

General Information on the Prohibition of Sale and Supply of Intoxicating Liquor to Minors in the Course of Business

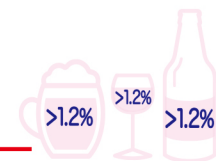
The Dutiable Commodities Ordinance (Cap.109) and the Dutiable Commodities (Liquor) Regulations (Cap.109B) prohibit the sale and supply of intoxicating liquor to minors (aged under 18 years) in the course of business.



This legislation commences on 30th November 2018

Definition of “intoxicating liquor”

Intoxicating liquor is defined as liquor that has more than 1.2% ethyl alcohol by volume, and is fit for or intended as a beverage.



The law's scope

The law covers all sale and supply of intoxicating liquor in the course of business, even when payment is not involved. It includes all fairs, festivals, or exhibitions etc., which serve commercial purposes, but does not apply to family gatherings or social events with no intention for business. Moreover, all alcoholic beverages are prohibited to be sold in vending machines.



What this new law means to businesses and business owners

According to the law, if you sell or supply liquor to minors in the course of business, you would have committed an offence and could be fined up to \$50,000 HKD.

If you have a store selling or supplying alcohol, you will need to display the prescribed notice in both Chinese and English, which is as follows:



For more details on the prescribed notice, please refer to the Guidelines on our website www.taco.gov.hk.



What the new law means to everyone who is involved with the sale/supply of alcohol and how they can comply with the law

The person who is selling/supplying the alcohol (or anyone who is involved) must ensure the following:

- Be satisfied that the buyer is over 18 years old before completing the sale/supply;
- Check the buyer's proof of identity if there is any doubt regarding the buyer's age;
- If the buyer's age cannot be ascertained and there is doubt about his/her age, then the seller shall refuse the sale/supply; and
- Make sure the prescribed signs are displayed properly.

For store owners or managers to avoid breaching the law, they are advised to complete these additional actions, which include:

- Provide training and clear instructions to their employees on the law requirements;
- Have said training and instructions repeated at regular intervals to ensure that staff do not forget or become complacent;
- The training and instructions should be recorded and employees should be required to date and sign training records to demonstrate that it has been done; and
- Monitor employees to ensure they are following instructions.



Tips for delivery

If the delivery staff is employed by the company involved with the sales, then the delivery staff is responsible for the following:

- Ensure that an age declaration has been received before delivery;
- Ensure that the receiver is of age when receiving the alcohol package;
- If there is any doubt about the receiver's age, the delivery staff should check their ID before giving the receiver the package; and
- If the receiver's age cannot be ascertained and there is doubt about his/her age, no delivery shall be made.

If the delivery staff (who is employed by the company involved in the sale/supply of liquor) delivers the liquor package to a person under the age of 18, both the delivery staff and the company may be prosecuted. Delivery staff who are employed by a delivery company who is not involved with the sales are exempt from this legislation.



For more details, please contact us at:

Enquiry and Complaint Hotline: 2961 8823
Fax: 2127 7455
www.taco.gov.hk



衛生署控煙酒辦公室
Tobacco and Alcohol Control Office
Department of Health



The content in this leaflet is subject to change and should be referred to the original text of the Ordinance. The Dutiable Commodities Ordinance (Cap.109) and the Dutiable Commodities (Liquor) Regulations (Cap.109B) can be accessed at www.elegislation.gov.hk.

有關在業務過程中 禁止售賣或供應酒類 予未成年人的基本資訊

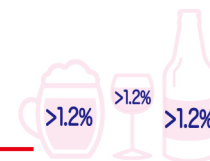
《應課稅品條例》(第109章)及
《應課稅品(酒類)規例》(第109B章)
旨在禁止在業務過程中向未成年人(即18歲以下人士)
售賣和供應令人醺醉的酒類。



此法例於2018年11月30日
開始實施

“令人醺醉的酒類”的定義

令人醺醉的酒類指以量計含多於1.2%乙醇並適合或擬作為飲品飲用的酒類。



法例的範圍

有關法例涵蓋在業務過程中所有售賣和供應令人醺醉的酒類的行為，無論當中有否涉及付款。這包括所有供作商業用途的遊藝會、節慶活動或展覽會等，但不適用於沒有商業意圖的家庭聚會或社交活動。而且法例亦禁止在銷售機售賣酒類飲品。

新法例就業務和業務負責人所施加的規定

根據有關法例的規定，任何人如在業務過程中向未成年人售賣或供應酒類飲品，即屬違法，最高可被判罰款港幣5萬元。

如處所或店舖內售賣或供應酒類飲品，則須以中英文展示下列的訂明通知，樣本如下：



有關訂明通知的詳細資訊，請瀏覽 www.taco.gov.hk 內的一般指引。

新法例對售賣酒類飲品的賣方/供應人的意義及他們應如何符合有關法例規定

- 須於完成交易/供應酒類飲品前確認買方超過18歲；
- 任何人士於售賣/供應酒類飲品前如懷疑買方是未成年人，應查看買方的身分證明文件；
- 如未能確認買方的年齡及對他/她的年齡有懷疑，賣方應拒絕售酒予對方；及
- 賣方/供應人須確保訂明通知告示以正確方式展示。

為避免觸犯法例，店東或管理人可參考以下建議，包括：

- 店東或管理人應向僱員提供有關培訓和明確的指示；
- 應該定期重覆有關培訓和指示，以免僱員忘記或因循作業；
- 有關培訓和指示須作紀錄並由僱員簽署及列明日期以作核實；及
- 監管僱員以確保他們遵守有關指示。

送遞貼士

若送遞人員屬於該銷售酒類飲品的公司，送遞人員有責任確保：

- 於送貨前已收到買方/收貨人已達18歲的年齡聲明；
- 收貨人於收貨時符合法定年齡；
- 如對收貨人的年齡有懷疑，送遞人員應於給予貨物前查看收貨人的身分證明文件；及
- 如未能確認收貨人的年齡及對他/她的年齡有懷疑，送遞人員應拒絕有關送遞。

如送遞人員(受聘於該銷售/供應酒類飲品的公司)送遞酒類飲品予18歲以下人士，送遞人員及該公司均可能被檢控。如送遞人員屬於送遞服務公司而其公司沒有參與該筆銷售，則不受該法例約束。

如需更多資訊，可以透過以下途徑與我們聯絡

查詢及投訴電話熱線：2961 8823
傳真號碼：2127 7455
www.taco.gov.hk



免責聲明：本小冊子的內容或會有所更改。請參閱有關條例的原文：《應課稅品條例》(第109章)及《應課稅品(酒類)規例》(第109B章)可到 www.elegislation.gov.hk 瀏覽。