

立法會
Legislative Council

LC Paper No. CB(2)2597/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 27th meeting
held on Friday, 31 May 2002 at 10:45 am
in Conference Room A 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 LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung

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 No. CB(2)2091/01-02)

The minutes of the meeting on 13 May 2002 were confirmed.

II. Meeting with the Administration

(The Bill and LC Paper Nos. CB(2)2082/01-02(01) and (02), CB(2)2118/01-02(03) and CB(2)2160/01-02(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Committee discussed a submission from the Democratic Alliance for Betterment of Hong Kong (DAB) tabled at the meeting.

(Post-meeting note : the submission was issued to members vide LC Paper No. CB(2)2160/01-02(01) dated 3 June 2002.)

4. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -

- (a) to consider the DAB's suggested amendments to clause 5(3)(b) and (c) as detailed in its submission;
- (b) to consider the views of Mr LAU Kong-wah and Mr Tommy CHEUNG that express provisions should be added to the Bill to provide for the return of seized property. The Administration was also requested to advise -
 - (i) whether it was a consistent approach in law drafting to add such express provisions to the Bill; and
 - (ii) the time required for the Government Laboratory to conduct tests for articles which might be seized under clause 13(1)(iii);
- (c) to consider the Chairman's suggestions that the Administration should -
 - (i) explain that "bona fide restaurants" were covered by clause 3(1A) proposed in the draft Committee Stage amendments (CSAs) when the Second Reading debate on the Bill was resumed; and
 - (ii) include such explanation in the information pamphlets on licensing requirements;
- (d) to consider Ms Audrey EU's suggestion of adding an additional factor of "proportion of area for conducting karaoke activity" to the proposed clause 3(1A); and

- (e) to re-consider the level of fine and the amount of daily fine as proposed in clause 20(4).

III. Date of next meeting

- 5. The next two meetings would be held on 5 June 2002 at 8:30 am and on 14 June 2002 at 4:30 pm.
- 6. Members agreed that the Bills Committee would report its deliberations to the House Committee on 21 June 2002 and the Second Reading debate on the Bill should be resumed on either 3 or 10 July 2002. The Chairman reminded members of the deadlines for giving notice of CSAs and requested members to provide an advance copy of such CSAs to the Bills Committee before it made its report to the House Committee on 21 June 2002.
- 7. There being no other business, the meeting ended at 12:35 pm.

Council Business Division 2
Legislative Council Secretariat
15 July 2002

Annex A

**Bills Committee on Karaoke Establishments Bill
Meeting on Friday, 31 May 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000242	Chairman	Confirmation of minutes of meeting	
000242 - 000313	Mr LAU Kong-wah	Submission from the Democratic Alliance for Betterment of Hong Kong (DAB)	
000313 - 000333	Chairman	Ditto	
000333 - 000522	Mr LAU Kong-wah	DAB's proposed amendments to clause 5(3)(b) and (c) (LC Paper No. CB(2)2160/01-02(01))	
000522 - 000547	Chairman	Ditto	
000547 - 000658	Mr Tommy CHEUNG Yu-yan	Ditto	
000658 - 000823	Chairman	Ditto	
000823 - 001057	Administration	Ditto	
001057 - 001106	Chairman	Ditto	Adm (Para. 4(a))
001106 - 001235	Mr Tommy CHEUNG Yu-yan	Ditto	
001235 - 001331	Administration	Ditto	
001331 - 001434	Mr Tommy CHEUNG Yu-yan	Ditto	
001434 - 001532	Chairman		Adm (Para. 4(b))
001532 - 001630	Mr LAU Kong-wah	Ditto	
001630 - 002010	Chairman	Updated draft Karaoke Establishments (Licensing) Regulation (the Regulation) (LC Paper No. CB(2)2118/01-02(03))	

002010 - 002128	Administration	Ditto	
002128 - 002142	Chairman	Ditto	
002142 - 002157	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
002157 - 002219	Administration	Ditto	
002219 - 002429	Chairman	Ditto	
002429 - 002553	Mr Tommy CHEUNG Yu- yan	Alterations to layout - time required for granting approval (Section 6 of the Regulation)	
002553 - 002624	Administration	Ditto	
002624 - 002739	Mr Tommy CHEUNG Yu- yan	Ditto	
002739 - 002756	Administration	Ditto	
002756 - 002803	Chairman	Ditto	
002803 - 002812	Administration	Ditto	
002812 - 002831	Mr Tommy CHEUNG Yu- yan	Ditto	
002831 - 002840	Chairman	Ditto	
002840 - 002855	Mr Tommy CHEUNG Yu- yan	Ditto	
002855 - 002903	Chairman	Ditto	
002903 - 002918	Administration	Schedule 1 to the Regulation	
002918 - 002946	Mr Tommy CHEUNG Yu- yan	Ditto	
002946 - 003023	Administration	Ditto	
003023 - 003106	Chairman	Ditto	
003106 - 003119	Mr Tommy CHEUNG Yu- yan	Ditto	
003119 - 003145	Administration	Ditto	
003145 - 003157	Chairman	Ditto	
003157 - 003222	Administration	Ditto	

003222 - 003412	Chairman	Ditto	
003412 - 003436	Administration	Ditto	
003436 - 003447	Chairman	Ditto	
003447 - 003458	Administration	Ditto	
003458 - 003534	Chairman	Ditto	
003534 - 003559	Administration	Ditto	
003559 - 003705	Mr Tommy CHEUNG Yu- yan	Ditto	
003705 - 003710	Administration	Requirements in Schedule 2 to the Regulation could be waived under clause 20(3)	
003710 - 003751	Chairman	Ditto	
003751 - 003806	ALA	Ditto	
003806 - 004051	Chairman	Ditto	
004051 - 004100	Mr Tommy CHEUNG Yu- yan	Ditto	
004100 - 004115	Chairman	Ditto	
004115 - 004154	Mr Tommy CHEUNG Yu- yan	Ditto	
004154 - 004214	Chairman	Draft Committee Stage amendments (CSAs) to be moved by the Administration (LC Paper Nos. CB(2)2082/01- 02(01) and (02))	
004214 - 004327	Administration	Ditto	
004327 - 004357	Mr Tommy CHEUNG Yu- yan	Ditto	
004357 - 004454	Administration	Ditto	
004454 - 004603	Mr Tommy CHEUNG Yu- yan	Proposal to specify in clause 3 that restaurants would be exempted from the application of this Bill	
004603 - 004616	Administration	Ditto	

004616 - 004634	Mr Tommy CHEUNG Yu- yan	Ditto	
004634 - 004721	Chairman	Ditto	
004721 - 004813	Administration	Ditto	
004813 - 004920	Chairman	Ditto	Adm (Para. 4(c))
004920 - 005128	Mr Tommy CHEUNG Yu- yan	Ditto	
005128 - 005216	Ms Audrey EU Yuet-mee	Ditto	
005216 - 005312	Administration	Ditto	
005312 - 005334	Ms Audrey EU Yuet-mee	Ditto	
005334 - 005348	Administration	Ditto	
005348 - 005359	Chairman	Ditto	
005359 - 005420	Mr Tommy CHEUNG Yu- yan	Ditto	
005420 - 005439	Chairman	Ditto	
005439 - 005555	Mr Tommy CHEUNG Yu- yan	Ditto	
005555 - 005606	Chairman	Ditto	
005606 - 005633	Mr Tommy CHEUNG Yu- yan	Ditto	
005633 - 005718	Administration	Exemption of premises which met requirements under the new clause 3 (1A) from the application of this Bill under the same clause	
005718 - 005834	Chairman	Ditto	
005834 - 005911	Mr Tommy CHEUNG Yu- yan	Ditto	
005911 - 005940	Chairman	Ditto	
005940 - 010016	Administration	Ditto	
010016 - 010043	Chairman	Ditto	

010043 - 010048	Mr Tommy CHEUNG Yu- yan	Ditto	
010048 - 010101	Chairman	Ditto	
010101 - 010138	Ms Audrey EU Yuet-mee	Ditto	
010138 - 010258	Administration	Ditto	
010258 - 010416	Ms Audrey EU Yuet-mee	Adding an additional factor "proportion of area for conducting karaoke activity" to the proposed clause 3(1A)	
010416 - 010423	Administration	Ditto	
010423 - 010443	Chairman	Ditto	Adm (Para. 4(d))
010443 - 010522	Administration	Ditto	
010522 - 010555	Chairman	Ditto	
010555 - 010619	Mr LAU Kong-wah	Meaning of "continuing offence"	
010619 - 010627	Chairman	Ditto	
010627 - 010641	Administration	Ditto	
010641 - 010658	Mr LAU Kong-wah	Ditto	
010658 - 010735	Chairman	Ditto	
010735 - 010854	ALA	Ditto	
010854 - 010913	Chairman	Ditto	
010913 - 011100	Administration	Enforcement actions taken by the Food and Environmental Hygiene Department against unlicensed food establishments which committed a continuing offence	
011100 - 011211	Mr Tommy CHEUNG Yu- yan	Ditto	
011211 - 011230	Chairman	Ditto	
011230 - 011241	Administration	Ditto	

011241 - 011304	Chairman	Ditto	
011304 - 011341	Administration	Ditto	
011341 - 011356	Mr LAU Kong-wah	Ditto	
011356 - 011407	Chairman	Ditto	
011407 - 011553	Mr Tommy CHEUNG Yu- yan	Ditto	
011553 - 011634	Chairman	Ditto	
011634 - 011819	Administration	Ditto	
011819 - 011825	Mr Tommy CHEUNG Yu- yan	Ditto	
011825 - 011848	Chairman	Ditto	
011848 - 011903	Administration	Ditto	
011903 - 011914	Chairman	Ditto	
011914 - 011926	Mr LAU Kong-wah	Ditto	
011926 - 011959	Administration	Ditto	
011959 - 012047	Chairman	Ditto	
012047 - 012059	Administration	Ditto	
012059 - 012107	Chairman	Ditto	
012107 - 012134	Mr LAU Kong-wah	Ditto	
012134 - 012155	Administration	Ditto	
012155 - 012359	Mr Tommy CHEUNG Yu- yan	Ditto	
012359 - 012406	Chairman	Ditto	
012406 - 012457	Administration	Licensing authority had discretionary power to decide whether a KE should be prosecuted for breaching licensing conditions	
012457 - 012517	Mr Tommy CHEUNG Yu- yan	Ditto	

012517 - 012623	Chairman	Ditto	
012623 - 012632	Ms Audrey EU Yuet-mee	Ditto	
012632 - 012707	Mr LAU Kong-wah	Ditto	
012707 - 012719	Chairman	Ditto	
012719 - 012723	Administration	Ditto	
012723 - 013032	Chairman	Ditto	
013032 - 013044	Administration	Ditto	
013044 - 013105	Chairman	Ditto	
013105 - 013335	Administration	Ditto	
013335 - 013513	Chairman	Ditto	
013513 - 013620	Administration	Proposed clause 18(1) and (2) - service of notices and orders	
013620 - 013644	Chairman	Ditto	
013644 - 013705	Administration	Proposed amendment to clause 19	
013705 - 013709	Mr Tommy CHEUNG Yu- yan	Ditto	
013709 - 013746	Chairman	Ditto	
013746 - 013822	Administration	Proposed amendment to clause 20(1)	
013822 - 013844	Chairman	Ditto	
013844 - 013907	Administration	Ditto	
013907 - 013933	Chairman	Ditto	
013933 - 013956	Mr Tommy CHEUNG Yu- yan	Ditto	
013956 - 014005	Administration	Ditto	
014005 - 014024	Chairman	Ditto	
014024 - 014058	Mr Tommy CHEUNG Yu- yan	Ditto	

014058 - 014106	Chairman	Ditto	
014106 - 014128	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
014128 - 014206	Administration	Level of fine and amount of daily fine proposed in clause 20(4)	
014206 - 014258	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
014258 - 014329	Administration	Ditto	
014329 - 014351	Chairman	Ditto	Adm (Para. 4(e))
014351 - 014402	Mr Tommy CHEUNG Yu- yan	Ditto	
014402 - 014702	Chairman	Legislative timetable for this Bill and date of next meeting	

Council Business Division 2
Legislative Council Secretariat
15 July 2002