

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 fifth meeting
held on Monday, 14 May 2001 at 8:30 am
in Chamber of the Legislative Council Building**

Members Present : Hon James TO Kun-sun (Chairman)
Hon David CHU Yu-lin, 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

Member Absent : Hon Fred LI Wah-ming, JP

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 K S NG
Senior Superintendent (Licensing)

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

(LC Paper Nos. CB(2)1387/00-01(01) and CB(2)1494/00-01(01))

At the invitation of the Chairman, Principal Assistant Secretary for Security (PAS/S) briefed members on the Administration's response (LC Paper No. CB(2)1494/00-01(01)) to questions raised by Mr Tommy CHEUNG (LC Paper No. CB(2)1387/00-01(01) on the Final Report on Regulatory Impact Assessment on the Licensing Control of Karaoke Establishments (RIA Report). Deputy Secretary for Security (DS/S) said that according to the conclusion of the RIA Report, the community in general had reached a consensus on the need for legislation on the regulation of karaoke establishments. While regulatory control would bring benefits to the community as a whole, it would hit the trade to a certain extent. Therefore, she considered that it was most important for the Administration to strike the right balance between protecting the public and minimizing the impact on the trade.

2. Mr Tommy CHEUNG said that the Administration had completed the drafting of the Karaoke Establishments Bill in the year of 1998-1999. But it did not commission the consultancy firm to prepare the RIA Report until 2000 and the trade had not been consulted again. He pointed out that the report supported the conclusion of the Administration which had not proposed any amendments to the Bill after the publication of the report. Therefore, he was of the view that the report was only cosmetic.

3. DS/S explained that the Karaoke Establishments Bill was first introduced into the Legislative Council (LegCo) in March 2000. As LegCo did not have time for scrutiny, the Bill was subsequently reintroduced in the following session. In view of the time available and the considerable concern of the trade, a fairer and more proper approach was adopted by the Administration. With the assistance of the Business and Services Promotion Unit under the then Trade and Industry Bureau, a consultancy firm was commissioned to conduct a regulatory impact assessment. She said that the Bill was only a framework of the licensing system and the details of the regulation were set out in the subsidiary legislation. Having considered the impact of the regulatory control on the trade, such as the requirement of fire resistance walls, the Administration had decided to introduce alternative measures to help the trade to meet the new requirements.

4. Mr Tommy CHEUNG said that when consulted by the Administration, the two former municipal councils agreed to request the Administration to exempt those karaoke establishments with restaurant licences from complying with the requirement of fire resistance walls. Therefore, he was of the view that it was not the RIA Report which had prompted the Administration to introduce alternative measure in respect of fire resistance walls.

5. Mr Tommy CHEUNG pointed out that as the walls in many existing karaoke establishments were not from floor to ceiling, the area above the false

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ceiling was still interconnected. The Chairman asked whether these karaoke establishments would not be required to install one hour fire resistance partition walls immediately. PAS/S replied that karaoke establishments with sprinkler systems would be allowed to complete upgrading works within 36 months from the date on which the Ordinance came into operation, while those without sprinkler systems would be allowed to carry out the upgrading works within 18 months from date of operation of the Ordinance.

6. Mr Tommy CHEUNG said that alteration works in karaoke establishments for the purpose of resolving dead-end problems would inevitably involve modifications of other major facilities such as fire safety system and partition walls. This would render meaningless the Administration's proposal to allow existing karaoke establishments to defer the widening of corridor to 1.2m until other major alteration works were undertaken.

7. Assistant Director/New Buildings (1) of the Buildings Department (AD/NB(1)) responded that as far as karaoke establishments with dead-ends were concerned, the provision of access panels leading to an adjacent room where there was escape route would be acceptable to the Administration.

8. Assistant Director (Headquarters) of the Food and Environmental Hygiene Department said that if a karaoke establishment's application for installing access panels was approved, the establishment would be allowed to continue the business while upgrading works were being carried out. He reiterated that his department would not regard applications for altering building plans as new applications, nor would it require the relevant establishments to comply with requirements which did not exist in previous legislation.

9. Mr Howard YOUNG said that the current Bill was the 6th draft. He asked whether the amendments made were confined to grace period in respect of the width of the corridors and the installation of fire resistance walls. Mr Tommy CHEUNG also asked whether amendment other than those recommended in the RIA Report had been adopted by the Administration.

10. DS/S responded that the conclusion of the RIA Report was that it was necessary for the Administration to regulate karaoke establishments for the sake of public safety. While the consultant made no specific recommendation on the regulatory standards, the relevant departments such as the Buildings Department, Fire Services Department and Food and Environmental Hygiene Department provided relevant information to the Security Bureau. PAS/S added that the consultant made recommendations on the licensing procedures. The Administration formulated specific details after considering the RIA Report .

11. Mr LAU Kong-wah considered that the probabilities of karaoke establishment fires listed in the RIA Report served little purpose in understanding the problem. Pointing out that karaoke activities were also very popular in Japan and Taiwan, he opined that the Administration should provide a

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comparison between Hong Kong and these places in respect of the regulatory controls of karaoke establishments. PAS/S responded that the consultant had looked at the four places (the United Kingdom, Singapore, Japan and Taiwan) to see whether they had introduced licensing control over karaoke establishments and the details were documented in chapter 6 of the RIA Report. However, the consultant did not make a comparison of the regulatory systems.

12. Mr Tommy CHEUNG considered that it was inappropriate for the RIA Report to have come to the conclusion in paragraph 4.4 basing on a single case of deliberate arson. According to paragraph 4.4, only one life would be lost in karaoke establishments in 130 years should all karaoke establishments be subject to regulation under the proposed legislation. Mr CHEUNG therefore questioned the conclusion of the report which recommended bringing karaoke establishments under regulatory control.

13. Mr Howard YOUNG said that he accepted the use of more scientific methods in assessing the probabilities of karaoke establishment fires, such as those currently used by the insurance industry. To facilitate the assessment of whether the Administration's proposed regulatory control over karaoke establishments was appropriate, he requested the Administration to provide statistics on cases of fire in shopping centres and commercial buildings for reference.

14. The Chairman considered that the Administration had already pointed out in the written response that the relevant figures were only statistical deduction. Members had to make their own judgement as to whether the figures would have a logical relationship with the impact to be brought about by the regulatory control.

15. DS/S said that there were established fire safety standards for ordinary buildings. The reason for requiring karaoke establishments to be subject to higher fire safety standards was because of their mode of operation and layouts of rooms which had made them more susceptible to fires.

16. In response to Mr Howard YOUNG, Chief Fire Officer/ Fire Safety of the Fire Services Department (FSD) said that the FSD had submitted statistics on fires in premises of various purposes to the consultants for the purpose of regulatory impact assessment. As far as restaurants and food establishments were concerned, there had been a total of 2038 cases of fire between 1990 and June 2000, of which seven cases were serious (above No. 3 alarm) and resulted in two people killed and 272 injured. As far as hotels were concerned, there had been one case of serious fire during the same period and 85 cases of fire of various grades of alarm which injured six people. As far as commercial premises (including shopping centres and places of public gathering) were concerned, there had been 6927 cases of fire during the same period, 61 of which were serious and resulted in a total of 86 fatalities and 976 injuries.

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17. Mr Howard YOUNG asked whether the Administration had classified serious fires in hotels and commercial premises into arson and non-arson cases. Chief Fire Officer/ Fire Safety responded that he did not have the information at hand. Should members consider necessary, the Administration could provide the information.

18. Ms Audrey EU concurred with the view of the Chairman that probabilities or causes of fires would not be very useful in helping members to understand whether there was a need for legislation on karaoke establishments. However, to enable effective discussion, she considered that the Bills Committee should focus on the appropriateness of the proposed fire safety standards and problems such as whether the trade could afford the costs of the upgrading works.

19. Mr LAU Kong-wah said that according to the RIA Report, there was no licensing control specifically applicable to karaoke establishments in Singapore, Japan and Taiwan. Hong Kong seemed to be a vanguard in this respect. Therefore, he considered it necessary to compare the proposed licensing standards in Hong Kong with these places in order to see whether the former was too stringent. The Chairman requested the Administration to provide information on the comparison between Hong Kong and other places such as Japan, Singapore and Taiwan in respect of fire and building safety standards applicable to karaoke establishments. Ms Audrey EU also requested the Administration to provide information on the licensing requirements for comparison. Such information should include whether factors like “suitability of place” and “views of persons in the immediate vicinity of the place of proposed karaoke establishment” would be taken into account and whether the licensee must be an individual person. DS/S agreed to provide such information.

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20. Mr LAU Kong-wah inquired about the exact meaning of the conclusion in paragraph 6.5 of the RIA Report. He asked the Administration whether the consultant implied that the safety and hygiene standards achieved by the licensing system in Hong Kong were so high that it would not be necessary to set a higher standard for karaoke establishments. PAS/S said that as far as he understood, what the consultant meant was that the licensing schemes in Hong Kong were meant to meet the different needs of various sectors. In considering the regulation of karaoke establishments, the Administration could make reference to these schemes. Mr LAU Kong-wah and Mr Tommy CHEUNG had reservations about the Administration’s explanation. In view of this, the Chairman requested the Administration to seek further clarification from the consultant on the exact meaning of the conclusion. DS/S agreed.

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21. Mr Tommy CHEUNG said that he had learnt that Top One Karaoke was fitted with sprinkler system at the time when the fatal fire broke out. However, the water supply was disrupted by the renovation works underway on one of the floors of the building. As a result, part of the sprinkler system failed to function properly during the fire, resulting in a number of deaths and

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injuries. He therefore requested the Administration to provide the Coroner's report as well as the judgment of the trial of that fatal incident. Noting that Professor W C CHOW of the Hong Kong Polytechnic University had prepared a report on fire safety requirements in karaoke establishments, Mr CHEUNG also requested the Administration to provide members with its response to that report. DS/S undertook to follow up the matter.

22. Mr Tommy CHEUNG said that the consultant advised in the RIA Report that some of the operators of karaoke establishments had already carried out a number of the upgrading works as recommended. However, as far as he knew, none of the operators had yet proceeded with the upgrading works. Moreover, Mr CHEUNG enquired whether the consultant had anticipated any other difficulties faced by the trade in addition to the costs involved in the upgrading works when preparing the RIA Report. For example, an operator must obtain prior consent from the landlord if he wanted to carry out upgrading works on leased premises. If the landlord did not agree, the operator would face the possibility of having his licence suspended or being fined for non-compliance with the requirements after the commencement of the legislation.

23. DS/S said that whether a landlord would allow an operator of a karaoke establishment to carry out upgrading works was not a factor considered by the Administration in establishing a scheme for the regulatory control of karaoke establishments. After the commencement of the legislation, if the relevant premises failed to meet the requirements, the operator would have to make improvements or find another place to continue operation. It would be difficult to force landlords through legislation to permit the karaoke operator to carry out the necessary upgrading works.

24. Mr Tommy CHEUNG criticized the approach and procedures adopted by the consultant in consulting the trade. He questioned why the consultant had prepared the questionnaire in English only. He also queried the approach of the consultant in reaching the conclusion without consulting the trade on whether they had the ability to carry out the upgrading works.

25. DS/S said that the Administration decided to commission professionals from outside the Government to prepare the RIA Report as it did not have the resources to do so. It would not be appropriate for her to comment on the Report's professional standard. As a matter of fact, the Administration did not have to rely on the RIA Report to enact legislation for the regulation of karaoke establishments. However, if members had questions on the Report, the Administration would be glad to refer them to the consultant for clarification.

26. On the consultant's consultation with the trade, Mr Tommy CHEUNG requested the Administration to provide the following information :

- (a) the number of respondents to the questionnaires sent out by the consultant;

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- (b) the number of persons/ parties attending the seminars organized by the consultant;
- (c) apart from the information sought in the questionnaire, what other issues were raised by the trade; and
- (d) why the consultant did not send a copy of the questionnaire to the Karaoke Requirements Concern Group?

Adm PAS/S undertook to give a written response after the meeting.

27. Mr LAU Kong-wah opined that while the conclusion of the consultant was important, the consultation process with the trade conducted by the consultant was equally important. Members were very concerned about communication with the trade in order to obtain their first hand experience. Therefore, he suggested that the trade should be allowed to give their views again on the various contentious issues discussed by the Bills Committees at a number of meetings.

28. Mr LAU Kong-wah asked whether the FSD would allow a karaoke establishment to continue operation while carrying out upgrading works. Chief Fire Officer/ Fire Safety responded that at present there was no legislation requiring the premises to cease operation while the relevant premises were carrying out upgrading works. If the upgrading works posed a risk of fire, the FSD would order the relevant premises to take measures to minimize the risk.

29. Mr LAU Kong-wah said that a karaoke establishment would suffer losses if it had to cease operation in order to carry out upgrading works. Moreover, the FSD would impose certain conditions on the premises so that they could satisfy fire safety requirements. He asked whether the Administration had taken into account such losses or expenses in its estimated costs for alteration works.

30. DS/S responded that the estimated cost for alteration works (\$39,000 per room) made by the Buildings Department did not include loss in business due to suspension of operation. AD/NB(1) responded that the estimated cost for alteration works were calculated on the basis of a karaoke establishment. As to partial alteration such as installation of panel doors, installation of fire resistance walls to separate the area which remained open for business from the upgrading works, the Administration did not take into account such expenses in the calculation of the relevant costs.

31. The Chairman further asked whether the Administration had taken the worst scenario into account when estimating the costs for alteration works. AD/NB responded that as the mode of operation, size and charge of karaoke establishments varied, it was difficult to take each and every scenario into account.

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32. To enable members to have a better understanding, the Chairman requested the Administration to provide information on the general requirements imposed by FSD on a karaoke establishment before it was permitted to carry out upgrading works, as well as the estimated extra costs as a result of such requirements. Moreover, Mr LAU Kong-wah also requested the Administration to advise on the requirements concerning the handling of combustible substances.

II. Date of next meeting

33. The next meeting will be held at 4:30 pm on 18 May 2001.

34. The meeting ended at 10:45 am

Legislative Council Secretariat
28 November 2001