

**Information requested by the Bills Committee
at its meeting held on 26 March 2001 regarding
the Karaoke Establishments Bill**

The information requested by the Bills Committee is set out in the following paragraphs –

- 1. To provide the relevant records of meetings held by the then Urban Council and Regional Council with the Karaoke Requirements Concern Group (the Concern Group) for reference of the Bills Committee;***

The Public Health Select Committee (PHSC) of the former Provisional Urban Council discussed the proposal for the control of karaoke establishments at its meetings on 2 December 1998 and 6 January 1999 (minutes of meetings at Appendices 1-A and 1-B respectively). The Environmental Hygiene Select Committee (EHSC) of the former Provisional Regional Council also discussed the proposal at its meetings on 3 December 1998 and 1 April 1999 (minutes of meeting at Appendices 2-A and 2-B respectively). At the respective meeting on 6 January 1999 and 1 April 1999, the PHSC and the EHSC passed a motion to exempt existing karaoke establishments from four building safety requirements. However, both PHSC and EHSC had not requested that existing karaoke establishments be exempted from the proposed licensing system altogether.

- 2. To explain the basis for the requirement that karaoke establishments have to withstand a live load of 5 Kpa, and the circumstances under which this requirement may be waived under clause 20(3) of the Bill;***

- (a) For reason of structural safety, the Building (Construction) Regulations (BCR) require that the structure of every building shall be capable of safely sustaining the dead loads, imposed loads and wind loads determined in accordance with the provisions set out in the BCR. Regulation 17 of the BCR prescribes the minimum imposed loads for various usages of floors of a building. Table 1 of the BCR specifies, inter alia, that restaurants, night-clubs, dining rooms subject to crowd loading, canteens and fast food shop shall have a minimum imposed load of 5 kPa.

- (b) We are of the view that karaoke establishments are comparable to the premises quoted in the preceding paragraph. Hence we consider the floors for karaoke establishments should be designed with a minimum imposed load of 5 kPa.
- (c) For **proposed** karaoke establishments in existing premises which were designed with an imposed load less than 5kPa, we require structural justifications to substantiate the suitability of the premises for such proposed use. Each case will be considered on its own merits. The factors to be considered include, inter alia, the layout and design of the premises and the cubicles, the disposition of furniture and equipment as well as the anticipated population in various parts of the premises.
- (d) For **existing** licensed premises with a designed imposed load less than 5kPa, they will be accepted as suitable for use as karaoke establishments from the perspective of structural suitability provided that the layout and the design of the premises remain the same as licensed. Otherwise, structural justifications as mentioned in the preceding paragraph are required.
- (e) Generally speaking, under the current policy, where premises have been accepted as structurally suitable for the use as karaoke establishments, such premises will be accepted, in terms of structural suitability, in respect of future applications for karaoke establishments. Where the designed imposed load of the accepted premises is less than 5kPa, the structural suitability of such premises is conditional upon the layout and design of the premises to remain the same as that accepted before. Any change in the layout and design shall need further structural justifications.

3. *To respond to the request of the Concern Group that the “period of 12 months” which appears twice in clause 3(3)(b) be revised to “period of 18 months”;*

We understand that the Concern Group wishes to have a longer period of time for the widening and upgrading of the internal corridors of existing karaoke establishments. We believe that the pragmatic approach reflected in the phased implementation of the building safety requirements would meet the expectation of the Concern Group. We do not see strong justifications for revising clause 3(3)(b) of the Bill as proposed by the Concern Group.

4. To respond to the suggestion of a deputation that “karaoke establishment” should be designated as a new type of property use for town planning purpose, and advise whether in considering an application for operating karaoke establishment, reference would be made to the use of zones and districts specified in the Outline Zoning Plans;

(a) We consider that there is no need to designate karaoke establishments as a separate land use. The established practice is to treat karaoke establishments as a type of ‘Place of Public Entertainment’ (‘PPE’) use which means any place, land, building or part of a building, or structure intended to be used for a place of public entertainment, with or without payment for admission. It includes cinema, mahjong establishments, public billiard saloon, public bowling alley, etc. For other karaoke establishments attached and ancillary to private club, restaurant or hotel, the predominant use would be taken into account for planning and development control purpose.

(b) In areas covered by statutory town plans prepared by the Town Planning Board (the Board), the provision of stand-alone karaoke establishment would need to observe the provisions for ‘PPE’ on such plans. In most circumstances, ‘PPE’ is a use always permitted within ‘Commercial’ and ‘Commercial/Residential’ zones and the lowest three floors of ‘Residential (Group A)’ zone. For other zones, ‘PPE’ would either be a use requiring permission from the Board or not permitted under the provision of the statutory plan.

(c) The licensing authority will advise licence/permit applicants, in its guide to application for a licence/permit, to check, among other things, the relevant statutory town plan and the notes attached thereto. The licensing authority will also consult the Planning Department on the use of zones and districts specified in the Outline Zoning Plans if necessary.

5. To advise whether the definition of “karaoke establishment” in the Bill would catch premises such as recording studios, rehearsal halls, production houses for movies and records etc which are rentable for public use and have the characteristics of karaoke establishment, and if

not, whether this will create a possible loophole in the regulatory control of karaoke establishments; and

The way that karaoke premises are partitioned into small cubicles with access through long and narrow passage together with the fact that patrons' judgment and awareness of safety may be affected by consumption of liquor pose particular hazard in these premises in the event of an outbreak of fire. Because of these special characteristics and mode of operation, karaoke establishments should be subject to more stringent safety control.

The same does not apply to recording studios, rehearsal halls, production houses for movies and records. The premises used for these purposes are generally different from the premises used for karaoke activities in terms of design, layout and mode of operation/management. The premises concerned are not karaoke establishments and the activities described are not karaoke activities and, in particular, are not karaoke activities that are conducted by way of trade or business. They are therefore outside the scope of the Bill.

We do not believe that this will create a loophole in the regulatory control of karaoke establishments, because whether a place is subject to the relevant licensing control depends on the fact as to whether it is opened, kept or used for the purpose of karaoke by way of trade or business, not what the proprietors might choose to call it.

6. To provide the Report on the "Regulatory Impact Assessment" for reference of the Bills Committee.

A copy of the Final Report and the Executive Summary on Regulatory Impact Assessment on the Licensing Control of Karaoke Establishments has been sent for reference of the Bills Committee on 29 March 2001.

Security Bureau
April 2001

L:\B-DIV\DRAFTS\ASB2\KE2000\BILLSCOM\RE3-26.DOC