

立法會

Legislative Council

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by the Administration)

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

**Minutes of the fourth meeting
held on Thursday, 3 May 2001 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon James TO Kun-sun (Chairman)
Hon David CHU Yu-lin
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP

Member Absent : Hon Fred LI Wah-ming, JP
Hon LAU Ping-cheung

Public Officers Attending : Security Bureau

Mrs J CHOK
Deputy Secretary for Security

Mr S W HUI
Principal Assistant Secretary for Security

Fire Services Department

Mr C C LEE
Chief Fire Officer/Fire Safety

Mr N H HO
Senior Divisional Officer/Commercial Buildings and
Premises

Buildings Department

Mr K M MO
Assistant Director/New Buildings 1

Mr C K LO
Chief Building Surveyor/Legal

Home Affairs Department

Mr H K YUEN
Chief Officer (Licensing Authority)

Food and Environmental Hygiene Department

Mr W H CHEUK
Assistant Director (Headquarters)

Mr Y L PANG
Superintendent (Licensing)

Department of Justice

Mr J D SCOTT
Senior Assistant Law Draftsman

Ms F LAM
Government Counsel

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

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

Miss Yvonne YU
Senior Assistant Secretary (2)7

I. Meeting with the Administration

(L C Paper Nos. CB(2)1408/00-01(02) and 1185/00-01(02))

At the invitation of the Chairman, Assistant Director/New Buildings (AD/NB) briefed members on the building safety requirements imposed by the Administration for compliance by karaoke establishments.

(a) Widening of corridor to minimum width of 1.2 m

AD/NB said that existing karaoke establishments with corridor width of 1.05 m would not be required to widen it to 1.2 m until they carried out major alteration works in future.

(b) Exit from entertainment room

AD/NB explained that in principle, exit from an entertainment room of a karaoke establishment must provide for two directional travel for fire escape. However, failure to comply with this requirement due to original building design constraints would be given special consideration and the existence of a dead-end situation might be tolerated. He added that in the floor plan (LC Paper CB(2)1408/00-01(01)) provided by the Administration, a dead-end was created as a result of partitioning of rooms K1, K2 and K3. Such a situation would be tolerated if additional fire safety measures were in place. However, if the building design could be altered, two directional travel for escape must be provided in the establishments. For existing establishments providing only one directional means of escape, the Administration would consider accepting the provision of access panel giving access to another corridor as an alternative.

(c) Installation of partition walls having one-hour fire resistance period (FRP) in corridors

AD/NB informed members that existing karaoke establishments without partition walls having an FRP of one hour, but installed with sprinklers, were required to complete the upgrading works within 36 months from the date of operation of the Ordinance. However, for establishments without sprinklers, the upgrading works were required to be completed within 18 months from the date of operation of the Ordinance. He believed that the grace periods proposed by the Administration were acceptable to the trade.

Partition walls having an FRP of one hour in corridors

2. Mr Tommy CHEUNG said that so far the trade had not accepted that partition walls having an FRP of one hour should be installed in the corridors of karaoke establishments. As suffocation rather than burning to death was usually the main cause of fatalities in a fire, partition walls served little purpose. Moreover, the installation cost was very high. He asked whether, apart from karaoke establishments, other premises were also required to install partition walls having an FRP of one hour in internal corridors.

3. AD/NB responded that Para. 9.3 of the current Code of Practice on Fire Resisting Construction required that internal corridors, other than shopping arcade, serving rooms or flats in different occupancies should be separated by walls having an FRP of one hour. Existing karaoke establishments taken on lease by a single occupier were not subject to the Code. However, given that karaoke establishments were actually used by many different patrons at the same time, it was not unreasonable to treat each cubicle as individual occupancy. In addition, many patrons caught in the major fire at the Top One Karaoke in 1997 were not aware of the fire at all. The Administration therefore considered it necessary to incorporate the relevant code in the building safety requirements for karaoke establishments. Moreover, the licensing authority of hotels and guesthouses also required the internal corridor walls of hotels and guesthouse to be of one-hour fire resistance construction.

4. Mr Howard YOUNG said that the requirement was imposed in view of the following features of the tourists staying in hotels and guesthouses:

- (a) totally unfamiliar with the environment of the premises;
- (b) completely incomprehensive to spoken and written Chinese and English; and
- (c) in a sleeping state.

Thus, he was of the view that as the situation in these premises differed from that in karaoke establishments, the fire safety requirements applicable to hotels and guesthouses should not be completely extended to karaoke establishments.

5. The Chairman inquired about the specific function of a fire resistant partition wall. Mr David CHU Yu-lin pointed out that installation of fire resistant walls in karaoke establishments was for the safety of patrons and firemen, but with proper fire safety management, patrons should have been alerted in the event of a fire within one hour. In addition, most buildings in the territory were not installed with such fire resistant partition walls, and trained firemen should fully understand their working environment. He did not understand why the Administration imposed such requirement on karaoke establishments. Furthermore, he was of the view that the lack of fire resistant

partition walls was not the sole cause attributable to the Garley Building fire which was caused by a combination of factors.

6. Chief Fire Officer/Fire Safety (CFO/FS) explained that in a fatal karaoke fire, suffocation caused by heavy smoke was usually the main cause of fatalities. Fire resistant partition walls could resist smoke and confine the fire to the room where it started. Preventing smoke from spreading swiftly to the corridor running through the karaoke establishment could reduce casualties. Fire resistant partition walls could also provide a better environment for firemen to put out a fire, as it would be tremendously difficult to extinguish a fire in a smoky condition. If fire resistant partition walls functioned effectively, the possibility of “back draughts” would be greatly lowered, which in turn would reduce the possible casualties of firemen in such situations.

7. Mr David CHU Yu-lin pointed out that, similar to the situation in karaoke establishments, rooms were not separated by fire resistant walls in many office buildings in the territory at present. He inquired about the reasons for imposing different building safety requirements on the two types of premises.

8. AD/NB responded that an ordinary office was obviously different from a karaoke establishment in terms of the number of partitioned rooms. When a fire started in an office, people in the entire office would be aware of it quickly, but the situation would be different for patrons inside a karaoke room. The Administration therefore considered it necessary to raise the building safety requirements in respect of karaoke establishments.

9. Deputy Secretary for Security (DS/S) added that it was not appropriate to make a direct comparison between an ordinary office and a karaoke establishment. The Administration had worked out the fire and building safety requirements for karaoke establishments having taken into account their unique characteristics and mode of operation. In view of the dark environment, narrow and long corridors, small cubicles and the effects of alcoholic drinks and music on patrons, the risk of fire in karaoke establishments was much greater than that in other ordinary offices. Besides, people in an office would be familiar with its layout and could escape more easily in case of fire. Hence, the huge differences in characteristics and mode of operation between the two types of premises rendered it inappropriate to make a direct comparison between them.

10. Mr LAU Kong-wah pointed out that shops in shopping arcades were situated next to each other, similar to the entertainment rooms in karaoke establishments. He asked why different requirements in respect of fire resistant walls were imposed on these two types of premises.

11. AD/NB responded that shopping arcades were installed with sprinkler systems and their management was generally up to a certain standard. If fire resistant corridor walls were required to be installed in a shopping arcade, it would be difficult for the shopping arcade to operate. Therefore, shopping

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arcades were exempt from the requirement. He added that in case of fire in a shopping arcade, patrons and people working there could be alerted quickly and could escape in time. However, as the sound-proof design of individual cubicles in a karaoke establishment tended to lower the alertness of patrons, the two should not be compared directly.

12. The Chairman considered that the majority of patrons in a shopping arcade were not inside the shops, but were walking along its gangways. Moreover, as most partitions in shopping arcades were transparent in design, patrons would know the occurrence of a fire easily. Besides, they were in a sober mental condition. It was inappropriate to compare shopping arcades with karaoke establishments. He therefore considered the Administration's explanation in this regard to be highly convincing.

13. Mr LAU Kong-wah pointed out that according to the minutes of the sixteenth meeting of the Panel on Environmental Hygiene of the former Provisional Regional Council on 3 December 1998 provided by the Administration (L C Paper No. CB(2)1408/00-01(02)), the Buildings Department (BD) had advised at the time that it would not consider changing the requirement for partition walls having an FRP of one hour in corridors and cubicles of karaoke establishments. BD would discuss with the trade in the hope that the requirement could be complied with in the simplest way and with the minimum disruption. He asked for the outcome of the discussion between BD and the trade over the past two years.

Adm

14. AD/NB responded that the Administration met with the Karaoke Requirements Concern Group on 25 September 1998. The trade had basically accepted the requirement for corridor walls to have an FRP of one hour, but considered that the one-year grace period inadequate, and requested that it be extended to five years or until the expiry of the lease concerned. He added that the Administration had come up with the requirement after considering the Final Report on Regulatory Impact Assessment on the Licensing Control of Karaoke Establishments (L C Paper No. CB(2)1204/00-01(01)) and the views of the trade. He undertook to provide the Bills Committee with the outcome of the discussion between BD and the trade.

15. DS/S said that irrespective of the outcome of the discussion between BD and the trade, it was of paramount importance at present to consider whether the requirement was consistent with the spirit of making legislation to safeguard human life in karaoke establishments. Therefore, the Administration was now seeking to come up with an option which could enhance fire and building safety and be acceptable to the trade.

16. Mr David CHU Yu-lin appreciated that the longer the FRP of a partition wall the better. He pointed out that it was extremely difficult to do business in the current economic climate. It would inevitably cost the karaoke trade a lot in order to satisfy the requirement imposed. He therefore inquired about the risk

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of fire of karaoke establishments vis-a-vis other establishments, if both were without fire resistance walls.

17. In response to Mr CHU, DS/S said that the public generally considered that in view of the layout and mode of operation, the risk of fire of karaoke establishments was higher than ordinary restaurants or offices. As long as the risk was slightly higher than a general level, the Administration would find it necessary to guard against the occurrence of fires. A karaoke fire always resulted in heavy casualties. For example, the number of fatalities in the major fire at the Top One Karaoke in 1997 was 17, while another big karaoke fire occurred in Luoyang in the Mainland on 30 December 2000 had claimed over 300 lives.

18. The Chairman pointed out that although the death toll in the Luoyang fire was very high, the figure should be discounted having regard to the standard of the fire safety facilities there, in order not to cause a panic to the public.

The issue of dead-ends

19. Mr Tommy CHEUNG said that although the Administration agreed to exercise discretion in handling unavoidable dead-end situations, he and the trade were worried that the criteria adopted by the Administration would cause confusion easily. He was also of the view that the addition of access doors in karaoke rooms was not practicable. As these rooms were sound-proof in design, and if they were inter-accessible, patrons' privacy would be compromised. Furthermore, approval from the appropriate authority was required in respect of the alteration works, and the operation of karaoke establishments would also be affected.

20. In response to Mr CHEUNG, Assistant Director/Headquarters (AD/HQ) said that any alterations to approved building plan to be undertaken by restaurants would require approval from the relevant authority. The restaurants would be allowed to continue operation while alteration works were under way. As there was no question of applying for a new restaurant licence, the restaurants would not be required to comply with any new licensing requirements while undergoing alteration works.

The width of corridors

21. AD/NB explained that the Administration had made reference to the requirements for providing means of escape in a place of public entertainment, in formulating the standards for the internal corridors of karaoke establishments. Under the current Places of Public Entertainment Regulations, a corridor in a place of public entertainment should not be less than 1.2 m in width. The Administration had incorporated such requirement in the building safety requirements for karaoke establishments.

22. The Chairman inquired whether the Administration had taken into account the flow of people in the passages in formulating the requirement for corridor width. If a corridor was a main route, it would be easier for the trade to accept the requirement proposed. AD/NB responded that before proposing the requirement, the Administration had given consideration to the matter generally, but not individual cases.

Stringent legal requirements

23. Mr Tommy CHEUNG considered that it was improper for the Administration to impose the most stringent fire and building safety requirements on karaoke establishments, making it difficult for the entire trade to survive.

24. AD/NB said that the Administration had not imposed the most stringent building safety requirements on karaoke establishments. As a matter of fact, such requirements were formulated according to the unique characteristics of karaoke establishments. Comparing to ordinary premises, karaoke establishments were special in the sense that they were usually partitioned into a number of small cubicles, hence posing potential dangers to fire escape. The Administration considered it necessary to upgrade the safety standard to an acceptable level. He added that under the existing guidelines, if premises were required to install fire resistant walls, an FRP of one hour was the minimum standard.

25. CFO/ES said that in formulating the fire safety requirements for karaoke establishments, the Administration had not applied the most stringent regulatory requirements adopted for other premises. The Fire Services Department (FSD) was not the enforcement authority in respect of the fire resistant performance of building construction. However, if a factory had to use dangerous goods in an industrial building, it was required to apply to FSD for a licence for storage of dangerous goods. FSD would require the factory to install brick walls having an FRP of two hours to separate the dangerous goods store from other parts of the factory. Each storey of the dangerous goods store was required to be separated by a partition having an FRP of four hours. In addition, for residential/commercial buildings, each flat was required to be separated by fire resistant walls. Likewise, different flats in a commercial building were also required to be separated by fire resistant walls.

26. CFO/ES added that some of the fire safety requirements were formulated based on the needs of karaoke establishments. For example:

- (a) in the event of a fire, a karaoke establishment must stop the music or other audio and visual transmission to alert patrons to the incident;
- (b) a short fire safety film must be shown to patrons before the karaoke activity was started to remind them of the means of escape in the

event of an accident;

- (c) a schematic exit plan showing the floor layout and the directions of egress to escape staircases and their means of escape must be displayed in each room used by patrons;
- (d) directional signs indicating the exit direction must be installed at a low level in the corridor, allowing patrons to prostrate themselves on the floor and find the escape direction in a smoky condition; and
- (e) an alarm bell of a fire alarm system must be installed in each room used by patrons to alert them in the event of a fire.

27. Mr Andrew WONG Wang-fat inquired about the FRP of an ordinary brick wall. AD/NB replied that an ordinary brick wall of 9 inches thick provided an FRP of two hours. An ordinary lime slab, a brick wall of four inches thick or a wood-wool slab of 50 mm thick plus a layer of cement-lime plaster of 13 mm thick on each side provided an FRP of one hour.

II. Proposed visit to karaoke establishments

28. The Chairman suggested and members agreed that details of the visit to karaoke establishments be discussed at the next meeting to be held on 14 May 2001.

III. Date of next meeting

29. The Chairman said that the next meeting would be held at 8:30 am on 14 May 2001.

30. The meeting ended at 6:35 pm.

Legislative Council Secretariat
3 September 2001