

Hotel and Guesthouse Accommodation (Amendment) Bill 2018 gazetted

The Hotel and Guesthouse Accommodation (Amendment) Bill 2018 was gazetted today (July 6).

A Home Affairs Bureau spokesperson said, "The Bill seeks to improve the existing licensing regime, facilitate enforcement actions and enhance deterrence against unlicensed hotels and guesthouses."

To improve the existing licensing regime, the Bill empowers the Hotel and Guesthouse Accommodation Authority to take into account in the licensing process the relevant restrictive provisions in land documents, local residents' views, and whether the licence applicant is a "fit and proper" person. The Bill also provides for a differentiation between a hotel licence and a guesthouse licence, and empowers the Authority to impose a licence condition on a guesthouse licence to prohibit the use of the word "hotel" in its business name.

To facilitate enforcement actions, the Bill introduces a strict liability offence. If there is evidence which proves that the premises are used as an unlicensed hotel or guesthouse, the owners and tenants of the premises will be held criminally liable, unless they can provide a relevant statutory defence. Moreover, in order to combat unlicensed hotels and guesthouses, the Bill empowers the Authority to apply for a search warrant to allow enforcement officers to break into, with reasonable force when necessary, a suspected unlicensed hotel or guesthouse to inspect or collect evidence.

As regards enhancing deterrence, the Bill empowers the Authority to apply to the court, upon the second conviction within 16 months of operating an unlicensed hotel or guesthouse or the new strict liability offence in respect of the same premises, to issue a closure order for the premises for six months. The maximum penalty will also be increased from a fine of \$200,000 to \$500,000, and imprisonment from two years to three years.

The spokesperson added, "Since the public consultation conducted in 2014, the Government has been engaging relevant stakeholders, and they were generally supportive of improving the existing licensing regime to strengthen the regulation of hotels and guesthouses, and to combat unlicensed hotels and guesthouses."

Upon the commencement of the Bill, existing licensees will have a 12-month transitional period. Specifically, if an existing licence expires within the 12-month transitional period, the licensee can apply for renewal based on the existing requirements for a period not exceeding 12 months. Upon expiry of this first-renewed licence, the licensee will have to meet all new requirements for further renewal of the licence.

The Bill will be introduced into the Legislative Council for first and second readings on July 11.