

# (2) Documentary Proof for Continuous Supervision

## Background:

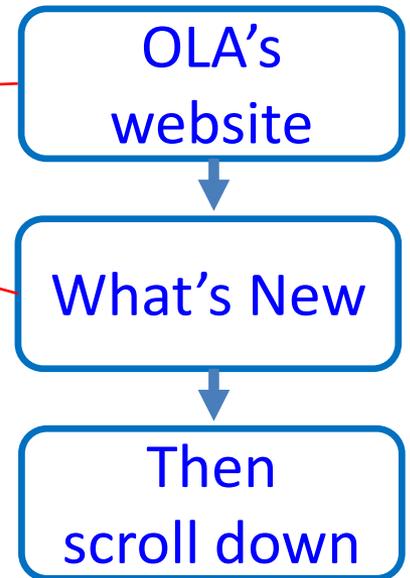
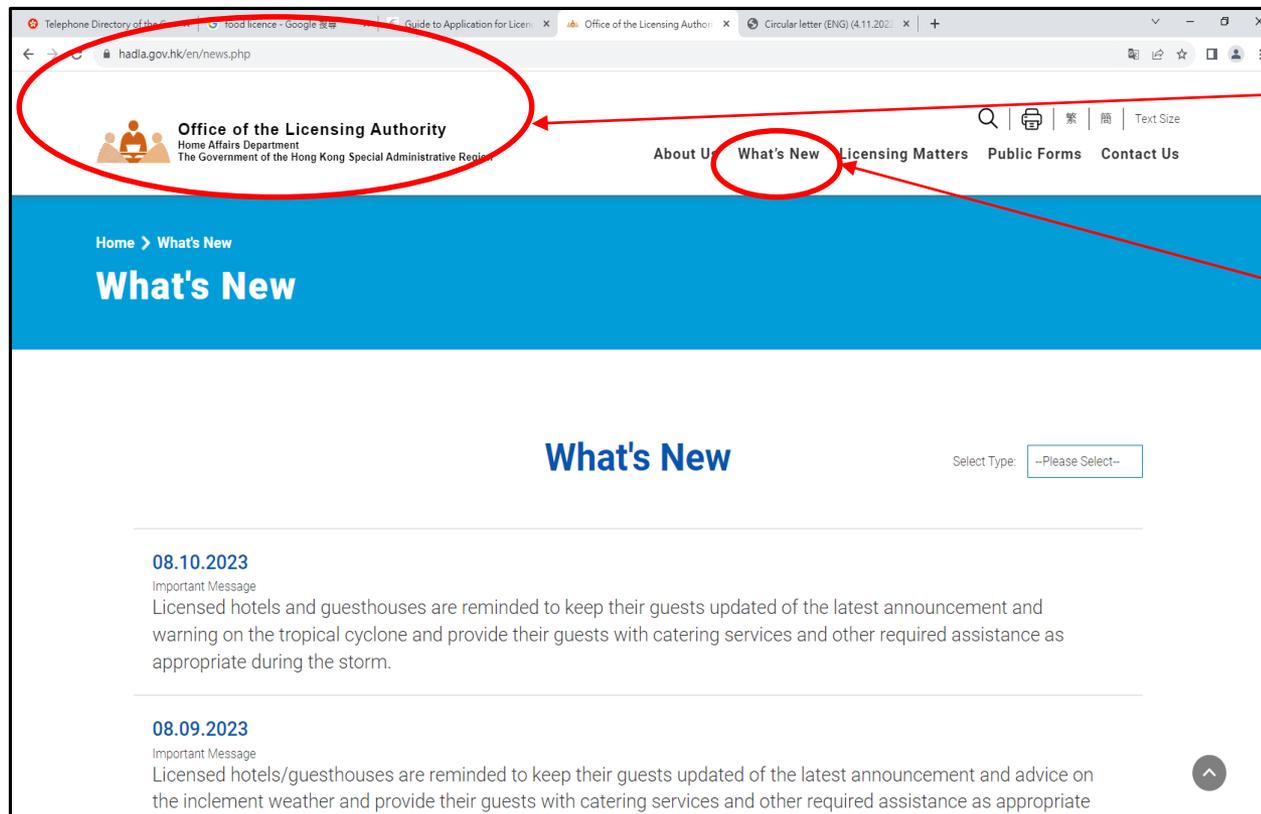
- Section 8(2)(c), 10(a) & 12(2) of Clubs (Safety of Premises) Ordinance (Cap. 376).
- CoC standard Condition no.4.
- *The operation, keeping, management and other control of the club-house shall be under the continuous and personal supervision of the CoC holder.*
- Relevant Circular Letter issued on 4.11.2022.



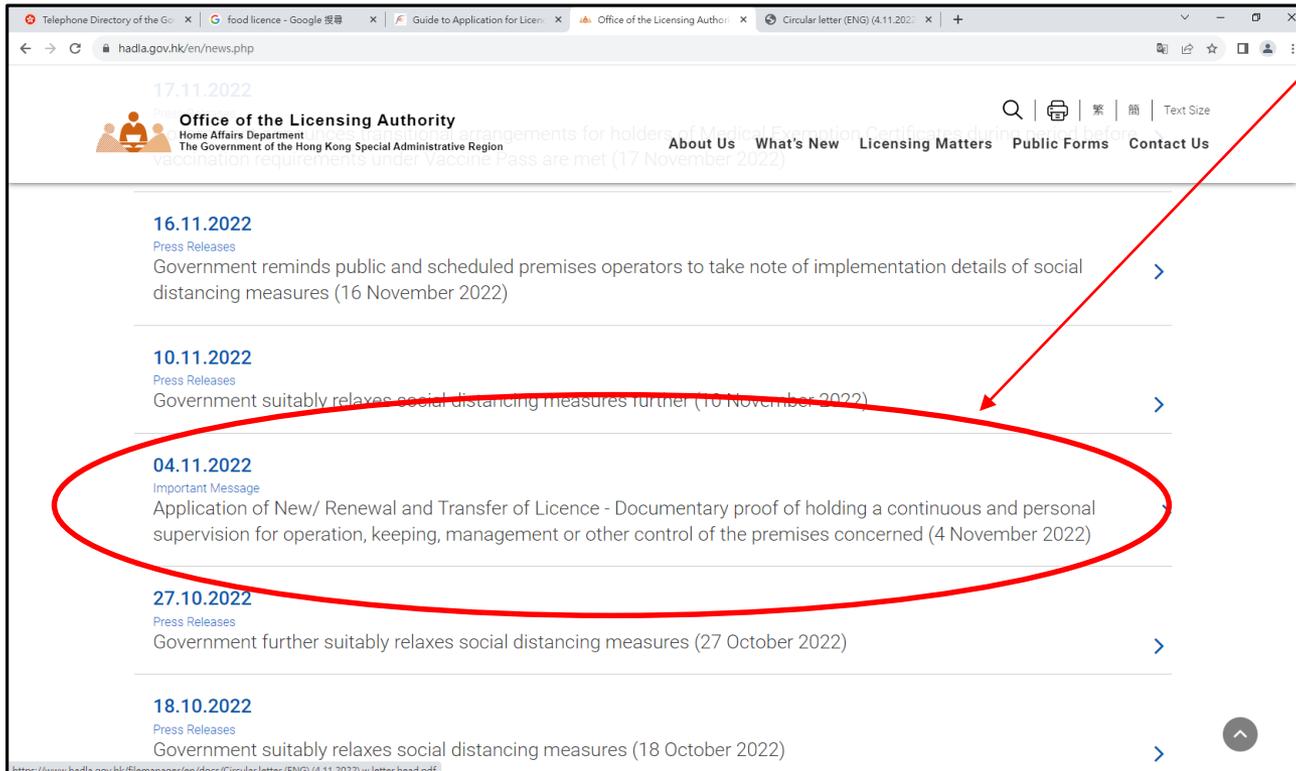
# Circular Letter – Documentary Proof

➤ Available at OLA's website:

<https://www.hadla.gov.hk/en/news.php>



# Circular Letter – Documentary Proof



04.11.2022

Important  
Message

Application of New/  
Renewal and  
Transfer of Licence -  
Documentary proof  
of holding a  
continuous and  
personal  
supervision for  
operation, keeping,  
management or  
other control of the  
premises concerned  
(4 November 2022)

➤ Direct link of Circular Letter on 4.11.2022

[https://www.hadla.gov.hk/filemanager/en/docs/Circular%20letter%20\(ENG\)%20\(4.11.2022\)%20w%20letter%20head.pdf](https://www.hadla.gov.hk/filemanager/en/docs/Circular%20letter%20(ENG)%20(4.11.2022)%20w%20letter%20head.pdf)



# Circular Letter – Documentary Proof

民政事務總署  
牌照事務處  
香港太古城太古灣道十四號十樓



HOME AFFAIRS DEPARTMENT  
OFFICE OF THE LICENSING AUTHORITY  
10<sup>th</sup> Floor, 14 Taikoo Wan Road  
Taikoo Shing  
Hong Kong

本署編號 Our Ref. HAD/LA/1/2/6  
電話 Tel.: 2881 7034  
傳真 Fax: 2894 8343

4 November 2022

**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 of New/ Renewal and Transfer of Licence -**

#### **Documentary proof of holding a continuous and personal supervision for operation, keeping, management or other control of the premises concerned**

For making applications in respect of a new/renewal and transfer of licence/certificate under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the "HAGAO"), the Clubs (Safety of Premises) Ordinance (Cap.376) (the "CuSPO"), the Bedspace Apartments Ordinance (Cap.447) (the "BAO") and the Karaoke Establishment Ordinance (Cap.573) (the "KEO"), applicant is required to provide a documentary proof **upon submission of the application** that he/she can operate, keep, manage or control by other means such premises under his/her continuous and personal supervision.

#### **Background**

<sup>2</sup> Pursuant to relevant sections under the HAGAO, the CuSPO, the BAO and the KEO<sup>1</sup>, the Hotel and Guesthouse Accommodation Authority/ the Secretary for Home and Youth Affairs/ the Bedspace Apartments Authority, as the case maybe, may refuse to issue/renew and permit a transfer of hotel/guesthouse/bedspace apartment/karaoke establishment licence or a club certificate of compliance (CoC) on the ground that it appears to him that the operation, keeping, management or other control of the hotel/ guesthouse/ club-house/ bedspace apartment would not be under the continuous and personal supervision of the person to whom the licence/ CoC would be issued.

<sup>1</sup> Relevant provisions including -  
HAGAO : Section 12B(4)(b), 12C(5)(b)&(d) and 12F(4)(c) of Cap 349  
CuSPO : Section 8(2)(c), 10(a) & 12(2) of Cap 376  
BAO : Section 12(5)(c), 13(3)(b) and 17(2) of Cap 447  
KEO: Section 5(3) and 10(c) of Cap.573

#### **Implementation**

3 In considering whether an applicant has a continuous and personal supervision over the premises concerned in respect of the application for new issue/ renewal and transfer of licence/ CoC, applicant should submit documentary proof at the time of making all types of applications. The examples of relevant document proof include:

- (a) The ownership record registered in the Land Registry showing the ownership of the premises concerned;
- (b) Stamped Tenancy Agreement between the registered owner of the premises concerned and the applicant;
- (c) Authorization letter from the registered owner/ legal tenant of the premises concerned to the applicant to operate, keep, manage or control the premises;
- (d) Legal documents (e.g. Government Lease or Deed of Mutual Covenant) explicitly designated the applicant to operate, keep, manage or control the premises concerned; or
- (e) Other document(s) showing the applicant having the exclusive right to use and enjoyment of the premises concerned.

4 The applicant should submit the required documents as referred to in paragraph 3 above to demonstrate that the premises concerned could come under his/her continuous and personal supervision throughout the period of the licence/ CoC. If the submitted document does not cover the full period of licence/ CoC, the applicant shall deliver to the Office of the Licensing Authority a copy of new documentary proof at least 30 days before the expiry of the previous submitted document.

5 Depending on the circumstances of each case, failure to provide the documentary proof as mentioned in paragraph 3 above may cause refusal of the related application.

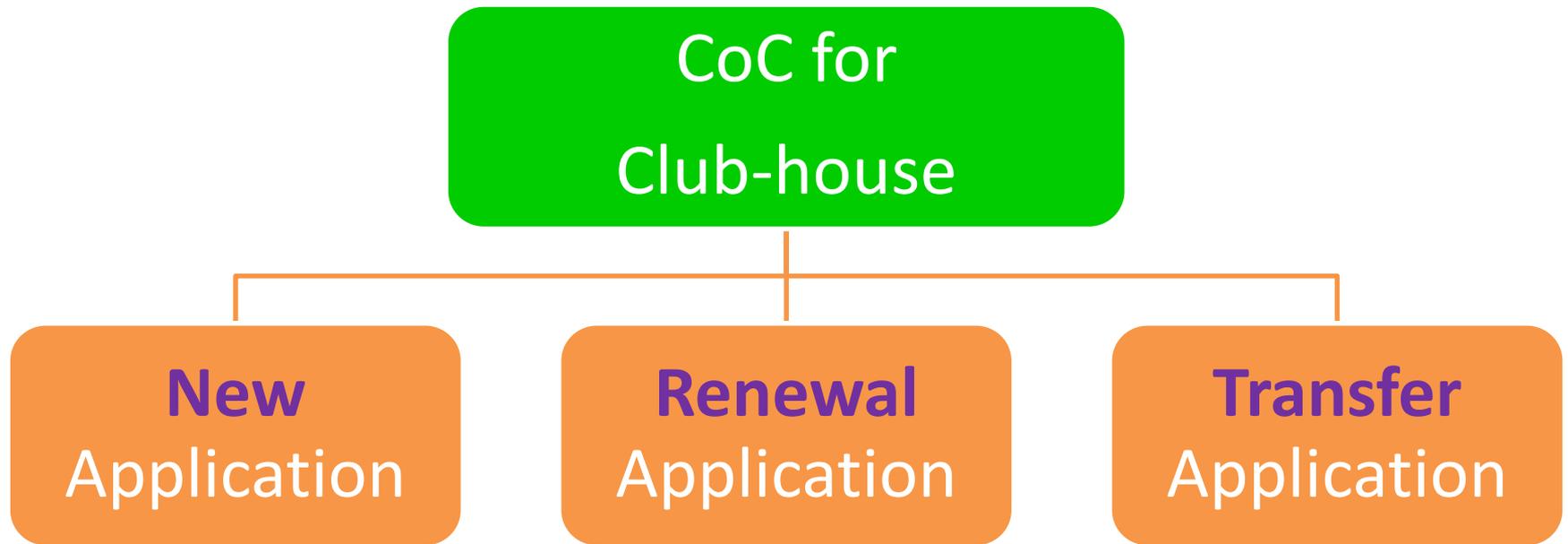
6. For enquiries related to the above requirement, please contact us at 2881 7034.

Yours faithfully,

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



# Documentary Proof to be submitted by applicant



# Examples of Documentary Proof

- a) **Ownership record** registered in the Land Registry (LR);
- b) **Stamped Tenancy Agreement** between the registered owner of the premises concerned and the applicant;
- c) **Authorization letter** from the registered owner/ legal tenant of the premises concerned to the applicant to operate, keep, manage or control the premises;
- d) **Legal documents** (e.g. Government Lease or Deed of Mutual Covenant) explicitly designated the applicant to operate, keep, manage or control the premises concerned; or
- e) **Other documents** showing the applicant having the **exclusive right to use** and enjoyment of the premises concerned.



# Example of Documentary Proof

## (a) LR Ownership Record

土地註冊處 THE LAND REGISTRY  
土地登記冊 LAND REGISTER

印製編號 PRINT CONTROL: ESS230202013824

印製於 PRINTED AT: INTERNET SEARCH (DOWNLOAD)  
查冊日期及時間 SEARCH DATE AND TIME: 02/02/2023 15:25  
查冊者姓名/名稱 NAME OF SEARCHER: HOME AFFAIRS DEPARTMENT  
- HEADQUARTERS / FINANCE SECTION

HOME AFFAIRS DEPARTMENT - HEADQUARTERS / FINANCE SECTION

查冊種類 SEARCH TYPE: CURRENT

本登記冊列明有關物業截至 02/02/2023 07:30 之資料  
THE INFORMATION SET OUT BELOW CONTAINS PARTICULARS OF THE PROPERTY UP TO 07:30 ON 02/02/2023.

備存土地紀錄以供市民查閱旨在防止秘密及有欺詐成分的物業轉易，以及提供容易追溯和確定土地財產及不動產業權的方法。土地紀錄內載的資料不得用於與土地紀錄的宗旨無關之目的。使用所提供的資料須符合<<個人資料(私隱)條例>>的規定。  
The land records are kept and made available to members of the public to prevent secret and fraudulent conveyances, and to provide means whereby the titles to real and immovable property may be easily traced and ascertained. The information contained in the land records shall not be used for purposes that are not related to the purposes of the land records. The use of information provided is subject to the provisions in the Personal Data (Privacy) Ordinance.

進行任何交易前，應先向土地註冊處查閱最新的土地紀錄。  
BEFORE ANY DEALINGS, UP-TO-DATE LAND SEARCH SHOULD BE CONDUCTED WITH THE LAND REGISTRY.

**物業資料**  
**PROPERTY PARTICULARS**

物業參考編號  
PROPERTY REFERENCE NUMBER (PRN): A3120405

地段編號  
LOT NO. **INLAND LOT NO. xxx**

批約 HELD UNDER: CONDITIONS OF GRANT NO. 11981  
年期 LEASE TERM: 75 YEARS  
開始日期 COMMENCEMENT DATE: 11/11/1983  
每年地稅 RENT PER ANNUM: [REDACTED]

物業參考編號 PRN: A3120405 (02/02/2023) 第 1 頁, 共 4 頁 PAGE 1 OF 4

土地註冊處 THE LAND REGISTRY (LR)  
土地登記冊 LAND REGISTER

土地註冊處 THE LAND REGISTRY  
土地登記冊 LAND REGISTER

印製編號 PRINT CONTROL: ESS230202013824

所佔地稅份數  
SHARE OF **8/F, ABC BUILDING**

地址: **123 HAPPY STREET** 地址: 中文地址不詳  
**HONG KONG**

備註  
REMARKS: MODIFICATION/EXEMPTION GRANTED BY BUILDING AUTHORITY'S PERMIT NO. HK272/86 DATED 29/8/86  
CONSENT GIVEN BY LAND OFFICER DATED 31/5/88 TO ENTER INTO PROVISIONAL AGREEMENTS & AGREEMENTS FOR S/P

**業主資料**  
**OWNER PARTICULARS**

業主姓名 NAME OF OWNER	身分 (如非唯一擁有人) CAPACITY (IF NOT SOLE OWNER)	註冊摘要編號 MEMORIAL NO.	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION	代價 CONSIDERATION
<b>ABC COMPANY LIMITED</b>					

備註 REMARKS: CONDITIONS OF GRANT NO. 11981 OF I.L. 8640

物業參考編號 PRN: A3120405 (02/02/2023) 第 2 頁, 共 4 頁 PAGE 2 OF 4

Owner = CoC holder



# Example of Documentary Proof

## (b) Stamped Tenancy Agreement



THIS TENANCY AGREEMENT made the 20th day of May  
Two Thousand and nineteen

BETWEEN [redacted] whose registered office is situate at Office  
hereinafter called "the  
Landlord" which expression shall where the context so admits include the person for the time being  
entitled to the reversion immediately expectant on the determination of the term hereby created) of  
the first part and  
[redacted] whose registered office is situate at  
Hong Kong ("hereinafter called "the  
Tenant" which expression shall, where the context so admits include their successors in title and  
assigns) of the second part.

NOW THIS DEED WITNESSETH as :-

1. The Landlord shall let and the Tenant shall take ALL THAT

[redacted]

"the said Premises") together with so far as the same are reasonably necessary for the proper  
enjoyment of the said Premises and so far as the Landlord has the right to grant the same the right in  
common with the Landlord and all others having the like right to use the lift and stairways and  
common parts of the said Building for the purpose of access to and egress from the said Premises TO  
HOLD the same unto the Tenant for the term of THREE YEARS from the 24<sup>th</sup> day of March 2019  
to the 23<sup>rd</sup> day of March 2022 both days inclusive determinable as hereinafter mentioned  
YIELDING the net rent of ( [redacted]  
calendar month inclusive of government rates and management fees payable in advance without any  
deduction whatsoever on the 24<sup>th</sup> day of each and every calendar month.

2. THE TENANT HEREBY COVENANTS WITH THE LANDLORD as follows:-  
(a) To pay the said rent mentioned on the day and in the manner aforesaid without any



# Example of Documentary Proof

## (c)(i) Authorization Letter from Owner

10 March 2023

[Redacted] Staff Club  
[Redacted]

Dear [Redacted],

Authorization Letter

The [Redacted] is hereby authorizing [Redacted] Club Manager assigned by owner = CoC holder  
[Redacted] Staff Club to operate, keep and manage [Redacted] Hong Kong, as the designated space for its club services. The [Redacted] Staff Club will be responsible for maintaining the space and obtaining necessary licenses via the Home Affairs Department.

Yours Sincerely, [Redacted] Authorization letter from owner

[Redacted]

**Owner** → [Redacted]

*Reminder:  
Land registry ownership record is required to be submitted together with the authorization letter*



# Example of Documentary Proof

## (c)(ii) Authorization Letter from Tenant

[Redacted]

Date : 27-3-2023  
Our Ref. : [Redacted]  
Your Ref. : [Redacted]  
To : The Secretary  
Home Affairs Dept.  
Office of The Licensing Authority.

Dear Sir,

Certificate of Compliance of Club [Redacted]  
Kowloon.

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Tenant → I, [Redacted] (HKID No. [Redacted] owner of [Redacted] as employed [Redacted] person [Redacted] (HKID No. [Redacted] as a Manager to operate & manage the [Redacted] person continually.

In case of discussion, please contact [Redacted]

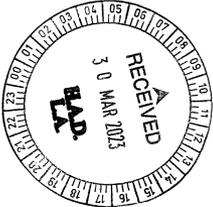
Yours faithfully,

[Redacted]

[Redacted]

← Authorization letter from Tenant

Club Manager employed by tenant = CoC holder



### Reminder:

- Stamped tenancy agreement is required to be submitted together with the authorization letter;
- Tenancy agreement should have no restriction on exclusive use by tenant only, sub-letting or the like.



# Example of Documentary Proof

## (d) Legal Documents, e.g. DMC

Residents' Club with catering services at common area

THIS DEED is made the 13th day of August 2019

BETWEEN :-

(1) [Redacted] whose registered office is [Redacted] Kong ("the First Owner" which expression shall where the context so admits include their respective successors and assigns) of the first part,

(2) [Redacted] ("the First Assignee" which expression shall where the context so admits include its successors and assigns or his executors, administrators and assigns or such survivor of his or her or their assigns) of the second part, and

(3) [Redacted] whose registered office is situate a [Redacted] Street, Central, Hong Kong ("the DMC Manager") of the third part.

DEFINITIONS :-

In this Deed the following expressions shall have the following meanings except where the context otherwise permits or requires :-

"Advance Payment" means the respective payments to be paid by the Owner of each House under Clause 16(b)(i) hereof or by the Owner of each Flat under Clause 16(b)(ii) hereof or by the Owner of each Parking Space under Clause 16(b)(iii) hereof.

"Authorized Person" means [Redacted] Ltd., which expression shall include any other authorized person or persons for the time being appointed by the First Owner in place of the said [Redacted]

"Bicycle Parking Spaces" means all those [Redacted] situated on the [Redacted] of the Estate provided for the parking of bicycles belonging to the residents of the Residential Units and their bona fide guests, visitors or invitees and shown and coloured brown marked [Redacted] in Plan [Redacted] annexed to this Deed, the accuracy of which is certified by or on behalf of the Authorized Person.

"Box Culvert" means the entire box culvert and the associated drains and channels located within the Lot or the adjacent land (whether Government land or otherwise) which are required to be maintained by the Owners in accordance with [Redacted] of the Government Grant. The Box Culvert is for identification purpose only shown and coloured yellow stippled black and stippled black respectively on [Redacted] annexed to this Deed, the accuracy of which is certified by or on behalf of the Authorized Person.

"Building Plans" means the general building plans and specifications in respect of the Estate or in respect of any part or parts of the Estate approved by the Building Authority under Ref. No.BD [Redacted] and include any approved amendments thereto.

"Car Park" means such parts of the [Redacted] Estate constructed in accordance with the car park layout plans approved by and deposited with the Director of Lands in accordance with [Redacted] of the Government Grant in respect of such parts of the [Redacted] of the Estate

DMC [Redacted]

DMC

First owner, i.e. Developer

First Assignee

DMC Manager = CoC holder



# Example of Documentary Proof

## (d) Legal Documents, e.g. DMC

### Duty & right of the Manager specified under DMC

38. Subject to the provisions of the Government Grant, Building Management Ordinance (Cap.344) and this Deed, each Owner hereby irrevocably APPOINTS the Manager as agent for the period during the term of the Manager's appointment as the Manager of the Lot and the Estate with full power to enforce the provisions of this Deed against the other Owner or Owners and in respect of any matter concerning the Common Areas and Facilities duly authorised in accordance with the provisions of this Deed. Subject to the provisions of the Building Management Ordinance (Cap.344) and in addition to the other powers expressly provided in this Deed, the Manager shall have full authority to do all such acts and things as may be necessary or expedient for or in connection with the proper management of the Lot and the Estate including in particular but without in any way limiting the generality of the foregoing:-

(h) To repair, maintain, upkeep, improve, control, operate and manage the Recreational Areas and Facilities and the '.....' and to landscape, plant with trees and shrubs, flowers, bushes, grass and other vegetation on any part or parts of the Common Areas and Facilities as the Manager shall deem appropriate and maintain the same;

(aa) To have the sole right to represent all the Owners in all matters and dealings with the Government or any statutory body or any utility or other competent authority or any other person whomsoever in any way touching or concerning the management of the Lot and the Estate as a whole or the Common Areas and Facilities with power to bind all Owners as to any decision reached or action taken in accordance with the provisions of this Deed in relation to any such dealings;

41. The Common Areas and Facilities shall be under the exclusive control of the Manager who may make rules or regulations or impose conditions regulating the use and management thereof Subject to the provisions of the Government Grant, the Building Management Ordinance (Cap.344) and this Deed Provided That the exercise of this right shall not interfere with an Owner's exclusive right to hold, use, occupy and enjoy the Unit which he owns or impede or restrict the access to and from such Unit owned by him.

....., the Manager shall have full authority to do all acts and things as may be necessary for the proper management of the Lot .....

To repair ..... **control, operate and manage the Recreational Areas and Facilities** and ..... of the Common Areas and Facilities as the Manager shall deem appropriate and maintain the same.

To have **the sole right to represent all the Owners in all matters and dealings with the Government or any statutory body** .....

**The Common Areas and Facilities shall be under the exclusive control of the Manager** .....



# Example of Documentary Proof (e) Other Documents

Services Agreement between Owner & Club Manager

THIS SERVICES AGREEMENT (this "Agreement") is made on the 13<sup>th</sup> day of June [redacted]

BETWEEN

1. [redacted], a body corporate incorporated under [redacted]; and

2. [redacted], a company incorporated under the [redacted] registered office at [redacted] ("Manager").

BACKGROUND

(1) [redacted]

(2) Manager is a wholly-owned subsidiary of the [redacted]. [redacted] has offered to engage Manager to provide certain services in respect of the management of different parts of the [redacted], and Manager has accepted such engagement.

(3) [redacted]

(4) [redacted]

1. DEFINITIONS & INTERPRETATION

1.1 Definitions

The following words as used in this Agreement shall have the following meanings unless the context otherwise requires:-

[redacted]

Annual Plan	has the meaning ascribed to it in [redacted] of Schedule [redacted];
Annual Report	means the report including audited financial statements on the financial performance of the [redacted] or any Fiscal Year;

Page: [redacted]

Owner

Club Manager appointed by owner = CoC holder

*Reminder:  
Land registry ownership record is required to be submitted together with the service agreement*



# Validity Period of Documentary Proof

- The applicant should submit the required document proof to demonstrate that the premises concerned could come under his/her continuous and personal supervision **throughout the period of the CoC.**
- If the submitted document does **not cover the full period of CoC**, the applicant shall **deliver** to the OLA a **copy of new documentary proof** at least 30 days before the expiry of the previous submitted document, so as **to comply with the CoC standard Condition 4.**
- If documentary proof is not submitted, OLA **may refuse issue / renewal / transfer, cancel or suspend the CoC** under Sections 8, 10, and 12 of Cap. 376.



# Documentary Proof - Streamlined Procedure for Renewal

**聲明**  
**Declaration**

合格證明書號碼：  
Certificate of Compliance ("CoC") No.: C/ \_\_\_\_\_

會社名稱：  
Name of clubhouse: \_\_\_\_\_

會社地址：  
Address of clubhouse: \_\_\_\_\_

本人確認曾提交文件予牌照事務處，證明持證人能持續親自監督有關處所的經營、開設、管理或其他方式的控制，該證明文件仍然有效，\*有效期至 \_\_\_\_\_ / 沒有限期。  
\*請刪去不適用者

I hereby declare that I have previously submitted documentary proof showing that the operation, keeping, management or other control of concerned premises is under the continuous and personal supervision of the CoC holder to the Office of the Licensing Authority, and the documentary proof is still valid \*with validity date until \_\_\_\_\_ / without expiry date.

\*Delete as appropriate

持證人名稱  
Name of CoC holder \_\_\_\_\_

持證人簽署及公司印鑑(如適用)  
Signature of CoC holder & company Chop, if applicable \_\_\_\_\_

(簽名及公司印鑑(如適用)樣式並須與本處的最後紀錄相符)  
(Signature and company chop (if applicable), must be the same as that in our latest record.)

日期  
Date \_\_\_\_\_

請將表格以郵寄/傳真/電郵方式交回牌照事務處：  
Please return this form to the Office of the Licensing Authority by post/fax/email:

地址： Address:	牌照事務處 香港太古城太古灣道十四號十樓	Office of the Licensing Authority 10/F, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong.
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傳真：  
Fax: (852) 2894 8343

電郵：  
Email: la\_gr\_esubmission@had.gov.hk

LA-SL20710A (8-2023)

if OLA does **not receive documentary proof** upon renewal application

OLA attaches **Declaration Form** to application acknowledge receipt

Applicant returns **signed Declaration Form** confirming **previously submitted one remain valid**

