

立法會
Legislative Council

LC Paper No. CB(2)2599/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 29th meeting
held on Monday, 10 June 2002 at 4:30 pm
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 Howard YOUNG, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung

Members Absent : Hon Fred LI Wah-ming, JP
Hon Andrew WONG Wang-fat, JP
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 HUNG Chi-pai
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. Meeting with the Administration
(LC Paper Nos. CB(2)2226/01-02(01) to (03))

The Committee deliberated (index of proceedings attached at **Annex A**).

2. The Administration took members through the additional Committee Stage amendments (CSAs) to be moved by the Secretary for Security as detailed in LC Paper No. CB(2) 2226/01-02(02).

3. The Administration agreed to state, when the Second Reading debate on the Bill was resumed, that

- It would be made a licensing condition for a body corporate or a partnership, as the case might be, to inform the licensing authority of any change of the authorized person within 14 working days from the date of change.
- Before a determination was made on the acceptance (or otherwise) of the new authorized person, the grantee/licensee might carry on the karaoke business without an authorized person and not be regarded as operating in contravention of the Bill.

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

- (a) to amend the new clause 7(4) proposed in the draft CSAs to the effect that the "substitute person" was also required to meet the requirements under clause 5(3)(a)(iii); and
- (b) to consider Mr Tommy CHEUNG's suggestion of amending the proposed clause 10(ia) to the effect that where a licence or permit was issued or granted to a body corporate or partnership in respect of a karaoke establishment (KE), the conviction of the authorized representative of the body corporate or partnership of an offence under this Ordinance or regulation made under clause 20 would not affect the KE in question unless the said offence had been committed by the authorized representative in respect of this KE.

On item (b), the Chairman said that he would accept the Administration stating this policy intent when the Second Reading debate on the Bill was resumed rather than stipulating it in the Bill.

5. The Committee agreed to move a CSA to amend clause 12 to the effect that a decision made under section 5, 6, 8, 9 or 10 would be suspended when it was appealed against, unless the licensing authority was of the opinion that suspending the operation of the decision would be contrary to the interests of fire safety, building safety or public safety. The draft CSA would be prepared by the Assistant Legal Adviser and circulated to members for consideration. The Committee agreed that they would have no objection should the

Administration decide to move the CSA.

6. The Chairman said that the Administration intended to resume the Second Reading debate on the Bill on 3 July 2002. Members agreed that the Bills Committee would make a report on the Bill to the House Committee on 21 June 2002. The Chairman said that the deadlines for giving notice of resumption of the Second Reading debate and notice of CSAs were 17 June and 22 June 2002 respectively.

7. There being no other business, the meeting ended at 6:05 pm.

Council Business Division 2
Legislative Council Secretariat
15 July 2002

Annex A

**Bills Committee on Karaoke Establishments Bill
Meeting on Monday, 10 June 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000133	Chairman	Additional draft Committee Stage amendments (CSAs) to be moved by the Administration	
000133 - 000301	Administration	The proposed clause 7(3) and (4)	
000301 - 000332	Chairman	Ditto	
000332 - 000355	Administration	Ditto	
000355 - 000436	Chairman	Ditto	
000436 - 000630	Administration	Ditto	
000630 - 000727	Chairman	Ditto	
000727 - 000803	Administration	Ditto	
000803 - 000852	Chairman	Ditto	
000852 - 001040	Administration, Chairman and Clerk	Ditto	
001040 - 001331	Administration	Ditto	
001331 - 001409	Mr Tommy CHEUNG Yu-yan	Ditto	
001409 - 001442	Administration	Ditto	
001442 - 001552	Administration, Mr Tommy CHEUNG Yu-yan and Chairman	Ditto	
001552 - 001704	Mr Tommy CHEUNG Yu-yan and Administration	Ditto	
001704 - 001906	Chairman	Ditto	Adm (Para. 3)
001906 - 001955	Administration	Inclusion of the requirements under clause 5(3)(a)(iii) under the new clause 7(4)	

001955 - 002029	Chairman	Ditto	
002029 - 002147	Administration	Ditto	
002147 - 002202	Chairman	Ditto	
002202 - 002301	ALA	Ditto	
002301 - 002328	Chairman and Administration	Ditto	Adm (Para. 4(a))
002328 - 002600	Administration	The proposed clause 10(ia)	
002600 - 002636	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
002636 - 002658	Administration and Chairman	Ditto	
002658 - 002742	Administration	Ditto	
002742 - 002839	Chairman and Administration	Ditto	
002839 - 002910	Administration	Ditto	
002910 - 002933	Chairman	Ditto	
002933 - 003028	ALA, Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
003028 - 003129	ALA	Ditto	
003129 - 003149	Mr Tommy CHEUNG Yu- yan	Ditto	
003149 - 003328	Chairman	Ditto	
003328 - 003408	Mr Tommy CHEUNG Yu- yan	Whether the authorized person could be prosecuted for offences in relation to permits or licences	
003408 - 003500	Chairman	Ditto	
003500 - 003629	Mr Tommy CHEUNG Yu- yan	Ditto	
003629 - 003729	Administration	Ditto	
003729 - 003756	Chairman	Ditto	
003756 - 003850	Administration	Ditto	

003850 - 003901	Chairman	Ditto	
003901 - 003910	Administration	Ditto	
003910 - 003956	Chairman	Ditto	
003956 - 004109	Mr Tommy CHEUNG Yu- yan	Ditto	
004109 - 004258	Chairman	Ditto	
004258 - 004345	Mr Tommy CHEUNG Yu- yan	Ditto	
004345 - 004414	Chairman	Ditto	
004414 - 004518	Administration	Ditto	
004518 - 004538	Chairman	Ditto	
004538 - 004608	Administration	Ditto	
004608 - 004633	Administration and Chairman	Ditto	
004633 - 004645	Chairman	Ditto	
004645 - 004847	Mr Tommy CHEUNG Yu- yan	Ditto	
004847 - 004943	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
004943 - 005016	Chairman	Ditto	
005016 - 005036	Administration	Ditto	
005036 - 005108	Mr Howard YOUNG	Ditto	
005108 - 005150	Chairman	Ditto	Adm (Para. 4(b))
005150 - 005322	Mr Tommy CHEUNG Yu- yan	Discussion on the view that it should be the body corporate, instead of the authorized person, that should be prosecuted in relation to offences committed under this Ordinance or regulation made under it	
005322 - 005424	Administration	Ditto	
005424 - 005441	Chairman	Ditto	

005441 - 005519	Administration	Ditto	
005519 - 005623	Chairman	Ditto	
005623 - 005726	Administration	Ditto	
005726 - 005735	Chairman	Ditto	
005735 - 005809	Administration	Ditto	
005809 - 005857	Mr Tommy CHEUNG Yu- yan	Ditto	
005857 - 005954	Administration	Ditto	
005954 - 010011	Chairman and Administration	Ditto	
010011 - 010040	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	
010040 - 010105	Administration	Ditto	
010105 - 010128	Chairman	Ditto	
010128 - 010149	Administration	Ditto	
010149 - 010219	Mr LAU Kong-wah	Ditto	
010219 - 010229	Chairman	Ditto	
010229 - 010330	Administration	Ditto	
010330 - 010609	ALA	Liability of the authorized person under the proposed clause 16(2)	
010609 - 010630	Mr Tommy CHEUNG Yu- yan	Ditto	
010630 - 010720	ALA	Ditto	
010720 - 010747	Chairman	Ditto	
010747 - 010808	Mr LAU Kong-wah	Ditto	
010808 - 010839	Chairman	Ditto	
010839 - 010852	Administration and Chairman	The proposed clause 13(4)	
010852 - 010919	Chairman	Ditto	

010919 - 010925	Administration	Ditto	
010925 - 011001	Administration and Chairman	Ditto	
011001 - 011032	Mr LAU Kong-wah, Chairman and Administration	Ditto	
011032 - 011047	Chairman	Ditto	
011047 - 011117	Administration	The proposed clause 15(5)	
011117 - 011151	Chairman and Administration	Ditto	
011151 - 011227	Chairman, Administration and Mr Tommy CHEUNG Yu-yan	The proposed clause 19	
011227 - 011235	Chairman	Ditto	
011235 - 011242	Administration	Ditto	
011242 - 011302	Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
011302 - 011350	Mr Tommy CHEUNG Yu- yan	Amendment to clause 12 proposed by Mr Tommy CHEUNG	
011350 - 011912	Administration	Ditto	
011912 - 012000	Mr Tommy CHEUNG Yu- yan	Ditto	
012000 - 012022	Chairman	Ditto	
012022 - 012239	Administration	Ditto	
012239 - 012310	Chairman	Ditto	
012310 - 012501	Administration	Ditto	
012501 - 012535	Mr Tommy CHEUNG Yu- yan	Ditto	
012535 - 012600	Chairman	Ditto	Adm (Para. 5)
012600 - 012625	Administration, Chairman and Mr Tommy CHEUNG Yu-yan	Ditto	
012625 - 012734	Chairman	Date of resumption of the Second Reading debate on the Bill and deadlines for giving notices of the resumption and CSAs	
012734 - 012749	Mr Tommy CHEUNG Yu- yan	Ditto	

012749 - 012813	Chairman	Ditto	
012813 - 012737	Mr Tommy CHEUNG Yu- yan and Chairman	Ditto	

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