

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

**Tobacco and Alcohol Control Office  
Department of Health  
January 2019**

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# **1 Introduction**

According to the Dutiable Commodities (Amendment) Ordinance 2018 (Cap. 109) (“the law” or “the legislation”), sale and supply of intoxicating liquor to persons under the age of 18 (“minors”) in the course of business, through face-to-face or remote distribution, or by vending machines will become prohibited on 30 November 2018. These guidelines aim to provide information regarding the requirement of the law for businesses. It helps you and your staff understand and comply with the law. Please read the guidelines to make sure that you know your responsibilities when selling intoxicating liquor.

## **1.1 Background of the Legislation**

Adolescence is a key time of behavioural change and brain development. Alcohol consumption during this period adversely affects these developmental changes. In addition, young people can develop dependence on alcohol more quickly than adults; the earlier a person engages in drinking, the greater the likelihood of alcoholism developing in his/her later life. Besides, young people are more sensitive to alcohol’s social and rewarding effects. These reactions make young people more easily intoxicated by alcohol, placing them and the community at greater risk of physical, sexual, and emotional harm. In order to reduce alcohol-related harms among young people and to better protect the young people in Hong Kong, the legislation on intoxicating liquor has been enacted to prohibit the sale and supply of intoxicating liquor to minors in the course of business.

## **1.2 Implementation Date**

The new law has been implemented on 30 November 2018.

# **2 General Information for Business**

## **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<sup>1</sup>. From this point onwards, “alcohol”, “liquor”, and “alcoholic drink” are taken to mean “intoxicating liquor”.

### **The law’s scope**

The law covers all sale and supply of intoxicating liquor in the course of business, regardless of whether payment is involved or not. It includes all fairs, festivals, or exhibitions etc., which serve commercial purposes, but not apply to family gatherings or social events with no intention for business.

### **Alcohol sold in vending machines prohibited**

All beverages containing more than 1.2% of ethyl alcohol by volume are prohibited to be sold in vending machines.

## **2.1 Key Requirements for Business**

### **What this new law means to businesses and business owners**

According to the law, if you sell or supply intoxicating 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 premises or stores selling or supplying alcohol, you will need to display the prescribed notice in both Chinese and English, which is as follows:

『根據香港法律，不得在業務過程中，向未成年人售賣或供應令人醺醉的酒類。』

“Under the law of Hong Kong, intoxicating liquor must not be sold or supplied to a minor in the course of business.”

The prescribed sign must:

- Be displayed in a prominent location at the premises or store, easily seen by the public, for example, above the cashier counter;
- Be rectangular in shape with sides of at least 38cm in length and 20cm in width;
- Be in plain and legible characters and letters; and
- Have characters and letters of a colour that contrasts with the background on which they appear.

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<sup>1</sup> For legal definition of intoxicating liquor, please refer to the Dutiable Commodities Ordinance (Chapter 109 of the Laws of Hong Kong).

For a sample of the prescribed notice, please refer to **Annex A**.

If you do not have a physical store location but you sell or supply intoxicating liquor via remote means (such as selling online or selling by phone), you need to either display the prescribed notice on your online shop in a reasonably legible manner, or read out the contents of the prescribed notice, such as play a recording of the contents of the prescribed notice, before selling alcohol.

## **2.2 Tips for Face-to-Face Distribution in Stores**

### **What face-to-face distribution means**

Face-to-face distribution is the sale and supply of intoxicating liquor when the buyer or recipient comes into face-to-face contact with the seller or supplier. Some examples include the sale and supply in locations such as, but not limited to, supermarkets, liquor stores, convenience stores etc., where the buyer and seller have face-to-face transactions for the sale of alcohol.

### **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 new law states that alcohol must not be sold or supplied to a minor in the course of business. The person who is selling or supplying the alcohol must be satisfied that the buyer is over 18 years old before completing the sale/supply. The buyer's proof of identity should be checked if there is any doubt regarding the buyer's age; this applies to everyone who is involved with the sale/supply. If the buyer's age cannot be ascertained and there is doubt about his/her age, then the seller shall refuse the sale/supply. Besides ascertaining the buyer's age, the seller/supplier should also make sure the prescribed signs are displayed properly.

### **Additional requirements for store owners or managers**

Store owners or managers should provide training and clear instructions to their employees on the law requirement at the start of their employment and 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. Store owners or managers should also monitor employees to ensure they are following instructions.

### **Where to display the prescribed sign**

The sign must be displayed at a prominent position at the place, which could be easily seen and read by all customers. For a sample, you may refer to Annex A or visit Tobacco and Alcohol Control Office (TACO) website at [www.taco.gov.hk](http://www.taco.gov.hk)

## **2.3 Tips for Remote Distribution**

### **What remote distribution means**

Remote distribution refers to all types of sale and supply of intoxicating liquor other than face-to-face distribution. Some examples of this are the sales and supplies of alcohol via electronic means, online websites, telephone calls, mail orders, etc.

### **How all sellers/suppliers, store owners/managers, and delivery staff can comply with the law**

It is the responsibility of the sellers to ensure that alcohol is only sold to purchasers over 18. Sellers should have an effective system in place to avoid illegal sale of alcohol to minors. All sellers and suppliers should make sure the prescribed signs are displayed legibly, be it on a printed order form or on the web, or its contents are read out properly. They should also make sure the buyer/recipient's age declaration is received and there is no cause to reasonably suspect that the declaration is false before the alcohol sale. Additional to this, store owners or managers should provide training and clear instructions to their employees on the law requirement. Moreover, delivery staff under the direct employment of the company that completed the sales should ensure the recipient of the alcohol order is over 18 years old and same steps should be taken to ascertain the age of the buyer as stated in paragraph 2.2.

### **How to prepare the prescribed sign for:**

#### **i. Online sale of alcohol**

Sellers of online stores must display a legible prescribed notice of both Chinese and English versions at their online stores. For a sample of the sign, you may visit TACO website at [www.taco.gov.hk](http://www.taco.gov.hk)

#### **ii. Telephone order of alcohol**

Sellers who sell liquor through telephone orders must cause the contents of the prescribed notice in either Chinese or English to be read out to the buyer, either in person or by playing audio recordings. If the conversation is conducted in Chinese, use the Chinese version; if the conversation is conducted in another language other than Chinese, use the English version. For a voice recording sample, you may visit

TACO website at [www.taco.gov.hk](http://www.taco.gov.hk).

**iii. Mail order (using catalogues or forms) of alcohol**

Sellers using mail order must display a legible prescribed notice of both Chinese and English versions on the order forms. For a sample, you may refer to Annex A or visit TACO website at [www.taco.gov.hk](http://www.taco.gov.hk)

**iv. Other forms of remote distribution**

Sellers who sell liquor through other electronic means of remote distribution shall:

- In the case of a sales or supply platform published in the form of a visual image (including text) or a series of moving visual images – display the prescribed sign; or
- In the case of a sales or supply platform published in the form of a sound recording, or an oral communication – express the contents of the prescribed sign either in Chinese or English (depending on the language used in the platform)

For more age declaration or remote distribution requirement samples, please refer to TACO's website

[https://www.taco.gov.hk/a/english/downloads/files/Remote\\_Distribution\\_Samples.pdf](https://www.taco.gov.hk/a/english/downloads/files/Remote_Distribution_Samples.pdf)

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**Tips for delivery**

If delivery of the liquor is required to complete the customer's order in the case of remote distribution, then you should ensure the following requirements are being met, on top of the above mentioned requirements, in order to avoid breaking the law:

If the delivery staff is employed by the company involved in the sales, then the delivery staff is responsible for ensuring that the receiver is of age when receiving the alcohol package. He/she should ensure that an age declaration to the effect that the buyer/receiver has attained 18 years of age, has been received before delivery. If there is any doubt about the receiver's age, the delivery staff should check their ID before giving the receiver the package. 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 provision of the legislation.



### **3 Penalties**

#### **Having sold or supplied intoxicating liquor to a minor**

The maximum fine is \$50,000 on summary conviction.

#### **Selling intoxicating liquor via vending machines**

The maximum fine is \$50,000 on summary conviction.

#### **Non-compliance with the prescribed sign requirement for either face-to-face or remote distributions**

The maximum fine is \$25,000 on summary conviction.

#### **Obstruction of inspectors during enforcement**

The maximum fine is \$10,000 on summary conviction.

### **4 Support and Assistance from the Department of Health**

#### **Department of Health**

The Tobacco and Alcohol Control Office under the Department of Health is established to ensure the new law is being complied with in Hong Kong. In order to facilitate the implementation of the sale and supply ban of alcohol to minors in the course of business, we provide support and materials on request, such as health talks and education materials on alcohol control legislations, etc. We also enhance the promotion and education among the public in relation to the latest alcohol control legislation.

#### **Talks on alcohol control legislations**

The Tobacco and Alcohol Control Office conducts relevant seminars and health talks on alcohol control legislations for the alcohol, retail and catering industries as necessary. It aims at enhancing the understanding and implementation skills of business owners, suppliers, managers and staff in relation to the Ordinance, so that they can help prevent minors from accessing alcohol. Should you be interested in obtaining more information, please contact us at 2961 8823.

#### **Legislation education materials**

To facilitate managers and business owners in implementing alcohol sales control, we have prepared a series of pamphlets, posters, prescribed sign print-outs, and other free materials. Interested parties can send us a request by contacting us at 2961 8823.

### **Hotline on alcohol control issues**

For enquiries or any assistance concerning the implementation of the alcohol control policy, please contact us at 2961 8823.

## **5 Frequently Asked Questions (FAQs)**

### General concerns

#### **1. When is intoxicating liquor supplied in the course of business under Section 37(1)?**

According to the law, sale or supply of intoxicating liquor to minors in the course of business is an offence, regardless of whether payment is involved. The law's scope covers not only traditional retail outlets such as liquor stores, supermarkets, and convenience stores, and remote distribution such as internet orders, but also supply in the course of business. Examples of supply would include but are not limited to: free alcohol samples provided to minors in marketing and advertising events, and free gifts of alcohol accompanying other products.

#### **2. Does this new legislation only apply to retailers?**

This legislation applies to any parties and companies that are involved with any form of sale or supply of intoxicating liquor to customers in the course of business, including but not limited to: retailers, manufacturers, suppliers, wholesalers, and distributors (For example: if wholesalers sell alcohol directly to customers, they will have to adhere to the legislation's requirements). This legislation applies to employees, managers and employers of the employees who sold the intoxicating liquor.

#### **3. Regarding the prescribed notice, what constitutes “prominent position at the place” under section 41(1)?**

What “prominent position at the place” is depends on the specific surroundings and the immediate environment. Generally, it refers to an area where the public could easily view the sign, such as the cashier counter.

**4. What are “reasonable measures” under sections 38(3), 39(3) and 42(5)?**

Reasonable measures should be undertaken by both employees and employers to prevent the sale or supply of alcohol to minors. An example of reasonable measure would be to check the proof of identity of the buyer/recipient who may be a minor. For employers and store owners specifically, reasonable measures include, but are not limited to, providing training and instructions to employees regarding the prohibition of sale and supply of liquor to minors. There may be other reasonable measures in accordance with your business or circumstances that are not outlined here.

**5. Is cooking wine (e.g. cooking rice wine, sherry, etc) a type of intoxicating liquor and will it be regulated under the new legislation? What about other foods or drinks which contain or are made with alcohol?**

Intoxicating liquor covers any liquid that contains more than 1.2% ethyl alcohol by volume and is fit for or intended as a beverage. Any drink items that fall under this definition (e.g. cooking rice wine, sherry) will be considered as intoxicating liquor and will be regulated under the new legislation. On the other hand, foods which contain alcohol e.g. alcoholic chocolate/ liqueur chocolate (酒心朱古力), chicken cooked in wine (醉雞) would be exempted under the new regulatory regime.

Concerning retail shops and face-to-face distribution

**6. What exactly does face-to-face distribution include?**

Face-to-face distribution refers to the sale or supply of alcohol that puts the seller or supplier in face-to-face contact with the buyer or recipient. Examples include, but are not limited to: selling alcohol at supermarkets and convenience stores, and providing alcohol in commercial wine tasting events, etc.

**7. How can a liquor seller tell if a customer is over 18?**

According to the law, sale or supply of intoxicating liquor to minors in the course of business is an offence. To prevent such occurrence, if the seller has any doubt about the buyer’s age, the seller should inspect the buyer’s proof of identity. If the buyer cannot or will not produce a proof of identity to verify the buyer’s age, the seller shall refuse the sale.

**8. What identity documents are acceptable forms of proof of identity?**

Employers and store managers must ensure that staff are aware of the types of acceptable identity documents (including valid identity card and valid travel

document) that can be accepted as proof of identity and age.

**9. Do sellers or suppliers have the right to ask for customers' proof of identity?**

While the law does not give sellers or suppliers the authority to check customers' proof of identity prior to the alcohol sale, sellers and suppliers can request for customers' proof of identity in order to prevent breaching the law. Customers have the right to refuse the request. Sellers and suppliers shall also refuse the sale if the customer is suspected to be a minor and his age cannot be ascertained.

**10. In the case of face-to-face distribution, if a minor shows to a liquor seller a proof of identity for proof of legal age which does not belong to him, and subsequently successfully purchases the liquor, will the seller be prosecuted?**

Simply requiring the purchaser to show a proof of identity is not enough. The seller should check the proof carefully to make sure it is a valid proof of identity that belongs to that person. If the seller has inspected the proof of identity of the purchaser and has reasonably satisfied himself or herself that the purchaser is not a minor, a defence is available in section 38(2) to the seller. However, whether such a defence would apply has to be determined in court on a case-by-case basis depending on the circumstances.

**11. After inspecting customers' proof of identity, how long should such records be retained for use as a defence against prosecution?**

Business owners or managers should keep this proof of inspection for a reasonable period of time. Relevant CCTV recording and audio recording may be accepted as evidence in a court. Make sure that camera lenses and housing glass fronts are clean to ensure the best quality recording and voice of speakers in the audio can be duly recognised. The recorder date and time must be set correctly.

Concerning remote distribution and delivery

**12. What exactly does remote distribution include?**

Remote distribution refers to any transactions not covered by face-to-face distribution. Examples of selling alcohol by remote distribution include but are not limited to: online stores; shop by phone; mail order, etc.

**13. Companies nowadays use a variety of electronic means and media to market alcoholic drinks. They include: television and radio broadcasting, internet tools, social media platforms, and mobile phone applications. How can companies comply with the legal requirements?**

All sale and supply in all forms of remote distribution are required to comply with the prescribed notice requirements. Remote sellers have to display the Chinese and English versions of the prescribed notice on the printed order form or on their online stores before check out, or to cause the contents of the prescribed notice to be read out should it be a phone order. In addition, they must obtain an age declaration from the buyer prior to the sale or supply. These requirements must be complied with no matter what electronic means or media are used to market alcoholic drinks, as long as sale or supply of alcohol in the course of business is involved. However, pure advertisements and promotional materials are not covered by the scope of the new legislation.

**14. In the case of remote distribution, if a minor falsifies his age, and subsequently successfully purchases the liquor, will the seller be prosecuted?**

If the seller has received a valid age declaration from the buyer and there was no circumstance that caused the person to reasonably suspect that the declaration was false, a defence is available in section 39(2) to the seller. However, whether such a defence would apply has to be determined in court on a case-by-case basis depending on the circumstances.

**15. If a person orders intoxicating liquor through remote means (e.g. through the phone or internet), can a minor be allowed to pick up the order for the person?**

A person must not, in the course of business, supply intoxicating liquor to a minor. If a person picks up an order of intoxicating liquor, and the seller suspects that the person is a minor, the seller should check the person's proof of identity to ascertain whether the person is of legal age. To ensure that intoxicating liquor is being sold to a person of legal age and to prevent minors from being supplied with intoxicating liquor easily, it is recommended for the remote purchaser that he/she or another adult pick up the order.

**16. Will the delivery staff bear legal liability for having delivered alcohol to a minor in the course of business?**

If the delivery staff is employed under the company that sold or supplied the alcohol, then they have an obligation to ensure that the recipient of the alcohol order is an adult, and should ensure that an age declaration has been received prior to the delivery, and there was nothing that caused the delivery staff to reasonably suspect that the declaration was false. Although the legislation does not require the delivery party to check the ID of the recipient, doing so will ensure that the

recipient is indeed of legal age. If the delivery party is unable to ascertain the recipient's age, the delivery staff can refuse to hand over the alcohol. In case the alcohol was delivered to a minor, even if the delivery staff was not involved directly in the specific sale/supply order, the delivery staff and the company may be liable. Alternatively, if the delivery party is employed by a delivery company that is not involved with the sale or supply, then the delivery party will not fall under the new regulatory regime.

**17. What forms of age declaration are accepted in remote distributions and can be used as a defence?**

The following are examples of age declarations that are accepted as defences:

- Online example: Tick a box with the statement "I declare I am over 18 years old"
- Telephone example: The purchaser can make a verbal declaration over the phone

For more age declaration or remote distribution requirement samples, please refer to TACO's website

[https://www.taco.gov.hk/a/english/downloads/files/Remote\\_Distribution\\_Samples.pdf](https://www.taco.gov.hk/a/english/downloads/files/Remote_Distribution_Samples.pdf)

About social supply and social gatherings

**18. During a family dinner, if someone hands alcohol to a minor, does this constitute as supplying intoxicating liquor to the minor?**

No, the new law is targeted at the sale and supply of intoxicating liquor to minors in the course of business and does not cover any social events. However, it is not recommended to supply alcohol to minors as alcohol can affect brain development and that people who begin drinking earlier in life are more likely to develop alcohol dependence in their later lives.

**19. If a minor is at a social gathering in a restaurant with friends or family, can the minor drink or order alcohol?**

According to the new legislation, any sale or supply of intoxicating liquor to minors in the course of business is prohibited. Moreover, the existing liquor license regulations prohibit a licensee from permitting minors to consume alcohol on-premises.

Liability issues

**20. If a store employee sells liquor to a minor, will he/she be prosecuted?**

The legislation prohibits all sale or supply of liquor to minors in the course of business. In this case, the employee has breached the law and will be prosecuted. He/She will have a defence if reasonable measures had been taken to prevent selling alcohol to minors, for example, if the buyer's proof of identity had been checked before selling the alcohol, and the employee was satisfied that the buyer was of legal age.

**21. If a store employee sells liquor to a minor, will the store owner/employer (who was not involved in the transaction) be prosecuted?**

Both the store keeper/employee and the store owner/employer are held liable for breaches of the law. If the store owner is charged because of the employee's act, it is a defence for the owner that he/she had taken "reasonable measures" to prevent the liquor from being sold or supplied to a minor in the course of business. Examples of reasonable measures include but are not limited to: provided the employee with training and clear instructions regarding not selling alcohol to minors.

**22. If a minor collects a bottle of wine from a friend or family's private storage of a storage company, is this considered a supply? Will the storage company be prosecuted?**

Our legislative intent is to prohibit the sale and supply of alcohol to minors. As such, if a minor is collecting a bottle of wine from the storage, this will be covered in the new legislation and hence the storage company will be prosecuted. If there is doubt about the person's age, the storage company staff should check the person's proof of identity. If he is unable to ascertain the person's age, it is suggested to refuse the supply.

Use of machines in selling/supplying alcohol

**23. There is a growing trend of using self-checkout counters in the retail industry. How should we operate these machines such that we could adhere to regulations and requirements without increasing our operational costs?**

We suggest the retail industry to operate the self-checkout counters as a type of face-to-face distribution and fulfil the requirements accordingly. Retailers can choose to operate however they like as long as they adhere to regulations. For example, they could prohibit sales of alcohol via self-checkout counters, or the machine locks up when alcohol is scanned and displays a screen showing that the customer needs assistance to complete the transaction.

**24. There are food courts that use dispensing machines which operate on pre-purchased cash cards to self-serve alcohol. How should these machines be operated in order to adhere to regulations and requirements without breaching the law?**

Due to the difficulty in monitoring sales of alcohol via vending machines, all sales of alcohol are prohibited.

In a situation where the customer has to procure a pre-paid card or token from the vendor before getting the alcoholic drink from the machine; those machines are considered dispensing machines (and not vending machines), the transaction between the customer and the vendor will fall within face-to-face distribution and therefore will be governed by the stipulated provision under the face-to-face transaction in the legislation.

**25. In the case of buffets, if customers have access to a refrigerator, where both alcoholic and non-alcoholic beverages are placed, and a minor obtains an alcoholic beverage from said refrigerator, is the setting up of such refrigerator against the law? How can retailers avoid breaching the law in this case?**

Although the case demonstrates a special channel of supply that does not require direct contact between the operator/staff and the purchaser, The operator, who may be a licensee of the buffet restaurant (which is a licensed premises), may depending on the circumstances, be liable for the offence of permitting a minor to drink on the licensed premises by allowing the minor to directly obtain the alcoholic beverages for consuming at the buffet restaurant. To avoid breaching the law, the operator, for example, should add a lock to the refrigerator and ask their staff to hand out the alcoholic beverages from the refrigerator and make them only available upon ordering. In such circumstances, the sale or supply will fall under face-to-face distribution. As long as the operator adheres to the face-to-face distribution requirements and does not sell or supply liquor to minors in the course of business, they will not breach the law.

Concerning alcohol fairs and festivals

**26. How will wine fairs and festivals be regulated and what are the requirements involved?**

Wine fairs and festivals will be regulated as face-to-face distribution if the sellers are in direct, face-to-face contact with the buyers during the transaction, otherwise they will be regulated as remote distribution. For example, if a seller is selling



wine at a booth, the seller is required to display the prescribed notice at the booth, and the seller should check the proof of identity of the buyer should the seller suspects that the buyer is a minor.

**27. During special events (e.g. opening or closing ceremonies) of wine fairs and festivals, free samples of alcoholic drinks are usually given out. Is this considered supply and will this be prohibited now?**

Giving out free samples of alcohol at a commercial event (e.g. a wine fair) is considered supply in the course of business. Generally, supply in the course of business is prohibited only if the recipient is a minor; otherwise, supplying to adults is not a breach of the law.

**28. If all customers have their IDs checked at the entrance of the venue, do we still need to check their IDs when they buy alcohol at each individual booth?**

It is not a requirement in the legislation to check customers' IDs at events, but a recommendation and defence for the seller/supplier. The participating companies should devise appropriate strategies for ascertaining that their customers are of legal age to prevent breaching the law. If a person is suspected to be a minor, it is recommended that their proof of identity be checked or the seller should refuse the sale.

Concerning the existing liquor license

**29. Restaurants and bars that serve alcohol are already regulated under the liquor license, do they also have to comply with the regulations listed in this new legislation?**

Yes. Under the liquor license, minors are prohibited from consuming liquor within the premises, and the new legislation prohibits the sale or supply of liquor to minors in the course of business. Licensees will also have to comply with the respective regulations as listed in the liquor license requirements and those in the new legislation.

**30. If a restaurant or bar sells alcohol to a minor, who subsequently consumes the alcohol, then will the restaurant or bar owner be liable for committing offenses under both the liquor license and new legislation?**

It is a criminal offence under the new legislation to sell or supply intoxicating liquor to minors in the course of business for which the restaurant owner/ staff could be fined up to \$50,000 on summary conviction. It is also a violation of the liquor license regulations to allow a minor to consume alcohol on-premises.

## **6 Additional Training for Frontline Staff**

In order to prevent minors' access to alcohol successfully, managers or business owners and employees alike have certain duties and responsibilities to ensure that intoxicating liquor is not sold or supplied to minors in the course of business. The following are some examples of lines or approaches which may assist frontline staff in resolving conflicts and improve their communication skills with customers pertaining to the sales or supply of alcohol.

### **6.1 Advice to Managers**

Managers or business owners should inform all employees of the new law and emphasise that young people should not have access to or drink alcohol in order to lead a healthy lifestyle. Staff training should be provided to facilitate their understanding of their responsibilities under the Legislation, and to improve their techniques of interacting with customers. Managers could utilise resources laid out in these guidelines as training and are suggested to keep detailed and dated records of said training as described in Section 2.2. This would enable staff to discharge their duties of preventing minors from obtaining alcohol effectively, thus complying with the law. Managers should also ensure that the prescribed notice is displayed correctly as described in Section 2.1.

### **6.2 Sample approach for face-to-face distribution cases**

Frontline staff should maintain a polite attitude at all times and remain firm if they have to refuse a sale. The following are face-to-face distribution examples of how frontline staff may ask for the customer's proof of identity if they suspect the customer to be a minor:

“As your order contains an alcoholic beverage and the new law states that it is illegal to sell alcohol to a minor, would you please show me your HKID card (or other proof of identity) so I could ascertain that you are over 18 years old?”

If the customer refuses to produce their proof of identity due to various reasons, the staff can refuse the sale as follows:

“I am afraid that I cannot sell this alcohol to you. According to the law, I must

confirm and be satisfied that you are over 18 years old before I can sell alcohol to you.

### **6.3 Sample approach for delivery cases**

After alcohol has been sold via remote means, a delivery may be required to complete the remote distribution order. If the delivery staff is employed by the company involved with the alcohol sale, the delivery staff will have the legal obligation to ascertain whether the recipient is over 18 years old before handing over the alcohol. The following are examples of how delivery staff can communicate with the recipient should there be any suspicion regarding the recipient's age:

“Hello, I am here to deliver your parcel. As your parcel contains alcohol, I am required by law to ascertain that the recipient must be an adult before I deliver this parcel. May I please see your HKID card (or other proof of identity) so I could confirm that you are over 18 years old?”

## **7 Contact Us**

### **Contact the Tobacco and Alcohol Control Office**

Enquiries and Complaints Hotline: 2961 8823

Fax: 2575 8944

Address: Room 1801-1803, 18/F, Wing On Kowloon Centre, 345 Nathan Road, Kowloon, Hong Kong

**Disclaimer:** The nature of these guidelines is to provide guidance for businesses. Although it may claim otherwise, this booklet/pamphlet does not offer legal or professional advice. Nothing on this booklet should be construed as professional advice or used as defence in court cases. Please contact a lawyer to obtain proper advice on specific cases. The content in this booklet is subject to change and should be referred to the original text of the Ordinance. The Ordinance (Cap.109 and Cap.109B) can be accessed at [www.elegislation.gov.hk](http://www.elegislation.gov.hk).

## Annex A –Sample of the prescribed notice

**Under the law of Hong Kong,  
intoxicating liquor must not be sold or supplied  
to a minor in the course of business.**

**根據香港法律，  
不得在業務過程中，  
向未成年人售賣或供應令人醺醉的酒類。**

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

查詢及投訴熱線 : 2961 8823  
Enquiry and Complaint Hotline

If you would like a sample of the prescribed notice, please fill in the “Prescribed Notice Application Form” at the TACO website:

[https://www.taco.gov.hk/a/english/forms/files/pnotice\\_app\\_form.pdf](https://www.taco.gov.hk/a/english/forms/files/pnotice_app_form.pdf)

For a soft copy of the prescribed notice, please visit TACO website at

[https://www.taco.gov.hk/a/english/downloads/downloads\\_pnotice.html](https://www.taco.gov.hk/a/english/downloads/downloads_pnotice.html)

Should you have any enquiries on where to place the prescribed notice, please refer to Part 2.1 of these guidelines. For more information on the legislation, please refer to the Dutiable Commodities (Liquor) Regulations (Cap. 109B) at

<https://www.elegislation.gov.hk/hk/cap109B>