

LCQ8: Unlicensed guesthouse

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Following is a question by the Hon Abraham Shek and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (April 28):

Question:

In January this year, officers of the Office of the Licensing Authority ("OLA") under the Home Affairs Department inspected a suspected unlicensed guesthouse at Castle Peak Road in Yuen Long. A man and a woman involved in the case were subsequently convicted of contravening the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) and were fined \$3,000 and \$1,500 respectively. It has been learnt that similar prosecutions are instituted by the authorities almost every month. In this connection, will the Government inform this Council:

(a) of the number of inspections conducted by OLA officers on suspected unlicensed guesthouses in the past three years, as well as the respective numbers of reports made by members of the public, prosecutions instituted and convicted cases together with the penalties imposed;

(b) whether it has assessed the deterrent effect of the existing prosecution policy and the penalties imposed by the court on the operation of unlicensed guesthouses; if so, of the details; if not, the reasons for that; and

(c) given that the operation of unlicensed guesthouses may endanger the structural safety of buildings in which they are located as well as the personal safety of lodgers in such guesthouses, cause nuisances to other residents and give rise to many other problems, yet the situation has not improved over the years, whether the authorities will consider amending the legislation and increasing the penalties so as to enhance deterrent effect; if they will, of the details; if not, the reasons for that?

Reply:

President,

(a) The numbers of reports received and inspections conducted by the Office of the Licensing Authority ("OLA") under the Home Affairs Department on suspected

contravention of the Hotel and Guesthouse Accommodation Ordinance (the "Ordinance") (Cap. 349) and the numbers of prosecutions instituted and convicted cases in the past three years are as follows:

	Report	Inspection	Prosecution	Conviction
2008	216	1 664	28	30
2009	460	2 589	40	37
2010	100	695	7	12

(as at  
March 31)

According to the records of the OLA, a fine of \$800 to \$30,000 was imposed by the court as a penalty for contravention of the Ordinance during the period from 2008 to 2010 (as at March 31). Two accused were each sentenced to two months' imprisonment.

(b) and (c) The OLA has spared no efforts in combating the operation of unlicensed guesthouses. Upon the receipt of a complaint against a suspected unlicensed guesthouse, it will inspect the premises within eight working days. If investigation shows that there is prima facie evidence indicating unlicensed operation of a guesthouse, it will seek legal advice on appropriate actions for prosecution. It will explain the safety problems posed by the unlicensed guesthouse to its lodgers and residents of the building concerned to the court to facilitate the latter to reflect the seriousness of the crime in its sentence. Under the Ordinance, the operator of an unlicensed guesthouse is liable on conviction to a fine of \$200,000 and to imprisonment for two years, and to a fine of \$20,000 for each day during which the offence continues. In accordance with the Ordinance, the OLA will consider cancelling the licence or refusing its renewal if the guesthouse operator is convicted of operating an unlicensed guesthouse.

The OLA also adopts a two-pronged approach by strengthening law enforcement actions on the one hand and stepping up publicity and providing information to encourage and facilitate visitors to choose licensed guesthouses in order to combat illegal guesthouses effectively on the other. As far as law enforcement is concerned, it includes proactive inspections during and outside office hours (e.g. at nights, during and before holidays) and collecting evidence by posing as clients (commonly known as "snaking") when necessary. The OLA will also continue to expand its intelligence network and play an active role in inter-departmental operations jointly organised by

the Police and relevant departments. On publicity, the OLA has launched a Licensed Guesthouse Logo Scheme which requires all licensed guesthouses to display the newly designed logo at the main entrance and on the doors of all guestrooms to help visitors identify if the premises have been licensed under the Ordinance to provide further safeguards to visitors. A new round of publicity activities has also been launched for the scheme. Announcements of public interests are broadcast on television and radio while posters/banners are displayed at suspected unlicensed guesthouse black spots and immigration control points to call on visitors to patronise licensed guesthouses. Visitors may also obtain a list of licensed guesthouses from OLA's website ([www.hadla.gov.hk](http://www.hadla.gov.hk)). The OLA has also set up a hotline (Tel: 2881 7498) and uploaded a report form to its website to facilitate reporting of suspected illegal operation of guesthouses by members of the public.

Ends/Wednesday, April 28, 2010

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