

**Notes of the 14th Business Liaison Group Meeting  
With the Hotel Trade**

Date: 16 Oct 2012  
 Time: 2:30 p.m. – 4:00 p.m.  
 Venue: Conference room 1, G/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Admiralty

Convenor: Mr CHAN Wah-chan      Head, Business Facilitation Division,  
 Economic Analysis and Business Facilitation Unit

**Trade Representatives**

Federation of Hong Kong Hotel Owners

Mr. Michael LI	Executive Director
Ms. Fanny CHAN	Association Manager
Mr. Harvey WONG	Director of Engineering, InterContinental Hong Kong
Mr. Logan LAM	Chief Engineer, Conrad Hong Kong
Mr. Jerome LEE	Director of Engineering, Mandarin Oriental Hong Kong
Mr. Andree YUEN	Vice President - Finance (China), Shangri-La Hotels & Resorts
Ms. Janis KWOK	Assistant Financial Controller, Island Shangri-La
Mr. Jack CHAU	Fire & Life Safety Manager, Island Shangri-La

Hong Kong Hotels Association

Mr. Victor CHAN	Chairman
Mr. James LU	Executive Director

YMCA of Hong Kong

Mr. David LEE	Security Manager
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Oriental Lander International Hotel

Mr. K C LAI	Managing Director
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Acesite Hotel

Ms. Vera MAN	General Manager
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**Government Representatives**

Home Affairs Department (HAD)

Mr. Winston LEUNG	Chief Officer (Licensing Authority)
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Mr. Tonny CHUNG Senior Divisional Officer (Licensing Authority)

Food and Environmental Hygiene Department (FEHD)

Mr. Eric CHEUNG Superintendent (Licensing)

Buildings Department (BD)

Mr. LAU Gown Yeung Senior Building Surveyor/Fire Safety 1

Mr. LEE Kai Yiu Senior Building Surveyor/Fire Safety 2

Fire Services Department (FSD)

Mr. LI Wah-sing Senior Divisional Officer (Building Improvement)1

Mr. FUNG Kwok-hong Assistant Divisional Officer (Building Improvement)1

Mr. LEUNG Wai-lok Assistant Divisional Officer (Building Improvement)1

Mr. TANG Kai-ming Assistant Divisional Officer (Building Improvement)2

Mr. WONG Kin-tam Engineer (Building Improvement)1

Economic Analysis and Business Facilitation Unit (EABFU)

Mr. Peter FUNG Chief Management Services Officer (*Secretary*)

Miss Jenny YEUNG Business Facilitation Officer

**In attendance:**

Mr. Joseph WONG Member, Task Force on Business Liaison Groups of Business Facilitation Advisory Committee

**Action**

The Convenor welcomed all to the meeting, particularly Mr Joseph Wong, Member of the BLG Task Force of Business Facilitation Advisory Committee, who attended the BLG meeting as an observer.

**Confirmation of the notes of the 13<sup>th</sup> BLG meeting**

2. The meeting confirmed the notes of the last meeting (<http://www.gov.hk/en/theme/bf/communication/blg/hotels.htm>) without amendment.

**Briefings by departments**

*Home Affairs Department - Briefing on Fire Safety Measures on Hotels*

3. **Mr Tonny CHUNG** gave a briefing on the "Fire Safety Measures on

Hotels" with the presentation slides at Annex 1. He reminded the trade of some major fire safety requirements for hotels and shared the key findings of the territory wide inspection to hotels after the North Point Hotel Fire broke out in April 2012. The trade appreciated the efforts of HAD in conducting inspections to hotels after the incident and noted the findings of the exercise.

*Food and Environmental Hygiene Department - E-applications for food business licences and other trade licences*

4. **Mr Eric CHEUNG** advised that FEHD had planned to accept online submission of food business and other trade licence applications in early 2013. FEHD had converted the paper-based application forms into electronic forms and worked out the procedures for handling online applications for food business licences meeting the following criteria -

- (a) the submitted general layout plans and ventilating system layout plans of the proposed premises should be in "PDF" format;
- (b) the total file size of the plans should not exceed 10 MB;
- (c) the plans should be drawn to scale (of not less than 1:100) in metric units; and
- (d) each plan should not be larger than A3.

5. **Mr CHEUNG** supplemented that other government departments concerned including the Buildings Department, the Fire Services Department and the Planning Department etc had agreed to accept electronic referral of electronic licence applications. FEHD would conduct staff training and then trial run on the working procedures for processing electronic applications.

6. Upon enquiry by **Mr Michael LI** and **Mr Jerome LEE**, **Mr CHEUNG** said that FEHD would accept online submissions of applications for alteration to approved layout of the licensed premises. The current FEHD performance pledges would still be applicable to online applications.

7. In response to the **Convenor**, **Mr CHEUNG** said that digital signature would not be required for the application for food business licences. Digital signature would be required for online submission of the Karaoke Establishment Permit and Places of Public Entertainment Licence applications. FEHD advised the trade not to submit scanned layout plans because the scale of which might be distorted after the scanning process. It would be advisable for the trade to submit layout plans drawn by computer software and then converted into PDF format for submission

## **Matters arising**

### *Scheduled hotels*

8. **Mr Winston LEUNG** told the meeting that as a transitional arrangement for the hotels being in operation when the Hotels and Guesthouses Accommodation Ordinance (HAGAO) came into operation in 1991, a Scheduled Licence was issued to the hotels. The schedule was a list of required upgrading works with timings by which they needed to be completed. Over the years, hotels previously issued with Scheduled Licences had completed the required upgrading works as stipulated in

the schedules and subsequently renewed with hotel licences. Hence, there were no more Scheduled Hotels according to Office of the Licensing Authority's (OLA) record. Nevertheless, to address the trade's concern raised at the last BLG meeting, all of the OLA officers seconded from the Buildings Department and the Fire Services Department were reminded to pay attention to the file records when handling renewal applications in order to avoid incurring unnecessary administrative work to the trade. **Mr Michael LI** confirmed with the meeting that all members of the FHKHO which were once scheduled hotels had already completed the required upgrading works.

*Business compliance costs of renewal applications for hotel licence*

9. **Mr Michael LI** said that to obtain a multi-year hotel licence with validity between 4 to 7 years under the Hotel and Guesthouse Accommodation Ordinance (Cap 349), the trade should hire Authorised Persons (APs) for the certification of compliance with certain fire and building safety standards by the hotels concerned annually. He opined that the cost for hiring APs was much higher than the savings in renewal licence fee, and thus the Administration should review this licensing condition to make the multi-year hotel licence a realistic choice for the hotel trade. The **Convenor** and **Mr LI** suggested and **Mr LEUNG** agreed that the BLG secretariat would co-ordinate with the hotel trade and HAD to explore whether there would be room to reduce the compliance costs of renewal applications for hotel licence without compromising public interest.

**EABFU /  
Trade**

**New items**

*Fire Safety Improvement Direction*

10. **Mr G Y LAU** and **Mr K Y LEE** gave a briefing on the background and implementation of Fire Safety (Commercial Premises) Ordinance (Cap 502) with the presentation slides at Annex 2. **Mr LAU** advised that under the Fire Safety (Commercial Premises) Ordinance (Cap 502), the BD and the FSD being the enforcement authorities of the Ordinance, may serve on the owners of Specified Commercial Buildings (SCB) or Prescribed Commercial Premises (PCP) Fire Safety Improvement Directions (FSIDn) or Fire Safety Directions (FSDn) respectively, requesting them to upgrade the fire safety standard of the buildings or the premises up to the standards set out in the Code of Practice for the Provision of Means of Escape In Case of Fire 1996, Code of Practice for Means of Access for Firefighting and Rescue 1995, Code of Practice for Fire Resisting Construction 1996, and Code of Practice for Minimum Fire Service Installations and Equipment 1994.

11. **Mr Michael LI** opined that fire safety standard of hotels was regulated by the licensing regime under the HAD. As there were inspections conducted by the HAD and the trade was required to submit a fire certificate signed by registered contractors every year, licensed hotels, irrespective of whether they were built before 1987, were safe enough under the Hotel and Guesthouse Accommodation Ordinance (HAGAO) and should not be required to upgrade their current fire safety equipment. Moreover, HAGAO was enacted prior to Cap 502, and it would not be fair to the hotel trade for the departments concerned to enforce Cap 502 retrospectively.

12. **Mr LAU** advised that the purpose of the Ordinance (Cap 502) was to

provide better protection from the risk of fire for occupants and users of, and visitors to certain kinds of commercial premises and commercial buildings via improving the fire safety standard of them. SCB means old commercial buildings with plans of their building works first submitted to the Building Authority on or before 1 March 1987 for his approval; or those buildings which were constructed on or before 1 March 1987 where no plans of the building works of the building were submitted. The definition of SCB did not include the whole of a non-domestic building which was constructed to be used or was being used exclusively for the purposes of a hotel. As such, SCB did not include hotels with buildings plans first submitted to the Building Authority after 1 March 1987 or hotels which occupied the whole of a non-domestic building. Cap 349 and Cap 502 were different Ordinances, the compliance of the hotel licensing requirements under Cap 349 would not exempt SCB from the application of Cap 502.

13. **Mr Jerome LEE** enquired whether the BD would serve Fire Safety Improvement Directions to hotels built before 1987 but had undergone major alterations in recent years. **Mr LAU** and **Mr K Y LEE** said that for SCB/ PCP which had undergone major alterations in recent years, they should have submitted the building plans for the approval of the Building Authority. As such, the alteration works involved should have complied with the fire safety standard required by Cap 502. Nevertheless, BD would make reference to the latest approved building plans after major alteration and the relevant plans and information from the licensing authority. BD would also conduct site inspections to verify if there were any building works not meeting the required standards of Cap 502. FSDn / FSDn might be served on the owners of the SCB / PCP to rectify the non-conformities.

14. Both **Mr Michael LI** and **Mr Andree YUEN** enquired whether the BD and the FSD could allow the hotel operators to defer compliance with the FSDn until there were major alterations. **Mr W S LI** and **Mr LAU** advised that the hotels might apply for extension of time for carrying out improvement works for the compliance with FSDn with justifications. The FSD and the BD were happy to meet with the hotels concerned to discuss compliance difficulties of individual cases. A flexible and pragmatic approach would also be adopted.

15. **Mr Michael LI** opined that hotel buildings should not be regarded as "commercial buildings" under Cap 502 because they were classified as non-commercial buildings in some other legislation such as the Building Energy Efficiency Ordinance. **Mr LAU** reiterated that the whole of a non-domestic building which was constructed to be used or was being used exclusively for the purposes of a hotel were excluded from the definition of SCB under Cap 502. However, Cap 502 was applicable to the overall SCB where portions of the building were used as hotel and other purposes.

16. **Mr Michael LI** enquired about the roles played by BD and FSD under Cap 502. **Mr W S LI** advised that the aspect of fire safety installations and equipment were under the jurisdiction of FSD. **Mr LAU** said that the fire safety aspect in connection with the construction of the buildings was under the purview of BD.

**Date of next meeting**

17. The Secretary would inform members of the date of the next meeting in due course.

**Economic Analysis and Business Facilitation Unit**

November 2012