

**Business Facilitation Advisory Committee  
Task Force on Business Liaison Groups**

*Calculation of temporary absence period for liquor licence transfer*

**Background**

The holder of a liquor licence may make an application for temporary absence in writing to the secretary to the Liquor Licensing Board (LLB) (the secretary) for an authorization under Regulation 24 of the Dutiable Commodities (Liquor) Regulations (Cap.109B). The secretary may authorise any person to manage the applicant's licensed premises for a period not exceeding three months and during that period such person will be regarded as the licensee of the premises.

**Trade's Concern**

2. At a meeting of the Business Liaison Group for karaoke establishments, nightclubs, bars and other entertainment clubs, the bar trade expressed concern on the calculation of temporary absence period authorized by LLB. They did not understand why temporary absence application was not approved by LLB when the aggregate of leave periods authorized in relation to the liquor licensed premises had been exhausted, given that the licensee was usually an employee of the bar and change of job was very frequent in the bar trade. As the licensee of a liquor licence must be a person, the trade opined that the calculation should be based on an individual person and the temporary absence period should be re-calculated once the liquor licence had been transferred to a new person.

**Administration's Response**

3. A liquor licensee is required to ensure that all liquor regulations and licensing conditions are strictly and fully complied with in the licensed premises. In response to trade's concern, the Food and Environmental Hygiene Department has clarified that under Regulation 24 of the Dutiable Commodities (Liquor) Regulation, Cap 109B, which came into effect on 3

August 2015, the aggregate of the absence periods authorized in relation to a liquor licence must not exceed 25% of the number of days of the validity period of the licence. For a liquor licence with a validity period of more than 1 year, each period or the aggregate of the periods authorized must not exceed 90 days within any 12 consecutive months in the validity period. The calculation is based on the liquor licence, not person. It is therefore advised that the trade should consider their absence arrangement carefully before applying for temporary absence.

### **Way Forward**

4. Members are invited to note the content of this paper and offer comments, if any.

**Food and Environmental Hygiene Department**  
**January 2016**