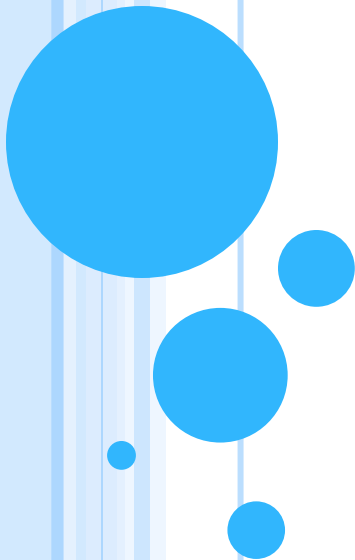


Legislative Amendment to Improve the Liquor Licence Regulatory Regime

**Business Liaison Group Meeting
for Recreational Clubs**

11 August 2015



LICENSING AUTHORITY

Liquor Licensing Board (LLB)

- Established under the Dutiable Commodities (Liquor) Regulations, (Cap 109B) to consider application for liquor licence (including club liquor licence)



LEGISLATIVE AMENDMENT

○ Dutiable Commodities (Liquor) (Amendment) Regulation 2015

- To extend maximum period of liquor licence to 2 years;
- To adjust the temporary absence period of licensee; &
- To facilitate electronic submission of applications

○ Dutiable Commodities (Liquor Licence) (Fees) (Amendment) Regulation 2015

- To set licence fee for 2-year licence under Dutiable Commodities (Liquor Licences) (Fees) Regulation (Cap 109H)

Commencement Date :
3 August 2015

EXTENDING VALIDITY PERIOD OF LIQUOR LICENCE TO A MAXIMUM OF TWO YEARS

- LLB will only consider the liquor-licensed (LL) premises with a **good track record** for at least two consecutive years immediately before the liquor licence renewal application for licence renewal by two years.



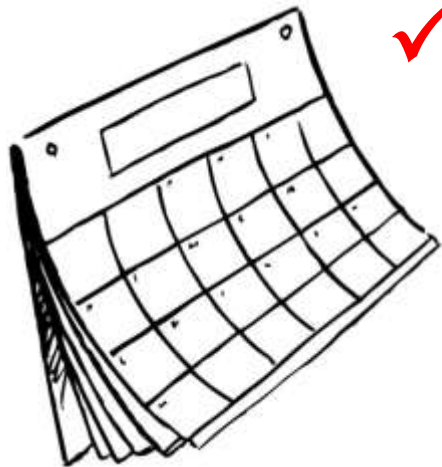
GOOD TRACK RECORD

- By “good track record”, the LL premises should meet the following criteria :
 - (a) no record of substantiated complaint and enforcement for at least two consecutive years immediately before the renewal application;
 - (b) the premises had currently been granted a liquor licence of one year;
 - (c) no objection or adverse comment from the public on the renewal application.

APPLICATION FOR RENEWAL OF LIQUOR LICENCE

○ 4 months before licence expiry

- premises with good track record, Liquor Licensing Office (LLO) will issue :-
 - (1) renewal notice ;
 - (2) an application form ; and
 - (3) reply slip to the licensee

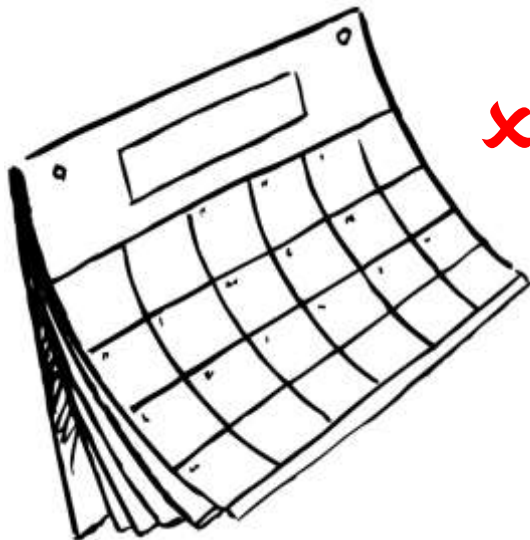


Good Track Record

APPLICATION FOR RENEWAL OF LIQUOR LICENCE

○ 4 months before licence expiry

- premises **without** good track record, LLO will issue :
 - (1) renewal notice; and
 - (2) an application form to the licensee.



✘ **Good Track Record**

APPLICATION FOR RENEWAL OF LIQUOR LICENCE

○ 3 months before licence expiry

- Licensees are required to submit renewal application form regardless whether LL premises with good track record or not
- For LL premises with good track record, please remember to fill in the reply slip and return together with the application form

APPLICATION FOR RENEWAL OF LIQUOR LICENCE

○ Sample of Reply Slip

Reply Slip	
Our Ref. : () in FEHD P/L(HK) LL 36-40/52 188/0187	
Renewal of Liquor Licence XXXXX X/F, XXX Mansion, XX Yiu Yuen Street, Happy Valley H.K.	
I wish to renew the captioned Liquor Licence for the validity period of:	
<input type="checkbox"/> one year.	
<input type="checkbox"/> two years.	
Signature	_____
Name of Applicant	_____
Date	_____
<input type="checkbox"/> Please enter "X" in one box only.	
回條	
檔案編號 : () in FEHD P/L(HK) LL 36-40/52 188/0187	
酒牌續期事宜 XXXXX 香港怡和道 XX 號 XXX 大廈 X 樓	
本人欲申請上述酒牌續期如下:	
<input type="checkbox"/> 一年	
<input type="checkbox"/> 兩年	
簽名	_____
申請人姓名	_____
日期	_____
LR_009	

PROCESSING OF RENEWAL APPLICATION

- In line with the current procedure i.e. to place application notice in newspaper
- If objection or adverse comment received, LLB will convene closed-door meeting or an open hearing
- After hearing, LLB will determine the licence period, impose licensing conditions where appropriate

LICENCE FEE

- Fee for 2-year licence or period more than 1-year
 - 1.5 times that of 1-year licence
- Fee for 1-year licence or lesser period
 - no change

LICENCE FEE

	Liquor Licence		Club Liquor Licence	
	One-year licence	Two-year licence	One-year licence	Two-year licence
With bar endorsement	\$3,940	\$5,910	\$1,100	\$1,650
Without bar endorsement	\$1,990	\$2,990	\$1,100	\$1,650

PROVISIONS ON TEMPORARY ABSENCE

- Due to extension of maximum validity period of a liquor licence to 2 years, the maximum period of temporary absence of the licensee under regulation 24 of Cap 109B is adjusted to :
 - 25% of the licence duration (i.e. 3 months out of 12);
 - In respect of 2-year licence, each period of absence must not exceed 90 days.

PROVISIONS ON TEMPORARY ABSENCE

“24. Illness or absence of licensee

- (1) In the case of illness or temporary absence of the holder of a liquor licence, the holder may make an application in writing to the secretary to the Board for an authorization under this regulation.
- (2) On receiving an application under paragraph (1) and on payment of the prescribed fee, the secretary to the Board may authorize a person to manage the applicant's licensed premises for a period that the secretary thinks fit.
- (3) Subject to paragraph (4), a period, or the aggregate of the periods, authorized under paragraph (2) in relation to a liquor licence must not exceed 25% of the number of days of the validity period of the licence.
- (4) For a liquor licence with a validity period of more than 1 year—
 - (a) each period authorized under paragraph (2) must not exceed 90 days; and
 - (b) the aggregate of the periods authorized under paragraph (2) must not exceed 90 days within any 12 consecutive months in the validity period.
- (5) A person who is authorized under paragraph (2) to manage an applicant's licensed premises is, during the period for which the person is so authorized, regarded as the licensee of the premises.
- (6) For calculating under paragraph (3) the maximum number of days that may be authorized under paragraph (2), a fraction of a day is to be counted as a full day.”

FACILITATION FOR ELECTRONIC SUBMISSION OF APPLICATIONS

- Before 3 August 2015, electronic submission of application requires the use of digital signature

- With effect from 3 August 2015, if a person makes an electronic application, the requirement for a signature in the application is satisfied by —
 - a. a digital signature of a person (*EXISTING*) ; or
 - b. a password assigned or approved by LLB (*NEW*) ◦

- Tentatively, the use of password for electronic submission of application for new issue, renewal, transfer and amendment of liquor licence will be allowed in 2016.

FACILITATION FOR ELECTRONIC SUBMISSION OF APPLICATIONS

“26C. Submission of applications in form of electronic records

- (1) If a person makes an application under regulation 15(1), 24(1) or 26(2) in the form of an electronic record, the requirement for a signature in the application is satisfied by—
 - (a) a digital signature of the person; or
 - (b) a password assigned or approved under paragraph (2).
- (2) The Board may, for enabling a person to make an application under regulation 15(1), 24(1) or 26(2) in the form of an electronic record, assign or approve any sequence or combination of letters, characters, numbers or symbols as the person’s password.
- (3) In this regulation—

digital signature (數碼簽署) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553).”.

∞ Thank You ∞