

Processing transfer application without the current licensee's consent

Background

- At present, when the existing licensee refused to transfer the liquor licence to other party due to dispute between the licensee and the business owner or for whatever reasons, the business owner/company of the premises will apply for new issue of liquor licence.
- Though the original licensee raised objection to the proposed transfer, Liquor Licensing Board has a power to consider transferring a licence even where the licensee disagrees, and having regard to all the factors/evidence in relation to disagreement from the licensee, the LLB will continue processing and consider the application.

Procedures

Where the transferee appointed by business owners /company fails to obtain the consent of existing licensee, Liquor Licensing Office will contact with the existing licensee to see if :

- He/she is aware of such application ; and
- there is any reason for not giving consent

Procedures

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The transferee or business operator shall submit supporting documents to substantiate the proposed transfer for LLB's consideration:

- Reasons for failing to obtain the consent of the existing licensee in writing;
- Business Registration Certificate
- Any proof showing whether the current licensee is an employee of the owner of the business ;
- approval by the proprietor or company of the proposed transfer.
- If business owner is the company, minutes of meeting by board of directors shall be submitted to confirm the proposed transfer and information showing the directors of the company;
- Copy of tenancy agreement of the premises;
- for Club Liquor Licence , a certified true copy of the resolution of the Board of Directors appointing the transferee as new Club Liquor Licence holder; and
- any other relevant documents substantiating the proposed transfer.

Procedures

- ▶ If supporting documents are considered acceptable, Liquor Licensing Office will process the application as normal transfer.
- ▶ Regardless of whether there is objection from departments concerned or the public, the case shall be considered by LLB in an open hearing.
- ▶ If there is no evidence to support the proposed transfer, the application cannot be further processed.
- ▶ Where the transferee applies for the proposed transfer without the transferor's consent and the transferor notified in writing of the cancellation of liquor licence, both the application for transfer of licence and the request for cancellation of licence will be considered by the LLB at the open hearing.

Thank you