

**Bills Committee on Hotel and Guesthouse Accommodation
(Amendment) Bill 2018**

**List of follow-up actions required of the Administration
arising from the discussion at the meeting on 6 November 2018**

The Administration was requested to:

- (a) provide examples of legislation (with the relevant provision(s)) with a "strict liability" offence and a comparison of these examples (with regard to the nature of offences, types of persons on which strict liability would be imposed, sanctions and penalties for breach of such strict liability offence and any defence available) with the "strict liability" offence under the new section 5A (as added by clause 9 of the Hotel and Guesthouse Accommodation (Amendment) Bill 2018 ("the Bill")), and the justifications for imposing strict liability on owners and tenants of an unlicensed hotel or guesthouse under the new section 5A;
- (b) provide a comparison of enforcement actions against the "strict liability" offence under the new section 5A with those against more serious offences under other legislation in Hong Kong;
- (c) provide examples of "sufficient evidence" as stipulated in the new section 5A(3)(a) and (4)(a), in particular, the measures that should be taken to show that the person could not with reasonable diligence have prevented the premises from being an unlicensed hotel or guesthouse under the new section 5A(4)(a);
- (d) advise whether there would be an increase or saving in the Administration's resources and manpower for the regulation of hotels and guesthouses after the passage of the Bill, and provide the relevant details;
- (e) provide its views on the regulation of home-stay lodging with reference to the analysis and the overseas practices set out in the Information Note entitled "Regulation of home-stay lodging in selected places" prepared by the Research Office of the Legislative Council Secretariat (LC Paper No. IN01/18-19); and

- (f) advise whether agents/agencies (e.g. travel agents/agencies, real estate agents/agencies) or someone who advertised hotels or guesthouses via online platforms would be held criminally liable if they had inadvertently promoted unlicensed hotels or guesthouses.

Council Business Division 2
Legislative Council Secretariat
28 November 2018