

立法會  
*Legislative Council*

LC Paper No. CB(2)1048/01-02

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/9/00

**Legislative Council  
Bills Committee on Karaoke Establishments Bill**

**Minutes of the fourteenth meeting  
held on Monday, 14 January 2002 at 4:30 pm  
in the Chamber of the Legislative Council Building**

**Members Present** : Hon James TO Kun-sun (Chairman)  
Hon Fred LI Wah-ming, JP  
Hon Howard YOUNG, JP  
Hon LAU Kong-wah  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon LAU Ping-cheung

**Members Absent** : Hon David CHU Yu-lin, JP  
Hon Andrew WONG Wang-fat, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Public Officers Attending** : Security Bureau  
  
Mrs J CHOK  
Deputy Secretary for Security  
  
Mr S W HUI  
Principal Assistant Secretary for Security  
  
Mr Damian CHAN  
Assistant Secretary for Security  
  
Fire Services Department  
  
Mr C C LEE  
Chief Fire Officer/Fire Safety

Mr NG Bong-loy  
Senior Divisional Officer/Commercial Buildings and  
Premises

Buildings Department

Mr MO Kim-ming  
Assistant Director/New Buildings (1)

Mr YIP So  
Acting Chief Building Surveyor/Legal

Home Affairs Department

Mr TANG Hung-ki  
Chief Officer (Licensing Authority)

Mr MAK Nai-cheong  
Building Surveyor (Licensing Authority) Support

Food and Environmental Hygiene Department

Mr HUNG Chi-pai  
Assistant Director (Operations) 1

Mr WONG Siu-wing  
Senior Superintendent (Licensing)

Hong Kong Police Force

Mrs LEUNG YOUNG Shi-kwan, Grace  
Chief Inspector (Licensing)

Department of Justice

Mr J D SCOTT  
Senior Assistant Law Draftsman

Ms Francoise LAM  
Government Counsel

**Clerk in Attendance** : Mrs Percy MA  
Chief Assistant Secretary (2)3

**Staff in Attendance** : Miss Connie FUNG  
Assistant Legal Adviser 3

Ms Joanne MAK  
Senior Assistant Secretary (2)2

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**I. Meeting with the Administration**

(LC Paper Nos CB(2) 747/01-02(02)-(03) and 894/01-02(01))

The Committee deliberated (index of proceedings attached at **Annex A**).

2. On item 4 of LC Paper No. CB(2) 747/01-02(03), the Administration confirmed that in the case of an individual person being a licensee/grantee, the person could be holder of more than one licence or permit provided that the requirements set out in clause 5(3) were met.

3. After going through the Administration's responses to issues raised at previous meetings, the Committee commenced clause-by-clause examination of the Bill and had finished scrutinizing clause 4(1) at the end of the meeting.

4. The Chairman expressed strong reservations on the level of fine, as proposed under clause 4(1), to be imposed on persons convicted of operating a karaoke establishment without a licence/permit. He felt that the fine at level 5 i.e. \$50,000 was too low to achieve any deterrent effect. Mr Tommy CHEUNG, however, considered that the proposed level of fine was on the high side as the convicted person would also be liable to imprisonment for six months and to a further daily fine of \$1,000 in the case of a continuing offence. Mr Howard YOUNG suggested that the Administration should make reference to the level of fine imposed on similar offences under other Ordinances.

5. Mr Tommy CHEUNG opined that clauses 13 and 19 were too harsh to the trade. He expressed concern about clause 13(1)(iii) which empowered the enforcement officers to take possession of and remove a wide range of things including apparatus and equipment used for karaoke. Although the Administration assured members that the power of forfeiture under clause 19 was a discretionary power of the court and would only be invoked in the case of conviction of serious offences (i.e. operating without permit/licence or operating in contravention of licensing conditions), Mr CHEUNG pointed out that, as shown in the example of restaurants, it was not uncommon for restaurant operators to breach minor licensing conditions inadvertently. Mr CHEUNG queried the need for the Bill to model on legislation dealing with serious crimes, such as vice activities, illegal gambling and dangerous drugs.

6. The Chairman noted that the Administration had yet to provide information, as requested by the Committee at a previous meeting, to explain under what circumstances would the enforcement officers invoke the power under clause 13(1)(iii). He suggested that the Committee should further consider clauses 13 and 19 after receipt of the information. To facilitate members' deliberation, the Chairman requested the Administration to provide detailed information to substantiate its proposal including references to other similar offences, legislation and actual experience of enforcement authorities.

7. To facilitate the work of the Committee, the Administration was also requested -

- (a) to provide legal advice as to whether clause 5(3)(c) could be invoked to reject an application for permit/licence made by a person who was authorised by a body corporate or a partnership which had a connection or association with triad members;
- (b) to advise whether establishments selling food and liquor in premises managed by the Government were at present required to obtain a food business or a liquor licence;
- (c) to consider whether clause 3 should be amended to the effect that the premises specified under sub-clause (1)(a), (b) and (c) had to apply for an exemption order under clause 3(1)(e), as opposed to the present drafting which expressly provided that the Bill did not apply to such premises. If the reply was negative, the Administration was requested to provide the following information -
  - (i) the number of each category of premises specified under clause 3(1)(a), (b) and (c);
  - (ii) findings of any surveys in support of the Administration's advice that the risk of fire was low because of the layout of the premises in question;
  - (iii) a comparison of the risk assessments (in terms of fire safety and public safety) for conducting karaoke business, sale of food and liquor in premises under the management of the Government; and
- (d) to reconsider the proposed level of fine stipulated in clause 4(1), making reference to the penalty imposed on similar offences under other Ordinances.

**III. Date of next meeting**

8. The next meeting had been scheduled for 24 January 2002 at 2:30 pm.
9. There being no other business, the meeting ended at 6:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
4 February 2002

**Proceedings of the fourteenth meeting of the Bills Committee on  
Karaoke Establishments Bill  
on Monday, 14 January 2002 at 4:30 pm  
in the Chamber of the Legislative Council Building**

<b>Time</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000000-000129	Chairman	Opening remarks	
000130-000306	Adm	Factors to be taken into consideration for granting exemption from applying for a karaoke establishment (KE) licence or permit (Item 3 of LC Paper 894/01-02(01))	
000307-000538	Chairman	Consideration of the views of persons whose place of residence and employment was in the immediate vicinity of the place of proposed operation of a KE (Item 1 of LC Paper 747/01-02(02))	
000539-000652	Adm	Licence renewal and time taken by the licensing authority to advise applicants of its decision in relation to licence/permit renewal (Item 2 of LC Paper 747/01-02(02))	
000653-000708	Chairman	- ditto -	
000709-000723	Adm	- ditto -	
000724-000737	Chairman	- ditto -	
000738-000805	Adm	- ditto -	
000806-000836	Chairman	- ditto -	
000837-000912	Adm	- ditto -	
000913-000929	Chairman	- ditto -	
000930-000937	Adm	- ditto -	
000938-000945	Chairman	- ditto -	
000946-001021	Adm	- ditto -	
001022-001032	Chairman	- ditto -	
001033-001121	Adm	- ditto -	
001122-001220	Chairman	- ditto -	
001221-001307	Adm	- ditto -	
001308-001310	Chairman	- ditto -	
001311-001614	Mr Tommy CHEUNG	- ditto -	
001615-001621	Chairman	- ditto -	
001622-001634	Mr Tommy CHEUNG Chairman	- ditto -	

001635-001650	Adm	- ditto -	
001651-001706	Chairman Adm	- ditto -	
001707-001745	Adm	- ditto -	
001746-001756	Mr Tommy CHEUNG	- ditto -	
001757-001811	Chairman	- ditto -	
001812-001833	Mr Tommy CHEUNG	- ditto -	
001834-001852	Adm	- ditto -	
001853-001859	Chairman	- ditto -	
001900-001925	Adm	- ditto -	
001926-002042	Adm	- ditto -	
002043-002121	Mr Tommy CHEUNG	- ditto -	
002122-002139	Chairman	- ditto -	
002140-002214	Mr Tommy CHEUNG	- ditto -	
002215-002242	Chairman	- ditto -	
002243-002330	Mr Tommy CHEUNG	- ditto -	
002331-002348	Chairman	- ditto -	
002349-002454	Adm	- ditto -	
002455-002510	Chairman	- ditto -	
002511-002545	Adm	- ditto -	
002546-002549	Chairman	- ditto -	
002550-002558	Adm	- ditto -	
002559-002621	Chairman Mr Tommy CHEUNG	- ditto -	
002622-002637	Mr Tommy CHEUNG	- ditto -	
002638-002702	Chairman	- ditto -	
002703-002707	Adm	- ditto -	
002708-002713	Chairman	- ditto -	
002714-002736	Mr Michael MAK	- ditto -	
002737-002742	Chairman	- ditto -	
002743-002757	Chairman Mr Michael MAK	- ditto -	
002758-002836	Chairman	Relationship between a liquor licence and a KE licence (Item 3 of LC Paper No. CB(2) 747/01-02(02))	
002837-002917	Adm	- ditto -	
002918-002921	Chairman	- ditto -	
002922-002956	Mr Tommy CHEUNG	- ditto -	

002957-003001	Adm	- ditto -	
003002-003016	Chairman	- ditto -	
003017-003259	Adm	Clauses 5 and 7 - administrative arrangement to allow continued operation of the licensed premises in the case of death, disappearance or failure of function of the authorised person (Item 1 of LC Paper No. CB(2) 747/01-02(03))	
003300-003309	Chairman	- ditto -	
003310-003454	Adm	Policy intent of clause 5(3)(a)(i ) (Item 2 of LC Paper No. CB(2) 747/01-02(03))	
003455-003457	Chairman	- ditto -	
003458-003522	Mr Tommy CHEUNG	- ditto -	
003523-003614	Adm	- ditto -	
003615-003624	Chairman Adm	- ditto -	
003625-003634	Chairman	- ditto -	
003635-003645	Mr Tommy CHEUNG	- ditto -	
003646-003713	Chairman	- ditto -	
003714-003745	Adm	- ditto -	
003746-003807	Chairman Mr Tommy CHEUNG	- ditto -	
003808-003831	Adm	- ditto -	
003832-003902	Chairman	- ditto -	
003903-003910	Adm	- ditto -	
003911-003917	Chairman	- ditto -	
003918-003956	Adm	Consideration of whether an applicant was "fit and proper to operate a KE" and the application of clause 5(3)(c)	
003957-004027	Chairman	- ditto -	
004028-004033	Adm Chairman	- ditto -	
004034-004055	Chairman	- ditto -	
004056-004110	Adm	- ditto -	
004111-004205	Chairman	- ditto -	Adm & ALA3
004206-004233	Mr Tommy CHEUNG	- ditto -	
004234-004253	Chairman	- ditto -	
004254-004259	Mr Tommy CHEUNG	- ditto -	
004300-004310	Chairman	- ditto -	

004311-004345	Mr Tommy CHEUNG	- ditto -	
004346-004428	Chairman	- ditto -	
004429-004439	Mr Tommy CHEUNG Chairman	- ditto -	
004440-004502	Chairman	- ditto -	
004503-004605	Adm	Whether a body corporate holding licences for different KE was required to appoint different authorised persons for these licensed premises (Item 3 of LC Paper No. CB(2) 747/01-02(03))	
004606-004614	Chairman	- ditto -	
004615-004626	Adm Chairman	- ditto -	
004627-004656	Adm	Whether both the body corporate and the authorised person could be holder of more than one licence or permit (Item 4 of LC Paper No. CB(2) 747/01-02(03))	
004657-004725	Mr Tommy CHEUNG	- ditto -	
004726-004729	Adm	- ditto -	
004730-004737	Mr Tommy CHEUNG	- ditto -	
004738-004752	Chairman Mr Tommy CHEUNG	- ditto -	
004753-004805	Chairman	- ditto -	
004806-004835	Adm	What would happen to a licence/permit if the licensee/grantee who was an individual person died with or without a will (Items 5 & 6 of LC Paper No. CB(2) 747/01-02(03))	
004836-004921	Chairman	- ditto -	
004922-005020	Adm	- ditto -	
005021-005031	Mr Tommy CHEUNG Chairman	- ditto -	
005032-005037	Mr Tommy CHEUNG	- ditto -	
005038-005041	Chairman	- ditto -	
005042-005319	Adm	Clauses 13 and 19 - removal of apparatus or commodity etc. and their forfeiture (Item 7 of LC Paper No. CB(2) 747/01-02(03))	
005320-005610	Mr Tommy CHEUNG	- ditto -	
005611-005714	Chairman	- ditto -	
005715-005819	Mr Tommy CHEUNG	- ditto -	
005820-005746	Adm	- ditto -	

005847-005900	Chairman	- ditto -	
005901-005909	Adm Chairman	- ditto -	
005910-005935	Adm	- ditto -	Adm
005936-005942	Mr Tommy CHEUNG	- ditto -	
005943-005948	Chairman	- ditto -	
005949-010006	Mr LAU kwong-wah	- ditto -	
010007-010120	Adm	- ditto -	
010121-010319	Adm	- ditto -	
010320-010401	Mr LAU kwong-wah	- ditto -	
010402-010403	Chairman	- ditto -	
010404-010420	Adm	- ditto -	
010421-010526	Chairman	- ditto -	Adm
010527-010600	Mr Tommy CHEUNG	- ditto -	
010601-010611	Chairman	- ditto -	
010612-010724	Mr Tommy CHEUNG	- ditto -	
010725-010752	Chairman	- ditto -	
010753-010824	Mr Tommy CHEUNG	- ditto -	
010825-010943	Chairman	- ditto -	
010944-011122	Adm	Information requested by Bills Committee at its meeting on 21 December 2001 (LC Paper No. CB(2)894/01-02(01))	
011123-011208	Chairman	- ditto -	
011209-011253	Mr Tommy CHEUNG	- ditto -	
011254-011324	Chairman	- ditto -	
011325-011343	Adm	- ditto -	
011344-011356	Mr Tommy CHEUNG	- ditto -	
011357-011444	Chairman	- ditto -	
011445-011503	Mr Tommy CHEUNG	- ditto -	
011504-011509	Adm	- ditto -	
011510-011641	Chairman	Clause-by-clause examination - clauses 1 & 2	
011642-011646	Adm	- ditto -	
011647-011717	Chairman	- ditto -	
011716-011745	Adm	- ditto -	
011746-011831	Chairman	- ditto -	
011832-011850	Adm	- ditto -	
011851-011911	Mr Tommy CHEUNG	- ditto -	

011912-012057	Chairman	Clause-by-clause examination - Clause 3 (1) Non-application of the Bill to KE in specified premises	
012058-012104	Adm	- ditto -	
012105-012126	Chairman	- ditto -	
012127-012256	Adm	- ditto -	
012257-012309	Chairman	- ditto -	
012310-012317	Adm	- ditto -	
012318-012516	Chairman	- ditto -	Adm
012517-012548	Adm	- ditto -	
012549-012612	Chairman	- ditto -	
012613-012633	Adm	- ditto -	
012634-012738	Adm	- ditto -	
012739-012746	Chairman	- ditto -	
012747-012835	Adm	- ditto -	
012836-012849	Adm	- ditto -	
012850-013035	Mr Tommy CHEUNG	- ditto -	
013036-013059	Chairman	- ditto -	
013100-013118	Mr Tommy CHEUNG	- ditto -	
013119-013150	Chairman	- ditto -	
013151-013201	Adm	- ditto -	
013202-013208	Chairman	- ditto -	
013209-013324	Adm	- ditto -	
013325-013401	Chairman	- ditto -	
013402-013416	Mr Tommy CHEUNG	- ditto -	
013417-013420	Chairman	- ditto -	
013421-013445	Mr Howard YOUNG	- ditto -	
013446-013519	Adm	- ditto -	
013520-013532	Chairman	- ditto -	
013533-013636	Mr Tommy CHEUNG	- ditto -	
013637-013808	Chairman	- ditto -	
013809-013840	Adm	- ditto -	
013841-013907	Mr Tommy CHEUNG	- ditto -	
013908-014121	Chairman	- ditto - Clause-by-clause examination - Clause 3(2)	Adm
014122-014132	Adm	- ditto -	
014133-014142	Chairman	Clause-by-clause examination - Clause 3(3)	
014143-014159	Adm	- ditto -	
014200-014323	Chairman	Clause-by-clause examination - Clause 4(1) Proposed level of fine	

014324-014341	Adm	- ditto -	
014342-014437	Adm	- ditto -	
014438-014443	Adm	- ditto -	
014444-014515	Chairman	- ditto -	
014516-014540	Mr Tommy CHEUNG	- ditto -	
014541-014556	Chairman	- ditto -	
014557-014603	Adm	- ditto -	
014604-014616	Mr Howard YOUNG	- ditto -	
014617-014644	Adm	- ditto -	
014645-014658	Chairman	- ditto -	
014659-014709	Adm	- ditto -	
014710-014918	Chairman	- ditto -	
014719-014725	Adm	- ditto -	
014726-014925	Chairman	- ditto -	Adm

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
4 February 2002