

立法會
Legislative Council

LC Paper No. CB(2)1495/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

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

**Minutes of the eighteenth meeting
held on Friday, 15 March 2002 at 8:30 am
in the Chamber of the Legislative Council Building**

Members Present : Hon James TO Kun-sun (Chairman)
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon David CHU Yu-lin, JP
Hon Fred LI Wah-ming, JP
Hon Andrew WONG Wang-fat, JP
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

Fire Services Department

Mr C C LEE
Chief Fire Officer/Fire Safety

Mr CHUNG Cheuk-hung
Senior Divisional Officer/Commercial Buildings and
Premises

Buildings Department

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

Mr J R Dobbing
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 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

Ms Monica LAW
Acting Senior Assistant Law Draftsman

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

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Joanne MAK
Senior Assistant Secretary (2)2

I. Confirmation of minutes of meeting
(LC Paper No. CB(2)1340/01-02)

The minutes of the meeting held on 26 February 2002 were confirmed.

II. Meeting with the Administration
(The Bill and LC Paper No. CB(2)973/01-02(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Committee continued with clause by clause examination of the Bill and had finished scrutinising clause 12 at the end of the meeting.
4. The Administration informed the Committee that it had prepared a Committee Stage amendment (CSA) for clause 13(1)(iii) and would submit it to the Committee for consideration before the next meeting. The Committee agreed to further discuss clause 13(1)(iii) when the CSA was received.
5. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -
 - (a) to review the drafting of clause 7(1) to ensure that it would reflect the policy intent that "a person authorized by the body corporate or the partnership" should be construed to mean a natural person;
 - (b) to explain the basic requirements that an applicant had to meet in order to be granted a provisional licence or permit under clause 9(1);
 - (c) to justify the need to retain clause 10(v) as "public interest" was already covered in clause 10(iv), and to clarify whether clause 10(v) might give rise to a situation where a karaoke establishment would still be penalised even though it no longer operated in a way contrary to the public interest during the latter period of a "current" licence;

- (d) to confirm whether all decisions made by the licensing authority under clauses 5, 6, 8, 9 or 10, in particular the imposition of conditions under clause 5(2), were subject to appeal to the Administrative Appeal Board (AAB);
- (e) to consider whether an express provision should be provided in the Bill to the effect that a licence would remain in force if the licence had expired but the period for lodging an appeal against the decision of non-renewal of licence (i.e. 28 days under clause 12(1)) had yet to expire;
- (f) to consider whether the licensing authority should be required to employ all the means under clause 18 for service of orders and notices in respect of serious offences (e.g. revocation or refusal of renewal of licence);
- (g) to advise the average waiting time before an appeal case was heard by AAB;
- (h) to quote the relevant statutory provisions to explain whether a decision of AAB was final or subject to further appeal to other courts; and
- (i) to give examples of provisions in other Ordinances which were similar to clause 12.

6. Assistant Legal Adviser 4 was also requested to assist in providing information on paragraph 5(i) above.

III. Dates of next meetings

7. The next two meetings would be held on 20 March 2002 at 2:30 pm and 10 April 2002 at 10:45 am.

Meeting with Karaoke Requirements Concern Group

8. The Chairman informed members that at the request of the Karaoke Requirements Concern Group, the Bills Committee would meet with the Concern Group on 10 April 2002, instead of 20 March 2002. As such, the Committee would continue with clause by clause examination of the Bill at the next meeting.

9. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
2 April 2002

**Proceedings of the eighteenth meeting of the Bills Committee on
Karaoke Establishments Bill
on Friday, 15 March 2002 at 8:30 a.m.
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000228	Chairman	Confirmation of minutes of meeting	
000229-000310	ALA4	Meaning of "adequate" in clause 6(5)	
000311-000340	Adm	-ditto-	
000341-000443	Chairman	-ditto-	
000444-000602	ALA4	Meaning of the "person authorized" in clause 7(1)	
000603-000643	Adm	-ditto-	
000644-000646	Chairman	-ditto-	
000647-000701	Adm	-ditto-	
000702-000727	Chairman	-ditto-	
000728-000746	Adm	-ditto-	
000747-000830	Chairman	-ditto-	Adm (para. 5(a))
000831-000844	Adm	-ditto-	
000845-000901	Chairman	-ditto-	
000902-000928	Mr LAU Kong-wah	Clause 8(2) - the requirement that a licensee (or grantee) should apply for renewal of his licence (or permit) not less than 90 days before the expiry of the licence (or permit)	
000929-001005	Adm	-ditto-	
001006-001009	Mr LAU Kong-wah	-ditto-	
001010-001014	Adm	Administration's response concerning clause 8(2) (LC Paper No. CB(2) 747/01-02 (02))	
001015-001043	Chairman	-ditto-	
001044-001210	Adm	-ditto-	
001211-001218	Chairman	-ditto-	
001219-001224	Mr LAU Kong-wah	-ditto-	
001225-001229	Adm	-ditto-	
001230-001255	Mr LAU Kong-wah	-ditto-	

001256-001309	Chairman	-ditto-	
001310-001317	Adm	-ditto-	
001318-001405	Mr Howard YOUNG	-ditto-	
001406-001437	Adm	-ditto-	
001438-001448	Mr Howard YOUNG	-ditto-	
001449-001528	Adm	-ditto-	
001529-001609	Chairman	-ditto-	
001610-001612	Adm	-ditto-	
001613-001820	Chairman	Clause 9 - basic requirements to be met for the issue of a provisional licence/permit	
001821-001930	Adm	-ditto-	
001931-002021	Chairman	-ditto-	Adm (para. 5(b))
002022-002025	Adm	-ditto-	
002026-002059	Chairman	-ditto-	
002100-002206	Adm	-ditto-	
002207-002216	Chairman	-ditto-	
002217-002238	Mr Howard YOUNG	-ditto-	
002239-002330	Adm	-ditto-	
002331-002346	Chairman	-ditto-	
002347-002453	Mr LAU Kong-wah	Clause 10 - drafting aspect	
002454-002537	Adm	-ditto-	
002538-002544	Adm	-ditto-	
002545-002646	Chairman	-ditto-	
002647-002700	Adm	-ditto-	
002701-002706	ALA4	-ditto-	
002707-002743	Mr LAU Kong-wah	-ditto-	
002744-002812	Chairman	-ditto-	
002813-002819	Mr LAU Kong-wah	-ditto-	
002820-002821	Chairman	-ditto-	
002822-002937	Adm	-ditto-	
002938-002950	Mr LAU Kong-wah	-ditto-	
002951-003016	Adm	-ditto-	
003017-003038	Mr LAU Kong-wah	-ditto-	
003039-003049	Adm	-ditto-	
003050-003120	Chairman	-ditto-	
003121-003133	Adm	-ditto-	
003134-003150	Chairman	-ditto-	

003151-003218	Adm	-ditto-	
003219-003333	Chairman	-ditto-	
003334-003344	Mr LAU Kong-wah	-ditto-	
003345-003357	Adm	-ditto-	
003358-003431	Chairman	-ditto-	
003432-003438	Mr LAU Kong-wah	-ditto-	
003439-003504	Chairman	-ditto-	
003505-003516	Mr LAU Kong-wah	-ditto-	
003517-003525	Adm	-ditto-	
003526-003527	Mr LAU Kong-wah	-ditto-	
003528-003545	Chairman	-ditto-	
003546-003554	Adm	-ditto-	
003555-003612	Chairman	-ditto-	
003613-003645	Adm	-ditto-	
003646-003650	Chairman	-ditto-	
003651-003718	Adm	-ditto-	
003719-003810	Chairman	-ditto-	
003811-003834	Adm	-ditto-	
003835-003917	Mr LAU Kong-wah	-ditto-	
003918-003933	Adm	-ditto-	
003934-003937	Mr LAU Kong-wah	-ditto-	
003938-004042	Chairman	-ditto-	
004043-004054	Ms Audrey EU	"Public interest" in clauses 5(3)(c), 10(iv) and (v)	
004055-004125	Adm	-ditto-	
004126-004214	Mr Tommy CHEUNG	-ditto-	
004215-004230	Chairman	-ditto-	
004231-004235	Mr Tommy CHEUNG	-ditto-	
004236-004303	Chairman	-ditto-	
004304-004335	Ms Audrey EU	The need to have clause 10(v)	
004336-004346	Chairman	-ditto-	
004347-004417	Ms Audrey EU	-ditto-	
004418-004443	Adm	-ditto-	
004444-004522	Ms Audrey EU	-ditto-	
004523-004541	Chairman	-ditto-	
004542-004559	Ms Audrey EU Chairman	-ditto-	
004600-004641	Chairman	-ditto-	

004642-004654	Ms Audrey EU	-ditto-	
004655-004723	Chairman	-ditto-	
004724-004807	Adm	-ditto-	
004808-004849	Mr Tommy CHEUNG	-ditto-	
004850-004814	Chairman	-ditto-	
004815-004942	Mr Tommy CHEUNG	-ditto-	
004943-005026	Chairman	-ditto-	
005027-005030	Mr Tommy CHEUNG	-ditto-	
005031-005034	Chairman	-ditto-	
005035-005058	Adm	-ditto-	
005059-005114	Mr Tommy CHEUNG	-ditto-	
005115-005123	Chairman	-ditto-	
005124-005137	Mr Tommy CHEUNG	-ditto-	
005138-005235	ALA4	-ditto-	
005236-005246	Adm	-ditto-	
005247-005321	Chairman	-ditto-	
005322-005412	ALA4	-ditto-	
005413-005421	Chairman	-ditto-	
005422-005508	Adm	-ditto-	
005509-005522	Ms Audrey EU	-ditto-	
005523-005532	Mr Tommy CHEUNG	-ditto-	
005533-005539	Chairman	-ditto-	
005540-005558	Adm	-ditto-	
005559-005733	Ms Audrey EU	-ditto-	
005734-005904	Chairman	-ditto-	Adm (para. 5(c))
005905-005918	Mr Tommy CHEUNG	-ditto-	
005919-005930	Chairman	-ditto-	
005931-005941	Adm	-ditto-	
005942-010130	Chairman	Lodging of appeals to the Administrative Appeal Board	Adm (para. 5(d))
010131-010201	Adm	-ditto-	
010202-010235	ALA4	-ditto-	
010236-010258	Chairman	-ditto-	
010259-010343	Mr Tommy CHEUNG	Decision of refusal to renew a licence and suspension of that decision when it was appealed against	
010344-010349	Adm	-ditto-	
010350-010413	Chairman	-ditto-	

010414-010427	Mr Tommy CHEUNG	-ditto-	
010428-010439	Chairman	-ditto-	
010440-010458	Mr Tommy CHEUNG	-ditto-	
010459-010532	Adm	-ditto-	
010533-010534	Chairman	-ditto-	
010535-010539	Mr Tommy CHEUNG	-ditto-	
010540-010625	Chairman	-ditto-	
010626-010630	Adm	-ditto-	
010631-010711	Chairman	-ditto-	
010712-010758	Mr Tommy CHEUNG	-ditto-	
010759-010816	Adm	-ditto-	
010817-010824	Chairman Mr Tommy CHEUNG	-ditto-	
010825-010831	Chairman	-ditto-	
010832-010835	Mr Tommy CHEUNG	-ditto-	
010836-010846	Chairman	-ditto-	
010847-010854	Mr Tommy CHEUNG	-ditto-	
010855-010907	Chairman	-ditto-	
010908-010929	Adm	-ditto-	
010930-010935	Chairman	-ditto-	
010936-010946	Adm	-ditto-	
010947-011011	Mr Tommy CHEUNG	-ditto-	
011012-011018	Chairman	-ditto-	
011019-011031	Mr Tommy CHEUNG	-ditto-	
011032-011059	Chairman	-ditto-	
011100-011108	Adm	-ditto-	
011109-011116	Chairman	-ditto-	
011117-011139	Adm	-ditto-	
011140-011219	Chairman	-ditto-	
011220-011310	Adm	-ditto-	
011311-011404	Mr Tommy CHEUNG Chairman	-ditto-	
011405-011439	Mr Tommy CHEUNG	-ditto-	Adm (para. 5(e))
011440-011529	Ms Audrey EU	Clarification on the calculation of the "28 days" provided under clause 12(1)	
011530-011537	Chairman	-ditto-	
011538-011547	Ms Audrey EU	-ditto-	

011548-011631	Chairman	-ditto-	
011632-011704	Adm	-ditto-	
011705-011720	Ms Audrey EU	-ditto-	
011721-011724	Chairman	-ditto-	
011725-011728	Ms Audrey EU	-ditto-	
011729-011739	Adm	-ditto-	
011740-011746	Chairman	-ditto-	
011747-011753	Adm	-ditto-	
011754-011808	Chairman	-ditto-	
011809-011818	Ms Audrey EU	-ditto-	
011819-011830	Chairman	-ditto-	
011831-011902	Ms Audrey EU	-ditto-	
011903-011923	Adm	-ditto-	
011924-011939	Chairman	-ditto-	
011940-012045	Ms Audrey EU	-ditto-	
012046-012059	Chairman	-ditto-	
012100-012119	Adm	-ditto-	
012120-012129	Chairman Adm	-ditto-	
012130-012211	Chairman	-ditto-	
012212-012237	ALA4	-ditto-	
012238-012244	Chairman	-ditto-	
012245-012422	Mr Tommy CHEUNG	-ditto-	
012423-012453	Chairman	-ditto-	
012454-012456	Mr Tommy CHEUNG	-ditto-	
012457-012506	Chairman	-ditto-	
012507-012624	Adm	-ditto-	
012625-012641	Mr Tommy CHEUNG	-ditto-	
012642-012652	Chairman Mr Tommy CHEUNG	-ditto-	
012653-012705	Mr Tommy CHEUNG	-ditto-	
012706-012717	Chairman	-ditto-	
012718-012726	Mr Tommy CHEUNG	-ditto-	
012727-012753	Chairman	-ditto-	
012754-012801	Adm	-ditto-	
012802-012803	Chairman	-ditto-	
012804-012815	Adm	-ditto-	
012816-012827	Chairman	-ditto-	

012828-012831	Mr Tommy CHEUNG	-ditto-	Adm (para. 5(f))
012832-012837	Chairman	-ditto-	
012838-012914	Adm	-ditto-	
012915-012927	Chairman	-ditto-	
012928-012936	Adm	-ditto-	
012937-012956	Mr LAU Kong-wah	Clause 12 - Appeals	
012957-013011	Chairman	-ditto-	
013012-013016	Adm	-ditto-	
013017-013021	Mr LAU Kong-wah	-ditto-	
013022-013026	Chairman	-ditto-	
013027-013039	Mr LAU Kong-wah	-ditto-	
013040-013052	Adm	-ditto-	
013053-013112	Chairman	-ditto-	Adm (para 5(g))
013113-013134	Mr LAU Kong-wah	-ditto-	
013134-013143	Chairman Mr LAU Kong-wah	-ditto-	
013144-013155	Adm	-ditto-	
013156-013217	Chairman	-ditto-	
013218-013232	Mr LAU Kong-wah	-ditto-	
013233-013250	Adm	-ditto-	
013251-013306	Mr LAU Kong-wah	-ditto-	
013307-013346	Chairman	-ditto-	Adm (para. 5(h))
013347-013354	Mr Tommy CHEUNG	-ditto-	
013355-013407	Chairman	-ditto-	
013408-013536	Ms Audrey EU	Clause 12(2) - decision made under clause 12(1) would still come into operation if the suspension of the decision was deemed contrary to the public interest	
013537-013634	Chairman	-ditto-	
013635-013835	Mr Tommy CHEUNG	-ditto-	
013836-013842	Chairman	-ditto-	
013843-013958	Adm	-ditto-	
013959-014016	Chairman	-ditto-	
014017-014025	Mr Tommy CHEUNG	-ditto-	

014026-014130	Chairman	-ditto-	Adm & ALA4 (paras. 5(i) & 6)
014131-014141	Adm	-ditto-	
014142-014207	Chairman	-ditto-	
014208-014207	Mr Tommy CHEUNG	Clarification on the calculation of the "28 days" provided under clause 12(1)	
014208-014256	ALA4	-ditto-	
014257-014310	Mr Tommy CHEUNG	-ditto-	
014311-014317	Chairman	-ditto-	
014318-014325	Mr Tommy CHEUNG	-ditto-	
014326-014333	Chairman	-ditto-	
014334-014341	Mr Tommy CHEUNG Chairman	-ditto-	
014342-014349	Mr Tommy CHEUNG	-ditto-	
014350-014444	Chairman	Administration's response on the need to have the power under clause 13 (Item 1 of LC Paper No. CB(2) 973/01-02 (01))	
014445-014749	Adm	-ditto-	
014750-014756	Chairman	-ditto-	
014757-015012	Mr Tommy CHEUNG	-ditto-	
015013-015037	Chairman	-ditto-	
015038-015045	Mr Tommy CHEUNG Chairman	-ditto-	
015046-015049	Chairman	-ditto-	
015050-015124	Mr Tommy CHEUNG	-ditto-	
015125-015159	Chairman	-ditto-	
015200-015209	Adm Chairman	-ditto-	
015210-015228	Chairman	-ditto-	
015229-015232	Mr Tommy CHEUNG	-ditto-	
015233-015251	Chairman	-ditto-	
015252-015255	Mr Tommy CHEUNG	-ditto-	
015256-015300	Chairman	-ditto-	
015301-015306	Mr Tommy CHEUNG	-ditto-	
015307-015315	Chairman	-ditto-	
015316-015450	ALA4	Clarification on the calculation of the "28 days" provided under clause 12(1)	

015451-015458	Chairman	-ditto-	
015459-015514	Adm	-ditto-	
015515-015536	Chairman	-ditto-	
015537-015541	Adm	-ditto-	
015542-015544	Chairman	-ditto-	
015545-015549	Mr Tommy CHEUNG	-ditto-	
015550-015606	Chairman	-ditto-	
015607-015650	Adm	CSA for clause 13(1)(iii)	Adm (para. 4)
015651-015717	Chairman	Date of meeting with the Karaoke Requirements Concern Group	
015718-015925	Adm	-ditto-	
015926-015734	Mr Tommy CHEUNG	-ditto-	
015735-015812	Chairman	-ditto-	

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

Council Business Division 2
Legislative Council Secretariat
2 April 2002