

Press Releases

Mainland students convicted for breaching condition of stay

Three female Mainland post-graduate students who ran an unlicensed guesthouse were each sentenced to 120 hours' community service today (July 3) at the Shatin Magistrates' Court after being found guilty of breaching their condition of stay. Earlier, on June 19, the three defendants were each fined \$3,000 for contravening section 5(1) of the Hotel and Guesthouse Accommodation Ordinance.

On March 21, an undercover investigator from the Immigration Department met with two of the defendants by making the booking through the Internet and was led to an apartment in the Hung Hom area where the third defendant was waiting. After finding that the three defendants were permitted to remain in Hong Kong on student status only, they were apprehended on the spot by immigration officers for having breached their condition of stay.

Under caution, they admitted that they had rented the apartment for accommodation after arriving in Hong Kong to study for master's degrees in 2011. To subsidise their living costs, they set up a business providing accommodation to guests at a rate of HKD150 per night by advertising on the Internet. They shared the duties of arranging the advertising, collecting accommodation fees from the guests and greeting the guests.

According to the records of the Office of the Licensing Authority, Home Affairs Department, the guesthouse did not possess a valid certificate of exemption or a license under the Hotel and Guesthouse Accommodation Ordinance. The three defendants were earlier charged with contravening section 5(1) of the Hotel and Guesthouse Accommodation Ordinance. They were convicted and fined \$3,000 each at the Shatin Magistrates' Court on June 19.

"Under the laws of Hong Kong, a person permitted to stay in Hong Kong as a student shall only study at a specified school, university or other educational institution and undertake such course of study as may be approved by the Director of Immigration. Such students are not allowed to take up employment, whether paid or unpaid, or establish or join in any business in Hong Kong, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction to a maximum fine of \$50,000 and imprisonment for two years," a government spokesman said.

"It is a criminal offence to operate or manage an

unlicensed guesthouse. Any person who is convicted for operating an unlicensed guesthouse is liable to imprisonment. The maximum penalty upon conviction is a \$200,000 fine and imprisonment for two years."

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OFFICE OF THE LICENSING AUTHORITY

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HOTELS/GUESTHOUSES

What is a Hotel and Guesthouse?

According to the Hotel and Guesthouse Accommodation Ordinance (Cap 349), a "hotel" and "guesthouse" mean any premises being held out in which sleeping accommodation is provided for any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided for a period of less than 28 continuous days.

Application for a Licence

Any new establishments must apply for a Licence from the Authority before commencing operation. Validity periods of licences range from 12 to 84 months. Licences are subject to renewal upon their expiration. Holder of a licence should apply for a renewal not less than 3 months prior to the expiry of the licence.

It is the responsibility of the applicant to ensure that his premises do comply with the lease conditions, Deed of Mutual Covenant and other regulations or laws of Hong Kong.

Application forms can be obtained from all District Offices and the Office of the Licensing Authority; or downloaded from the Home Affairs Department's website of http://www.had.gov.hk/en/public_forms/forms.htm. Completed forms are to be returned to the address as stated on the application forms.

Report of Completion of Works

For common problems and irregularities encountered during report of completion of works, please refer to the [Tips for Reporting Completion of Works \(PDF\)](#) for more details.

Stay Safe Go for Guesthouse with a Licence





In order to facilitate tourists in identifying a licensed guesthouse, the requirement of displaying guesthouse logos in prominent positions of licensed guesthouses under the Licensed Guesthouse Logo Scheme has been implemented since September 2009.

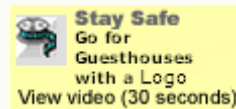
It is one of the conditions for the grant of guesthouse licence that the guesthouse logos issued by the Hotel and Guesthouse Accommodation Authority (the Authority) must be displayed in prominent places of the guesthouse at all times. The prominent places mean the main entrance as well as the door of each of the rooms of the guesthouse, and any places inside the guesthouse as specified by the Authority. Samples of the logos are as follows -

1. [Logo displayed at main entrance](#)
2. [Logo displayed at guest room doors](#)

The Authority may take actions against licensees under section 10 of the Hotel and Guesthouse Accommodation Ordinance (i.e. to cancel, suspend or refuse to renew the licence concerned) if the above requirement of displaying the guesthouse logos is not complied with.

List of Licensed Hotels and Guesthouses

-  [Search for licensed hotels](#)
-  [Search for licensed guesthouses](#)
-  [Search for licensed holiday flats](#)
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