

RESERVE LICENSEE MECHANISM 後備持牌人制度

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RESERVE LICENSEE MECHANISM

後備持牌人制度

- Objective 目的
- Authority 法律權力
- Application Procedure 申請程序
- Q&A 問答

Objective 目的

- Trade facilitation measure
- 方便營商措施

- Minimize disruption to the liquor selling business due to sudden departure of licensee
- 減少持牌人突然離開而不能監督酒牌處所的影響

- Simplified procedure to enable a reserve licensee to take over the liquor licence within a short period of time
- 精簡程序讓後備持牌人在短時間內監督酒牌處所

AUTHORITY

法律權力

Reg. 24 of Dutiable Commodities (Liquor) Regulation,
Cap 109B

Secretary to LLB is the authority to authorize any person to manage the liquor-licensed premises during temporary absence of the licensee

應課稅品（酒類）規例》第24條

如持牌人患病或暫時不在場，酒牌局秘書可授權任何人管理領有酒牌處所

Period of Absence

離開職務的時間

- Maximum period (or the aggregate of periods) of licensee's absence is capped at 25% of licence duration or not more than 90 days whichever is the shorter
- 持牌人離開職務的**總時間**不可超過酒牌有效期的日數25%或90天, 兩者以較短者為準

APPLICATION PROCEDURE

申請程序

- Two-tier vetting 兩層審閱
 1. Vetting for **Nomination** Application
 1. 審閱提名申請

 2. Vetting for **Authorization** Application
 2. 審閱授權申請



NOMINATION OF RESERVE LICENSEE 後備持牌人提名申請

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Nomination of Reserve Licensee

提名後備持牌人

1 Submit application for nomination of reserve licensee for liquor licence **together** with application for

- New issue
- Transfer
- Renewal

Individual submission of application for nomination of reserve licensee would not be processed.

1 提交酒牌後備持牌人提名申請，須**一併**提交

- 新酒牌
- 轉讓
- 續期申請

獨立提交的後備持牌人提名申請將不獲處理

Nomination of Reserve Licensee

提名後備持牌人

2 Refer to the **Police** for comment on reserve licensee and liquor licence application

2 徵詢**警方**對後備持牌人提名及相關酒牌申請

Eligibility of Reserve licensee :

- Not a licence holder / reserve licensee of other liquor licensed premises
- able to pass the “fit and proper person” test

後備持牌人的資格：

- 不是其他酒牌處所的持牌人/後備持牌人
- 需符合「適當人選」的要求

Nomination of Reserve Licensee

提名後備持牌人



Police reply on nomination application separately **in 6 weeks** after LLB's approval on LL application.



警方在收到酒牌局批准有關牌照後的**6星期內**，回覆提名申請。

Nomination of Reserve Licensee

提名後備持牌人

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No Objection
沒有異議

LLB Secretary will
consider to **approve**
application
酒牌局秘書會考慮
批准提名申請

Objection
反對

LLB Secretary will
consider to **refuse**
application
酒牌局秘書會考慮
拒絕該提名申請

Nomination of Reserve Licensee

提名後備持牌人

- In general, it takes **8 weeks after the approval** to new/transfer/renewal applications granted by LLB to consider nomination application.
- 一般情況下，酒牌局會在**批准**新酒牌 / 轉讓 / 續期申請**之後的8星期內**，完成審理提名申請。

AUTHORIZATION FOR SUDDEN DEPARTURE OF LICENSEE

持牌人突然離職的授權申請

Application for authorisation of reserve licensee 授權後備持牌人的申請

Applicable to :

- ✦ Licensees quit the job without prior notice
- ✦ Licensees resign and leave in a short time
- ✦ Licensees depart due to serious sickness

適用於：

- ✦ 持牌人沒有事先通知業務東主離職
- ✦ 持牌人辭職，只給予極短時間的通知便離開
- ✦ 持牌人因病重離職

Application for authorisation of reserve licensee

授權後備持牌人的申請

- 1** Licensee or owner / proprietor of liquor licensed premises should -
- submit, **at least 7 working days before** the start of departure of licensee,
 - ✓ application for authorisation of reserve licensee [Form FEHB 266A] and
 - ✓ reserve licensee's declaration [Form FEHB 266B]
 - apply to LLB for **transfer or new issue** of liquor licence

- 1** 酒牌處所持牌人或持有人/ 經營者應 -
- 在持牌人離職生效前的最少7個工作天提交
 - ✓ 授權後備持牌人的申請 [表格FEHB 266A] 及
 - ✓ 後備持牌人的聲明 [表格FEHB266B]
 - 向酒牌局提出正式的牌照**轉讓或新酒牌**申請

Application for authorisation of reserve licensee 授權後備持牌人的申請

- 2 If approved reserve licensee declared
- not be a liquor licence holder; and
 - no change in criminal record subsequent to approval of nomination
 - LLB Secretary will grant *approval-in-principle* in 2 to 4 working days.
 - At the same time, refer to the Police for vetting the authorisation application.

- 2 如已獲提名的後備持牌人聲明
- 並不是酒牌持牌人及
 - 確認其犯罪記錄自獲委任後沒有改變
 - 酒牌局秘書會在2至4個工作天內原則上發出授權。
 - 同時，轉介警方審閱授權的申請。

Application for authorisation of reserve licensee 授權後備持牌人的申請

- 3 Upon reply from the Police, LLB Secretary will consider to **grant formal approval** to authorisation or **revoke** the approval-in-approval.
- 3 待接獲警方回覆，酒牌局秘書會考慮發出**正式授權**或**撤回**相關授權。



APPLICATION FOR TEMPORARY ABSENCE OF LICENSEE

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持牌人暫離職務的申請

Temporary Absence of licensee 持牌人暫離職務

- ◆ Existing mechanism to deal with temporary absence still valid
- ◆ 沿用現行的機制處理暫離職務關申請

- ◆ Applicable to temporary absence of licensee due to foreseen reasons, e.g. sickness, vacation leave and **date of resumption of duty** of licensee stated
- ◆ 適用於持牌人因可預見的理由而暫時離開職務, 如患病、放假及確定持牌人回任日期

Absence period less than 30 days

離開職務不多於30天

- ◆ Licensee submit application form at least 7 working days before the temporary absence
- ◆ 持牌人須在離開職務的最少7個工作天前向酒牌辦事處提交申請表格
- ◆ Referral to the Police for comment is not required
毋須諮詢警方的意見

ABSENCE PERIOD MORE THAN 30 DAYS

離開職務多於30天

- Submit application at least 15 working days before temporary absence
- 須在離開職務的最少15個工作天前提提交申請表格

Nominate other person to manage LL premises
提名**其他人**暫代職務

- **Police vet** and reply in 10 working days
- **警方**在十個工作天內作出
- **審閱**

No Objection
不反對

APPROVE
通過

Objection
反對

REFUSE
拒絕

Nominate approved reserve licensee to manage LL premises
委任**已獲提名的後備持牌人**暫代職務

- **LLB secretary grant approval without vetted by Police**
- **酒牌局秘書**可以作出授權決定，而**無需警方審閱**

APPROVE
通過

Vetting period shortened to 4 working days
審核時間可縮短至**4個工作天**

Fees and Application Forms

費用及申請表

- ◆ The authorization will take effect upon **payment** of a prescribed fee.
- ◆ 授權申請須在繳交有關費用後生效。
- ◆ Application forms are available in Liquor Licensing Offices and can be downloaded from LLB's website through the link
http://www.fehd.gov.hk/english/LLB_web/eform.html
- ◆ 申請人可在各酒牌辦事處索取或經酒牌局網頁下載申請表格 http://www.fehd.gov.hk/chinese/LLB_web/eform.html

POINTS TO NOTE

注意事項

- ◆ **Optional** for the applicant/licensee to apply for nomination of reserve licensee
- ◆ 可**選擇**是否提交後備持牌人提名申請
- ◆ **Not more than one application** during the validity period of a liquor licence (except transfer application)
- ◆ 酒牌有效期內**只可提交一個申請**(轉讓申請除外)
- ◆ A person to be nominated as a reserve licensee should not be a licence holder or reserve licensee of other liquor licensed premises
- ◆ 被提名的後備持牌人不可以是其他持牌處所的持牌人或後備持牌人

POINTS TO NOTE

注意事項

- ◆ The transferee has to submit **afresh application** for nomination for reserve licensee.
- ◆ 承讓人須**重新提交**後備持牌人提名申請
- ◆ If an application for renewal of licence is not coupled with an application for reserve licensee, the existing approved reserve licensee will **remain status quo upon the licence is renewed**.
- ◆ 如持牌人提交酒牌續期申請時並沒有同時提交新的後備持牌人提名，原本已獲委任的後備持牌人將會在酒牌**獲續期後仍然有效**。

POINTS TO NOTE

注意事項

- ◆ In case of an approved reserve licensee or a licensee intends to **cancel** the approved reserve licensee, a duly signed notification in writing should be submitted to LLB for record.
- ◆ 如後備持牌人或持牌人欲**撤銷**後備持牌人的委任，須將已妥當簽署的通知書送交酒牌局作記錄。
- ◆ The licensee should, if necessary, submit a **fresh application** for nomination of reserve licensee together with application for next renewal / transfer of licence to LLB.
- ◆ 如有需要，持牌人應在提交下一次酒牌續期 / 轉讓申請時，一併提交**新**的後備持牌人提名**申請**。

Implementation 實施

- ✦ To be implemented in **first quarter of 2017**
- ✦ 將於**2017年首季**推行
- ✦ **Inform** the licensee of the implementation details **in writing** in due course
- ✦ 適時以**書面形式通知**持牌人推行的細節
- ✦ **Upload** onto LLB website
- ✦ **上載**酒牌局網頁

THANK YOU

謝謝



Q&A

問答

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