

L.N. 20 of 2015

**Dutiable Commodities (Liquor) (Amendment)
Regulation 2015**

(Made by the Chief Executive in Council under section 6 of the
Dutiable Commodities Ordinance (Cap. 109))

1. Commencement

This Regulation comes into operation on 3 August 2015.

2. Dutiable Commodities (Liquor) Regulations amended

The Dutiable Commodities (Liquor) Regulations (Cap. 109 sub.
leg. B) are amended as set out in sections 3 to 6.

3. Regulation 20 amended (issue and duration of licences)

(1) Regulation 20(1)—

Repeal

“or such proportion thereof as is provided by paragraphs
(4) and (5)”.

(2) Regulation 20(3)—

Repeal

“1 year”

Substitute

“2 years”.

(3) Regulation 20—

Repeal paragraph (4).

(4) Regulation 20—

Repeal paragraph (5).

4. Regulation 24 substituted

Regulation 24—

Repeal the regulation

Substitute

“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."

5. Regulation 26C added

Part III, after regulation 26B—

Add

"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)."

6. Regulation 34 added

After regulation 33—

Add

“34. Transitional provisions relating to Dutiable Commodities (Liquor) (Amendment) Regulation 2015

- (1) Regulation 20 as in force immediately before 3 August 2015 applies in relation to an application for the issue of a liquor licence that is pending immediately before that day.
- (2) For an application for the renewal of a liquor licence that is pending immediately before 3 August 2015—
 - (a) regulation 20 as in force immediately before that day applies if the licence expires on or before 1 August 2015; and
 - (b) regulation 20 as in force on 3 August 2015 applies if the licence expires on or after 2 August 2015.
- (3) Regulation 24 as in force immediately before 3 August 2015 continues to apply in relation to a liquor licence the validity period of which begins before that day and the expiry date of which falls on or after 3 August 2015.”.

Dutiable Commodities (Liquor) (Amendment) Regulation 2015

L.N. 20 of 2015

B251

Kinnie WONG
Clerk to the Executive Council

COUNCIL CHAMBER

27 January 2015

Explanatory Note

Under regulation 20 of the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg. B) (*principal Regulations*), a liquor licence granted by the Liquor Licensing Board (*Board*) is valid for a maximum period of 1 year. This Regulation amends the principal Regulations so that the maximum validity period becomes 2 years. The maximum period for which the secretary to the Board may, under regulation 24 of the principal Regulations, authorize a person to manage the licensed premises during the illness or temporary absence of the licensee is also adjusted accordingly.

2. To facilitate the submission of applications in the form of electronic records, this Regulation adds a new regulation to the principal Regulations to provide that the requirement for a signature in such an application can be satisfied by either a digital signature or a password assigned or approved by the Board.