

LEGCO QUESTION NO. 17
(Written Reply)

Date of meeting : 12 February 2003

Asked by : Hon Abraham SHEK Replied by : Secretary for Housing,
Planning and Lands

Question

Regarding guesthouses and service apartments converted from office buildings, will the Government inform this Council whether:

- (a) these two types of converted premises are subject to the same extent of regulation as hotels under the Buildings Ordinance (Cap. 123), the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) and the Fire Services Ordinance (Cap. 95); if not, of the reasons for that and the relevant details; and
- (b) it has assessed the impact of the conversion into guesthouses and service apartments from office buildings on the hotel industry and the private residential rental market; if so, of the assessment results; if not, the reasons for that?

Reply

President,

- (a) The Hotel and Guesthouse Accommodation Ordinance (Cap. 349) does not provide individual definitions of “hotel”, “guesthouse” or “service apartment”. According to this Ordinance, the term “hotel and guesthouse” is taken to mean “any premises whose occupier, proprietor or tenant holds out that he will provide sleeping accommodation for any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and is in a fit

state to be received”. Operators of these premises have to apply for and obtain hotel and guesthouse licences, and come under the control of the licensing authority, no matter whether these premises are located in office buildings or not. However, premises in which all accommodation is provided on the basis of a minimum period of 28 continuous days for each letting are excluded from the application of the Ordinance.

According to section 8 of the Hotel and Guesthouse Accommodation Ordinance, the licensing authority may refuse to issue a licence to a “hotel” or “guesthouse” concerned on specific grounds. These grounds include the premises being not suitable for use as a “hotel” or “guesthouse” for reasons of the protection of life and property under the Fire Services Ordinance (Cap. 95), and the premises not complying with any requirement relating to design, structure, fire prevention, health, sanitation and safety set out in the Buildings Ordinance (Cap. 123). Furthermore, under section 9 of the Hotel and Guesthouse Accommodation Ordinance, upon application for renewal of a licence, the applicant has to submit an “authorized person’s certificate” to certify that the premises have been maintained by the licence holder in a proper condition with regard to building and fire safety.

As regards premises providing accommodation that do not fall under the definition of “hotel and guesthouse”, they are subject to control under relevant legislation, depending on the type of premises. Generally speaking, in terms of building and fire safety, all premises have to comply with the construction and design standards prescribed by the Buildings Ordinance, including requirements regarding fire safety installations. For example, they have to comply with the appropriate fire service installations prescribed in accordance with the “Code of Practice for Minimum Fire Service Installations and Equipment” by the Director of Fire Services, having regard to the intended use of the buildings.

- (b) We have not conducted any specific assessment of the impact of the conversion of office buildings to “guesthouses” and “service apartments” on the hotel industry and the private residential rental market. Different types of accommodation are geared towards different needs. We consider that it is best to leave the market to determine the exact levels of provision of the different types of accommodation.