

HOTEL ACCOMMODATION (MISCELLANEOUS PROVISIONS) BILL 1998

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Home Affairs

- | <u>Clause</u> | <u>Amendment Proposed</u>  |
|---------------|--|
| 1 (2)         | By deleting "Sections 6 and 7" and substituting " <u>Sections 5(ba), 6, 7, 7A and 10(b)</u> ".   |
| 5             | By adding -<br>"(ba) in subsection (1), by adding -<br>""authorized person" (認可人士) has the meaning assigned to<br>it by section 2 of the Buildings Ordinance (Cap.<br>123);";".  |
| 6             | By deleting the clause and substituting -<br>"6. Application for and issue of licence<br>Section 8 is amended -<br>(a) in subsection (5) (d) -<br>(i) by adding "subject to <u>subsection (5A)</u> ,"<br>before "authorize";<br>(ii) by repealing "12" and substituting "84";<br>(b) by adding - |

"(5A) Where a licence is issued for a period exceeding 36 months, the person holding the licence shall submit to the Authority a certificate ("authorized person's certificate"), which shall -

- (a) be submitted within a period of 1 month before and 1 month after each anniversary of the licence;
- (b) be in such form as the Authority may determine and signed by an authorized person;
- (c) certify that since the day upon which the licence was issued or, since the immediate previous anniversary of the licence, as the case may be, the hotel or the guesthouse -

- (i) has not undergone any substantial alteration by reference to the latest plan, if any, deposited with and agreed to by the Authority;
- (ii) has been operated, kept, managed or otherwise controlled by the person holding the licence in a manner which does not contravene any of the conditions imposed under subsection (2) (a);
- (iii) has been maintained by the person holding the licence in a proper

condition with regard to building safety and fire safety.".

7 By deleting the clause and substituting -

"7. Renewal of licence

Section 9 is amended -

- (a) in subsection (1), by deleting "12" and substituting "84";
- (b) by adding -

"(3A) Where a licence is renewed for a period exceeding 36 months, the person holding the licence shall submit to the Authority a certificate ("authorized person's certificate"), which shall -

- (a) be submitted within a period of 1 month before and 1 month after each anniversary of the licence;
- (b) be in such form as the Authority may determine and

signed by an authorized person;

- (c) certify that since the day upon which the licence was renewed or, since the immediate previous anniversary of the licence, as the case may be, the hotel or the guesthouse -

(i) has not undergone any substantial alteration by reference to the latest plan, if any, deposited with and agreed to by the Authority;

(ii) has been operated, kept, managed or otherwise controlled by the

person  
holding the  
licence in a  
manner  
which does  
not  
contravene  
any of the  
conditions  
imposed  
under  
section  
8(2)(a);  
(iii) has been  
maintained  
by the  
person  
holding the  
licence in a  
proper  
condition  
with regard  
to building  
safety and  
fire  
safety.";

- (c) in subsection (6), by deleting "for a period of 12 months" and substituting "subject to subsection (3A), for a period of 84 months".

New By adding -  
"7A.

Cancellation and suspension of licence or refusal to renew licence, and amendment or variation of conditions of a licence

Section 10 is amended by adding -

- "(f) on the ground that, where the licence is issued or renewed for a period exceeding 36 months, an authorized person's certificate has not been submitted as required by section 8 (5A) or 9 (3A);
- (g) on the ground that an authorized person's certificate submitted under section 8 (5A) or 9 (3A) is incomplete, incorrect or false in any material particular."."

10 By deleting the clause and substituting -

"10. Offences in relation to certificates of exemption and licences

Section 21 is amended -

- (a) in subsection (6) (e) -
  - (i) by adding "person or a" before "public officer";
  - (ii) by repealing "20 (2) (a)" and substituting "20 (2)";
- (b) by adding -
  - "(6A) An authorized person who in or in connection with an authorized person's certificate referred to in section 8 or 9

makes any statement or furnishes information which is false in any material particular and which he knows or reasonably ought to know is false in such particular commits an offence.".