

立法會
Legislative Council

LC Paper No. CB(2)2091/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 24th meeting
held on Monday, 13 May 2002 at 2:30 pm
in the Chamber of the Legislative Council Building

Members Present : Hon James TO Kun-sun (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Fred LI Wah-ming, JP
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 LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Public Officers Attending : Security Bureau

Mrs Jennie CHOK
Deputy Secretary for Security

Miss Peggy LAU
Chief Assistant Secretary for Security

Department of Justice

Ms Monica LAW
Senior Assistant Law Draftsman

Ms Francoise LAM
Government Counsel

Fire Services Department

Mr C C LEE
Chief Fire Officer/Fire Safety

Buildings Department

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

Home Affairs Department

Mr TANG Hung-ki
Chief Officer (Licensing Authority)

Food and Environmental Hygiene Department

Mr WONG Siu-wing
Acting Assistant Director (Operations) 1

Hong Kong Police Force

Mr WONG Che-kwong, Roger
Superintendent (Licensing)

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

Staff in Attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Joanne MAK
Senior Assistant Secretary (2) 2

I. Confirmation of minutes of meeting
(LC Paper Nos. CB(2)1864/01-02 and CB(2)1865/01-02)

The minutes of the meetings on 15 and 16 April 2002 were confirmed.

II. Meeting with the Administration

(The Bill and LC Paper Nos. CB(2)1738/01-02(01) and CB(2)1746/01-02(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Administration would move the following additional Committee Stage amendments -
 - (a) to amend clause 15 such that the District Court would be empowered to order a partial closure of a Karaoke Establishment (KE) if circumstances warranted; and
 - (b) to amend clause 16(2) to clarify that individual licensees or grantees and authorized representatives of corporations and partnerships would be allowed the defence provided under clause 16(2).
4. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -
 - (a) On clause 15, to consider
 - (i) amending the clause to expressly provide that the closure order made under the clause would not operate to prevent human habitation on the premises concerned (reference should be made to a similar provision in the Public Health and Municipal Services Ordinance);
 - (ii) whether an express provision should be added to the Bill to stipulate that the District Court, in considering to order closure of a KE, would take into account the presence of any common areas/structures (such as staircase) in the KE concerned for shared use by tenants of the same building and whether other people's interests would be affected by the closure;
 - (iii) whether an express provision should be added to the Bill to the effect that the District Court would be empowered to award a licensee compensations for any loss or damage caused to him by the licensing authority's delay in discharging a closure order that had been served on his KE;
 - (iv) shortening the currently proposed 28-day period within which the licensing authority would have to discharge a

closure order after the requirements of a direction given under clause 14 had been complied with and a request for the discharge had been made to the licensing authority; and

- (v) to provide legal advice as to whether the Government was liable for the loss and damage caused to persons due to negligence on the part of the Government in the exercise of statutory duty if the relevant Ordinances did not include any provisions on indemnity.
- (b) On clause 16,
- (i) to stipulate in the guidelines to be promulgated by the licensing authority that it would take no more than two weeks for the licensing authority to complete endorsement of a change of name on the permit or licence and to spell out the time required for the endorsement in general;
 - (ii) to explain the matters that the licensing authority would consider in endorsing or rejecting an application for a change of name on the permit or licence; and
 - (iii) to provide examples of other licensing regimes under which the licensing authorities conducted content vetting of the name of a shop/institute/organisation applying for a licence.
- (c) On members' concern that articles seized under clause 13(1)(iii) might be subject to forfeiture under clause 19, to provide the respective internal instructions issued by the Food and Environmental Hygiene Department and Hong Kong Police Force for reference of enforcement officers in exercising the power to seize articles under various Ordinances.

III. Date of next meeting

- 5. The next meeting would be held at 8:30 am on 22 May 2002.
- 6. There being no other business, the meeting ended at 4:35 pm.

Annex A

**Bills Committee on Karaoke Establishments Bill
Meeting on Monday, 13 May 2002 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000129	Chairman	Confirmation of minutes of meetings	
000129 - 000137	Administration	Legislative timetable envisaged by the Administration for the Bill	
000137 - 000235	Mr Michael MAK Kwok-fung	Ditto	
000235 - 000303	Mr Michael MAK Kwok-fung, Chairman	Ditto	
000303 - 000402	Administration	Ditto	
000402 - 000421	Chairman	Ditto	
000421 - 000519	Administration, Chairman	The District Court should be empowered to direct partial closure of a KE under clause 15 if circumstances warranted (Item 7 of LC Paper No. CB(2)1738/01-02(01))	Adm (Paragraph 3(a))
000519 - 000615	Administration	The closure made under clause 15 should not operate to prevent human habitation on the premises concerned (Item 8 of LC Paper No. CB(2)1738/01-02(01))	
000615 - 000724	Chairman	Ditto	
000724 - 000750	Ms Audrey EU Yuet-mee, SC, JP	Ditto	
000750 - 000815	Mr Andrew WONG Wang-fat, JP	Ditto	
000815 - 000846	Administration	Ditto	
000846 - 000919	Chairman, Administration	Ditto	
000919 - 001002	Mr Andrew WONG Wang-fat, JP	Ditto	
001002 - 001015	Chairman	Ditto	

001015 - 001232	Administration	Ditto	
001232 - 001250	Chairman	Ditto	
001250 - 001349	Chairman, Administration	Ditto	
001349 - 001457	Administration	Ditto	
001457 - 001649	Mr Tommy CHEUNG Yu-yan, JP	Ditto	
001649 - 001654	Chairman, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
001654 - 001755	Administration	Ditto	
001755 - 001827	Mr Tommy CHEUNG Yu-yan, JP	Ditto	
001827 - 001844	Chairman, Administration	Ditto	
001844 - 002052	Ms Audrey EU Yuet-mee, SC, JP	Ditto	
002052 - 002114	Chairman	Ditto	
002114 - 002139	Ms Audrey EU Yuet-mee, SC, JP	Ditto	
002139 - 002203	Chairman	Ditto	
002203 - 002347	Administration	Ditto	
002347 - 002350	Chairman	Ditto	
002350 - 002515	Mr Andrew WONG Wang-fat, JP	Meaning of "Commercial/Residential" or "Residential (Group A)" zones	
002515 - 002529	Administration	Ditto	
002529 - 002553	Chairman	Ditto	
002553 - 002609	Administration	Ditto	
002609 - 002615	Administration, Chairman	Ditto	
002615 - 002628	Administration	Ditto	
002628 - 002632	Chairman, Mr Andrew WONG Wang-fat, JP	Ditto	
002632 - 002655	Mr Andrew WONG Wang-fat, JP	Ditto	

002655 - 002806	Chairman	Ditto	
002806 - 002908	Administration	Ditto	
002908 - 002934	Chairman	Ditto	
002934 - 003015	Administration, Chairman	Ditto	
003015 - 003051	Administration	Ditto	
003051 - 003056	Chairman	Ditto	
003056 - 003102	Administration	Ditto	
003102 - 003127	Chairman	Ditto	
003127 - 003206	Administration	Ditto	
003206 - 003301	Chairman	Ditto	
003301 - 003350	Administration	Ditto	
003350 - 003356	Chairman	Ditto	
003356 - 003436	Administration	Ditto	
003436 - 003452	Chairman	Ditto	
003452 - 003503	Administration, Chairman	Ditto	
003503 - 003705	ALA	Two groups of people who could apply to the licensing authority to request it to discharge a closure order under the CSAs proposed for clause 15	
003705 - 003709	Chairman	Ditto	
003709 - 003822	Mr Andrew WONG Wang-fat, JP	Ditto	
003822 - 003842	Chairman	Ditto	
003842 - 004204	Administration	Implementation of a closure order	
004204 - 004223	Chairman	Ditto	
004223 - 004241	Administration, Chairman	Ditto	

004241 - 004246	Chairman	Ditto	
004246 - 004307	Administration, Chairman	Ditto	
004307 - 004333	Mr Andrew WONG Wang-fat, JP	Problems arising from the presence of common areas/structures for shared use by a KE and tenants of the same building	
004333 - 004432	Chairman	Ditto	
004432 - 004444	Mr LAU Kong-wah	Ditto	
004444 - 004513	Chairman	Ditto	
004513 - 004517	Mr Andrew WONG Wang-fat, JP	Ditto	
004517 - 004607	Administration	Ditto	
004607 - 004610	Chairman	Ditto	
004610 - 004625	Mr Tommy CHEUNG Yu-yan, JP	Ditto	
004625 - 004633	Mr Tommy CHEUNG Yu-yan, JP, Chairman	Ditto	
004633 - 004926	Mr Tommy CHEUNG Yu-yan, JP	Ditto	
004926 - 004929	Chairman	Ditto	Adm (Paragraph 4(a)(i))
004929 - 004948	Administration	Ditto	
004948 - 005002	Chairman, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
005002 - 005007	Administration, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
005007 - 005017	Chairman	Ditto	
005017 - 005217	Ms Audrey EU Yuet-mee, SC, JP	Ditto	
005217 - 005220	Chairman	Ditto	
005220 - 005234	Administration	Ditto	
005234 - 005241	Chairman, Administration	Ditto	
005241 - 005327	Administration	Ditto	

005327 - 005339	Chairman, Administration	Ditto	
005339 - 005345	Chairman	Ditto	
005345 - 005356	Administration	Ditto	
005356 - 005402	Chairman	Ditto	
005402 - 005441	Mr Andrew WONG Wang-fat, JP	Ditto	
005441 - 005521	Chairman	Ditto	Adm (Paragraph 4(a)(ii))
005521 - 005544	Administration, Chairman	Ditto	
005544 - 005605	Chairman	Application to the court to discharge a closure order (Item 9 of LC Paper No. CB(2)1738/01-02(01))	
005605 - 005619	Mr LAU Kong-wah	The need to stipulate in the Bill that the Court was empowered to award a licensee compensation for any loss or damage caused to the licensee by the licensing authority's delay in discharging a closure order	
005619 - 005644	Administration	Ditto	
005644 - 005723	Mr LAU Kong-wah	Ditto	
005723 - 005731	Administration	Ditto	
005731 - 005748	Mr LAU Kong-wah	Ditto	
005748 - 005753	Chairman, Mr LAU Kong-wah	Ditto	
005753 - 005811	Chairman	Ditto	
005811 - 005833	Mr LAU Kong-wah, Chairman	Ditto	
005833 - 005902	Administration	Ditto	
005902 - 005936	Mr LAU Kong-wah	Ditto	
005936 - 010005	Administration	Ditto	
010005 - 010017	Mr LAU Kong-wah, Chairman	Ditto	

010017 - 010124	Administration	Ditto	
010124 - 010141	Chairman, Administration	Ditto	
010141 - 010215	Mr LAU Kong-wah	Ditto	
010215 - 010229	Chairman	Ditto	
010229 - 010238	Mr LAU Kong-wah	Ditto	
010238 - 010247	Administration, Chairman	Ditto	Adm (Paragraph 4(a)(iii))
010247 - 010417	Mr Tommy CHEUNG Yu- yan, JP	The need to shorten the proposed 28-day period	
010417 - 010439	Chairman, Administration	Ditto	Adm (Paragraph 4(a)(iv))
010439 - 010522	Mr Andrew WONG Wang- fat, JP	Ditto	
010522 - 010527	Administration, Mr Andrew WONG Wang-fat, JP	Ditto	
010527 - 010543	Mr Andrew WONG Wang- fat, JP	Ditto	
010543 - 010553	Chairman	Ditto	
010553 - 010622	ALA	Liability of Government for loss/damage caused to persons due to negligence on the part of the licensing authority in the exercise of statutory duty	
010622 - 010631	Administration	Ditto	
010631 - 010642	Mr Andrew WONG Wang- fat, JP	Ditto	
010642 - 010655	ALA	Ditto	
010655 - 010712	Chairman	Ditto	
010712 - 010729	Mr Andrew WONG Wang- fat, JP	Ditto	
010729 - 010749	Chairman	Ditto	Adm (Paragraph 4(a)(v))
010749 - 010841	Chairman, Mr Andrew WONG Wang-fat, JP	Ditto	

010841 - 010930	Chairman	Clause 16(1)(c) (Item 1 of LC Paper No. CB(2)1746/01-02(01))	
010930 - 011525	Administration	Ditto	
011525 - 011533	Chairman, Administration	Ditto	
011533 - 011809	Mr Tommy CHEUNG Yu- yan, JP	The need to apply to the licensing authority for endorsement of a change of name on the permit or licence	
011809 - 011823	Chairman, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
011823 - 011837	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
011837 - 011857	Chairman	Ditto	
011857 - 011909	Administration	Ditto	
011909 - 011927	Chairman	Ditto	
011927 - 011941	Administration	Ditto	
011941 - 011955	Chairman	Ditto	
011955 - 012030	Administration, Chairman	KE would not be required to notify the licensing authority of changes in shareholders of the KE if its name and its licensee remained the same	
012030 - 012037	Chairman	Ditto	
012037 - 012116	Mr Tommy CHEUNG Yu- yan, JP	The change of name of a KE of which the licensee/grantee was a "natural person"	
012116 - 012138	Chairman	Ditto	
012138 - 012202	Administration	Ditto	
012202 - 012231	Chairman	Ditto	
012231 - 012257	Administration	Ditto	
012257 - 012305	Chairman	Ditto	
012305 - 012318	Administration	Ditto	

012318 - 012330	Administration, Chairman	Ditto	
012330 - 012337	Administration	Ditto	
012337 - 012353	Chairman, Administration	Ditto	
012353 - 012511	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
012511 - 012518	Chairman	Ditto	
012518 - 012546	Chairman, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
012546 - 012607	Administration	Ditto	
012607 - 012638	Chairman, Administration	Ditto	
012638 - 012722	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
012722 - 012727	Chairman	Ditto	
012727 - 012742	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
012742 - 012752	Chairman, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
012752 - 012812	Administration	Ditto	
012812 - 012815	Chairman	Ditto	
012815 - 012912	Administration	Ditto	
012912 - 012922	Administration, Chairman	Ditto	
012922 - 012930	Chairman	Ditto	
012930 - 012947	Administration	Time required for the licensing authority to endorse a change of a name on the permit or licence	
012947 - 012957	Administration, Chairman	Ditto	
012957 - 013039	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
013039 - 013048	Chairman, Mr Tommy CHEUNG Yu-yan, JP	Ditto	
013048 - 013102	Mr Tommy CHEUNG Yu- yan, JP	Ditto	

013102 - 013116	Administration	Ditto	
013116 - 013143	Chairman	Ditto	
013143 - 013245	Administration, Chairman	Ditto	Adm (Paragraph 4(b)(i))
013245 - 013306	Mr Andrew WONG Wang-fat, JP	Content vetting of the name of a KE conducted by the licensing authority	
013306 - 013319	Administration	Ditto	
013319 - 013337	Mr Andrew WONG Wang-fat, JP	Ditto	
013337 - 013343	Chairman, Mr Andrew WONG Wang-fat, JP	Ditto	
013343 - 013418	Chairman	Ditto	
013418 - 013443	Administration	No content vetting conducted by the Home Affairs Department on the names of clubs	
013443 - 013455	Chairman	Ditto	
013455 - 013501	Mr Andrew WONG Wang-fat, JP	Ditto	
013501 - 013508	Mr Andrew WONG Wang-fat, JP, Administration	Ditto	
013508 - 013517	Chairman	Ditto	
013517 - 013525	Mr Andrew WONG Wang-fat, JP	Ditto	
013525 - 013528	Mr Tommy CHEUNG Yu-yan, JP, Chairman	Ditto	
013528 - 013602	Mr Tommy CHEUNG Yu-yan, JP	Ditto	
013602 - 013615	Chairman	Ditto	
013615 - 013627	Mr Tommy CHEUNG Yu-yan, JP	Ditto	
013627 - 013649	Mr Andrew WONG Wang-fat, JP	Ditto	
013649 - 013705	Chairman	Ditto	Adm (Paragraph 4(b)(ii))
013705 - 013808	Administration	Ditto	

013808 - 013848	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
013848 - 013902	Chairman	Ditto	Adm (Paragraph 4(b)(iii))
013902 - 013917	Mr Andrew WONG Wang- fat, JP	Ditto	
013917 - 013941	Chairman	Ditto	
013941 - 014005	Administration	No content vetting conducted by the Liquor Licensing Board on the names of pubs	
014005 - 014016	Chairman	Ditto	
014016 - 014029	Administration, Chairman	Ditto	
014029 - 014035	Administration	Ditto	
014035 - 014049	Chairman	Ditto	
014049 - 014055	Administration	Ditto	
014055 - 014104	Mr Tommy CHEUNG Yu- yan, JP	Ditto	
014104 - 014127	Administration	Drafting of clause 16(1)(a) and (c) (Item 2 of LC Paper No. CB(2)1746/01-02(01))	
014127 - 014131	Chairman	Ditto	
014131 - 014158	Administration	Ditto	
014158 - 014203	Chairman	Drafting of clause 16(2) (Item 3 of LC Paper No. CB(2)1746/01-02(01))	Adm (Paragraph 3(b))
014203 - 014615	Administration	Seizure of articles under clause 13 and forfeiture of articles seized under clause 19 (Item 4 of LC Paper No. CB(2)1746/01-02(01))	
014615 - 014730	Mr Andrew WONG Wang- fat, JP	Relevant court cases on forfeiture of articles seized	
014730 - 014808	Chairman	Ditto	
014808 - 014844	Mr Andrew WONG Wang- fat, JP	Ditto	
014844 - 014937	Administration	Ditto	

014937 - 015024	Chairman	Ditto	
015024 - 015149	Administration	Ditto	
015149 - 015200	Chairman	Ditto	
015200 - 015537	ALA	Decisions in two relevant court cases	
015537 - 015541	Chairman	Ditto	
015541 - 015615	Mr Andrew WONG Wang-fat, JP	Ditto	
015615 - 015624	Chairman	Ditto	
015624 - 015712	Mr Andrew WONG Wang-fat, JP	Ditto	
015712 - 015848	Administration	Criteria adopted by enforcement officers in deciding on the scale of seizure when exercising the power to seize articles under other Ordinances	
015848 - 015854	Chairman	Ditto	
015854 - 015933	Mr Andrew WONG Wang-fat, JP	Ditto	
015933 - 015945	Chairman	Ditto	
015945 - 015951	Administration	Ditto	
015951 - 020037	Chairman	Ditto	Adm (Paragraph 4(c))
020037 - 020050	Administration	Ditto	
020050 - 020114	Chairman	Ditto	
020114 - 020159	Chairman	Date of next meeting	