

## **GUIDE FOR AMUSEMENT GAME CENTRES : LICENSEES**

### ***TRANSFER OF AN AMUSEMENT GAME CENTRE LICENCE***

#### **Is a Licence Transferable?**

Unless with the prior approval of the Commissioner for Television and Entertainment Licensing, an amusement game centre licence cannot be transferred.

2. The Commissioner may permit the transfer of an existing licence to another person if :

- (a) the application shows a sufficient cause to his satisfaction; and
- (b) payment of the prescribed fee for an application for transfer has been made.

#### **What is a Sufficient Cause?**

3. It is not possible to determine conclusively what constitutes a sufficient cause for a transfer because the circumstances of each application are unique. However, some common grounds which may be used to support an application for transfer are :

- (a) old age/poor health of licensee;
- (b) licensee leaving Hong Kong for good;
- (c) licensee having other business engagements;
- (d) change in management personnel (applicable to cases where the licensee is a director/partner/employee of a business corporation/partnership/bona fide club/charitable organisation);
- (e) change in membership of executive/organising committee of staff clubs;  
and
- (f) intended sale of business.

4. Whether or not a cause is considered sufficient is dependent on the strength and validity of the supporting documents and/or other evidence provided to the Commissioner. Depending on the circumstances of each case, the following supporting documents would be required :

- (a) business registration record (certified true copy);
- (b) company registration record;
- (c) annual return to the Companies Registry;
- (d) medical certificates;
- (e) travelling documents/immigration papers;
- (f) birth/death/marriage/certificates;
- (g) minutes of Directors' Meetings/Annual General Meetings;
- (h) certification by responsible personnel of business corporations, associations, clubs or organisations concerned;
- (i) business contracts/agreements; and
- (j) documents supporting transferee's involvement in the management of the licensed premises (e.g. invoices, receipts, tax returns etc. signed by transferee).

#### **Suitability of the Transferee**

5. The Commissioner shall not approve transfer of a licence unless he is satisfied that the proposed transferee will be able to meet the following conditions :

- (a) he has attained the age of 18 years;
- (b) he is a fit and proper person to operate an amusement game centre (see explanatory notes at the Appendix);
- (c) he will adequately and personally supervise the operation of the amusement game centre; and
- (d) he is not the agent, representative or servant of any person whose amusement game centre licence has been revoked or whose application to renew a licence has been refused.

#### **Possibility of Circumvention**

6. If it can be reasonably established that an application for transfer is made to circumvent revocation, suspension or non-renewal of a licence, such an application will be rejected notwithstanding the existence of a sufficient cause for the transfer and the transferee being assessed to be a suitable person to hold a licence.

### **How to Apply?**

7. An application for the transfer of an amusement game centre licence should be submitted to the Commissioner for Television and Entertainment Licensing and include the following :-

- (a) Form T - to be completed and signed by the existing licensee
- (b) Form T3 - to be completed and signed by the proposed transferee in triplicate.
- (c) Form Ta - to be completed and signed by the proposed transferee.
- (d) Form Tb - to be completed and signed by each and every owner/shareholder of the amusement game centre.

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### **IMPORTANT NOTICE**

This is not a legal document. Information contained in the Guide is for reference only. All matters arising from an application for transfer of an amusement game centre licence are dealt with in the manner prescribed under sections 6 and 7 of the Amusement Game Centres Ordinance, Cap. 435.

**Appendix**

An application for licence from a person who has been convicted of a criminal offence may be refused if :-

- (a) the offence is one under the Amusement Game Centres Ordinance (Cap. 435), or the offence is one punishable by a period of imprisonment of 12 months or more but excluding offences under the Road Traffic Ordinance (Cap. 220); and
- (b) the applicant was aged 16 years or over at the time of the offence; and
- (c) the offence was committed less than 5 years prior to the date of application or, it was committed after the said date but before the issue of licence or, in the case of triad offences, the applicant is considered to have been active in triad activities within the last 5 years.

Television and Entertainment Licensing Authority

AGC 1(a)