

政例通識 Reminders from the Government

監管局不時收到不同政府部門的來函，希望就某些不同議題提示各位地產代理從業員，由於議題通常涉及不同法例，監管局邀請這些部門為《專業天地》撰文。以下為牌照事務處及差餉物業估價署的來稿。

From time to time, the EAA receives letters from different Government departments which wish to remind estate agency practitioners about different subjects. Since the topics usually involve in different laws, the EAA invited these departments to share their views and opinions via *Horizons*. The following articles are contributed by the Office of the Licensing Authority and the Rating and Valuation Department.

簡介《旅館業條例》(第349章)

因應最近報章報導有個別地產代理懷疑涉及無牌經營旅館活動，民政事務總署轄下的牌照事務處(「牌照處」)有必要提醒持牌地產代理，無牌經營旅館屬刑事罪行，並會登記為有關違法者的個人犯罪紀錄。

在香港經營旅館，必須按照香港法例第349章《旅館業條例》(《條例》)申領旅館牌照才可以經營。根據《條例》的釋義，「旅館」是指任何處所，其佔用人、東主或租客顯示會向到臨該處所的任何人士提供住宿的地方，而該人看似有能力並願意為獲提供的服務及設施繳付合理款項，以及每次出租期少於連續28天。

根據《條例》第5條，任何人沒有

有效牌照而經營、開設、管理或以其他方式控制旅館，即觸犯刑事罪行，一經定罪可被判監禁，最高罰款200,000元及監禁兩年，並可就罪行持續期間的每一天另處罰款20,000元。根據紀錄，法院近年亦已加重對有關無牌經營旅館罪行的刑罰。

牌照處是執行《條例》的部門。現時，牌照處以雙管齊下的方式，一方面加執法，另一方面加強宣傳，打擊無牌活動。

在執法方面，牌照處近日展開一連串大規模針對無牌旅館及「月子公寓」的巡查及執法行動。此外，牌照處亦會繼續與地產代理監管局緊密聯繫，若有持牌地產代理被判罪，有關定罪紀錄將會轉介地產代理監管局跟進。

在宣傳持牌旅館資料方便，市民可從牌照處網頁(www.hadla.gov.hk)查閱所有持牌旅館的名單或於辦公時間內致電2881 7034查詢。牌照處亦已規定所有持牌賓館須在入口及每間客房房門貼上「持牌賓館」標誌，以茲識別。

如欲舉報懷疑無牌旅館，可致電牌照處舉報熱線(電話：2881 7498)，同時亦可透過電郵(hadlaenq@had.gov.hk)，或下載牌照處網頁(www.hadla.gov.hk)的舉報表格，以傳真(2504 5805)方式舉報。為了加強有效執法，有關舉報應提供詳細準確的懷疑無牌旅館地址。

民政事務總署
牌照事務處總主任余德祥

Introduction to Hotel and Guesthouse Accommodation Ordinance (Cap. 349)

In view of recent news reports that a few estate agents were reportedly involved in suspected unlicensed guesthouse operations, the Office of the Licensing Authority (OLA) under the Home Affairs Department wants to remind all licensed estate agents that the operation of an unlicensed guesthouse is a criminal offence and will lead to a criminal record.

In Hong Kong, before starting a hotel/guesthouse business, a licence issued under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the Ordinance) has to be obtained. Under the Ordinance, “hotel/guesthouse” means any premises being held out by the occupier, proprietor or tenant for providing sleeping accommodation 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 for each letting.

Any person who operates, keeps, manages or otherwise has control of a hotel/guesthouse without a valid licence commits a criminal offence. Under section 5 of the Ordinance,

the convicted person is liable to imprisonment. The maximum penalty upon conviction is a \$200,000 fine and imprisonment for two years, and a fine of \$20,000 for each day during which the offence continues. According to records, heavier sentences for unlicensed hotel/guesthouse operations have been passed by the courts in recent years.

The OLA is responsible for the enforcement of the Ordinance and has been taking vigorous action to combat these unlicensed operations. A two-pronged approach of stringent law enforcement and city-wide publicity has been adopted.

On law enforcement, the OLA has recently mounted a series of territory-wide blitz inspections cum enforcement operations against unlicensed guesthouses including “maternity service hostels”. The OLA will continue to work closely with the Estate Agents Authority (EAA) and should there be any licensed estate agent being convicted under the Ordinance, the OLA will pass the convicted records to the EAA for follow up action.

To facilitate members of the public to identify licensed hotels/guesthouses, they could search for licensed hotels/guesthouses and obtain a full list from the OLA’s website www.hadla.gov.hk, or make enquiries to the OLA at 2881 7034 during office hours. In addition, the OLA requires all licensed guesthouses to display a logo at the main entrance and on the doors of all guestrooms for easy identification.

For effective enforcement, the OLA welcomes reports of suspected unlicensed operations with accurate and detailed addresses. Such reports could be made to the hotline (tel. no. 2881 7498), by e-mail (hadlaenq@had.gov.hk) or by fax (fax no. 2504 5805) using a report form downloaded from the website www.hadla.gov.hk.

YU Tak-cheung
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Office of the Licensing Authority
Home Affairs Department

關於業主繳納差餉地租須注意的事項

地產代理為物業轉易的相關各方提供專業服務。差餉物業估價署(下稱「估價署」)請持牌地產代理注意，協助買賣雙方交易和說明繳付差餉/地租的責任時，務須查閱物業的全部差餉/地租帳目，確定繳清所有差餉/地租，以免因未能如期繳納而招致不良後果。此舉有助大大提高業主如期繳交差餉地租的責任感，並保障買方的利益。

誰人有責任繳納差餉地租？

根據《差餉條例》(第116章)，業主和佔用人均有責任繳納差餉。依據《地租(評估及徵收)條例》(第515章)，政府可要求物業的業主或差餉繳納人繳交地租。

購置物業時須注意的事項

1. 查閱物業的全部差餉地租結餘，方法是使用物業資訊網(www.rvdpi.gov.hk)的「查詢差餉及/或地租帳目資料」服務，或填妥表格RVD 1009。市民可透過估價署熱線取得表格，或從該署網站下載。
2. 確保物業成交前繳清所有差餉地租。
3. 物業成交後盡快通知估價署，以便更新登記繳納人的姓名和/或通訊地址。

欠繳差餉地租的後果

最後繳款日期過後，繳納人即時被加徵5%附加費。如過期逾六個月，繳納人再被加徵10%附加費，政府並可採取法律行動追收欠款。

如物業有欠繳地租(包括業權轉易前所累欠的)，政府有權根據《政府土地權(重收及轉歸補救)條例》(第126章)收回有關物業。業主須付出額外費用，才能取回該物業。

本文由差餉物業估價署供稿。

查詢熱線：2152 0111

網站：www.rvd.gov.hk

地址：九龍長沙灣道303號長沙灣政府合署15樓

Advice to Property Owners on Rates and Government Rent Liability

Estate agents offer professional services to parties involved in property conveyance. The Rating and Valuation Department (RVD) provides some tips for our licensees, when assisting the vendor and purchaser in completing a property transaction and advising the client on the liability of rates / Government rent, to take important steps in checking and clearing outstanding rates / Government rent and to avoid the undesirable consequences of not paying rates / Government rent on time. The trade's assistance would help greatly in raising property owners' awareness of their responsibility of making timely payment of rates and Government rent and protecting the purchasers' interest.

Who is responsible for paying rates and Government rent?

Under the Rating Ordinance (Cap 116), both the owner and the occupier are liable for rates. Pursuant to the Government

Rent (Assessment and Collection) Ordinance (Cap 515), the Government may demand Government rent from the owner or the ratepayer of the property.

Points to note when buying a property

1. Check the property's overall rates and Government rent balances via the "Enquiry on Rates and/or Government Rent Account" service on the Property Information Online (www.rvdpi.gov.hk) or use Form RVD 1009 which can be obtained by calling RVD's hotline or downloaded from RVD's website.
2. Ensure that the rates and Government rent are fully paid before completion of the purchase.
3. After completion of purchase, inform the RVD of the change in the registered payer's name and/or correspondence address as soon as possible.

Consequences of not paying rates and Government rent

A 5% surcharge will be imposed immediately for late payment. If the outstanding amount is not settled after six months, a further 10% surcharge will be imposed and the Government may take legal action to recover the outstanding amount.

If the Government rent, including that accrued before change of ownership, is not paid, the Government is entitled to take back the property under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap 126). The owner will incur extra costs to get the property back.

This article is contributed by the Rating and Valuation Department.

Enquiry Hotline: 2152 0111

Website: www.rvd.gov.hk

Address:

15/F Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon