for use as a holiday flat.

#### **1.18 Fire safety requirements**

For village house situated more than 30m away from access road and/or 100m away from street fire hydrant and/or without designated emergency vehicular access, alternative fire safety provision(s)/requirement(s) may be imposed in pragmatic approach. For details, please refer to paragraphs 3.56 to 3.58 of Chapter III.

1.19 Every case has to be considered on its own merits in view of the special nature and restrictions of each village house, alternative design and proposal described in Chapters II and III will be varied to suit the actual site condition for individual cases.

## Chapter II : Building Safety Requirements

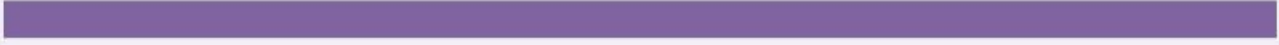
2.1 In assessing the suitability of the premises for use as a holiday flat in village house, the Licensing Authority generally makes reference to the provisions of the BO (Cap.123) and the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121) for the protection of the building from the effects of fire by inhibiting the spread of fire, and ensuring fire resisting construction and structural safety of the building. It also takes into account other fire safety objectives including abating fire hazards, preventing the outbreak of fire, fire suppression, preventing loss of property, providing means of escape and access for firefighting personnel in the event of fire and other emergencies.

2.2 In vetting an application, the Licensing Authority will take into consideration the following fundamental aspects of the premises:

- (a) general compliance to the latest plans approved or recorded by the relevant authorities;
- (b) structural safety;
- (c) fire resisting construction;
- (d) means of escape;
- (e) public safety;
- (f) health and sanitation provisions, and
- (g) ventilation and lighting provisions.

2.3 In addition to the BO (Cap.123) and Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121), applicants are recommended to read the subsidiary regulations of the Buildings Ordinance, “**The Code of Practice for Fire Safety in Buildings 2011 (FS Code)**” published by the Building Authority. These documents can be viewed at or downloaded from the BD’s website — <http://www.bd.gov.hk> (Resources/Codes, design manuals and guidelines).

2.4 Each application for a licence will be considered on individual merits taking into account the circumstances of individual premises. As a standing practice, shortly after the application has been acknowledged, staff of the Licensing Authority will arrange with the applicant for a mutually convenient date to conduct



a preliminary site inspection on both building safety and fire safety aspects of the premises and the village house. After the site inspection, the applicant will be advised on what kind of upgrading works are required to be completed so as to make the premises and the common areas of the village house in compliance with the safety standard set out in the Ordinance before a licence can be issued. A flow chart of processing new applications for a guesthouse (holiday flat) licence is shown in [Appendix A](#).

2.5 It shall be noted that the Licensing Authority may outright refuse an application if the situations mentioned in paragraph 1.14, or any other items which may undermine the safety of the premises or the village house come into its notice.

### **Structural safety**

2.6 The premises shall be structurally capable of withstanding the newly imposed loading due to the change from the present use. The future imposed loading shall be in accordance with the Code of Practice for Dead and Imposed Loads 2011 issued by the BD. The structure must be capable of safely sustaining the combination of the dead load, imposed load and wind load and safely transmitting the loads to the ground.

2.7 No openings, e.g. electrical conduits, cable trunking and ventilation ducts, are allowed to be formed on the existing structural members. Any structural alterations and new building works shall not be carried out without obtaining the agreement from the DLO of the Lands Department/the Building Authority.

2.8 Structural justifications prepared by an Authorized Person (AP) or Registered Structural Engineer (RSE) are usually required for the effects on the existing structural members due to the following changes:

- (a) addition of raised floors if they are not hollow construction or their thickness is considered too excessive even though they are constructed of light-weight materials;
- (b) addition of solid partition walls if they are not constructed of light-weight materials or they are considered excessive in number;
- (c) addition of any raised floors and solid partition walls over cantilevered structures;
- (d) change in use from domestic to holiday flat; and

- (e) other changes which have structural implications.

2.9 The structural justification for the requirements set out in paragraph 2.8 above is not required if all the following situations are fulfilled:

- (a) the premises is of reinforced concrete structure, situated in village type houses in the New Territories and complies with the requirements set out in the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121);
- (b) there are no structural defects in the premises;
- (c) the layout of the premises is a custom design;
- (d) the raised floors are constructed of light-weight materials and not more than 200mm thick;
- (e) the solid partition walls are constructed of light-weight materials; and
- (f) no solid partition walls, parapet walls or raised floors are constructed on the balcony.

2.10 For cantilevered slab balcony and canopy of the premises, a structural survey shall be carried out to identify, if any, defective concrete including spalling, corroded rebar, cracking and deflection. Drainage details shall also be included in the survey report.

2.11 For the defects identified as required in paragraph 2.10 above, necessary remedial works shall be carried out and details shall be submitted to the Licensing Authority for consideration.

### **Fire resisting construction**

2.12 The general requirements on fire resisting construction in respect of premises are:


- (a) every holiday flat shall be suitably enclosed by external walls and roof with a fire resistance rating (FRR) to ensure protection against spread of fire to adjoining houses;

- (b) all roofs of the holiday flat, together with the members forming the roof structure, shall be constructed of non-combustible materials complying with Part E of the FS Code;
- (c) the fire resisting wall enclosing the required stairs shall have an FRR of not less than 1 hour and continue to an open area at ground level;
- (d) the holiday flat shall be separated from the rest of the village house/other residence by walls and floors having an FRR of not less than 1 hour, any door openings shall be installed with the self-closing doors having an FRR of not less than 1 hour with smoke seal;
- (e) the main exit door of each holiday flat on upper floors shall have an FRR of not less than 1 hour with smoke seal;
- (f) if a holiday flat has been partitioned off into separate guestrooms for individual occupancy (paragraph 1.15 (b) above refers),
  - (i) the wall separating each guestroom and the wall between corridor and each guestroom shall have an FRR of not less than 1 hour; and
  - (ii) the door to each guestroom shall have an FRR of not less than 1 hour with smoke seal.
- (g) internal PVC pipes passing through guestrooms of different occupancies shall be enclosed by a duct having an FRR similar to the surrounding structure; and
- (h) storage area shall be enclosed by fire resisting walls and door having an FRR of not less than 1/2 hour.

### **Areas of special hazard and kitchen**

2.13 Rooms accommodating high voltage electrical switch gear, transformers, lift machines, escalator machines, flammable liquid spraying and/or boiler, areas for storing and/or charging batteries, and areas for storing dangerous goods shall be enclosed by walls having an FRR of not less than 2 hours, 4 hours where adjoining required stairs, and any permitted openings thereto shall be provided with a door having an FRR of not less than 1 hour.

2.14 Kitchens shall be enclosed by fire resisting walls and door having an FRR of not less than 1/2 hour and such door shall be self-closing.



2.15 Every holiday flat which is provided with a single exit door shall be so arranged that the entrance to the kitchen within the flat is not adjacent to the exit door. Provided that the kitchen door may be adjacent to the exit door if the capacity of the flat does not exceed 10 persons.

2.16 Cooking facility including burner, stove, induction cooker, electrical cooker or the like shall be provided in a kitchen which is constructed as per paragraph 2.14 and 2.15. Other than the said kitchen, no such cooking facility shall be provided at any other places.

### **Storage of fuel**

2.17 Storage of fuel for cooking is not allowed in holiday flat or within the exit routes.

### **Compartmentation**

2.18 No unauthorised openings shall be made in the separating/party walls between adjoining village houses.

2.19 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 shall be protected with fire dampers or other suitable form of fire stop to maintain the required FRR of that wall or floor.

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

### **Means of escape**

2.21 The general requirements on means of escape in respect of holiday flat are:

- (a) the width of exit route in the holiday flat shall not be less than 750mm.
- (b) every exit route shall lead directly to a street or to an open area having unobstructed access. Such access to a street shall not be

closed with doors or gates unless such doors or gates are fitted with panic bolts as the sole means of being locked in a closed position.

- (c) the clear height of exit route shall not be less than 2m.
- (d) the minimum width of exit staircase of a single staircase building in which a holiday flat is situated shall not be less than 900mm. If the width of exit staircase is less than 1050mm, the capacity of each floor using the staircase shall not exceed 25 persons. For holiday flat served by an exit staircase of width not less than 1050mm or there is more than one staircase in the building, the capacity of each floor shall be calculated in accordance with the FS Code.

### **Height of storey**

2.22 The holiday flat shall have a floor height of not less than 2m measured from floor to ceiling.

### **Lighting and ventilation**

2.23 Each guest room/living room for habitation and kitchen shall be provided with windows to ensure adequate natural lighting and ventilation, and shall comply with the following requirements:

- (a) the total area of glazing is not less than one-tenth of the floor area of the room; and
- (b) one-sixteenth of the floor area is openable with the top being at least 2m above the floor level.

2.24 Bathrooms/toilets shall be provided with windows to ensure adequate lighting and ventilation, and shall comply with the following requirements:

- (a) the total area of glazing is not less than one-tenth of the floor area of the room; and
- (b) one-tenth of the floor area is openable with the top being at least 2m above the floor level.

2.25 The OLA may consider the case having regard to individual merits

according to [Appendix E](#).

### **Sanitary fitments**

2.26 The number of sanitary fitments required in a holiday flat varies with the number of persons to be accommodated in the flat or individual rented unit. The minimum requirements are tabulated below:

<b>No. of persons residing or likely to reside in the flat or individual rented unit</b>	<b>No. of water closets</b>	<b>No. of wash-hand basins</b>	<b>No. of baths or showers</b>
1-8	1	1	1
9-20	2	2	2
For every additional 15 persons or part thereof	1 additional fitment	1 additional fitment	1 additional fitment

2.27 Bathroom, water closet or communal toilet shall not open directly into a kitchen.

### **Drainage and pipework**

2.28 The effluent shall be suitably discharged to the satisfaction of the Licensing Authority.

2.29 Every soil pipe, waste pipe, anti-syphonage pipe, ventilating pipe, overflow pipe and every pipe connected with any drain provided for the carriage of foul water shall be:

- (a) circular in shape; and
- (b) constructed of cast iron, steel, copper or other approved material.

2.30 UPVC or PVC piping may be used externally and, subject to the following conditions, may also be used internally:

- (a) the internal diameter of the piping shall not be greater than 100mm;
- (b) the piping shall be enclosed in duct having an FRR equal to the structure, and the access panels to the duct shall have either self-closing doors or securable covers with an FRR of not less than that of the enclosure;
- (c) fixing brackets to be steel and where stacks have cemented joints to have a bracket below each joint;
- (d) holes to floors and walls shall be fully filled and firmly sealed with fire stop mortar or intumescent material;
- (e) to be securely fixed to all surfaces as appropriate; and
- (f) if UPVC piping is used, this may be exposed subject to, where pipes pass through compartment walls or floors and any fire rated elements, appropriate approved fire stop sealers are to be provided.

2.31 Every soil fitment and waste fitment shall be provided with a suitable trap and ventilated by means of anti-syphonage pipes of suitable sizes to the satisfaction of the Licensing Authority. If the traps connected to the waste fitments are designed to prevent loss of water seal, provision of anti-syphonage pipe to the traps of the waste fitment is not required.

2.32 Cleansing eye shall be provided at or near the bends in every soil and waste pipe. Under any circumstance, at least one cleansing eye shall be provided to every soil and waste pipe inside each guestroom with en-suite toilet/bathroom.

2.33 Floor drains shall be provided to kitchens, bathrooms and toilets. To prevent loss of water seal through evaporation for the trap of a floor drain, used water from a basin, a bath or a shower bath shall be diverted to replenish the water seal of the floor drain without causing backflow or other alternatives to be accepted by the Licensing Authority.

### **Railings and balustrades**

2.34 Where there is a difference in adjacent levels greater than 600mm, protective barriers shall be provided to restrict or control the movement of persons and vehicles. These barriers shall be:

- (a) designed and constructed to minimise the risk of persons or objects falling, rolling, sliding or slipping through gaps in the barrier, or persons climbing over the barrier;
- (b) at a height above the higher of the adjacent levels of not less than 1.1m; and
- (c) constructed as to inhibit the passage of articles more than 100mm in their smallest dimension.

### **Waterproofing**

2.35 Suitable waterproofing materials shall be applied to the structural concrete slab of the toilets/bathrooms/kitchen to prevent water leakage. If raised floor is constructed, the raised floor slab shall also be applied with suitable waterproofing material.

### **Unauthorised building works**

2.36 All unauthorised building works must be removed and the village house be reinstated to the original layout as accepted by the Lands Department.

### **Pragmatic and flexible approach adopted for village house built before 1961**

2.37 As stated in paragraph 1.17 of this Guide, the OLA will favourably consider alternative proposals for the guesthouse licence application for a village house built before 1961, where the standard requirements outlined in paragraphs 2.6 to 2.35 above are unable to be fully met by adopting the pragmatic and flexible approach, provided that equivalent building safety, fire safety, health and sanitation standards are maintained.

2.38 The alternative proposals listed in paragraphs 2.39 to 2.46 are based on cases in which the OLA has previously accepted for certain village houses built before 1961 with the implementation of a Fire Safety Management Plan/management plan. Such proposals will be favorably considered by the OLA. It shall be emphasized that all the listed alternative proposals are indicative only and each application for a guesthouse licence will be considered on individual merits taking into account the circumstances of individual premises.

## **Structural aspect**

2.39 In case paragraph 2.9 of this Guide cannot be fulfilled, structural justification prepared by an AP or RSE is usually required for the effects on the existing structural members due to the changes as per paragraph 2.8. However, for the village house built before 1961, there may be lack of approved or accepted structural records to ascertain the structural stability of the building, and the effects on the existing structural members as well.

2.40 In this circumstance, the OLA accepts the structural appraisal report (SAR) prepared by an RSE to justify the suitability and structural aspect of the premises/village house. The report should include, but not limited, to the following:

- (a) background information including original usage, age of the village house and other relevant details;
- (b) photographs illustrating the general conditions of the village house;
- (c) measurements and necessary tests/investigations of the structural elements;
- (d) structural layout plans showing major dimensions and construction of the village house;
- (e) assessment of the structural adequacy of the structural elements and overall stability of the village house;
- (f) RSE's statement with record plans certifying the structural safety of the premises/village house and confirming that based on his inspection and assessment, in his opinion, the village house is capable of bearing the loads and stresses as holiday flat; and
- (g) RSE's recommendation on the interval for the next structural appraisal based on the village house's overall conditions for the purpose of licence renewal.

2.41 If any form or scale of structural strengthening works to existing structure(s) is required, submission to the BD for approval and consent is required prior to implementation.

## **Fire resisting construction**

2.42 With regard to the fire resisting construction of village houses built before 1961, the typical major difficulties encountered include uncertainty in the materials used, uncertainty about the existing condition, and a lack of supporting documentation to demonstrate the existing walls and roofs meet the required FRR specified in paragraph 2.12 of this Guide. To facilitate the application, pragmatic approach will be favourably considered for the following building elements on individual merits of each case:

- (a) existing solid walls may be retained provided that an undertaking letter by an AP or RSE certifying that:
  - (i) he/she has inspected the existing solid walls;
  - (ii) for existing solid walls wholly consist of bricks of clay, concrete or sand lime, confirms that the wall thickness not less than 100mm (excluding plaster); for existing solid walls of a single storey village house consist of masonry, confirms that the wall thickness not less than 320mm; and
  - (iii) in his/her opinion that the walls are in good condition after repair.
- (b) existing timber roof may be retained subject to:
  - (i) the rafters and battens supporting the roof have been proven to be structurally safe by an RSE;
  - (ii) all timber elements are protected with fire retardant treatment to achieve a Class 1 surface spread of flame when tested in accordance with BS 476 Pt. 7 or other equivalent standards in accordance with the manufacturer's recommendations, and such fire retardant treatment is to be undertaken by an AP;
  - (iii) the roof is covered by non-combustible roof covering including roof tiles such as natural slates, clay tiles, concrete tiles, etc; and
  - (iv) a management plan is provided to demonstrate that an enforceable management strategy will be implemented to properly maintain and regularly monitor the timber roof.

## **Means of escape**

2.43 In the event that the clear height of exit route cannot meet the minimum requirement of 2m as specified in paragraph 2.21, localised areas of insufficient headroom (e.g. at doorways) may be considered acceptable, provided that remedial measures are implemented, such as posting warning signage at conspicuous position of the affected area and installing anti-collision measures.

## **Lighting and ventilation**

2.44 In case provision of natural lighting and ventilation cannot meet the standard requirements specified in paragraph 2.23, the following pragmatic approach may be favourably considered as the compensatory measures:

- (a) instead of assessing the window provision for each habitation room, a combined calculation of window glazing areas and openable window areas for bedrooms and living room may be accepted provided that cross ventilation between bedrooms and living room is available;
- (b) glazing areas and openings at entrance door and doors to court yard may be accepted as an alternative provision of natural lighting and ventilation respectively; and/or
- (c) skylights at roof may be accepted as an alternative provision of natural lighting.

## **Drainage and pipework**

2.45 In case anti-syphonage pipes cannot be provided to the waste fitment in accordance with paragraph 2.31 due to site constraints, the following pragmatic approach may be favourably considered as the compensatory measures:

- (a) a building services engineer to certify that the syphonage action will not likely occur based on that particular drainage design of the subject village house; and
- (b) operator to undertake to replenish water seal of the resealing type floor drains daily.

## **Common design element in pre-1961 village house - timber cockloft**

2.46 Timber cocklofts and wooden staircases are commonly found in old village houses which may not be able to fulfill the standard requirements specified in paragraphs 2.9, 2.21, 2.22, 2.23 and 2.34 in respect of structural safety, means of escape, lighting and ventilation, storey height and railing and balustrade provision respectively. The OLA will favourably consider the timber cockloft and wooden staircase to be included as part of the holiday flat licence area subject to the following conditions:

- (a) the timber cockloft shall be an existing provision in the village house;
- (b) a structural appraisal report prepared by an RSE on the condition and stability of the timber cockloft and the wooden staircase providing access thereto shall be submitted to confirm the suitability of the usage of the timber cockloft as sleeping accommodations and the maximum number of guests that can be accommodated in the timber cockloft;
- (c) the timber cockloft is accessible by guests for the purpose of sleeping only;
- (d) safety of guests in gaining access/egress and using the timber cockloft shall be carefully assessed. Adequate provisions of safety measures such as railings, demarcation of restricted access zone, warning signs, light sensors, etc. shall be provided to avoid guests falling from a high level and to provide a safe means of access/egress for the timber cockloft;
- (e) fire risk shall be minimised by prohibiting the use of fuel with naked flame in the holiday flat; and
- (f) special licensing conditions may be imposed to:
  - (i) limit the number of guests that can gain access to and be accommodated in the timber cockloft;
  - (ii) require the submission of a management plan to restrict the number of guests using the timber cockloft for sleeping only;
  - (iii) require regular maintenance of all safety measures;
  - (iv) require the provision of briefing for the guests for the safety use of



the timber cockloft and the holiday flat; and

- (v) other conditions on a case-by-case basis to ensure the safe use of the timber cockloft and wooden staircases.

## Chapter III : Fire Safety Requirements

3.1 Holiday flats are required to have adequate and appropriate fire service installations (FSI) and equipment, and the provision of vehicular access for emergency vehicles, to protect the safety of the public and the premises against fire, limit the spread of fire and at the same time give warning to the occupants of the premises. All requirements on FSI and equipment for holiday flats are based on the “Codes of Practice for Minimum Fire Service Installations and Equipment and Inspection, Testing and Maintenance of Installations and Equipment” issued by the FSD. The updated version of this document can be viewed or downloaded from the FSD’s website: [www.hkfsd.gov.hk](http://www.hkfsd.gov.hk).

3.2 All FSI works, alterations and additions required for a holiday flat must be carried out by an RFSIC of appropriate class. The full list of different classes of RFSIC is set out in the FSD’s website shown in paragraph 3.1 above. Once installed, all FSI and equipment in the premises shall be retained and maintained in an efficient working order at all times, and inspected by an RFSIC at least once in every 12 months.

3.3 A copy of the certificate for the required FSI and equipment issued to the owner shall be forwarded to the Director of Fire Services and the Licensing Authority within 14 days and 28 days respectively after completion of works.

### **Fire safety requirements for holiday flat of domestic flat layout**

3.4 The ensuing paragraphs sets out the major fire safety requirements for holiday flat of domestic flat layout (A typical layout plan for holiday flat of domestic flat layout is shown in [Appendix C](#)).

### ***Power supply for fire service installations***

3.5 An independently powered generator of sufficient electrical capacity shall be provided to meet the FSI that it is required to provide. If there is no emergency generator provided in the existing village house, primary and secondary electrical supply shall be provided to all FSI.

## ***Exit signs and directional signs***

3.6 All designated exits inside the holiday flat shall be indicated by exit signs with specifications in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment.

3.7 If an exit sign is not clearly visible from any location in the holiday flat, directional signs with specifications in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment shall be erected to assist occupants to identify the exits in the event of an emergency.

## ***Manual fire alarm system***

3.8 A manual fire alarm system with visual alarm signals (Please see FSD Circular Letter 2/2012 for installation specification) shall be provided to the entire holiday flat and the design of which shall be in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment. One actuating point and one audio warning device located at or near the main entrance and at a conspicuous location of the common corridor shall be provided.

## ***FSI control panel***

3.9 All FSI control panels shall be installed at the reception area or near the main entrance inside the holiday flat.

## ***Fire detection system***

3.10 Fire detection system shall be provided in accordance with the Rules of the Loss Prevention Council for Automatic Fire Detection and Alarm Installations for the Protection of Property and BS:5839-1:2002+A2:2008 or other standards acceptable to the Director of Fire Services, and shall be provided as follows:

- (a) fire detection system shall be provided in area not covered by automatic fixed installations.
- (b) a smoke detection system shall be provided for the entire holiday flat excluding toilets, bathrooms and staircases which are covered by sprinkler, if any part of that floor is used for sleeping accommodation.

- (c) heat detection system would be acceptable in electrical/mechanical rooms and kitchens.
- (d) alternatively, self-contained battery-operated smoke detectors may be installed in the holiday flat and self-contained battery-operated heat detectors may be installed in electrical/mechanical rooms and kitchens. The self-contained battery-operated smoke/heat detectors shall comply with any one of the following international standards:

British Standard BS5446;  
American Standard UL217;  
Australian Standard AS 3786;  
Canadian Standard ULC S531; or  
Other international equivalent

To ensure the proper operation of the smoke/heat detectors, the operator is required to check and test the self-contained battery-operated smoke/heat detectors weekly according to the operation manual provided by the manufacturer (The installation work does not have to be conducted by an RFSIC and FS251 is not required).

- (e) the alarm of such system shall be integrated with the Manual Fire Alarm System provided for the holiday flat.

### ***Portable fire fighting equipment***

3.11 One 2 kg dry powder or 4.5 kg CO<sub>2</sub> gas fire extinguisher shall be provided in each kitchen/pantry/switch room and one 9L CO<sub>2</sub>/water fire extinguisher shall be provided at the location near the reception area.

### ***Polyurethane (PU) foam filled mattresses and upholstered furniture***

3.12 If PU foam filled mattresses and upholstered furniture are used in the holiday flat, they shall meet the flammability standards as specified in British Standard BS7177:1996 and BS7176:1995 (or their latest editions) for use in medium hazard premises/building or standards acceptable to the Director of Fire Services. Applicant shall submit test report, delivery note and invoice of PU foam filled mattresses and upholstered furniture upon report of completion.

## **Electrical installations**

3.13 An owner of fixed electrical installations in the holiday flat shall have their installations installed, inspected, tested and certificated by an electrical contractor registered with the Director of Electrical & Mechanical Services. Such electrical installation shall have it inspected, tested and certified at least once every 5 years thereafter. A certificate, as proof of compliance shall be forwarded to the OLA.

## **Fuel gas system/appliances**

3.14 Any fuel gas system/appliance installed for use in the holiday flat shall be installed in accordance with the provisions in the Gas Safety Ordinance, Cap 51 by a registered contractor and a Certification of compliance/completion shall be submitted to the OLA as proof of compliance. For safety reasons, the owner shall arrange/facilitate the regular safety inspection of their gas installation by a registered gas supply company/registered gas contractor to ensure such installation are in order.

## **Fuels for kitchen/bathroom**

3.15 The following fuels may be used inside the kitchen/bathrooms:-

- (a) electricity;
- (b) towngas; or
- (c) Liquefied Petroleum Gas (LPG) in portable cylinders provided that:-
  - (i) LPG cylinders may only be used inside holiday flat to supply fixed gas appliances when a piped supply (Towngas or central LPG supply) is not available to the said premises upon first application for licence.
  - (ii) LPG cylinders shall not be located:
    - below ground level
    - in poorly ventilated areas
    - in sleeping areas or bathrooms
    - in only means of escape from the holiday flat

- close to heat source(s).
- (iii) the aggregate water capacity of LPG cylinders in each dwelling shall not exceed 130 litres without approval of the Gas Authority.

### **Fire safety requirements for holiday flat of guesthouse layout exceeding 230 square metres in floor area**

3.16 The ensuing paragraphs sets out the major fire safety requirements for holiday flat of guesthouse layout exceeding 230 square metres in floor area (A typical layout plan for holiday flat of guesthouse layout is shown in [Appendix D](#)).

#### ***Power supply for fire service installations***

3.17 An independently powered generator of sufficient electrical capacity shall be provided to meet the FSI that it is required to provide. If there is no emergency generator provided in the existing village house, primary and secondary electrical supply shall be provided to all FSI.

#### ***Emergency lighting system***

3.18 Emergency lighting shall be provided inside the holiday flat at suitable locations at common corridors. A self-contained secondary lighting system in accordance with Part V, paragraph 5.9 of the Code of Practice for Minimum Fire Service Installations and Equipment will be accepted if the illumination level of not less than 2 lux for duration not less than that specified in the Code.

#### ***Exit signs and directional signs***

3.19 All designated exits inside the holiday flat shall be indicated by exit signs with specifications in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment.

3.20 If an exit sign is not clearly visible from any location in the holiday flat, directional signs with specifications in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment shall be erected to assist occupants to identify the exits in the event of an emergency.

### **Manual fire alarm system**

3.21 A manual fire alarm system with visual alarm signals (Please see FSD Circular Letter 2/2012 for installation specification) shall be provided to the entire holiday flat and the design of which shall be in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment. One actuating point and one audio warning device located at or near the main entrance and at a conspicuous location of the common corridor shall be provided.

### **FSI control panel**

3.22 All FSI control panels shall be installed at the reception area or near the main entrance inside the holiday flat.

### **Fire detection system**

3.23 Fire detection system shall be provided in accordance with the Rules of the Loss Prevention Council for Automatic Fire Detection and Alarm Installations for the Protection of Property and BS: 5839-1:2002+A2:2008 or other standards acceptable to the Director of Fire Services, and shall be provided as follows:

- (a) fire detection system shall be provided in area not covered by automatic fixed installations.
- (b) a smoke detection system shall be provided for the entire holiday flat excluding toilets, bathrooms and staircases which are covered by sprinkler, if any part of that floor is used for sleeping accommodation.
- (c) heat detection system would be acceptable in electrical/mechanical rooms and kitchens.
- (d) the alarm of such system shall be integrated with the Manual Fire Alarm System provided for the holiday flat and transmitted to the Fire Services Communication Centre through a service provider by a direct telephone line.

### **Fire hydrant/hose reel System**

3.24 A fire hydrant/hose reel system shall be installed in accordance with

[Appendix F](#). The installation works shall be carried out by an RFSIC in Class 2, and a copy of "Certificate of Fire Service Installations and Equipment" (Form FS 251) shall be submitted to the OLA upon completion.

### ***Portable fire fighting equipment***

3.25 One 2 kg dry powder or 4.5 kg CO<sub>2</sub> gas fire extinguisher shall be provided in each kitchen/pantry/switch room and one 9L CO<sub>2</sub>/water fire extinguisher shall be provided at the location near the reception area.

### ***Automatic sprinkler installation***

3.26 An automatic sprinkler installation shall be installed for the entire holiday flat including staircases, common corridors, toilets and bathrooms in accordance with the Loss Prevention Council Rules for Automatic Sprinkler Installations incorporated with BS EN12845. Where the provision of sprinkler water tank is not possible, the water supply for such system may be permitted to be obtained from the existing fire hydrant/hose reel tank or via direct connection from town mains. As a last means, connection to the 1,500 litres hose reel tank as mentioned in [Appendix F](#) may be accepted. The improvised sprinkler system shall be installed in accordance with FSD Circular Letter No. 4/1996. The installation works shall be carried out by an RFSIC in Class 2, and a copy of "Certificate of Fire Service Installations and Equipment" (Form FS 251) shall be submitted to the OLA upon completion.

### ***Smoke extraction system***

3.27 A static or dynamic smoke extraction system shall be provided in accordance with Part V, paragraph 5.23 of the Code of Practice for Minimum Fire Service Installations and Equipment for all internal means of escape serving all guest rooms irrespective of the cubical extent of the building or the volume of the fire compartment on any floor. "Internal means of escape" for this purpose, means the route leading from the outside of all guest rooms to a pressurized or naturally ventilated staircase; a protected lobby or open air. The above requirement on static or dynamic smoke extraction system is not applicable if the route itself is provided with openable windows communicating to the open air and the aggregate area of such windows exceeds 6.25% of the floor area of that route.

### ***Ventilation/air conditioning control system***

3.28 When a ventilation/air conditioning control system to the holiday flat is

provided, it shall stop mechanically induced air movement within a designated fire compartment.

### ***Ventilation system***

3.29 All ventilating systems that embody the use of ducting or trunking, passing through any wall, floor, or ceiling from one compartment to another, shall comply with the Building (Ventilating System) Regulations. Detailed drawings showing layout of the ventilating system shall be submitted to the Ventilating Systems Group of the FSD for approval, and a copy of letter of compliance shall be submitted to the OLA as proof of compliance. The system shall subsequently be inspected by a Registered Ventilation Contractor at intervals not exceeding 12 months and a copy of "maintenance certificate" shall be forwarded to the OLA as proof of compliance.

3.30 All linings for acoustic, thermal insulation purposes in ductings and concealed locations shall be of Class 1 or 2 Rate of Surface Spread of Flame as per British Standard 476:Part 7 or its international equivalent, or be brought up to that standard by use of an approved fire retardant product. The work shall be carried out by a Class 2 RFSIC. A copy of the "Certificate of Fire Service Installations and Equipment" (Form FS 251) shall be submitted to the OLA as proof of compliance.

### ***Combustible materials***

3.31 All linings for acoustic, thermal insulation and decorative purposes within protected means of escape in the holiday flat shall be of Class 1 or 2 Rate of Surface Spread of Flame as per British Standard 476:Part 7 or its international equivalent, or be brought up to that standard by use of an approved fire retardant product. The work shall be carried out by a Class 2 RFSIC. A copy of the "Certificate of Fire Service Installations and Equipment" (Form FS 251) shall be submitted to the OLA as proof of compliance.

### ***PU foam filled mattresses and upholstered furniture***

3.32 If PU foam filled mattresses and upholstered furniture are used in the holiday flat, they shall meet the flammability standards as specified in British Standard BS7177:1996 and BS7176:1995 (or their latest editions) for use in medium hazard premises/building or standards acceptable to the Director of Fire Services. Applicant shall submit test report, delivery note and invoice of PU foam filled mattresses and upholstered furniture upon report of completion.

## **Electrical installations**

3.33 An owner of fixed electrical installations in the holiday flat shall have their installations installed, inspected, tested and certificated by an electrical contractor registered with the Director of Electrical & Mechanical Services. Such electrical installation shall have it inspected, tested and certified at least once every 5 years thereafter. A certificate, as proof of compliance shall be forwarded to the OLA.

## **Fuel gas system/appliances**

3.34 Any fuel gas system/appliance installed for use in the holiday flat shall be installed in accordance with the provisions in the Gas Safety Ordinance, Cap 51 by a registered contractor and a Certification of compliance/completion shall be submitted to the OLA as proof of compliance. For safety reasons, the owner shall arrange/facilitate the regular safety inspection of their gas installation by a registered gas supply company/registered gas contractor to ensure such installation are in order.

## **Fuels for kitchen/bathroom**

3.35 The following fuels may be used inside the kitchen/bathrooms:-

- (a) electricity;
- (b) towngas; or
- (c) LPG in portable cylinders provided that:-
  - (i) LPG cylinders may only be used inside holiday flat to supply fixed gas appliances when a piped supply (Towngas or central LPG supply) is not available to the said premises upon first application for licence.
  - (ii) LPG cylinders shall not be located:
    - below ground level
    - in poorly ventilated areas
    - in sleeping areas or bathrooms
    - in only means of escape from the holiday flat

- close to heat source(s).
- (iii) the aggregate water capacity of LPG cylinders in each dwelling shall not exceed 130 litres without approval of the Gas Authority.

### **Carpets**

3.36 The carpets being used within the protected means of escape of the holiday flat shall comply with ASTM E-648, the USA Standard for assessment of textile floor covering or BS 5287 as conforming to low radius of effects of ignition when tested in accordance with BS 4790, or made of pure wool, unless the pile height of which does not exceed 10mm and the area to be carpeted is not exceeding 5% of the protected means of escape calculated on the floor by floor basis.

### **Fire safety requirements for holiday flat of guesthouse layout not exceeding 230 square metres in floor area**

3.37 The ensuing paragraphs sets out the major fire safety requirements for holiday flat of guesthouse layout not exceeding 230 square metres in floor area (A typical layout plan for holiday flat of guesthouse layout is shown in [Appendix D](#)).

### ***Power supply for fire service installations***

3.38 An independently powered generator of sufficient electrical capacity shall be provided to meet the FSI that it is required to provide. If there is no emergency generator provided in the existing village house, primary and secondary electrical supply shall be provided to all FSI.

### ***Emergency lighting system***

3.39 Emergency lighting shall be provided inside the holiday flat at suitable locations at common corridors. A self-contained secondary lighting system in accordance with Part V, paragraph 5.9 of the Code of Practice for Minimum Fire Service Installations and Equipment will be accepted if the illumination level of not less than 2 lux for duration not less than that specified in the Code.

## ***Exit signs and directional signs***

3.40 All designated exits inside the holiday flat shall be indicated by exit signs with specifications in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment.

3.41 If an exit sign is not clearly visible from any location in the holiday flat, directional signs with specifications in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment shall be erected to assist occupants to identify the exits in the event of an emergency.

## ***Manual fire alarm system***

3.42 A manual fire alarm system with visual alarm signals (Please see FSD Circular Letter 2/2012 for installation specification) shall be provided to the entire holiday flat and the design of which shall be in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment. One actuating point and one audio warning device located at or near the main entrance and at a conspicuous location of the common corridor shall be provided.

## ***Fire service installations control panel***

3.43 All FSI control panels shall be installed at the reception area or near the main entrance inside the holiday flat.

## ***Fire detection system***

3.44 Fire detection system shall be provided in accordance with the Rules of the Loss Prevention Council for Automatic Fire Detection and Alarm Installations for the Protection of Property and BS: 5839-1:2002+A2:2008 or other standards acceptable to the Director of Fire Services, and shall be provided as follows:

- (a) fire detection system shall be provided in area not covered by automatic fixed installations.
- (b) a smoke detection system shall be provided for the entire holiday flat excluding toilets, bathrooms and staircases which are covered by sprinkler, if any part of that floor is used for sleeping accommodation.

(c) heat detection system would be acceptable in electrical/mechanical rooms and kitchens.

(d) alternatively, self-contained battery-operated smoke detectors may be installed in the holiday flat and self-contained battery-operated heat detectors may be installed in electrical/mechanical rooms and kitchens. The self-contained battery-operated smoke/heat detectors shall comply with any one of the following international standards:

British Standard BS5446;

American Standard UL217;

Australian Standard AS 3786;

Canadian Standard ULC S531; or

Other international equivalent

To ensure the proper operation of the smoke/heat detectors, the operator is required to check and test the self-contained battery-operated smoke/heat detectors weekly according to the operation manual provided by the manufacturer (The installation work does not have to be conducted by an RFSIC and FS251 is not required).

(e) the alarm of such system shall be integrated with the Manual Fire Alarm System provided for the holiday flat.

### ***Portable fire fighting equipment***

3.45 One 2 kg dry powder or 4.5 kg CO<sub>2</sub> gas fire extinguisher shall be provided in each kitchen/pantry/switch room and one 9L CO<sub>2</sub>/water fire extinguisher shall be provided at the location near the reception area.

### ***Smoke extraction system***

3.46 A static or dynamic smoke extraction system shall be provided in accordance with Part V, paragraph 5.23 of the Code of Practice for Minimum Fire Service Installations and Equipment for all internal means of escape serving all guest rooms irrespective of the cubical extent of the building or the volume of the fire compartment on any floor. "Internal means of escape" for this purpose, means the route leading from the outside of all guest rooms to a pressurized or naturally ventilated staircase; a protected lobby or open air. The above requirement on

static or dynamic smoke extraction system is not applicable if the route itself is provided with openable windows communicating to the open air and the aggregate area of such windows exceeds 6.25% of the floor area of that route.

### ***Ventilation/air conditioning control system***

3.47 When a ventilation/air conditioning control system to the holiday flat is provided, it shall stop mechanically induced air movement within a designated fire compartment.

### ***Ventilation system***

3.48 All ventilating systems that embody the use of ducting or trunking, passing through any wall, floor, or ceiling from one compartment to another, shall comply with the Building (Ventilating System) Regulations. Detailed drawings showing layout of the ventilating system shall be submitted to the Ventilating Systems Group of the FSD for approval, and a copy of letter of compliance shall be submitted to the OLA as proof of compliance. The system shall subsequently be inspected by a Registered Ventilation Contractor at intervals not exceeding 12 months and a copy of "maintenance certificate" shall be forwarded to the OLA as proof of compliance.

3.49 All linings for acoustic, thermal insulation purposes in ductings and concealed locations shall be of Class 1 or 2 Rate of Surface Spread of Flame as per British Standard 476: Part 7 or its international equivalent, or be brought up to that standard by use of an approved fire retardant product. The work shall be carried out by a Class 2 RFSIC. A copy of the "Certificate of Fire Service Installations and Equipment" (Form FS 251) shall be submitted to the OLA as proof of compliance.

### ***Combustible materials***

3.50 All linings for acoustic, thermal insulation and decorative purposes within protected means of escape in the holiday flat shall be of Class 1 or 2 Rate of Surface Spread of Flame as per British Standard 476:Part 7 or its international equivalent, or be brought up to that standard by use of an approved fire retardant product. The work shall be carried out by a Class 2 RFSIC. A copy of the "Certificate of Fire Service Installations and Equipment" (Form FS 251) shall be submitted to the OLA as proof of compliance.

### ***PU foam filled mattresses and upholstered furniture***

3.51 If PU foam filled mattresses and upholstered furniture are used in the holiday flat, they shall meet the flammability standards as specified in British Standard

BS7177:1996 and BS7176:1995 (or their latest editions) for use in medium hazard premises/building or standards acceptable to the Director of Fire Services. Applicant shall submit test report, delivery note and invoice of PU foam filled mattresses and upholstered furniture upon report of completion.

### **Electrical installations**

3.52 An owner of fixed electrical installations in the holiday flat shall have their installations installed, inspected, tested and certificated by an electrical contractor registered with the Director of Electrical & Mechanical Services. Such electrical installation shall have it inspected, tested and certified at least once every 5 years thereafter. A certificate, as proof of compliance shall be forwarded to the OLA.

### **Fuel gas system/appliances**

3.53 Any fuel gas system/appliance installed for use in the holiday flat shall be installed in accordance with the provisions in the Gas Safety Ordinance, Cap 51 by a registered contractor and a Certification of compliance/completion shall be submitted to the OLA as proof of compliance. For safety reasons, the owner shall arrange/facilitate the regular safety inspection of their gas installation by a registered gas supply company/registered gas contractor to ensure such installation are in order.

### **Fuels for kitchen/bathroom**

3.54 The following fuels may be used inside the kitchen/bathrooms:-

- (a) electricity;
- (b) towngas; or
- (c) LPG in portable cylinders provided that:-
  - (i) LPG cylinders may only be used inside holiday flat to supply fixed gas appliances when a piped supply (Towngas or central LPG supply) is not available to the said premises upon first application for licence.
  - (ii) LPG cylinders shall not be located:
    - below ground level
    - in poorly ventilated areas

- in sleeping areas or bathrooms
  - in only means of escape from the holiday flat
  - close to heat source(s)
- (iii) the aggregate water capacity of LPG cylinders in each dwelling shall not exceed 130 litres without approval of the Gas Authority.

### **Carpets**

3.55 The carpets being used within the protected means of escape of the holiday flat shall comply with ASTM E-648, the USA Standard for assessment of textile floor covering or BS 5287 as conforming to low radius of effects of ignition when tested in accordance with BS 4790, or made of pure wool, unless the pile height of which does not exceed 10mm and the area to be carpeted is not exceeding 5% of the protected means of escape calculated on the floor by floor basis.

### **Pragmatic and flexible approach to alternative proposals**

3.56 For village house situated more than 30m away from access road and/or 100m away from street fire hydrant and/or without designated emergency vehicular access, alternative fire safety provision(s)/requirement(s) may be imposed in pragmatic approach.

### ***Wheeled type dry powder fire extinguisher(s)***

3.57 20 kg wheeled type dry powder fire extinguisher(s) shall be provided for the village house in which the holiday flat is situated.

### ***Self-contained battery-operated smoke detector(s)***

3.58 Self-contained battery-operated smoke detector(s) shall be installed in the holiday flat. The self-contained battery-operated smoke detectors shall comply with any one of the following international standards:

British Standard BS5446;  
American Standard UL217;  
Australian Standard AS 3786;  
Canadian Standard ULC S531; or



## Other international equivalent

To ensure the proper operation of the smoke detectors, the operator is required to check and test the self-contained battery-operated smoke detectors weekly according to the operation manual provided by the manufacturer (The installation work does not have to be conducted by an RFSIC and FS251 is not required).

## Chapter IV : Licence Application Procedure

### **General**

4.1 New applications in respect of a licence for guesthouse (holiday flat) shall be made by means of the prescribed application form (HAD 133). The application forms are obtainable at the OLA or the website of the OLA ([http://www.had.gov.hk/en/public\\_forms/forms.htm](http://www.had.gov.hk/en/public_forms/forms.htm)). The completed application form shall be submitted to the OLA together with all the required supporting documents (see paragraph 4.5). Applicants are encouraged to submit through online means (<https://eform.cefs.gov.hk/form/had093/tc/>).

4.2 In vetting an application, the Licensing Authority will take into consideration the proposed layout and the intention as declared by the applicant and carry out site inspection to the proposed holiday flat in order to determine the types of layout deemed involved, and based on which to formulate relevant building safety and fire safety requirements.

4.3 It shall be noted that the Licensing Authority may outright refuse an application if the situations mentioned in paragraph 1.14, or any other items which may undermine the safety of the buildings come into its notice.

4.4 More details are provided in "A Guide to Licence Application under the Hotel and Guesthouse Accommodation Ordinance (Chapter 349)" on the website of the OLA ([https://www.hadla.gov.hk/tc/licensing\\_matters/related/index.php](https://www.hadla.gov.hk/tc/licensing_matters/related/index.php)).

4.5 The application form shall be submitted with documents and certificates including:

- (a) the original and three copies of the completed application form (applicable only to application form submitted in hard copy);
- (b) a copy of the Hong Kong Identity Card of the applicant (if the applicant is an individual) or business registration certificate (may be submitted later but before the licence is issued) and a copy of the Hong Kong Identity Card/travel document of the related person of the applicant (if the applicant is a body of persons, e.g. limited company, partnership);
- (c) if the applicant is not a permanent resident of Hong Kong, he / she shall submit the completed "Consent Form" (for giving consent to the

Immigration Department to release information on his/her condition of stay in Hong Kong to OLA) at Appendix II of the application form and a copy of his/her travel document;

- (d) completed "Personal Data Authorisation Form" (*for giving authorization to the Commissioner of Police or his representative to release all his/her criminal conviction record to OLA*) at Appendix III of the application form and "Consent Form" (*for giving consent to the Official Receiver's Office to release information on his/her relevant bankruptcy/liquidation/winding-up order records to OLA*) at Appendix IV of the application form by the applicant and the related person (if the applicant is a body of persons);
- (e) written legal advice given by a legal practitioner confirming that the 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;
- (f) a copy of the business registration certificate of the holiday flat. The business name of the holiday flat shown on the business registration certificate shall be identical to the business name of the holiday flat under application;
- (g) a copy of valid third party risks insurance (public liability insurance) with a minimum limit of indemnity of HK\$10 million per event and cover for unlimited events for any one period of insurance for the applied premises and receipt issued by the insurance company (may be submitted later but before the licence is issued). The business name shown on the third party risks insurance (public liability insurance) shall be identical to the business of the holiday flat under application;
- (h) three sets of detailed layout plans in metric and to scale (normal not less than 1:100) indicating the following:
- 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 holiday flat;
  - the types, standards and specifications of all materials used and/or intended to be used in the holiday flat;
  - all existing and proposed sanitary fitments and drainage works;
  - the location of all windows, ventilation ducting and means of mechanical ventilation; and
  - the extent and details of raised floors, partitions and other alterations.
- (i) a Certificate of Compliance or a letter of No Objection to Occupy issued by the DLO of the LandsD (if the proposed is a village type house in the New Territories); and
- (j) proof of document showing that the operation, keeping, management or other control of the holiday flat is under the continuous and personal supervision by the applicant (e.g. proof of land ownership issued by the Land Registry, stamped rental agreement signed between the registered owner and the applicant, authorisation letter issued by the registered owner or legal tenant of the concerned village house to allow the applicant to operate, keep, manage or control his/her premises, legal document (e.g. Government rental agreement, DMC) explicitly stating that the applicant is authorised to operate, keep, manage or control of the concerned holiday flat, or other document showing that the applicant has exclusive use or enjoyment of the concerned holiday flat.

4.6 The application may not be considered if the applicant fails to provide all the information requested.

#### **Appointment of AP/registered contractors**

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

- (a) the suitability of the premises which is of paramount importance;
- (b) the required upgrading works and relevant submission procedures,

i.e. some works will require submissions to BD for formal approval and consent before commencement whilst some may be carried out following the simplified submission procedures under the Minor Works Control System;

- (c) preparation of plans for the aforesaid submissions and licence application; and
- (d) the appointment of appropriate contractors, if necessary.

4.8 Appropriate contractors shall be appointed to carry out the relevant category of upgrading works, including:

- (a) building and drainage works – a general building contractor and relevant minor works contractors registered with BD;
- (b) ventilation works – a specialist contractor (ventilation works) registered with BD;
- (c) FSI and equipment – an RFSIC;
- (d) electrical installation works – an electrical contractor/worker registered with EMSD; and
- (e) gas works – a gas contractor registered with the EMSD.

The lists of APs and relevant registered contractors are available for inspection free of charge in the offices and websites of BD (<http://www.bd.gov.hk>), FSD (<http://www.hkfsd.gov.hk>) and EMSD (<http://www.emsd.gov.hk>).

## **Process**

4.9 Flow charts for processing new application for a guesthouse (holiday flat) licence is shown in [Appendix A](#). Key steps and the details are listed in table below.

Key steps	Details
Submission of application	<p>(a) The applicant shall complete an application 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.</p> <p>(b) The applicant and all related persons shall complete individual authorisation forms to authorise the Hong Kong Police Force and the Official Receiver's Office to release relevant information to the Licensing Authority.</p>
Inspection and issue of Letter of Requirements (LoR)	<p>(c) The Licensing Authority will contact the applicant for conducting an inspection of the premises.</p> <p>(d) The Licensing Authority will issue a LoR listing out all the required upgrading works and enclose a "Report of Completion" form for the applicant to fill in after completion of upgrading works.</p>
Local consultation (if necessary)	<p>(e) The applicant will be informed of the views of affected persons and his/her responses will be invited for consideration by the advisory panel.</p> <p>(f) 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.</p>
Completion of upgrading works	<p>(g) The applicant shall complete all the upgrading works by the date specified in the LoR. Application of extension of time may be considered on the merits of each case.</p> <p>(h) If the applicant fails to complete the upgrading works within a reasonable period of time, the Licensing Authority may consider refusing the application.</p> <p>(i) Upon completion of all of 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.</p>

Key steps	Details
Compliance inspection	(j) Upon receipt of the "Report of Completion", the Licensing Authority will contact the applicant for a compliance inspection of the premises.
Issue of licence and submission of as-built drawings	(k) When all works and documents are found in order, the applicant will be requested to submit three sets of as-built building, drainage and FSI drawings for endorsement by the Licensing Authority. One set of the endorsed as-built drawing 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) shall be identical to the business name of the guesthouse under application.

4.10 If the upgrading works cannot be completed by the time specified by the Licensing Authority, the applicant shall notify the Licensing Authority and apply for extension of time.

4.11 If the applicant fails to complete the upgrading works within a reasonable period of time, the Licensing Authority may refuse the application.

4.12 When all the requirements under the Ordinance are satisfied, the licence will be issued upon payment of prescribed fee and provision of the required insurance proof (if the required insurance information is not duly provided in the application form).

4.13 The Licensing Authority has made performance pledges in respect of the following stages of new application:

<b>Processing Steps of New Application</b>	<b>Processing Time and Performance Pledges</b>
To issue acknowledgement receipt	Within 4 working days upon receipt of a valid application
To conduct site inspection and issue a LoR to applicant	Within 22 working days upon issue of acknowledgement receipt
To notify the result on the report of completion of the required upgrading works	Within 35 working days upon receipt of the "Report of Completion"

## Chapter V : Licence Renewal

5.1 There is a validity period for licences issued under the Ordinance. An application for the renewal of a licence must be made within three to six months before the expiry of the licence. Otherwise, the Licensing Authority may refuse to renew the licence and the guesthouse operation will have to cease on the expiry date of the licence. Renewal application submitted after the expiry of the licence will not be accepted and applicant is required to submit an application for a new licence.

5.2 Before submission of the application form for renewal of licence, the licence holder shall ensure compliance with all conditions stipulated in the licence and validity of relevant certificates related to FSI, ventilation system, fixed electrical installation, etc.

5.3 The licence holder shall submit the application form for renewal of licence (HAD 140A) which is available at the website of the OLA ([http://www.had.gov.hk/en/public\\_forms/forms.htm](http://www.had.gov.hk/en/public_forms/forms.htm)). Applicants are encouraged to submit through online means (<https://eform.cefs.gov.hk/form/had094/en/>). The application form shall be submitted with documents and certificates including:

- (a) the original and three copies of the completed application form (HAD 140A);
- (b) a copy of the Hong Kong Identity Card of the applicant (if the applicant is an individual) or business registration certificate (may be submitted later but before the licence is issued) and copy of the Hong Kong Identity Card/travel document of the related person of the applicant (if the applicant is a body of persons, e.g. limited company, partnership);
- (c) if the applicant is not a permanent resident of Hong Kong, he/she shall submit the completed "Consent Form" (*for giving consent to the Immigration Department to release information on his/her condition of stay in Hong Kong to OLA*) at Appendix II of the application form and a copy of his/her travel document;
- (d) completed "Personal Data Authorisation Form" (*for giving authorization to the Commissioner of Police or his representative to release all his/her criminal conviction record to OLA*) at Appendix III of the application form and "Consent Form" (*for giving consent to the*

*Official Receiver's Office to release information on his/her relevant bankruptcy/liquidation/winding-up order records to OLA) at Appendix IV of the application form by the applicant and the related person (if the applicant is a body of persons);*

- (e) 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;
- (f) a copy of valid F.S. 251 issued by a RFSIC which certified that all FSI in the licensed holiday flat are in efficient working order;
- (g) 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 installations in the holiday flat comply with the Electricity Ordinance (Cap. 406) and are in safe working order, where:
  - if a low voltage fixed electrical installation located in such holiday flat with an approved loading exceeding 100A, single or three phases, shall be inspected, tested and certified at least once every five years; or
  - if a low voltage fixed electrical installation located in the holiday flat that is used for sleeping accommodation shall be inspected, tested and certified at least once every five years.
- (h) 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 holiday flat where damper, filter and precipitator are presented in the ventilating system;
- (i) three sets of detailed layout plans in metric and to scale (normally not less than 1:100) with the boundary of the holiday flat under this licence application clearly delineated and partitions layout of the hotel/guesthouse shown; and
- (j) proof of document showing that the operation, keeping, management or other control of the holiday flat is under the

continuous and personal supervision by the applicant (e.g. proof of land ownership issued by the Land Registry, stamped rental agreement signed between the registered owner and the applicant, authorisation letter issued by the registered owner or legal tenant of the concerned holiday flat to allow the applicant to operate, keep, manage or control his/her premises, legal document (e.g. Government rental agreement, DMC) explicitly stating that the applicant is authorised to operate, keep, manage or control of the concerned holiday flat, or other document showing that the applicant has exclusive use or enjoyment of the concerned holiday flat).

5.4 The Licensing Authority will inspect the holiday flat to ensure that fire and building safety requirements are complied with and maintained.

5.5 Flow charts for processing renewal application for a guesthouse (holiday flat) licence is shown in [Appendix B](#).

5.6 When all the requirements under the Ordinance are satisfied, the licence will be renewed upon payment of the prescribed fee and provision of the required insurance proof (if the required insurance information is not duly provided in the application form).

## Chapter VI : Licence Transfer

6.1 If a licensee intends to transfer the licence to another person/company, they have to jointly submit an application form (HAD 141) by completing form HAD 141 ([https://www.had.gov.hk/en/other\\_information/forms.htm](https://www.had.gov.hk/en/other_information/forms.htm)) or through online means (<https://eform.cefs.gov.hk/form/had095/en/>). The licensee shall show a cause of the transfer to the satisfaction of the Licensing Authority. The licensee shall also ensure that the transferee is well aware of all the conditions, obligations, duties and restrictions in the current licence.

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

- (a) the licence is about to expire;
- (b) the licence is not valid;
- (c) licensing conditions as stipulated in the licence have not been fully complied;
- (d) the Licensing Authority does not satisfy with the cause of the transfer;
- (e) it appears to the Licensing Authority that the operation, keeping, management or other control of the premises as a guesthouse would not be under the continuous and personal supervision of the transferee;  
or
- (f) the prescribed fee has not been duly paid.

## Chapter VII : Appeal

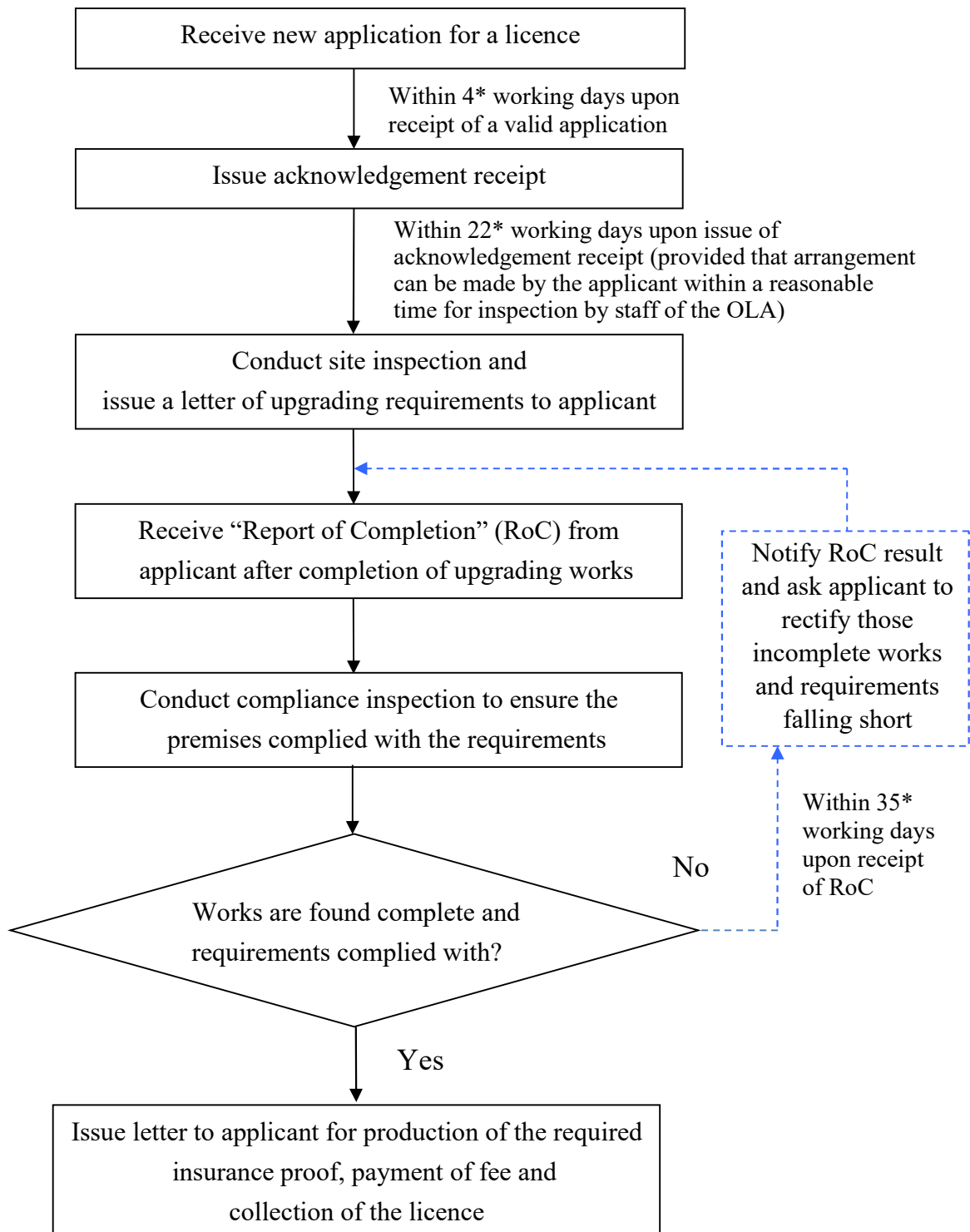
7.1 Any person who objects to a decision of the Licensing Authority with regard to an application, renewal, transfer, cancellation or suspension of a licence may lodge an appeal with the Appeal Board under the Ordinance, using the appeal form - Notice of Appeal (Form 1) available at the website of the OLA: ([http://www.had.gov.hk/en/public\\_forms/forms.htm](http://www.had.gov.hk/en/public_forms/forms.htm)).

7.2 When lodging an appeal, the appellant shall note that –

- (a) an appeal must be lodged using the prescribed form (the notice of appeal) within 28 days after the date of notice stated in the notice of the decision to which the appeal relates;
- (b) 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;
- (c) a date and time for hearing the appeal will be fixed by the Convenor of the Appeal Board; and
- (d) the hearing will normally be conducted in public.

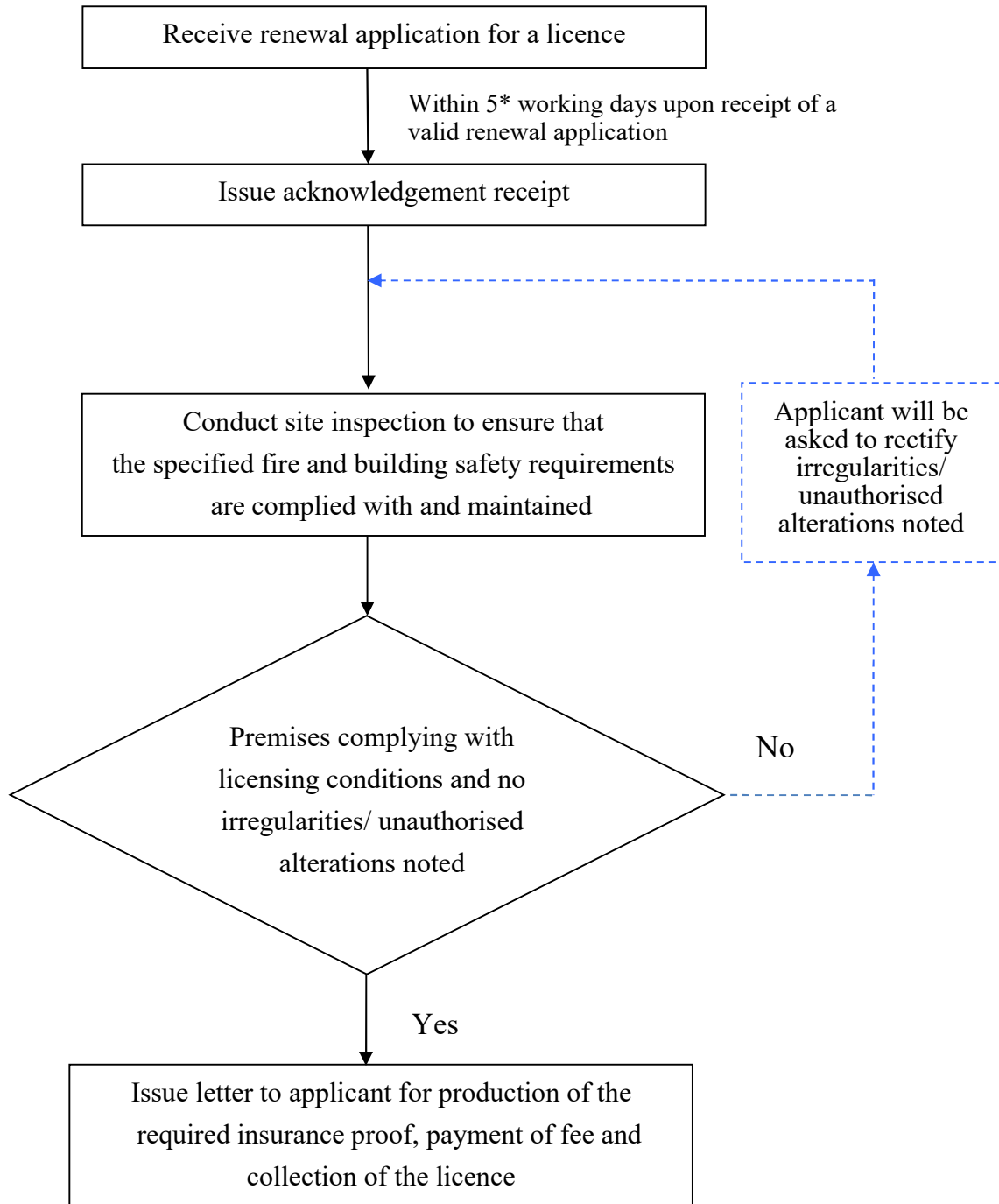
7.3 The Appeal Board may decide on the costs involved in the appeal to be paid by either party.

**Flow Chart for Processing New Application  
for Guesthouse (Holiday Flat) Licence**



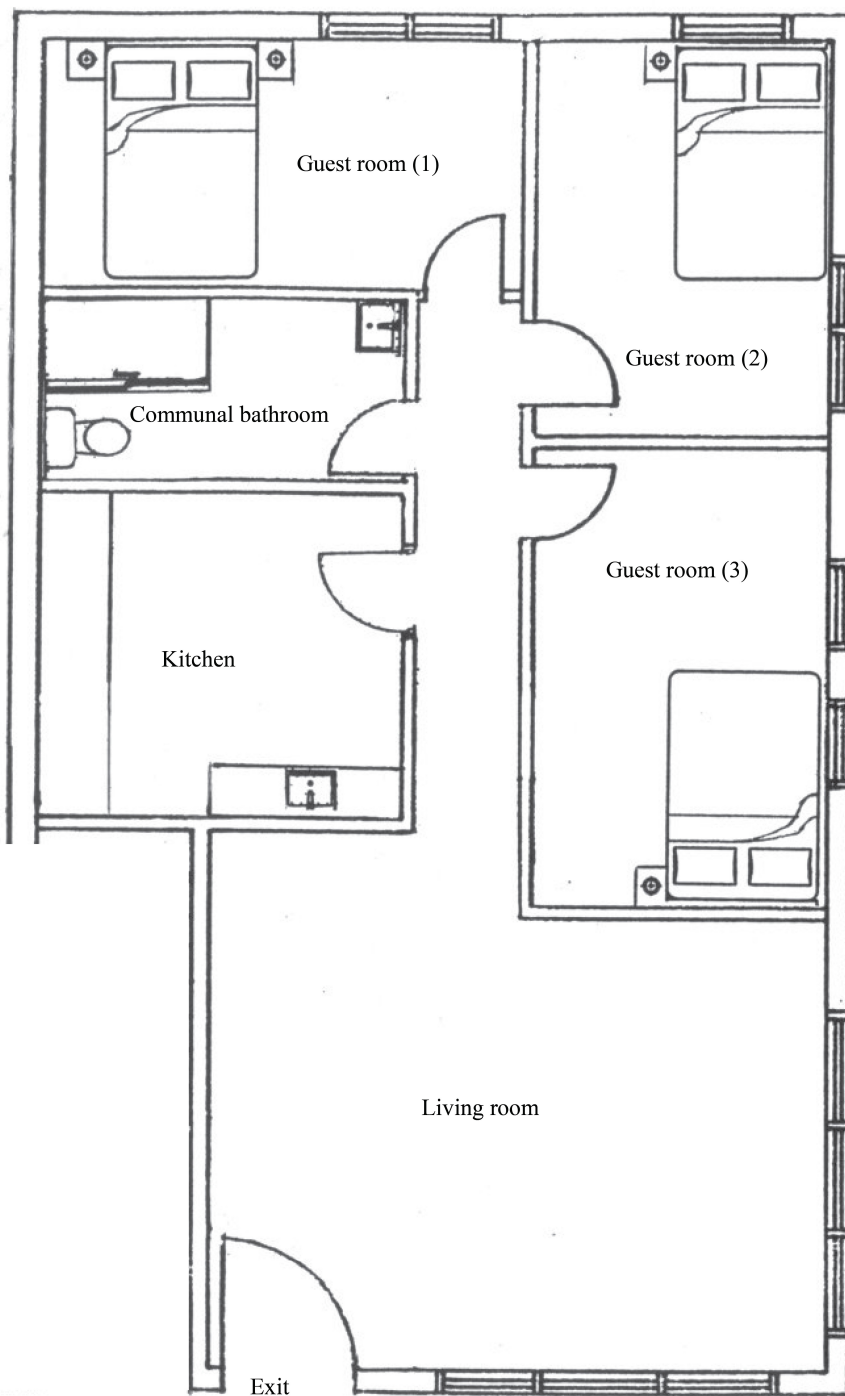
\* - indicate performance pledge

**Flow Chart for Processing Renewal Application  
for Guesthouse (Holiday Flat) Licence**



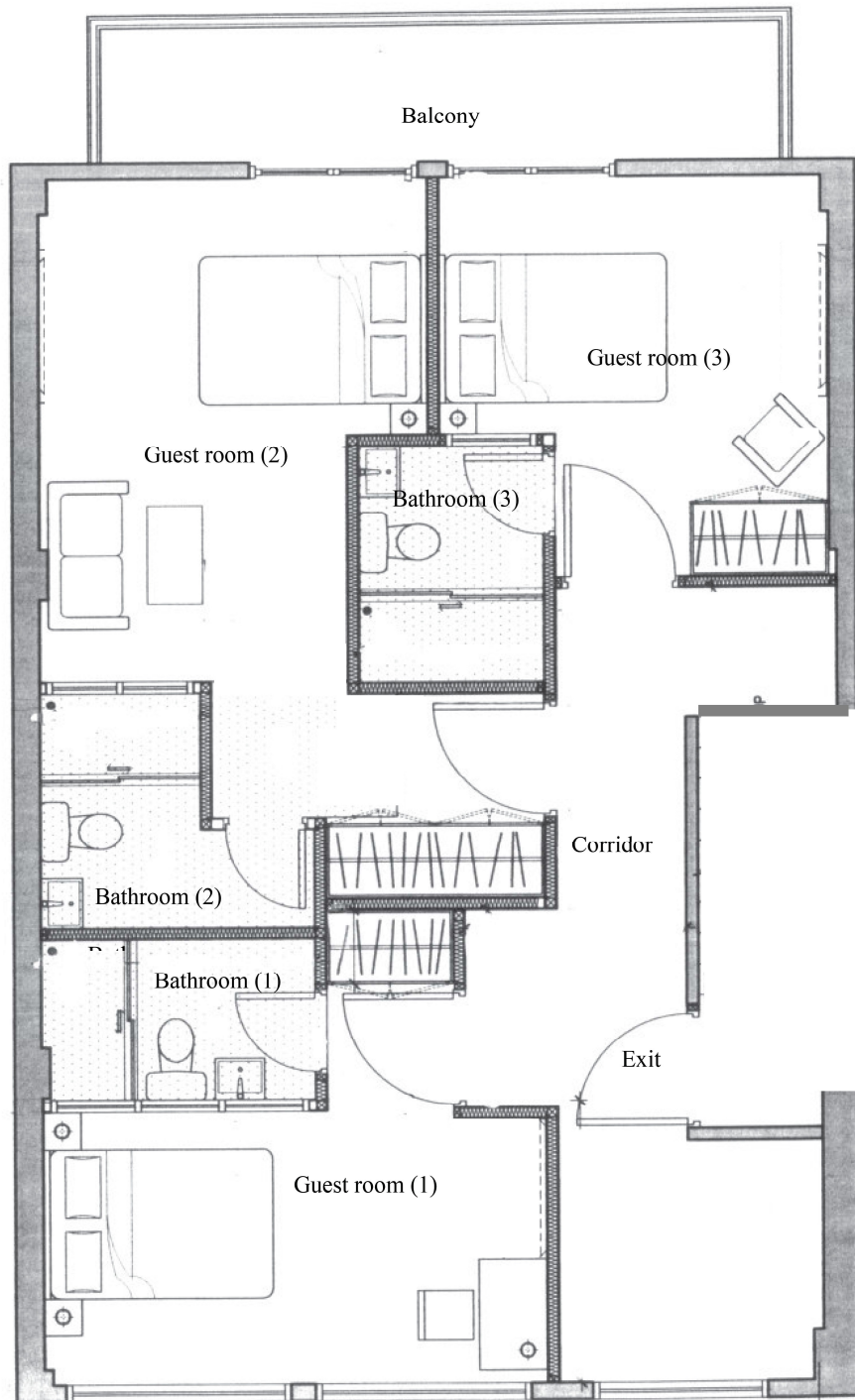
\* - indicate performance pledge

**Typical Layout Plan for Holiday Flat of Domestic Flat Layout ^**



*^ The plan is only for illustration of the typical layout of holiday flat of domestic flat layout. Applicant may refer to Chapter II for the building safety requirements and Chapter III for the fire safety requirements respectively. Upon submission of application and the proposed holiday flat layout, the OLA will formulate detailed upgrading requirements and notify the applicant accordingly.*

**Typical Layout Plan for Holiday Flat of Guesthouse Layout §**



§ The plan is only for illustration of the typical layout of holiday flat of guesthouse layout. Applicant may refer to Chapter II for the building safety requirements and Chapter III for the fire safety requirements respectively. Upon submission of application and the proposed holiday flat layout, the OLA will formulate detailed upgrading requirements and notify the applicant accordingly.

**Natural Lighting and Ventilation**

1. Natural lighting and ventilation in holiday flat, kitchen, bathrooms and toilet shall comply with the requirements stipulated in the Building (Planning) Regulations 30, 31 & 36. The Licensing Authority will assess on individual merit having taken into account the special circumstances of each case, the hardship and the other enhancement measures.

**Rooms used for habitation and kitchen**

2. The Licensing Authority may permit the reduction of natural lighting and ventilation for rooms used for habitation and permit the reduction or omission of natural lighting and ventilation for kitchen if the following enhancement measures were provided:-

- (a) artificial lighting shall be provided to a standard not less than 50 lux;
- (b) permanent ventilation shall be provided by a duct of cross sectional area of not less than 6000mm<sup>2</sup> connected to the external air;
- (c) mechanical ventilation shall be provided at a rate of not less than 5 air changes per hour;
- (d) every room shall have its own independent air duct;
- (e) both ends of the ventilation duct shall be provided with a steel mesh or similar material to prevent access by vermin and/or rubbish, and a downturn on the external face to prevent water penetration; and
- (f) inlet/outlet of the permanent ventilation and mechanical ventilation ducts shall be separated at a distance not less than 1m apart.

**Bathroom and toilet**

3. The Licensing Authority may permit the reduction or omission of natural lighting and ventilation for bathroom and toilet if the following enhancement measures were provided:-

- (a) artificial lighting shall be provided to a standard not less than 50 lux;
- (b) mechanical ventilation shall be provided at a rate of not less than 5 air changes per hour;
- (c) every room shall have its own independent air duct; and
- (d) both ends of the ventilation duct shall be provided with a steel mesh or similar material to prevent access by vermin and/or rubbish, and a downturn on the external face to prevent water penetration.

4. Any acceptance of reduced standard shall not be deemed to establish a precedent and act as a waiver of the standards required under the Building (Planning) Regulations.

**Fire Hydrant/Hose Reel System**

1. There shall be sufficient hydrants and hose reels to ensure that every part of the holiday flat can be reached by a length of not more than 30m of the fire services hose or hose reel tubing.
2. Additional hose reel(s) completed with remote pump starter switch shall be extended from the existing fire hydrant/hose reel system, to the effect that every part of the holiday flat can be reached by a length of not more than 30m of hose reel tubing.
3. A hose reel system shall be provided for the holiday flat such that every part of the holiday flat can be reached by a length of not more than 30m of hose reel tubing. The tank of such hose reel system shall be not less than 1500 litres. The system shall have a fixed fire pump which shall be permanently primed and be capable of producing a jet at the hose reel nozzle for a length of not less than 6m, at a flow of not less than 24 litres/minute.

Remark: After site inspection is conducted, the applicant will be advised on which of the above requirements to be fulfilled.

## **Enquiries**

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

Address	:	10th Floor, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong
Telephone number	:	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>

**Lands Administration Office, Lands Department** (for the Buildings Ordinance (Application to the New Territories) Ordinance (Cap.121), issuance of Certificate of Compliance, and letter of No Objection to Occupy)

Address	:	20/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong
Telephone number	:	2525 6694
Fax number	:	2868 4707
e-mail address	:	<a href="mailto:landsd@landsd.gov.hk">landsd@landsd.gov.hk</a>
Website	:	<a href="http://www.landsd.gov.hk">www.landsd.gov.hk</a>

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

Address	:	G/F, North Tower, West Kowloon Government Offices, 11 Hoi Ting Road, Yau Ma Tei, Kowloon, Hong Kong
Telephone number	:	2626 1616
Fax number	:	2537 4992
e-mail address	:	<a href="mailto:enquiry@bd.gov.hk">enquiry@bd.gov.hk</a>
Website	:	<a href="http://www.bd.gov.hk">www.bd.gov.hk</a>

**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
e-mail address	:	<a href="mailto:lcpolice2@hkfsd.gov.hk">lcpolice2@hkfsd.gov.hk</a>
Website	:	<a href="http://www.hkfsd.gov.hk">www.hkfsd.gov.hk</a>

Ventilation Systems Group

Address	:	35th Floor, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong
Telephone number	:	2718 7567
Fax number	:	2382 2495
e-mail address	:	<a href="mailto:fsvs@hkfsd.gov.hk">fsvs@hkfsd.gov.hk</a>
Website	:	<a href="http://www.hkfsd.gov.hk">www.hkfsd.gov.hk</a>

**Electrical & Mechanical Services Department** (for electrical and gas installations)

Address	:	3 Kai Shing Street, Kowloon
Telephone number	:	1823
Fax number	:	2890 7493
e-mail address	:	<a href="mailto:info@emsd.gov.hk">info@emsd.gov.hk</a>
Website	:	<a href="http://www.emsd.gov.hk">www.emsd.gov.hk</a>

**The Land Registry** (for government lease and DMC of a building)

Address	:	28th floor, Queensway Government Offices, 66 Queensway, Hong Kong.
Telephone number	:	3105 0000
Fax number	:	2596 0281
e-mail address	:	<a href="mailto:csa@landreg.gov.hk">csa@landreg.gov.hk</a>
Website	:	<a href="http://www.landreg.gov.hk">www.landreg.gov.hk</a>