



HONG KONG HOTELS ASSOCIATION

香港酒店業協會

(Incorporated with Limited Liability)

Attn: The Bills Committee on “Hotel and Guesthouse Accommodation”
(Amendment Bill) 2018
The Legislative Council

Hotel and Guesthouse Accommodation (Amendment Bill) 2018

Public Hearing Meeting on 4th December 2018 (Tuesday)

Submission by The Hong Kong Hotels Association

The Hong Kong Hotels Association (HKHA), representing 139 members, would like to submit our views on the Amendment Bill’s importance and the significance of the sustainable development of the hotel industry.

1. HKHA supports the urgency of passing the Amendment Bill is indeed crucial in order to address the safety, security and health concerns arisen as a number of unlicensed hotels or guesthouses which situated in premises (multi-storey buildings) with DMC (Deed of Mutual Covenant) prohibiting any hotel or guesthouse operations.
2. We support to improve the existing licensing regime by empowering the Hotel and Guesthouse Accommodation Authority to take into account relevant restrictive provisions in land documents and local residents’ view in the licensing process, and introducing a number of enhancement measures to better protect the lodgers and the public.
3. The introduction of "strict liability" against unlicensed hotels and guesthouse enables the empowering of the Authority to apply for search warrant which is absolutely necessary to facilitate enforcement officers to collect evidence of a suspected unlicensed hotel or guesthouse.

With new modes of operation including those with the aid of technology, operators may not need to be physically present on the premises and can thus

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- 2 -

easily circumvent the licensing regime. To address the above problems and facilitate enforcement actions against unlicensed hotels and guesthouses, the Bill introduces a strict liability on the owners and tenants of premises as they are expected to ensure the premises are not put to illegal use.

4. Besides, it is mandatory to enhance deterrence by increasing the penalties for offences under the Ordinance, and empowering the Authority to apply for closure of premises in particular cases. Increasing the maximum penalties for offences is crucial as the courts may consider passing heavier sentences on the defendants while the proposal of closure order for repeated offence will significantly enhance the deterrent effect of the Ordinance.
5. The establishment of an independent panel to collect views submitted by affected "local residents" is instrumental to consider as one of the factors which the Authority may take into account in issuance of the license.
6. We agree that it is reasonable to ensure the applicants are "fit and proper person" to further empower the Authority to take into account in the licensing process. As under the current licensing system, the Authority is not empowered to consider the conviction records.
7. However, we also need to make improvement and enhancement of the licensing process/criteria/legal liability to distinguish between a "hotel" and a "guesthouse" to avoid misleading and confusion to visitors, lodgers and the public.

In conclusion, HKHA is delighted to assist, as much as we can, expediting the process of passing the Amendment Bill.

Hong Kong Hotels Association

19th November 2018