

**RESERVE LICENSEE
SCHEME**

後備持牌人計劃

RESERVE LICENSEE SCHEME

後備持牌人計劃

- 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

- **Maximum period** (or the aggregate of periods) of licensee's absence is capped at **25% of licence duration**
- 持牌人離開職守的**總時間**不可超過酒牌**有效期的日數25%**
- Licences with licence period **exceeding 1 year**
 - a) each period of absence must **not exceed 90 days**; and
 - b) total period of absence must **not exceed 90 days** within any **12 consecutive months** during the licence duration
- 如酒牌有效期**超過1年**
 - a) 每段離開的時間不可**超過90日**;
 - b) 在**連續12個月**的牌照期內，離開職守的**總時間不可超過90日**

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 **new issue/transfer/renewal** of liquor licence **with** application **nomination of reserve licensee**

1 提交 新酒牌 / 轉讓 / 續期 申請，**一併**提交後備持牌人提名申請

Application Forms 申請表格	Liquor Licence 酒牌	Club Liquor Licence 會社酒牌表格
New issue + Nomination 新酒牌 + 提名	FEHB 106 + Annex II FEHB 106 + 附件二	FEHB 107 + Annex I FEHB 107 + 附件一
Renewal + Nomination 酒牌續期+ 提名	FEHB 106A + Annex I FEHB 106A + 附件一	FEHB 107A + Annex I FEHB 107A+ 附件一
New issue + Nomination 酒牌轉讓 + 提名	FEHB 106B + Annex I FEHB 106B + 附件一	FEHB 107B + Annex I FEHB 107B + 附件一

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

 Liquor Licensing Board inform the Police when liquor licence (LL) application is approved. The Police reply on nomination application separately **in 6 weeks after** LLB's approval on LL application.

 酒牌局在有關牌照申請獲批時通知警方。警方收到酒牌局批准有關牌照**通知後的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。

Nomination of Reserve Licensee

提名後備持牌人

- Individual submission of application for nomination of reserve licensee would **not** be processed
- 獨立提交的後備持牌人提名申請將不獲處理

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 :

- ✦ Licensee quit the job without prior notice
- ✦ Licensee resign and leave in a short time
- ✦ Licensee 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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持牌人暫離職守的申請

Temporary Absence of licensee

持牌人暫離職守

- ◆ Existing mechanism to deal with temporary absence is still valid
- ◆ 沿用現行的機制處理暫離職守關申請
- ◆ 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
- ◆ The licensee submit authorisation application to nominate another person to manage the licensed liquor premises
- ◆ 持牌人需要其他人為管理酒牌處所時提交授權申請
- ◆ Reg. 24 of Dutiable Commodities (Liquor) Regulation, Cap 109B
應課稅品（酒類）規例》第24條

Temporary Absence of licensee

持牌人暫離職守

(i) Absence period ≤ 30 days
離開職務不多於30天

- Licensee submit application form FEHB 239 **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 FEHB 239

(ii) Absence period > 30 days
離開職務多於30天

- Licensee submit application form FEHB 239 **at least 15 working days before** the temporary absence
持牌人須在離開職務的最少**15**個工作天前向酒牌辦事處提交申請表格 FEHB 239

ABSENCE PERIOD \leq 30 DAYS

離開職務不多於30天

- ◆ Upon confirming the to-be-authorized person is not a holder of existing liquor licence, Secretary to LLB will approve application
酒牌局秘書會在確認獲授權人並非另一間酒牌處所的持牌人後批核申請
- ◆ Referral to the Police for comment is not required
毋須諮詢警方的意見

ABSENCE PERIOD > 30 DAYS

離開職務多於30天

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**

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

APPROVE
通過

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

Fees and Application Forms

費用及申請表

- ◆ Once application for authorization of reserve licensee or application for temporary absence of licensee is approved, the authorization will take effect upon **payment** of a prescribed fee.
- ◆ 當後備持牌人授權申請或持牌人暫離職守申請獲得批准，即可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

- ◆ It is **optional** for the applicant/licensee to apply for nomination of reserve licensee
- ◆ 酒牌持牌人可**選擇**是否提交後備持牌人提名申請
- ◆ **Not more than one application** for nomination of reserve licensee should be submitted by the licensee during the validity period of a liquor licence (except transfer application)
- ◆ 酒牌有效期內**最多**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

- ◆ For licensed liquor premises granted with an approved reserve licensee, the reserve licensee nominated by former licensee will no longer be valid when a liquor licence is transferred. The **transferee** has to submit **a fresh application for nomination** for reserve licensee.
- ◆ 酒牌經轉讓後，獲前持牌人委任的後備持牌人即時失效。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 intends to **withdraw the nomination** or a licensee intends to **cancel the approved reserve licensee**, a duly signed notification in writing should be submitted to LLB for record.
- ◆ 如後備持牌人欲**取消其委任**，或持牌人**撤銷獲准**的後備持牌人，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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