

MIRACLE MAGAZINE

建築及牌照課題資訊雜誌

Vol. 3

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編者的話 *Words from Chief Editor*

本公司以多媒體形式集合有關建築測量、建築設計、消防安全、牌照申請、環保等資訊向有興趣人士參閱。今年就以經營私人會所需領什麼牌照向大家介紹有關牌照要求，並介紹一種新的建築方法及現今面對創業時遇到的市場推廣或商業服務的飲食業從業員的解決方案。

We aim for addressing building surveying, architectural design, fire safety, licence application and environmental protection issues in the forms of various multi-media to all readers. In this issue, we feature on compliance issue of operating a private club, a new building method launching in Hong Kong and start-up services plan for current HoReCa staff.

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經營私人會所需領什麼牌照？

牌照專輯

今期會介紹一下申請會所合格證明書有什麼要注意。民政事務總署牌照事務處是申領合格證明書的部門。

會所的定義

根據《會社(房產安全)條例》

- 「會社」是指任何法團或社團，其組成目的是為會員提供社交或康樂設施，而且是：(i) 為會員提供服務(不論是否牟利)及(ii)擁有只是會員及會員帶同的賓客才有權使用的會址。
- 「會址」則是指專供會社及其會員長久或暫時地使用的房產或其任何部份。



第一階段 Phase 1:

創業者必須於租賃有關單位前，揀選專為作會所的處所包括確定符合政府租契、大廈公契、入伙紙及有關法定規劃圖則及附件等證明土地用途是適合作申請會所合格證明書，以上可向地產代理諮詢。此外，樓宇亦須符合《建築物（規劃）規例》的處所、樓宇沒有僭建物、消防安全、建造通風系統可行性等。此階段特別重要，建議聘請專業人士作可行性評估，以免影響申請及增加成本以符合發牌條件。

✓ 所有新開業的會社必須在開業前向民政事務總署牌照事務處申領合格證明書。

✓ 申請人有責任確保會址符合批約條款、大廈公契條款及其他香港法例。

第二階段 Phase 2:

由遞交文件及圖則至民政署，多個部門包括屋宇署/房屋署、消防處、規劃署、地政署等將處理申請文件。召開會議並通過後，民政署將發出《發牌條件通知書》予申請人。



第三階段 Phase 3:

申請人必須於六個月內履行處所需要的發牌條件，如通風系統的消防規定、消防設備、小型工程。並且取得所有証書。

第四階段 Phase 4:

民政署將證實申請人已履行所有發牌條件後，便會在申請人繳付牌費後，向申請人簽發合格證明書，有效期一年或牌照上訂明的時間。申請人於牌照到期前，並符合消防年度檢驗均可續領牌照。



如何選址？

擬用作會址的選址應：

1. 適合用作會址 (即不屬任何火警風險偏高在緊急情況下難以到現場進行救援的樓宇)；
2. 符合樓宇安全的規定，例如設有足夠的逃生途徑和耐火結構、處所在改變用途後在結構上可承受規定的外加荷載、沒有僭建物以及懸掛在外牆的廣告招牌；
3. 符合消防安全的規定例如沒有足夠而適當的消防裝置及設備；
4. 設有適當的照明和通風設備；以及
5. 設有足夠的衛生設備。



就第二點的建築物要求，可以先聘請我們為你評估（可行性評估服務）再決定租賃及裝修工程，可以減低風險。

其他服務

提供查閱和複印所有私人樓宇記錄、小型工程記錄及佔用許可證（入伙紙）的服務。



小童機動遊戲機使用及操作許可證

Permit to Use and Operate Kiddie Ride



許可證制度旨在根據《機動遊戲機(安全)條例》(第449章)及《機動遊戲機(安全)(操作及保養)規例》(第449B章)所訂定的安全規格，對在本港操作，以供公眾使用的小童機動遊戲機加以規管。

The purpose of this permit system is to regulate the kiddie rides operating in Hong Kong for use by the public in accordance with the safety requirements set out in the Amusement Rides (Safety) Ordinance (Cap 449) and the Amusement Rides (Safety) (Operation and Maintenance) Regulation (Cap 449B).

「小童機動遊戲機」是指其設計主要是供不逾12歲的兒童使用；及其 (a) 設計的乘載重量不逾100公斤；及 (b) 驅動功率不逾1.1千瓦的機動遊戲機。小童機動遊戲機的擁有人，如屬《公眾娛樂場所條例》(第172章) 或《遊戲機中心條例》(第435章) 所指的持牌人，或屬該小童機動遊戲機的承租人或租用人，在操作該小童機動遊戲機以供公眾使用之前，必須先向機電工程署申請並取得「使用及操作許可證」。

“Kiddie ride” means an amusement ride which is designed primarily for use by children aged not more than 12 years; and having (a) a designed carrying capacity of not more than 100 kg; and (b) a motive power of not more than 1.1 kW.

The owner of a kiddie ride, either the licensee under the Places of Public Entertainment Ordinance (Cap 172) or the Amusement Game Centres Ordinance (Cap 435), a lessee or a hirer of the ride, shall obtain a permit to use and operate from the Electrical and Mechanical Services Department (EMSD) before operating the kiddie ride for use by members of the public.



需要每六個月
檢查一次
Half-year
examination is
required



本公司有提供
此服務
Feel free to
call for a
quotation

業主沒有遵從清拆命令的後果

Penalty imposed to a property owner failing to comply removal orders

業主沒有遵從兩張清拆命令被罰款二十五萬元

A property owner was fined \$250,000 for failing to comply with two removal orders

於2019年11月，位於西貢一座三層高獨立屋的六個僭建物，僭建物的面積共約90平方米。有關僭建物在搭建前並未獲得屋宇署批准，違反了《建築物條例》的規定，屋宇署根據《建築物條例》第24（1）條向該單位的業主發出清拆命令。由於業主沒有履行有關命令，故遭屋宇署於2016年提出檢控，並在觀塘裁判法院被定罪及被判罰款逾九萬元。然而，該名業主仍堅持不履行命令，屋宇署遂再次提出檢控。該名業主再次被定罪，並被罰款二十五萬元。根據《建築物條例》第40（1BA）條的規定，任何人無合理辯解而沒有遵從根據第24（1）條送達予他的命令，即屬犯罪，一經定罪，可處罰款二十萬元及監禁一年，及可就該罪行持續的每一天，另處罰款二萬元。

In November 2019, a property owner was fined due to non compliance of removal orders, which issued previously in respect of six illegal structures at a three-storey house in Sai Kung. As the unauthorised building works were erected without prior approval from the Buildings Department (BD), contravening the BO, removal orders were served on the owner under section 24(1) of the BO. The owner did not comply with the original two removal orders. He was prosecuted by the BD in 2016 and fined over \$90,000. However, the owner persisted in not complying with the orders and the BD instigated prosecution against him for the second time. He was convicted again and fined \$250,000. Pursuant to section 40(1BA) of the BO, any person who, without reasonable excuse, fails to comply with an order served on the person under section 24(1) of the BO, commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for one year, as well as a further fine of \$20,000 for each day that the offence has continued.

竹篙灣檢疫中心為其中一個以「組裝合成」的方法建造。

Quarantine Centre at Penny's Bay was constructed in the method of MiC.



什麼是「組裝合成」建築法

What is Modulated Integrated Construction (MiC) ?

「組裝合成」是一種新建樓宇的應用建築法。屋宇署於2019年公布對使用「組裝合成」建築法的新建樓宇的總樓面面積寬免措施，以推動「組裝合成」建築法在香港更廣泛地應用。為鼓勵更多新建樓宇使用「組裝合成」建築法，以「組裝合成」建成的樓面面積，當中的6%可無須計入發展項目的總樓面面積內，而同時不受制於現時10%的總樓面面積寬免上限。屋宇署發言人說：「『組裝合成』建築法是指把建築物分成多個獨立單元，每個單元大部分的建造工序在工地外的廠房完成，然後再運送往工地裝嵌，從而提升生產力、工地安全、環保表現及成本效益。新措施是考慮到應用『組裝合成』建築法的同時，或會減少可用樓面面積，現時所作的樓面面積寬免措施，希望可鼓勵業界積極採用此建築法。」

Modulated Integrated Construction (MiC) is a new construction application. In 2019, The Buildings Department (BD) promulgated the gross floor area (GFA) concession for new buildings adopting Modulated Integrated Construction (MiC) with a view to promoting its wider use in Hong Kong.

To encourage greater adoption of MiC in new buildings, 6 per cent of the floor area constructed by MiC may be disregarded from the calculation of GFA of a development and at the same time not be subject to the overall GFA cap of 10 per cent. The spokesman of BD said, "MiC means dividing a building into numerous freestanding modules, with most of the manufacturing works of each module being completed off-site in the factory and then transported to the site for assembly. It enhances productivity, site safety, environmental performance and cost-effectiveness. The new initiative has taken into consideration that adoption of MiC may reduce the usable floor area. It is expected that this initiative in floor area concession will encourage more adoption of this construction method by the industry."

What licence you need for operating a club?

Licensing Feature

In this feature, we explain how to apply for a Certificate of Compliance for a club-house. Office of the Licensing Authority of Home Affairs Department (HAD) is the authority to handle this application.

What is a Club

According to the Clubs (Safety of Premises) Ordinance (Cap 376) -

- "Club" means any corporation or association of persons formed for the purpose of affording its members facilities for social intercourse or recreation and which (i) provides services for its members (whether or not for the purpose of gain); and (ii) has a club-house of which only its members and their accompanied guests have a right of use, and
- "Club-house" means any premises or part thereof exclusively set aside for use permanently or temporarily by a club and its members.



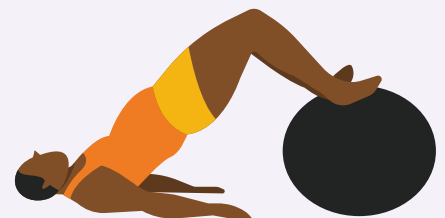
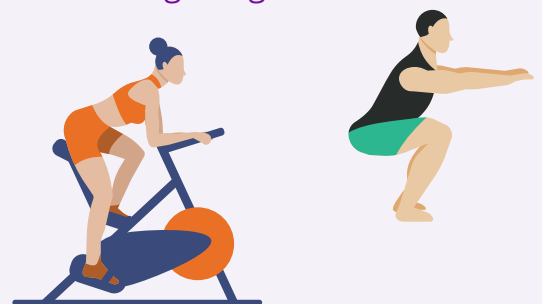
- ✓ Any new establishments must apply for a Certificate of Compliance from the Office of the Licensing Authority before commencing operation.
- ✓ It is the responsibility of the applicant to ensure that his premises do comply with the lease conditions, Deed of Mutual Covenant and other regulations or laws of Hong Kong.

第一階段 Phase 1:

The applicant must ensure the operating a club is in compliance with the government lease, the deed of mutual covenant, the occupation permit, and relevant statutory documents, information can be assisted by your Estate Agent. In addition, the premise is in compliance with the building regulations, fire safety regulations and a provision of ventilation system. It is highly recommended the applicant to appoint an individual consultant for a Feasibility Study before confirmation of the premise to avoid wasting resources.

第二階段 Phase 2:

Submission of an application and layout plans will pass to various departments e.g. Buildings Department, Fire Services Department, Planning Department, Lands Department etc. A Letter of Requirements will be issued at no objection raised.



第三階段 Phase 3: ▼

The applicant is in compliance with all licensing requirements in six months, e.g. Fire Safety Requirements, Minor Works submission.

第四階段 Phase 4: ▼

Certificate of Compliance for one year or indicated licence period will be issued upon settlement of licencing fee. An annual inspection for Fire Safety and Ventilation system is required for renewal of licence.

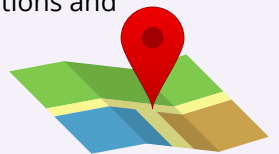


**CERTIFICATE OF
COMPLIANCE**

Choice of premises to be used as a club-house?

The premises proposed to be used as a club-house should --

1. be fit for use as a club-house (i.e. it is not associated with any kind of high fire risk to which access for the purpose of rescue is difficult in case of emergency);
2. satisfy the building safety requirements such as having adequate means of escape and fire resisting construction, structurally capable of withstanding the required imposed load due to the change in use, and free from unauthorized building works and advertising signs attached on the external walls;
3. satisfy the fire safety requirements such as adequate appropriate fire service installations and equipment;
4. have adequate lighting and ventilation; and
5. have sufficient sanitary fitments.



For item 2, better to appoint us for assessment (Feasibility Study) before confirmation of the premise and before start fitting out to minimize the risk.

Other Services

We also provide services in retrieval of approved building plans records, minor works records or Occupation Permits (OP) from Buildings Department.

Highlights of 2019

本年度有幸參與多個專業團體的活動

We have a fruitful year in participation from various fields of professionalism.



由左至右 From left to right



(1) 參加消防處「擊活人心」自動心臟除顫器課程

@Attended the "Press to Shock - Save a Life" Automated External Defibrillator Course by HKFSD

(2) 出席消防處公眾聯絡小組活動

@Attended an Event for Public Liaison Group of HKFSD

(3) 出席交通安全隊西九龍總部周年大步探（幼兒隊伍）活動

@Attended Hong Kong Road Safety Association Annual Patrol Event (Kids Team)

(4) 參觀2019建造創新博覽會

@Attended HKCEC for 2019 Construction Innovation Expo

(5) 參觀位於西九龍的屋宇署總部的樓宇資訊中心

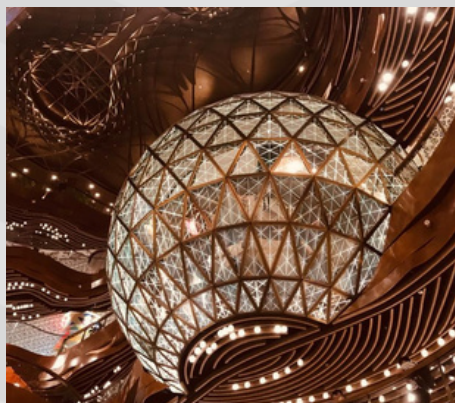
@Attended the brand new Building Information Center (BIC) at West Kowloon Gov't Office

(6) 參觀K11 MUSEA 及 K11 ARTUS 寓館

@Visited K11 MUSEA & K11 ARTUS Service Apartment

(7) 參加定期捐血活動

@Participated regular blood donation



參觀一下高級住所 - K11 ARTUS

Scan QR code for watching K11 ARTUS service apartment room tour



創業者通訊

新型冠狀病毒影響各行各業，相信不少飲食從業員為求生活，可能與幾個同事夾份開間小食店、或以自己的強項如製作麵包或蛋糕店等，自己做老闆。本公司擁有前酒店及餐飲集團經驗，由開店前及市場推廣等準備策略均有多年實戰經驗，可以為各位有準備開店創業者提供多元化的商業服務，好讓你可以專心準備其他核心工作。

“START-UP BUSINESS PACKAGE SERVICES”

The COVID-19 outbreak totally impacts on all social and economic activities of every industry. Many F&B staff or staff from the hospitality sector would like to start a food business. For any start-up idea you want to realize, a marketing professional in terms of marketing, licensing, or food laws we do provide. Our senior management used to be an hotelier with strong project development and marketing experience.

We review your business nature and come up a total business solution, including but not limited to Food Business Licence application, Liquor Licence application / market research/ compliance of government regulations (Food laws, food labels etc.) / marketing plans / promotion plans / Trade Promotion Competition Licence application / branding solution / Intellectual properties plan. Welcome for Enquiry & Quotation.

歡迎致電
查詢/報價

服務包括：

- 食肆牌照申請
- 酒牌申請
- 市場調查服務
- 市場推廣策略
- 申請推廣生意的競賽牌照
- 查詢有關香港食物法例
- 查詢預先包裝食物標籤
- 查詢有關知識產權保護

公司工作紀錄：為西九龍高鐵站公共傢俱系統供應商提供消防安全顧問服務

Our Job Portfolio - Fire Engineering Consultancy Service for a Public System Furniture Supplier at High Speed Rail, Kowloon West Station, Hong Kong.



本公司致力保障及尊重客戶個人資料。
本公司乃香港個人資料私隱專員公署
「保障資料主任聯會」會員。

We protect and respect personal data of our client. We are an Organisational Member of the Data Protection Officer Club of Privacy Commissioner for Personal Data, Hong Kong (PCPD).

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