

立法會
Legislative Council

LC Paper No. CB(2)1053/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

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

**Minutes of the fifteenth meeting
held on Thursday, 24 January 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon James TO Kun-sun (Chairman)
Hon David CHU Yu-lin, JP
Hon Fred LI Wah-ming, JP
Hon Howard YOUNG, JP
Hon Andrew WONG Wang-fat, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Member Absent : Hon Michael MAK Kwok-fung

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

Mr WONG Che-kwong, Roger
Superintendent (Licensing)

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

I. Meeting with the Administration
(The Bill and LC Paper No. CB(2)894/01-02(01))

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

2. Mr Andrew WONG and Ms Audrey EU were of the view that the scope of the Bill was too wide. As it was the intention of the Administration to regulate premises providing karaoke activities which had a high risk of fire, not karaoke activities per se, a different approach should be adopted for drafting the Bill. Deputy Secretary for Security reiterated the Administration's stance that the Bill was necessary in order to safeguard the fire and public safety in karaoke establishments.

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

Clauses 2 and 4(4)

- (a) to review the definition of "karaoke establishment" under clause 2 with a view to narrowing its scope to cover only premises which were targetted by the Bill;
- (b) to consider some members' view that clause 4(4) which sought to exempt residential premises from the application of the Bill was redundant, and a member's suggestion that the words "no fee is charged for the activity of karaoke" should be deleted;
- (c) To explain whether the Bill, as presently drafted, applied to the following premises -

- (i) food establishments such as "私房菜" which operated in residential premises and had ancillary karaoke activities; and
 - (ii) premises where fees were charged for karaoke activities for the purpose of cost-recovery and maintenance, e.g. staff mess, offices of LegCo/District Council members and offices of mutual aid committees;
- (d) to consider the suggestion made by the legal adviser to the Bills Committee that the definition of "karaoke establishment" could be revised to the effect that it only applied to any place used for the purpose of karaoke by way of trade or business *with a view to gain*;
- (e) in other Ordinances where the expression "by way of trade or business" was adopted, to advise how the expression had been defined or construed;

Clause 3(1)(e)

- (f) On the Administration's proposed amendment to clause 3(1)(e) as set out in LC Paper No. CB(2)894/01-02(01), to expressly provide that the factors taken into consideration in granting an exemption order were related to fire safety or the prevention of danger;

Clause 5(2)

- (g) to consider a member's suggestion that "such conditions" to be imposed by the licensing authority under clause 5(2) should be replaced with "reasonable conditions", and some members' view that a consistent drafting approach should be adopted for similar provisions taking into account the implications of such an amendment on existing Ordinances;
- (h) to provide details on the licensing conditions to be imposed under clause 5(2), and to advise whether these conditions would apply generally to all karaoke establishments; and
- (i) to advise whether and how members of the public would be made aware of the licensing conditions imposed on a particular karaoke establishment;

- (j) On the provision that "the licensing authority ...may impose such licensing conditions...as he thinks fit", to provide a comparison table on the following information in respect of different licensing regimes under existing Ordinances -
 - (i) whether similar provision was provided in existing Ordinances and the wording of the provision; and
 - (ii) the mechanism for an applicant to appeal against the conditions imposed by the licensing authority, e.g. how representations were considered and whether any hearing was held.

II. Date of next meetings

- 4. The Committee agreed to hold the next two meetings on 8 February 2002 at 8:30 am and on 26 February 2002 at 8:30 am respectively.
- 5. There being no other business, the meeting ended at 4:45 pm.

Council Business Division 2
Legislative Council Secretariat
7 February 2002

**Proceedings of the fifteenth meeting of the Bills Committee on
Karaoke Establishments Bill
on Thursday, 24 January 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000004	Chairman	Clause-by-clause examination - clause 4(2)	
000005-000013	Mr Tommy CHEUNG	Purpose of clause 4(4)	
000014-000310	Chairman	-ditto-	
000311-000317	Adm	-ditto-	
000318-000436	Chairman	-ditto-	
000437-000500	Mr Tommy CHEUNG	-ditto-	
000501-000626	Adm	-ditto-	
000627-000655	Chairman	-ditto-	
000656-000713	Adm	-ditto-	
000714-000720	Chairman	-ditto-	
000721-000741	Mr Tommy CHEUNG	-ditto-	
000742-000755	Chairman	-ditto-	
000756-000823	Mr Tommy CHEUNG	-ditto-	
000824-000827	Chairman	-ditto-	
000828-000806	Mr Andrew WONG	-ditto-	
000907-000908	Chairman	-ditto-	
000909-000917	Mr Andrew WONG	-ditto-	
000918-000924	Chairman	-ditto-	
000925-000940	Mr Andrew WONG	-ditto-	
000941-000955	Chairman	-ditto-	
000956-001015	Mr Andrew WONG Chairman	-ditto-	
001016-001024	Mr Andrew WONG	-ditto-	
001025-001043	Chairman	-ditto-	
001044-001104	Mr Andrew WONG	-ditto-	
001105-001156	Chairman	-ditto-	
001157-001238	Adm	-ditto-	
001239-001317	Chairman	-ditto-	
001318-001335	Adm	-ditto-	
001336-001405	Chairman	-ditto-	

001406-001446	Adm	-ditto-	
001447-001501	Chairman	-ditto-	
001502-001521	Mr Andrew WONG	-ditto-	
001522-001533	Chairman	-ditto-	
001534-001720	ALA3	Meaning of "by way of trade or business" under the definition of "karaoke establishment"	
001721-001738	Chairman	-ditto-	Adm (paragraph 3(d) of the minutes)
001739-001741	Adm	-ditto-	
001742-001747	Chairman	-ditto-	
001748-001920	Ms Audrey EU	-ditto-	
001921-001924	Chairman	-ditto-	
001925-002053	Mr LAU Kong-wah	-ditto-	
002054-002210	Chairman	-ditto-	
002211-002259	Mr Tommy CHEUNG	-ditto-	
002300-002324	Chairman	-ditto-	
002325-002344	Chairman Mr Tommy CHEUNG	-ditto-	
002345-002357	Chairman	-ditto-	
002358-002404	Mr Tommy CHEUNG Chairman	-ditto-	
002405-002422	Mr Tommy CHEUNG	-ditto-	
002423-002428	Chairman	-ditto-	
002429-002445	Mr Tommy CHEUNG	-ditto-	
002446-002613	Adm	-ditto-	
002614-002622	Chairman	-ditto-	Adm (paragraph 3(e) of the minutes)
002623-002627	Adm	-ditto-	
002628-002741	Mr Andrew WONG	-ditto-	
002742-002751	Chairman Mr Andrew WONG	-ditto-	
002752-002755	Mr Andrew WONG	-ditto-	
002756-002811	Chairman	-ditto-	
002812-002828	Mr Andrew WONG	-ditto-	
002829-002833	Chairman Mr Andrew WONG	-ditto-	
002834-002846	Chairman	-ditto-	

002847-002902	Mr Andrew WONG	-ditto-	
002903-002909	Chairman Mr Andrew WONG	-ditto-	
002910-002920	Chairman	-ditto-	
002921-002929	Mr Andrew WONG Chairman	-ditto-	
002930-002944	Chairman	-ditto-	
002945-003040	Mr Tommy CHEUNG	-ditto-	
003041-003043	Chairman	-ditto-	
003044-003139	Mr Tommy CHEUNG	-ditto-	
003140-003146	Chairman	-ditto-	
003147-003149	Mr Tommy CHEUNG	-ditto-	
003150-003211	Chairman	-ditto-	Adm (paragraph 3(b) of the minutes)
003212-003454	Ms Audrey EU	-ditto-	
003455-003457	Chairman	-ditto-	
003458-003527	Ms Audrey EU	Policy intent of the Bill and definition of "karaoke establishment"	
003528-003620	Chairman	-ditto-	
003621-003633	Ms Audrey EU	-ditto-	
003634-003639	Chairman	-ditto-	
003640-003735	Adm	-ditto-	Adm (paragraph 3(a) & (c) of the minutes)
003736-003818	Chairman	-ditto-	
003819-003930	Mr Tommy CHEUNG	Proposed level of fine under clause 4(1)	
003931-003936	Chairman	-ditto-	
003937-004017	Adm	-ditto-	
004018-004023	Chairman	-ditto-	
004024-004056	Mr Tommy CHEUNG	-ditto-	
004057-004110	Chairman Mr Tommy CHEUNG	-ditto-	
004111-004125	Mr Tommy CHEUNG	-ditto-	
004126-004153	Chairman	-ditto-	
004154-004213	Mr Tommy CHEUNG	-ditto-	
004214-004223	Chairman	-ditto-	
004224-004225	Mr Tommy CHEUNG	-ditto-	
004226-004314	Chairman	-ditto-	

004315-004323	Mr Tommy CHEUNG	-ditto-	
004324-004344	Chairman	-ditto-	
004345-004353	Mr Tommy CHEUNG	-ditto-	
004354-004406	Chairman	-ditto-	
004407-004412	Mr Tommy CHEUNG	-ditto-	
004413-004432	Chairman	-ditto-	
004433-004453	Mr Tommy CHEUNG	-ditto-	
004454-004556	Chairman	-ditto-	
004557-004631	Ms Audrey EU	Non-application of clause 4 to karaoke establishments exempted under clause 3(1)(e)	
004632-004707	Adm	-ditto-	
004708-004717	Chairman	-ditto-	
004718-004807	Mr Andrew WONG	-ditto-	
004808-004815	Chairman Mr Andrew WONG	-ditto-	
004816-004820	Chairman	-ditto-	
004821-004836	Mr Andrew WONG	-ditto-	
004837-004846	Chairman	-ditto-	
004847-004939	Mr Andrew WONG	-ditto-	
004940-005039	ALA3	-ditto-	
005040-005119	Chairman	-ditto-	
005120-005152	Mr Andrew WONG	-ditto-	
005153-005202	Chairman	-ditto-	
005203-005207	Mr Andrew WONG	-ditto-	
005208-005231	Chairman	-ditto-	
005232-005250	Mr Andrew WONG	-ditto-	
005251-005259	Chairman	-ditto-	
005300-005438	Adm	-ditto-	
005439-005845	Ms Audrey EU	Approach of the regulatory control as proposed by the Bill	
005846-010038	Chairman	-ditto-	
010039-010220	Adm	-ditto-	
010221-010254	Chairman	-ditto-	
010255-010301	Adm	-ditto-	
010302-010324	Chairman	-ditto-	
010325-010340	Adm	-ditto-	
010341-010412	Chairman	-ditto-	
010413-010417	Mr Andrew WONG	-ditto-	

010418-010446	Chairman	-ditto-	
010447-010454	Adm	-ditto-	
010455-010527	Chairman	-ditto-	
010528-010558	Adm	-ditto-	
010559-010627	Chairman	-ditto-	
010628-010639	Ms Audrey EU Chairman	Criteria to be adopted by the licensing authority in granting exemption - Adm's proposed amendment to clause 3(1)(e) (Item 3 of LC Paper No. CB(2) 894/01-02(01))	
010640-010706	Ms Audrey EU	-ditto-	
010707-010723	Chairman	-ditto-	
010724-010751	Ms Audrey EU	-ditto-	
010752-010800	Chairman	-ditto-	
010801-010813	Ms Audrey EU	-ditto-	
010814-010918	Adm	-ditto-	
010919-011103	Chairman	-ditto-	
011104-011139	Adm	-ditto-	
011140-011430	Adm	-ditto-	
011431-011501	Chairman	-ditto-	
011502-011822	Ms Audrey EU	-ditto-	
011823-011908	Adm	-ditto-	
011909-011925	Chairman	-ditto-	
011926-012006	Ms Audrey EU	-ditto-	
012007-012016	Chairman	-ditto-	
012017-012059	Adm	-ditto-	
012100-012336	Adm	-ditto-	
012337-012347	Chairman	-ditto-	
012348-012427	Adm	-ditto-	
012428-012455	Chairman	-ditto-	
012456-012515	Adm	-ditto-	
012516-012529	Chairman	-ditto-	
012530-012555	Adm	-ditto-	
012556-012619	Chairman	-ditto-	
012620-012641	Adm	-ditto-	
012642-012659	Chairman	-ditto-	
012700-012729	Adm	-ditto-	
012730-012813	Chairman	-ditto-	
012814-012818	Mr Tommy CHEUNG	-ditto-	

012819-012927	Adm	-ditto-	Adm (paragraph 3(f) of the minutes)
012928-012942	Chairman	-ditto-	
012943-013004	Ms Audrey EU	-ditto-	
013005-013019	Chairman	-ditto-	
013020-013059	Adm	-ditto-	
013100-013104	Chairman Adm	-ditto-	
013105-013113	Adm	-ditto-	
013114-013123	Chairman	-ditto-	
013124-013131	Adm Chairman	-ditto-	
013132-013150	Adm	-ditto-	
013151-013157	Chairman	-ditto-	
013158-013216	Ms Audrey EU	-ditto-	
013217-013239	Mr Howard YOUNG	-ditto-	
013240-013259	Chairman	-ditto-	
013300-013332	Mr Howard YOUNG	-ditto-	
013333-013336	Chairman	-ditto-	
013337-013408	Mr Howard YOUNG	-ditto-	
013409-013419	Chairman	-ditto-	
013420-013509	Adm	-ditto-	
013510-013516	Mr Howard YOUNG	-ditto-	
013517-013521	Adm	-ditto-	
013522-013711	Chairman	-ditto-	
013712-013757	Mr LAU Kong-wah	Clause 5(2) -imposition of licensing conditions	
013758-013829	Adm	-ditto-	
013830-013832	Chairman	-ditto-	
013833-013840	Adm	-ditto-	
013841-013859	Chairman	-ditto-	
013900-014003	Adm	-ditto-	
014004-014043	Adm	-ditto-	
014044-014226	Mr LAU Kong-wah	-ditto-	
014227-014326	Adm	-ditto-	
014327-014337	Chairman	-ditto-	
014338-014422	Adm	-ditto-	
014423-014429	Chairman	-ditto-	

014430-014432	Adm	-ditto-	
014433-014454	Mr LAU Kong-wah	-ditto-	
014455-014503	Chairman	-ditto-	
014504-014555	ALA3	-ditto-	
014556-014625	Adm	-ditto-	
014626-014711	ALA3	-ditto-	
014712-014719	Mr LAU Kong-wah	-ditto-	
014720-014747	Chairman	-ditto-	
014748-014906	Ms Audrey EU	Implications of the proposal to specify under clause 5(2) that the authority might impose "reasonable" licensing conditions and the appropriate drafting approach	Adm (paragraph 3(g) of the minutes)
014907-014949	Adm	-ditto-	
014950-015009	Chairman	-ditto-	
015010-015015	Mr LAU Kong-wah	-ditto-	
015016-015031	Chairman	-ditto-	
015032-015043	Mr LAU Kong-wah	-ditto-	
015044-015105	Chairman	-ditto-	
015106-015420	Mr Tommy CHEUNG	-ditto-	
015421-015602	Ms Audrey EU	-ditto-	Adm (paragraph 3(j)(i) of the minutes)
015603-015630	Chairman	-ditto-	
015631-015745	Adm	-ditto-	
015746-015848	Chairman	-ditto-	
015849-015932	Mr Tommy CHEUNG	-ditto-	
015933-015951	Chairman	-ditto-	
015952-020007	Mr Tommy CHEUNG	-ditto-	
020008-020020	Chairman	-ditto-	
020021-020030	Adm	-ditto-	
020031-020115	Chairman	-ditto-	
020116-020134	Mr Tommy CHEUNG	-ditto-	
020135-020141	Chairman	-ditto-	
020142-020145	Mr Tommy CHEUNG	-ditto-	
020146-020235	Mr LAU Kong-wah	Provision of appeal mechanism to hear complaints about the imposition of licensing conditions	
020236-020244	Chairman	-ditto-	Adm (paragraph 3(j)(ii) of the minutes)

020245-020347	Adm	-ditto-	
020348-020431	Chairman	-ditto-	
020432-020449	Adm	-ditto-	
020450-020515	Adm	-ditto-	
020516-020522	Chairman	-ditto-	
020523-020525	Adm	-ditto-	
020526-020528	Chairman	-ditto-	
020529-020534	Adm	-ditto-	
020535-020541	Chairman	-ditto-	
020542-020605	Adm	-ditto-	
020606-020628	Chairman	-ditto-	
020629-020719	Mr Tommy CHEUNG	-ditto-	
020720-021255	Chairman	-ditto- Date of next two meetings	Adm (paragraph 3(h) and (i) of the minutes)

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

Council Business Division 2
Legislative Council Secretariat
7 February 2002