

**NORTHERN TERRITORY LIQUOR COMMISSION**  
**DECISION NOTICE AND REASONS**

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**CITATION:** CHINA BAR CBD APPLICATION FOR LIQUOR LICENCE WITH RESTAURANT BAR AUTHORITY [2025] NTLiqComm 26

**REFERENCE:** LC2025/023

**APPLICANT:** Y & F (CBD) Pty Ltd

**PREMISES:** China Bar CBD  
Shop M17A & M18A  
48-50 Smith Street  
DARWIN CITY NT 0800

**LEGISLATION:** Part 3 Division 4 of the *Liquor Act 2019*.

**HEARD BEFORE:** Mr Russell Goldflam (Chairperson)  
Professor Phillip Carson (Health Member)  
Ms Rachael Shanahan (Community Member)

**DATE OF DECISION:** 29 July 2025

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**Decision**

1. For the reasons set out below and in accordance with s 48 of the *Liquor Act 2019* (NT) (**the Act**) the Northern Territory Liquor Commission (**the Commission**) has determined to issue a licence forthwith to Y & F (CBD) Pty Ltd (**the applicant**).
2. The licence will be issued with a restaurant bar authority.
3. The licensed premises are situated at Shop M17A & M18A, 48-50 Smith Street, DARWIN CITY NT 0800 over the area delineated in red marked on the plan annexed to this notice.
4. The supply and consumption of liquor on the premises is permitted as follows, except on Good Friday and Christmas Day, when trading hours are as prescribed by reg 79(2) of the *Liquor Regulations 2019* (**the Regulations**):

Monday 1100 hours to 1430 hours, and 1630 hours to 2100 hours

Tuesday 1100 hours to 1430 hours, and 1630 hours to 2100 hours

Wednesday 1100 hours to 1430 hours, and 1630 hours to 2100 hours

Thursday 1100 hours to 1430 hours, and 1630 hours to 2100 hours

Friday 1100 hours to 1430 hours, and 1630 hours to 2100 hours

Saturday 1100 hours to 2200 hours

Sunday 1100 hours to 2100 hours

5. The conditions of the licence will be those authority conditions set out in Part 4 Division 1 (“Standard operating conditions”) and Part 4 Division 15 (“Restaurant authority conditions”) of the Regulations, except reg 80(12).
6. To the extent of any inconsistency between the conditions at paragraph 5 above and the conditions set out in Part 4 Division 16 (“Restaurant bar authority conditions”) of the Regulations, the conditions in paragraph 5 prevail. The Commission notes that the conditions imposed in paragraph 5 of this decision are more restrictive than those prescribed by Part 4 Division 16 of the Regulations.
7. The Commission approves the appointment of Mr Chung Kit Kung as licence nominee.

## **Reasons**

### **Background**

8. On 10 October 2023 the Commission approved the issue of a liquor licence with a restaurant bar authority to Y & F (CB) Pty Ltd for China Bar NT, a restaurant in Yarrowonga, NT.<sup>1</sup> China Bar NT is licenced to trade using the “China Bar noodle and rice bar” brand employed by a chain of 20 outlets in Victoria and three in Western Australia.
9. In its October 2023 decision notice, the Commission stated, at [32] to [33]:

The applicant has applied for a restaurant bar authority rather than a restaurant authority only because the prescribed condition for a restaurant authority in reg 80(12) of the Regulations prohibits the use of the word “Bar” to identify, advertise or market the premises. However, the applicant, as an established business that trades as “China Bar NT”, wishes to continue to identify, advertise and market its business with the word “Bar”. The Commission does not consider that the premises are suitable for a restaurant bar authority, which, in contrast to a restaurant authority, permits the sale, supply and service of liquor to customers who are not also consuming food on the premises.

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<sup>1</sup> *China Bar NT: Application for liquor licence with authority* [2023] NTLiqComm 32

The Commission assesses the premises as suitable for the supply and consumption of liquor as a licensed restaurant. In order to accommodate the applicant's wish, which in the circumstances the Commission considers to be reasonable, to continue to use its current name and retain its brand association with the China Bar franchise, the Commission has determined to issue the applicant with a restaurant bar authority. However, the Commission has also determined to impose the more restrictive conditions applicable to licensees trading with a restaurant authority, with the exception of the prescribed condition for restaurant authorities in reg 80(12) of the Regulations.

10. Having established China Bar NT, in July 2024 the proprietors, having obtained an additional licence from the Melbourne-based China Bar franchise, opened a sister venue in Smith St, Darwin CBD, trading as China Bar CBD.

### **The application**

11. On 2 June 2025, the applicant lodged an application for a liquor licence and restaurant bar authority with the Director of Liquor Licensing (**the Director**).
12. The applicant proposes that Mr Chung Kit Kung (**Mr Kung**) be appointed as nominee of the liquor licence. In January 2023 Mr Kung commenced as a chef/kitchen manager at China Bar NT, before moving to take up a similar position at China Bar CBD.

### **Consultation**

13. In accordance with s 57 of the Act, notices of the application were published in the NT News on 14 June 2025, and on the Director's website. The applicant also displayed signs at the proposed premises to notify the public of the application.
14. In accordance with s 56 of the Act, notification was given to the Department of Health, NT Police and the City of Darwin, as well as to Northern Territory Fire and Rescue Services.
15. No objections to the application were received by the Director from either the public or the notified stakeholders.

### **The licensee's record of compliance**

16. The applicant has never previously held a liquor licence. The Director informed the Commission that China Bar NT has had no liquor licensing compliance issues.

### **The referral**

17. On 15 July 2025, pursuant to s 59 of the Act, the Director referred the application to the Commission.

18. The Director provided the Commission with a brief (**the brief**), which included the following documents:

- a. Application for liquor licence
- b. Affidavit and Declaration of Associates pursuant to s 54 of the Act
- c. ASIC company extract for applicant
- d. Public Interest and Community Impact Assessment summary pursuant to ss 49 to 52 of the Act
- e. Business Plan
- f. Noise management plan
- g. Menu and proposed drinks list
- h. Registration of business name
- i. Food Registration Certificate
- j. Commercial lease over the premises
- k. Accountant's letter certifying applicant's financial stability
- l. Landlord's letter supporting the application
- m. Site plan
- n. Probity documents for Mr Chung Kit Kung
- o. Correspondence with stakeholders

#### **Determination by way of written submissions**

19. Section 21 of the Act permits the Commission to determine a matter without conducting a public hearing if the Commission is of the opinion that it is not appropriate in the circumstances. In this instance, the Commission formed that opinion because it was satisfied that the matter was not controversial and that conducting the hearing in public would not be worthwhile. The Commission determined to hear the matter by way of written submissions only.

20. On 17 July 2025 the Director and the applicant made written submissions to the Commission seeking licence conditions similar to those fixed by the Commission for China Bar NT.

#### **ASSESSMENT OF THE APPLICATION**

21. In accordance with s 59 of the Act, the Commission has considered:

- a. the applicant's affidavit required by s 54;
- b. the suitability of the premises to be licensed, having regard to any law of the Territory regulating the sale, supply, service or consumption of liquor or the location, construction or facilities of those premises;
- c. the financial stability and business reputation of the body corporate;

- d. the general reputation and character of the secretary and executive officers of the body corporate;
- e. whether the applicant and the nominees designated by an applicant, are fit and proper persons to hold a licence;
- f. whether each associate of the applicant is a fit and proper person to be an associate of a licensee.

22. In accordance with s 49 of the Act, the Commission has also considered whether issuing the licence is in the public interest, and whether the licence will have a significant adverse impact on the community.

### **The applicant**

23. The Commission finds that the applicant complies with s 53(1) of the Act, which requires that a body corporate shall not hold a licence unless it is a corporation.

24. The applicant is an incorporated Australian proprietary company limited by shares, with five shareholders. Mr Kung is the secretary and sole director. Approximately half of the shares are held by a company jointly owned and directed by Mr Junyu Chen and Ms Rongrong Huang. That company is also the largest shareholder of Y & F (CB) Pty Ltd, the licensee of China Bar NT.

25. The applicant has provided satisfactory documentation regarding its operations, activities, financial circumstances and plans.

### **The applicant's associates**

26. Section 54 of the Act requires applicants to depose an affidavit disclosing whether certain persons may be able to influence the applicant, or expect a benefit from the applicant, if the licence is granted. The Commission is satisfied that the applicant has substantially complied with the disclosure requirements of s 54, although it would have been preferable for the applicant to have identified both the landlord and the franchisor in its affidavit.

27. Most of the applicant's declared associates are also declared associates of Y & F (CB) Pty Ltd, the China Bar NT licensee.

28. Having previously found that those persons were fit and proper persons to be associates of that licensee, the Commission is satisfied that they are also fit and proper persons to be associates of the applicant.

29. The Commission considers that it is unnecessary to consider whether the remaining three associates of the applicant, each of whom is a minor shareholder, is a fit and proper person to be an associate of the applicant.

### **The suitability of the applicant's premises**

30. The proposed premises are located in the heart of the Darwin CBD on a site that previously traded as licensed premises, the Sapphire Bar & Grill. The premises open onto Raintree Park, on the corner of Smith St and Knuckey St.
31. The premises can accommodate about 80 seated diners.
32. For the reasons set out at paragraph 9 above, the Commission determined that the China Bar NT premises were suitable to be licensed with a restaurant bar authority, with conditions equivalent (with one exception) to those prescribed for restaurant authorities. The circumstances of the applicant are substantially similar to those of the applicant for the China Bar NT licensee. Accordingly, and for the same reasons, the Commission considers that the applicant should be issued with a liquor licence with substantially similar conditions.
33. The premises include an alfresco area, the boundary of which is demarcated by planter boxes.
34. The Commission is satisfied that the premises are suitable for the supply and consumption of liquor as a licensed restaurant.

### **The financial stability, general reputation and character of the body corporate**

35. The Commission assesses the applicant as having a satisfactory business reputation and as being financially stable.

### **The general reputation and character of the applicant's secretary and executive officers**

36. Having been provided with appropriate evidence regarding his reputation, character and work history, the Commission assesses the general reputation and character of Mr Kung, the applicant's director and secretary, to be satisfactory.

### **Whether the applicant is a fit and proper person to hold a licence**

37. The Commission assesses the applicant to be a fit and proper person to hold a licence.

### **Whether the licensee's nominee is a fit and proper person to hold a licence**

38. The applicant has nominated Mr Kung as the licence nominee. He holds current RSA certification and has provided appropriate documentation of his reputation, character and work history. The Commission assesses him to be a fit and proper person to hold the licence.

## **Public notice and consultation**

39. The Commission is satisfied that public notice of the application was given and consultation was undertaken in accordance with ss 56 and 57 of the Act.

## **Whether issuing the licence is in the public interest**

40. To determine whether the issue of the license is in the public interest, the Commission is required to consider how the issue of the licence would advance the following objectives set out in s 49(2) of the Act:

- (a) minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
- (b) ensuring liquor is sold, supplied, served and consumed on or in licensed premises in a responsible manner;
- (c) safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
- (d) protecting the safety, health and welfare of people who use licensed premises;
- (e) increasing cultural, recreational, employment or tourism benefits for the local community area;
- (f) promoting compliance with this Act and other relevant laws of the Territory;
- (g) ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
- (h) preventing the giving of credit in sales of liquor to people;
- (i) preventing practices that encourage irresponsible drinking;
- (j) reducing or limiting increases in anti-social behaviour.

41. The Commission has had regard to all of these objectives and, in particular, it considers that:

- (a) the establishment of an additional licensed restaurant in an existing commercial, tourism and hospitality precinct carries a low risk of directly increasing the incidence of alcohol-related harm or ill-health to people;
- (b) the applicant is likely to serve and supply liquor in a responsible manner;

- (c) the licensing of the restaurant will likely provide modest additional recreational, tourism and employment benefits for the local community area;
- (d) the applicant is unlikely to encourage irresponsible drinking; and
- (e) the grant of the licence is unlikely to lead to an increase in anti-social behaviour.

42. The Commission is satisfied that it is in the public interest to issue the licence.

**Whether the issue of the licence will have a significant adverse impact on the community**

43. To determine whether it is satisfied that the issue of the licence will not have a significant adverse impact on the community, the Commission must consider the following matters set out at s 49(3) of the Act:

- (a) the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
- (b) the geographic area that would be affected;
- (c) the risk of harm from the excessive or inappropriate consumption of liquor;
- (d) the people or community who would be affected;
- (e) the effect on culture, recreation, employment and tourism;
- (f) the effect on social amenities and public health;
- (g) the ratio of existing liquor licences and authorities in the community to the population of the community;
- (h) the effect of the volume of liquor sales on the community;
- (i) the community impact assessment guidelines issued under s 50;
- (j) any other matter prescribed by regulation.

44. The Commission notes there are no such “other” matters prescribed by regulation, and considers that there are no guidelines currently in force under s 50.

45. Having particular regard to the fact that the licensed premises are situated within a major commercial, tourism and hospitality precinct, the Commission is satisfied that the issue of the licence and authority with the conditions the

Commission has determined to impose will not have a significant adverse impact on the community.

46. Having considered all of these matters, the Commission is satisfied, in accordance with s 49 of the Act, that:
- a. the applicant is a fit and proper person; and
  - b. issuing the licence or authority is in the public interest; and
  - c. the licence and authority will not have a significant adverse impact on the community.

### **The objects of the Act**

47. Section 3(4) of the Act provides that in exercising its power to issue a licence with conditions, the Commission must have regard to the primary and secondary purposes of the Act. The Commission has done so.
48. Among the secondary purposes of the Act in s 3(2) are to regulate the sale, supply, service, promotion and consumption of liquor in a way that:
- contributes to the responsible development of the liquor industry and associated businesses in the Territory; and
  - stimulates the tourism and hospitality industries.

The Commission considers that the manner in which it has exercised its power in this matter is consistent with the purposes of the Act.

49. For these reasons, the Commission has determined that the application should be granted, and that a licence and authority be issued on the conditions set out at the commencement of this Decision Notice.

## NOTICE OF RIGHTS

50. Section 31(1) read with section 60(3) of the Act provide that the decision set out in this decision notice is reviewable by the Northern Territory Civil and Administrative Tribunal (**NTCAT**). Section 94(3) of the *NTCAT Act* provides that an application for review of a reviewable decision must be lodged within 28 days of the date of the decision.

51. In accordance with section 31(2) of the Act, the persons who may apply to NTCAT for a review of the decision are the Director and the applicant.

Russell Goldflam

CHAIRPERSON  
NORTHERN TERRITORY LIQUOR COMMISSION  
29 July 2025

On behalf of Commissioners Goldflam, Carson and Shanahan

## ANNEXURE

