

立法會
Legislative Council

LC Paper No. CB(2)720/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

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

**Minutes of eleventh meeting
held on Thursday, 29 November 2001 at 2:30 pm
in the Chamber of the Legislative Council Building**

Members Present : Hon James TO Kun-sun (Chairman)
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 Audrey EU Yuet-mee, SC, JP

Member Absent : Hon David CHU Yu-lin, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung

Public Officers Attending : Security Bureau

Mr S W HUI
Principal Assistant Secretary for Security

Mr Damian CHAN
Assistant Secretary for Security

Fire Services Department

Mr C C LEE
Chief Fire Officer/Fire Safety

Mr NG Bong-loy
Senior Divisional Officer/Commercial Buildings and
Premises

Buildings Department

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

Mr YIP So
Acting Chief Building Surveyor/Legal

Home Affairs Department

Mr TANG Hung-ki
Chief Officer (Licensing Authority)

Food and Environmental Hygiene Department

Ms Winnie SO
Assistant Director (Headquarters)

Mr WONG Siu-wing
Senior Superintendent (Licensing)

Hong Kong Police Force

Mr WONG Che-kwong, Roger
Superintendent (Licensing)

Mrs Grace LEUNG
Chief Inspector (Licensing)

Department of Justice

Mr J D SCOTT
Senior Assistant Law Draftsman

Ms Francoise 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. Confirmation of minutes of meetings

(LC Paper Nos. CB(2)511/01-02, CB(2)363/01-02, CB(2)429/01-02, CB(2)260/01-02 and CB(2)364/01-02)

The minutes of the meetings on 14 May, 18 May, 28 May, 9 October and 22 October 2001 were confirmed.

II. Meeting with the Administration

(LC Paper Nos. CB(2)1387/00-01(04)-(10), CB(2)1547/00-01(01), CB(2)108/01-02(01), CB(2)1624/00-01(01), CB(2)1895/00-01(03), CB(2)502/01-02(01), CB(2)502/01-02(02), CB(2)502/01-02(03) and CB(2)502/01-02(04)-(05))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Administration was requested to provide further information on the following to facilitate the work of the Committee -

Clauses 5 and 7

- (a) to set out in writing the administrative arrangement explained by the Administration at the meeting to allow continued operation of the licensed premises in the case of the death, disappearance or failure to function of the authorised person and whether this administrative arrangement should be spelled out in the Bill;
- (b) to clarify whether it was the policy intent that both the body corporate and the authorised person, or the authorised person alone, should satisfy the requirement of being "a fit and proper person to operate the karaoke establishment" under clause 5(3)(a)(i), and whether the existing provisions were adequate to such effect;
- (c) to advise whether a body corporate holding licences for different karaoke establishments was required to appoint different authorised persons for these licensed premises;

- (d) to clarify whether both the body corporate and the authorised person could be holder of more than one licence or permit, and if so, whether an express provision to that effect should be provided in the Bill;
- (e) to explain what would happen to a licence/permit if the licensee/grantee who was an individual person had died with or without a will;
- (f) to consider whether specific provision for case of death of the licensee/grantee should be included in the Bill, similar to section 54 of the Dutiable Commodities Ordinance (Cap. 109); and

Clause 19

- (g) to allay some members' concern that clause 19 might be too harsh, to provide information on the types of apparatus or commodity etc ordered by the court for forfeiture vis-à-vis the offences committed under different Ordinances.

4. ALA3 was also requested to study issues relating to paragraph 3(e) and (f) above.

III. Date of next meeting

5. Members agreed that the Clerk would liaise with the Administration on the date of the next meeting.
6. There being no other business, the meeting ended at 4:25 pm.

Legislative Council Secretariat
17 December 2001

**Proceedings of the meeting of the Bills Committee on
Karaoke Establishments Bill
on Thursday, 29 November 2001 at 2:30 pm
in the Chamber of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000420	Chairman	Confirmation of minutes of meetings; and Opening remarks	
000421-000942	Adm	Administration's response to the letter dated 18 October 2001 from the Karaoke Requirements Concern Group (Concern Group) (LC Paper No. CB(2)502/01-02(01))	
000943-001024	Chairman	- ditto -	
001025-001138	Adm	Statistics on complaints lodged to the Police in respect of vice-related activities in karaoke establishments (Item 1 of LC Paper No. CB(2)502/01-02(02))	
001139-001149	Chairman	- ditto -	
001150-001343	Adm	Requirement for a natural person to be a karaoke establishment licensee/grantee (Item 2 of LC Paper No. CB(2)502/01-02(02))	
001344-001420	Chairman	Requirement for personal supervision of the karaoke establishment or its operation (LC Paper Nos. CB(2)502/01-02(04) and (05))	
001421-001543	ALA3	- ditto -	
001544-001623	Mr Howard YOUNG	- ditto -	
001624-001718	Adm	- ditto -	
001719-001734	Mr Howard YOUNG	- ditto -	
001735-001739	Chairman	- ditto -	
001740-001816	Mr Howard YOUNG	- ditto -	
001817-001907	Adm	- ditto -	
001908-002001	Ms Audrey EU	Requirement for both the body corporate and the authorised person, or the authorised person alone to be fit and proper; and Continued operation of the licensed premises	
002002-002222	Adm	- ditto -	
002223-002301	Chairman/Adm	- ditto -	

002302-002321	Adm	- ditto -	
002322-002336	Chairman	- ditto -	√
002337-002447	Ms Audrey EU	- ditto - ; and Feasibility for the body corporate and the authorised person to be holder of more than one licence or permit	
002448-002456	Adm	- ditto -	
002457-002506	Chairman	- ditto -	
002507-002520	Adm	- ditto -	
002521-002845	Adm	- ditto - ; and Requirement for both the body corporate and the authorised person, or the authorised person alone to be fit and proper	
002846-002855	Chairman	Requirement for both the body corporate and the authorised person, or the authorised person alone to be fit and proper	
002856-002902	Adm	- ditto -	
002903-003007	Chairman	- ditto -	
003008-003106	Ms Audrey EU	- ditto -	
003107-003124	Adm	- ditto -	
003125-003154	Chairman	- ditto -	
003155-003243	Adm	- ditto -	
003244-003335	Chairman/ Adm	- ditto -	√
003336-003420	Ms Audrey EU	- ditto -	
003421-003442	Chairman	- ditto -	
003443-003600	Ms Audrey EU	- ditto -	
003601-003604	Chairman	- ditto -	
003605-003612	Ms Audrey EU/ Chairman	- ditto -	
003613-003743	Mr Tommy CHEUNG	Requirement for a natural person to be a licensee/grantee of a karaoke establishment	
003744-003805	Chairman	- ditto -	
003806-003826	Mr Tommy CHEUNG/ Chairman	- ditto -	
003827-003850	Mr Tommy CHEUNG	- ditto -	
003851-003857	Chairman	- ditto -	
003858-003935	Mr Tommy CHEUNG	- ditto -	
003936-004017	Chairman	- ditto -	

004018-004028	Mr Tommy CHEUNG	- ditto	
004029-004038	Chairman/Mr Tommy CHEUNG	- ditto -	
004039-004143	Mr Tommy CHEUNG	- ditto -	
004144-004207	Chairman	- ditto -	
004208-004229	Mr Tommy CHEUNG/ Chairman	- ditto -	
004230-004409	Mr Tommy CHEUNG	- ditto -	
004410-004507	Chairman	- ditto -	
004508-004529	Mr Tommy CHEUNG	- ditto -	
004530-004555	Adm	- ditto -	
004556-004602	Mr Tommy CHEUNG	- ditto -	
004603-004614	Chairman	- ditto -	
004615-004625	Mr Tommy CHEUNG/ Chairman	- ditto -	
004626-004636	Mr Tommy CHEUNG	Feasibility for the body corporate to be holder of more than one licence or permit	
004637-004647	Chairman	- ditto -	
004648-004654	Adm	- ditto -	
004655-004734	Chairman	Feasibility for the natural person to be holder of more than one licence or permit	
004735-004759	Adm	- ditto -	
004800-004826	Chairman	Need for appointing different authorised persons for different karaoke establishments managed by a body corporate	
004827-004840	Adm	- ditto -	√
004841-004857	Mr Tommy CHEUNG/ Chairman	Feasibility for both the body corporate and the authorised person to be holder of more than one licence or permit	
004858-004917	Mr Tommy CHEUNG	Status of the licence/permit if the licensee/grantee had died with or without a will	
004918-004925	Adm	- ditto -	
004926-004937	Chairman/ Mr Tommy CHEUNG/ Adm	- ditto -	
004938-004945	Chairman	- ditto -	
004946-004954	Adm	- ditto -	
004955-005114	Adm	- ditto -	
005115-005123	Mr Tommy CHEUNG	- ditto -	

005124-005139	Chairman	- ditto -	
005140-005149	Mr Tommy CHEUNG	- ditto -	
005150-005241	Adm	- ditto -	
005242-005244	Chairman	- ditto -	
005245-005437	Mr Tommy CHEUNG/ Chairman	Status of the licence/premit if the licensee/grantee had died with or without a will Feasibility for both the body corporate and the authorised person to be holder of more than one licence or permit	√
005438-005444	Chairman	- ditto -	
005445-005459	Mr Tommy CHEUNG/ Chairman	- ditto -	
005500-005515	Chairman	- ditto -	√
005516-005522	Adm	- ditto -	
005523-005555	Chairman	Status of the licence/permit if the licensee/grantee had died with or without a will	
005556-005601	Adm	- ditto -	
005602-005605	Chairman	- ditto -	
005606-005649	Adm	- ditto -	
005650-005710	Chairman	- ditto -	√
005711-005732	Mr Tommy CHEUNG	- ditto -	
005733-005746	Chairman	- ditto -	
005747-005759	Adm	- ditto -	
005800-005842	Chairman	- ditto -	
005843-005913	Adm	- ditto -	
005914-005950	Mr Andrew WONG	Requirement for both the body corporate and the authorised person, or the authorised person alone to be fit and proper	
005951-010006	Chairman	- ditto -	
010007-010039	Mr Andrew WONG	- ditto -	
010040-010051	Chairman	- ditto -	
010052-010133	Mr Andrew WONG	- ditto -	
010134-010150	Chairman/ Mr Andrew WONG	- ditto -	
010151-010206	Adm	- ditto -	
010207-010220	Mr Andrew WONG	The test of "fit and proper" under the Bill	
010221-010224	Chairman	- ditto -	
010225-010311	Adm	- ditto -	

010312-010330	Mr Andrew WONG	Requirement for both the body corporate and the authorised person, or the authorised person alone to be fit and proper	
010331-010335	Chairman	- ditto -	
010336-010345	Mr Andrew WONG	- ditto -	
010346-010358	Chairman	- ditto -	
010359-010426	Mr Andrew WONG	- ditto -	
010427-010432	Chairman	- ditto -	
010433-010437	Adm	- ditto -	
010438-010442	Mr Andrew WONG	- ditto -	
010443-010516	Adm	- ditto -	
010517-010549	Chairman	- ditto -	
010550-010648	Adm	Justifications for clause 5(3)(c) (Item 3 of LC Paper No. CB(2)502/01-02(02))	
010649-010656	Chairman	- ditto -	
010657-010900	Adm	Live load of 5kpa (Item 4 of LC Paper No. CB(2)502/01-02(02))	
010901-011040	Mr Tommy CHEUNG	- ditto -	
011041-011208	Adm	- ditto -	
011209-011214	Chairman/ Mr Tommy CHEUNG	- ditto -	
011215-011244	Mr Tommy CHEUNG	- ditto -	
011245-011305	Adm	- ditto -	
011306-011313	Mr Tommy CHEUNG/ Chairman	- ditto -	
011314-011321	Chairman	- ditto -	
011322-011332	Mr Tommy CHEUNG	- ditto -	
011333-011407	Chairman	- ditto -	
011408-011419	Mr Tommy CHEUNG	- ditto -	
011420-011447	Chairman	- ditto -	
011448-011557	Adm	- ditto -	
011558-011607	Chairman	- ditto -	
011608-011626	Adm	- ditto -	
011627-011645	Chairman/Adm	- ditto -	
011646-011840	Adm	Forfeiture of apparatus and equipment (clause 19) (Item 6 of LC Paper No. CB(2)502/01-02(02))	
011841-011855	Chairman	- ditto -	
011856-011918	Adm	- ditto -	
011919-012015	Mr Tommy CHEUNG	- ditto -	

012016-012025	Chairman	- ditto -	
012026-012028	Mr Tommy CHEUNG	- ditto -	
012029-012141	Chairman	- ditto -	
012142-012259	Mr Tommy CHEUNG/ Chairman	- ditto -	
012300-012310	Adm	- ditto -	
012311-012429	Chairman	- ditto -	
012430-012508	Adm	- ditto -	
012509-012518	Chairman	- ditto -	
012519-012522	Adm	- ditto -	
012523-012525	Chairman	- ditto -	
012526-012540	Mr Tommy CHEUNG	- ditto -	
012541-012607	Mr Tommy CHEUNG/ Chairman	- ditto -	
012608-012744	Chairman	- ditto -	
012745-012755	Adm/ Chairman	- ditto -	√
012756-012812	Chairman	- ditto -	
012813-012908	Mr Tommy CHEUNG	- ditto -	
012909-012928	Chairman	- ditto -	
012929-012939	Adm	- ditto -	
012940-013115	Chairman	- ditto -	
013116-013938	Adm	Administration's response to requests made by the Concern Group and alternative options for building safety provisions in existing karaoke establishments (LC Paper No. CB(2)502/01-02(03))	
013939-014119	Mr Tommy CHEUNG	- ditto -	
014120-014152	Chairman	- ditto -	
014153-014206	Mr Tommy CHEUNG	- ditto -	
014207-014230	Chairman	- ditto -	
014231-014249	Ms Audrey EU	- ditto -	
014250-014301	Chairman	- ditto -	
014302-014409	Ms Audrey EU	- ditto -	
014410-014414	Chairman	- ditto -	
014415-014422	Ms Audrey EU	- ditto -	
014423-014438	Chairman	- ditto -	
014439-014441	Ms Audrey EU	- ditto -	
014442-014451	Chairman	- ditto -	

014452-014606	Adm	- ditto -	
014607-014633	Chairman	- ditto -	
014634-014808	Adm	- ditto -	
014809-014823	Chairman	Dates of the next meeting	
014824-014835	Adm/Chairman	- ditto -	

Note : The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
17 December 2001