

Owner of premises convicted with criminal record and fined for unlicensed guesthouse

An owner of premises was convicted with a criminal record and fined \$18,000 by the Kowloon City Magistrates' Courts on June 12 for the premises being used as an unlicensed guesthouse, which contravened the Hotel and Guesthouse Accommodation Ordinance.

The court heard that officers of the Office of the Licensing Authority (OLA) of the Home Affairs Department had identified a suspected unlicensed guesthouse being operated in Kowloon. The OLA officers posed as lodgers and rented a room in the premises concerned. According to the OLA's records, the guesthouse did not have a valid licence on the date of lodging. The OLA invoked section 5A(1) of the Hotel and Guesthouse Accommodation Ordinance and instigated prosecution against the owner of the premises.

Section 5A(1) of the Hotel and Guesthouse Accommodation Ordinance stipulates that if any premises are a hotel or guesthouse while no licence is in force for the premises, each of the owners and tenants of the premises commits an offence.

A department spokesman stressed that operating or managing an unlicensed hotel or guesthouse is a criminal offence. The owner of the subject premises, unless a statutory defence can be established, also commits a criminal offence. The maximum penalty is a fine of \$500,000 and three years' imprisonment. A conviction will result in a criminal record. The court may also issue a six-month closure order for premises involved in a repeated offence.

The list of licensed hotels and guesthouses is available on the OLA's website (www.hadla.gov.hk) and the mobile application "Hong Kong Licensed Hotels and Guesthouses" for public reference. Anyone with information about suspected unlicensed hotels and guesthouses should immediately report it to the OLA through the hotline (tel: 2881 7498), by email (hadlaeng@had.gov.hk), or by fax (2504 5805) using the report form downloaded from the OLA website, or through the mobile application.