



本署檔號 Our Ref. HAD/LA/1/2/6

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30 May 2024

**To: All Hotel, Guesthouse, Bedspace Apartments & Karaoke Establishment  
Licensees or Responsible Persons  
All Club Certificate of Compliance Holders or Responsible Persons**

Dear Sir/Madam,

### **Application for Alteration / Refurbishment in Licensed Premises**

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It comes to this Office's attention that some operators of hotels, guesthouses, club-houses, bedspace apartments or karaoke establishments carry out alteration or refurbishment works to the premises without prior permission from the Hotel and Guesthouse Accommodation Authority, the Secretary of Home and Youth Affairs or the Bedspace Apartment Authority (the "concerned Authority"), according to respective Ordinances. This letter serves as a reminder that you are required to submit alteration or refurbishment proposal for obtaining written permission from the concerned Authority prior to commencement of alteration or refurbishment works.

#### **Background**

2. During inspections carried out by staff of this Office to the above-mentioned licensed premises from time to time, it is noted that alteration or refurbishment works have been conducted in some premises without prior approval by the concerned Authority that have changed the layout of the licensed premises. Some alteration or refurbishment works may require submission to the Building Authority ("BA") for approval and obtain BA's consent before commencement of works. Carrying out of such works without BA's consent is an unauthorised building works ("UBW"). Such works may affect building and fire safety of the licensed premises, and pose danger to the occupants therein.

#### **Advice from this Office**

3. This Office hereby would like to remind all licence/Certificate of Compliance ("CoC")/permit holders that **there is a condition in the licence/CoC/permit that the licensee/CoC/permit holder shall not alter, amend or otherwise change the layout of the licensed premises from the drawings registered by the Authority ("registered drawings") except with the written permission of the concerned Authority.** Pursuant to relevant sections under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the "HAGAO"), the Clubs (Safety of Premises) Ordinance (Cap.376) (the "CuSPO"), the Bedspace Apartment Ordinance (Cap.447) (the "BAO") or the Karaoke Establishment

Ordinance (Cap.573) (the “KEO”)<sup>1</sup>, **the licensee/CoC/permit holder commits an offence if the condition is contravened.** Retrospective submission of proposal after the alteration or refurbishment is completed is also not acceptable by this Office. Similar to the BA, this Office will not accept UBW and the licensee/CoC/permit holder would be required to reinstate the premises to its original state before renewal of licence/CoC/permit is granted.

4. In general, any changes that alter the layout of the premises from the registered drawings will constitute alteration to the licensed premises. The following are the typical examples of alteration or refurbishment works. Please note that the examples below serve as indication only and are not exhaustive.

- (a) change in the numbers of guestroom/ bedspace;
- (b) change in the gross floor area of the licensed premises;
- (c) change in the capacity within licensed area;
- (d) alteration of layout of licensed area (e.g. putting a domestic appliance (such as washing machine) that narrows a corridor);
- (e) change in use of room(s) within licensed area (e.g. opening up a staff-only pantry to all guests);
- (f) alteration of seating layout of licensed area;
- (g) refurbishment of licensed premises involving the fabric or fixture within the licensed area (e.g. replacement of sofa/mattress, addition of appendages to fire rated door); or
- (h) alteration of fire services installations within licensed area.

5 Please make reference to the application procedures in Appendix for proposed alteration or refurbishment works to the licensed premises.

**Stepping up enforcement actions against alteration or refurbishment works without prior permission**

6. This Office will strengthen enforcement actions against the licensee/CoC/permit holder for carrying out alteration or refurbishment works without prior permission from the Authority. The licensee/CoC/permit holder may be prosecuted for failure to comply with the relevant condition(s) as set out in the licence/CoC/permit, without giving prior warning by this Office.

7. For enquiries related to the above requirement, please contact us at 2881 7034.

Yours faithfully,

(signed)  
( LEUNG Chi-tim, Robin )  
Chief Officer (Licensing Authority)  
Office of the Licensing Authority

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<sup>1</sup> Relevant sections including –

**HAGAO** : Section 21(3), 21(4) and 21(7) of Cap. 349 with maximum fine of \$100,000, imprisonment of 2 years and a daily fine of \$10,000.

**CuSPO** : Section 21(1), 21(2) and 21(5) of Cap. 376 with maximum fine of \$100,000, imprisonment of 2 years and a daily fine of \$10,000.

**BAO** : Section 33(2) and 33(4) of Cap. 447 with maximum fine of \$50,000, imprisonment of 1 year and a daily fine of \$10,000.

**KEO** : Section 17(1) and 17(5) of Cap. 573 with maximum fine of \$50,000, imprisonment of 1 year and a daily fine of \$2,000.

## **Application Procedures on Alteration or Refurbishment**

1. If the applicant would like to carry out alteration or refurbishment works, a corresponding application should be made to the Office of the Licensing Authority (“OLA”) by means of application form (HAD 257) before commencement of the works which can be downloaded from the website of the Home Affairs Department ([https://www.had.gov.hk/file\\_manager/common/documents/public\\_forms/had257.pdf](https://www.had.gov.hk/file_manager/common/documents/public_forms/had257.pdf)).
2. The duly completed HAD 257 should be submitted to the OLA together with the proposed layout plan and the relevant authorisation document (if applicable). Those proposed changes shall be highlighted with colour with brief description in writing for identification.
3. On receipt of application, the OLA will, depend on merits of individual cases, liaise with the applicant to arrange for site inspection. Letter of Requirements (“LoR”) for alteration or refurbishment proposal listing out all the required upgrading works to be carried out in the licensed premises will be issued in due course. A “Report of Completion” (“RoC”) form will also be attached to the LoR for the use by the applicant.
4. Prior to commencement of alteration or refurbishment works, adequate precautionary measures should be provided to fence off the works area to ensure safety of the workers and other users of the building during the course of works.
5. If the alteration or refurbishment works could not be completed upon renewal application of the Licence, CoC or Permit, the Authority may impose a condition in the Licence, CoC or Permit requiring the affected area be fenced off and/or a timely completion of the works.
6. On completion of the required alteration or refurbishment works, the applicant shall complete the RoC form together with all required certificates and relevant documentations and return to the OLA.
7. Upon receipt of the RoC form, staff of OLA will check the submitted documents and arrange for a compliance inspection with the applicant when necessary. If there are any inadequacies, incompleteness, outstanding and/or unsatisfactory items, the applicant will be notified for necessary rectification. When all works together with the required documents are found satisfactory, OLA will issue an acknowledgement letter and the updated registered plans to the applicant.
8. If the applicant fails to complete the alteration or refurbishment works within a reasonable period of time, the OLA may issue a warning letter for contravention of the relevant condition of the licence, CoC or Permit. For persistent contravention, the Authority may refuse renewal, cancel or suspend the licence, CoC or Permit under the relevant sections of the HAGAO, the CuSPO, the BAO and the KEO when required.