

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2596/01-02  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/9/00

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

**Minutes of the 26<sup>th</sup> meeting**  
**held on Wednesday, 29 May 2002 at 10:45 am**  
**in Conference Room A of the Legislative Council Building**

**Members Present** : Hon James TO Kun-sun (Chairman)  
Hon Fred LI Wah-ming, JP  
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** : Dr Hon David CHU Yu-lin, JP  
Hon Andrew WONG Wang-fat, JP  
Hon Michael MAK Kwok-fung

**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

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**I. Confirmation of minutes of meeting**  
(LC Paper No. CB(2)2006/01-02)

The minutes of the meeting on 2 May 2002 were confirmed.

## II. Meeting with the Administration

(The Bill and LC Paper Nos. CB(2)2007/01-02(01) and CB(2)2103/01-02(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Administration agreed that the Police would consider strengthening their general guidelines on seizure of articles to state that the power of seizure should be exercised in a cautious and reasonable manner. The Chairman requested the Administration to provide a copy of Chapter 44 of the Force Procedures Manual for members' reference. He suggested that considerations should be given to including in the guidelines whether the seizure was really necessary, the quantity of items which should be seized and whether the quantity seized would have a punitive effect. He further suggested that the subject should be referred to the Panel on Security for follow-up discussion. Members agreed.
4. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -
  - (a) to consider replacing the reference to "public interest" in clause 5(3)(c) by "fire safety, building safety and public safety";
  - (b) to consider the Assistant Legal Adviser's suggestion of revising clause 13(1)(ii) to stipulate that the exercise of power under the clause was only for the purpose of ensuring compliance with the provisions of the Bill and with the licensing conditions;
  - (c) to justify the need to confer on the Police the power of seizure for evidence in support of revocation or suspension of a permit or licence under clause 13(1)(iii);
  - (d) to provide internal instructions issued by the Police on the return of seized property and to provide examples of Ordinances which included provisions also on the return of seized property. (A member suggested that reference should be made to the Public Health and Municipal Services Ordinance and the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance); and
  - (e) to consider revising clause 15(6)(b) proposed in the draft Committee Stage amendments (CSAs) to the effect that the licensing authority should as soon as practicable within 28 days after receiving a request for a discharge of the closure order

inform a KE operator of the reasons why the closure order could not be discharged.

5. The Administration agreed to move an additional CSA to delete "unless the owner of the apparatus, equipment or any other article, satisfies the court that there is special and exceptional reason not to order forfeiture, such as that the apparatus, equipment or other article had been stolen and the theft reported to the police as soon as practicable; but ownership of itself of any apparatus, equipment or other article by a person other than the person convicted or financial hardship to any person shall not be special and exceptional reason" in clause 19.

6. The Administration agreed to provide the updated draft Karaoke Establishments (Licensing) Regulation for members' reference before the next meeting.

### **III. Date of next meeting**

7. The next meeting would be held on 31 May 2002 at 10:45 am. The Clerk would fix the dates of two additional meetings to complete scrutiny of the proposed CSAs. Members agreed that the Second Reading debate on the Bill should be resumed on either 3 or 10 July 2002.

8. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
15 July 2002

**Annex A**

**Bills Committee on Karaoke Establishments Bill  
Meeting on Wednesday, 29 May 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000205	Chairman	Confirmation of minutes of meeting	
000205 - 000624	Administration	Compensations for loss or damage caused to a licensee by the licensing authority's delay in discharging a closure order that had been served on his karaoke establishment (KE) (Item 1(iii) of LC Paper No. CB(2)2007/01-02(01))	
000624 - 000727	Mr Tommy CHEUNG Yu-yan	Ditto	
000727 - 000921	Administration	Whether the proposed 28-day period could be shortened (Item 1(iv) of LC Paper No. CB(2)2007/01-02(01))	
000921 - 001046	Mr Tommy CHEUNG Yu-yan	Ditto	
001046 - 001205	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
001205 - 001310	Administration	Ditto	
001310 - 001408	Chairman	Ditto	
001408 - 001451	Mr Tommy CHEUNG Yu-yan and Chairman	Ditto	
001451 - 001522	Administration	Ditto	
001522 - 001555	Chairman	Ditto	
001555 - 001645	Mr LAU Kong-wah	Ditto	
001645 - 001749	Chairman	Ditto	
001749 - 001820	Mr Tommy CHEUNG Yu-yan	Ditto	
001820 - 001901	Chairman	Ditto	

001901 - 002112	Administration	Ditto	
002112 - 002125	Chairman	Ditto	
002125 - 002143	Mr Tommy CHEUNG Yu- yan	Ditto	
002143 - 002320	Chairman	Ditto	
002320 - 002416	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
002416 - 002516	Administration	Undertaking of the Administration that the licensing authority would as soon as practicable inform a KE operator of the reasons why the authority could not discharge the closure order served on his KE	
002516 - 002525	Chairman	Ditto	
002525 - 002633	Mr Tommy CHEUNG Yu- yan	Ditto	
002633 - 002743	Chairman	Ditto	
002743 - 002800	Mr LAU Kong-wah	Ditto	
002800 - 002806	Chairman	Ditto	
002806 - 003058	Mr LAU Kong-wah and Chairman	Ditto	
003058 - 003126	Mr Tommy CHEUNG Yu- yan	Ditto	
003126 - 003338	Chairman and Mr LAU Kong-wah	Ditto	
003338 - 003359	Chairman	Ditto	
003359 - 003422	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
003422 - 003448	Chairman	Ditto	
003448 - 003525	Administration	Ditto	
003525 - 003532	Chairman and Administration	Ditto	
003532 - 003545	Mr LAU Kong-wah	Ditto	
003545 - 003615	Chairman and Mr LAU Kong-wah	Revising clause 15(6)(b) proposed in the draft Committee Stage amendments (CSAs)	Adm (Para. 4(e))

003615 - 003625	Administration	Liability of the Government as provided for in the Crown Proceedings Ordinance (Item 1(v) of LC Paper No. CB(2)2007/01-02(01))	
003625 - 003654	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
003654 - 003705	Chairman and Administration	Ditto	
003705 - 003922	Administration	Time required for the licensing authority to complete endorsement of a change of name on the permit/licence (Item 2(i) of LC Paper No. CB(2)2007/01-02(01))	
003922 - 003938	Chairman and Administration	Ditto	
003938 - 004048	Administration	Licensing authority would not conduct content vetting of the names used by KE	
004048 - 004058	Chairman	Ditto	
004058 - 004234	Administration	Ditto	
004234 - 004242	Chairman	Ditto	
004242 - 004347	Administration	Ditto	
004347 - 004438	Chairman and Administration	Ditto	
004438 - 004645	Administration	Purpose of the reference to "or to any other activity in respect of the karaoke establishment" in clause 13(1)(ii) (Item 1(i) of LC Paper No. CB(2)2103/01-02(01))	
004645 - 004653	Mr Tommy CHEUNG Yu-yan	Ditto	
004653 - 004815	Chairman	Ditto	
004815 - 004950	Mr Tommy CHEUNG Yu-yan	Ditto	
004950 - 005055	Chairman	Ditto	
005055 - 005150	Mr Tommy CHEUNG Yu-yan	Ditto	

005150 - 005216	Chairman	Restricting the reference to "any other activity" in clause 13(1)(ii) to mean activities conducted for the purpose of fire/building safety requirements	
005216 - 005325	Administration	Ditto	
005325 - 005422	Chairman	Ditto	
005422 - 005436	Mr Fred LI Wah-ming	Ditto	
005436 - 005515	Chairman	Ditto	
005515 - 005525	Administration	Ditto	
005525 - 005640	Mr Tommy CHEUNG Yu-yan	Ditto	
005640 - 005723	Chairman	Ditto	
005723 - 005736	Mr Tommy CHEUNG Yu-yan and Chairman	Ditto	
005736 - 005804	Administration	Ditto	
005804 - 005830	Chairman	Ditto	
005830 - 005858	Mr Tommy CHEUNG Yu-yan and Chairman	Ditto	
005858 - 005917	Administration	Ditto	
005917 - 005935	Chairman, Mr Tommy CHEUNG Yu-yan and Administration	Ditto	
005935 - 010020	Chairman	Ditto	
010020 - 010048	Administration and Chairman	Ditto	
010048 - 010116	Chairman	Ditto	
010116 - 010146	Administration	Ditto	
010146 - 010307	Chairman	Ditto	
010307 - 010428	ALA	Suggestion of revising clause 13(1)(ii)	



010428 - 010451	Chairman	Ditto	Adm (Para. 4(b))
010451 - 010613	Administration	Power of seizure under clause 13(1)(iii) (Item 1(ii) and (iii) of LC Paper No. CB(2)2103/01-02(01))	
010613 - 010621	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
010621 - 010845	Administration	Ditto	
010845 - 010858	Chairman	Force Procedures Manual - Chapter 44	
010858 - 011023	Administration and Chairman	Ditto	
011023 - 011140	Administration	Ditto	
011140 - 011246	Chairman and Administration	Ditto	
011246 - 011504	Mr Tommy CHEUNG Yu- yan	Ditto	
011504 - 011710	Chairman	Ditto	
011710 - 011720	Administration	Ditto	
011720 - 011856	Chairman	Ditto	
011856 - 011945	Administration	Ditto	
011945 - 012000	Chairman	Strengthening the general guidelines of the Police on the seizure of articles	Adm (Para. 3)
012000 - 012013	Mr LAU Kong-wah	Ditto	
012013 - 012029	Mr Tommy CHEUNG Yu- yan	Ditto	
012029 - 012125	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
012125 - 012327	Administration	Mr Tommy CHEUNG's suggestion of deleting "or is evidence of a ground for the revocation or suspension of a permit or licence granted or issued in respect of a KE" (Item 1(iv) of LC Paper No. CB(2)2103/01-02(01))	

012327 - 012436	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
012436 - 012516	Administration	Ditto	
012516 - 012535	Chairman	Ditto	
012535 - 012545	Administration	Ditto	
012545 - 012615	Chairman	Ditto	
012615 - 012641	Administration	Ditto	
012641 - 012713	Chairman, Administration and Mr Tommy CHEUNG Yu-yan	Ditto	
012713 - 012805	Chairman	Ditto	
012805 - 012942	Mr Tommy CHEUNG Yu- yan	Ditto	
012942 - 013024	Administration	Ditto	
013024 - 013432	Chairman and Administration	Ditto	
013432 - 013456	Mr Tommy CHEUNG Yu- yan	Ditto	
013456 - 013650	Chairman	Ditto	
013650 - 013728	Mr Tommy CHEUNG Yu- yan	Ditto	
013728 - 013829	Chairman	Ditto	Adm (Para. 4(c))
013829 - 013858	Mr LAU Kong-wah	Ditto	
013858 - 013902	Chairman	Ditto	
013902 - 013926	Administration	Return of seized property	
013926 - 013935	Mr LAU Kong-wah	Ditto	
013935 - 013948	Mr Tommy CHEUNG Yu- yan	Ditto	
013948 - 014010	Administration	Ditto	
014010 - 014023	Mr LAU Kong-wah	Ditto	

014023 - 014120	Chairman and Mr LAU Kong-wah	Ditto	
014120 - 014146	Administration	Ditto	
014146 - 014245	Chairman	Ditto	
014245 - 014321	Mr Tommy CHEUNG Yu- yan	Ditto	
014321 - 014341	Chairman	Ditto	
014341 - 014354	Mr LAU Kong-wah and Mr Tommy CHEUNG Yu-yan	Ditto	
014354 - 014446	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
014446 - 014534	Administration and Chairman	Ditto	
014534 - 014811	Administration	Ditto	
014811 - 014913	Chairman	Request for a copy of the internal instructions on the seizure of articles issued by the Police	Adm (Para. 4(d))
014913 - 014927	Administration	Proposed CSA to clause 19	Adm (Para. 5)
014927 - 015000	Chairman and Administration	Ditto	
015000 - 015049	Mr LAU Kong-wah	"Public interest" in clause 5(3)(c)	Adm (Para. 4(a))
015049 - 015213	Chairman and Administration	Ditto	
015213 - 015242	Chairman	Ditto	Adm (Para. 6)
015242 - 015330	Mr LAU Kong-wah, Chairman and Mr Tommy CHEUNG Yu-yan	Date of resumption of the Second Reading Debate	
015330 - 015406	Administration and Chairman	Date of next meeting and additional meetings to be arranged	