

**Administration's response to the submission from
the Karaoke Requirements Concern Group on
the Karaoke Establishments Bill**

1&2. Control on karaoke establishments

The licensing scheme outlined in the Bill is a regulatory scheme commonly adopted by the Administration in the regulation of activities which provide a service to the public or a section of the public, particularly those which involve the use of premises. Similar provisions apply to regulatory schemes in the case of amusement game centres, massage establishments, hotels and guesthouses, club premises and residential care homes. All have the common goal and mission of protecting the health, safety and welfare of the public.

In relation to offences and penalties, these do not target the karaoke activities, but rather the very serious offences of operating a karaoke establishment without a permit or a licence; breach of the conditions of a permit or a licence; and obstruction of the licensing authority in the exercise of his powers. There is no comparison between the far higher level of penalties that may be imposed under the Dangerous Drugs Ordinance and the Gambling Ordinance and those proposed to be imposed under the Bill. The maximum penalties that are proposed to be imposed under the Regulation, which will provide for the fire safety and building safety requirements, will be by way of fine at Level 3 (\$5,001 to \$10,000).

3. The consultants' regulatory impact assessment

- (a) According to the consultants, the seminar was designed to assist the trade in completing the questionnaire through the exchange of information. The project was not to undertake a public consultation exercise but a regulatory impact assessment.
- (b) The consultants sent out over 100 copies of the questionnaire as well as contacted trade groups such as the Karaoke Requirements Concern Group.

- (c) The consultants did not request a reply to the questionnaire within a week. The consultants had offered to hold a seminar to “discuss the issues” within a week. This was intended to assist the trade in completing the questionnaire.

The consultants provided three possible dates for the seminar as they understood that it might be difficult for all interested parties to attend on a single day at such short notice. According to the consultants, they had held further discussion with the trade on 7 November 2000.

- (d) The consultants had listed out specific fire and building safety requirements in the questionnaire.
- (e) The consultants subcontracted City University of Hong Kong to undertake their own case studies to confirm the figures provided by the Buildings Department. Table 5.1 comparing the two results suggested that in fact the Buildings Department figures were probably an overestimate of the costs to the trade.
- (f) An independent search of available public information was carried out, as well as consulting the Fire Services Department for data on fire incidents. Information from the Fire Services Department indicated that in respect of 68 major fires in restaurants and commercial premises, there have been 87 fatalities in the 10 years considered.

4. Statistics on fatalities

According to the consultants, the problem with statistical analysis of fatalities conducted in the study is that it seeks to predict events that may not have happened. For example, if the analysis was done in 1996, and derived some number of fatalities, then it could be criticized as there were no fire fatalities until 1997.

As stated in the report, ‘The reason for the large change in risk between the Base Case and Post Legislation Case is the impact of a well maintained sprinkler system. This was graphically illustrated in the Top One incident where of 50 sprinklers, only 8 discharged, and even these were ineffectual’.

The number of fatalities resulting from a fire is not primarily driven by how that fire is started (e.g. arson or accidental) but is influenced by the fire and building safety measures in place at the premises. The survey data of Fire Services Department showed that many karaoke establishments do not have adequate fire and building safety measures, which suggests that if a fire occurred at a karaoke establishment (either through an arson attack or indeed an accident), the potential for fatalities remains high. The regulatory impact assessment showed that with phased implementation of the proposed regulatory requirements this risk could be significantly reduced without placing an undue burden on the trade as a whole.

5. 36-month toleration

We would like to elaborate on the implementation of the following proposed building safety requirements for **existing** karaoke establishments.

(a) Widening of corridor to minimum width of 1.2m

This may be deferred until such time when an establishment undertakes major alteration works on the condition that all other building and fire safety requirements are complied with and that the width of the corridor is not less than 1.05m.

To avoid doubt, upgrading of the corridor walls to meet the required one-hour fire resistance period is not regarded as major alteration works unless the layout of the establishment is also substantially changed at the same time.

(b) Exit from entertainment room

A dead-end situation will be permitted in circumstances where alteration to compliance is impracticable due to original building design constraints, if additional fire safety measures* are in place.

* These include: (a) the karaoke establishment being protected by an automatic sprinkler system; and (b) the provision of a portable fire extinguisher and additional manual fire alarm in each entertainment room opening off the dead-end corridor.

We will consider the special circumstances of each individual case in determining if the dead-end created in a particular situation is due to building design. Examples of unavoidable dead-ends due to building designs are provided at Appendix A and an example of avoidable dead-ends is illustrated at Appendix B.

For the elimination of dead-ends not created by building design, we would accept the provision of access panel giving access to another corridor as an alternative for existing karaoke establishments. Such alteration works may affect only a portion of the premises and could be minor in nature.

(c) Corridors walled by one-hour fire resistance partitions

Upgrading of fire resistance corridor walls may be carried out in phases. For karaoke establishments installed with sprinklers, the upgrading works could be carried out within 36 months counting from the date on which the Ordinance comes into operation. For establishments without sprinklers, the upgrading works could be carried out within 18 months from date of operation of the Ordinance. In both situations, the existing karaoke establishments should be provided with audible and visual alarm signals in every room and at suitable location of corridor.

6. Live load of 5 kPa

The Concern Group has rightly pointed out that premises with a design imposed load less than 5kPa can sometimes be licensed for operation as restaurants or clubs. The reason is that the relevant applicants have adopted special procedures to justify that the premises are suitable in terms of loading. Similar procedures will also be available to karaoke establishment licence/permit applications. Please refer to paragraph 2 of “Information requested by the Bills Committee at its meeting held on 26 March 2001 regarding the Karaoke Establishments Bill”.

7. Suitable area

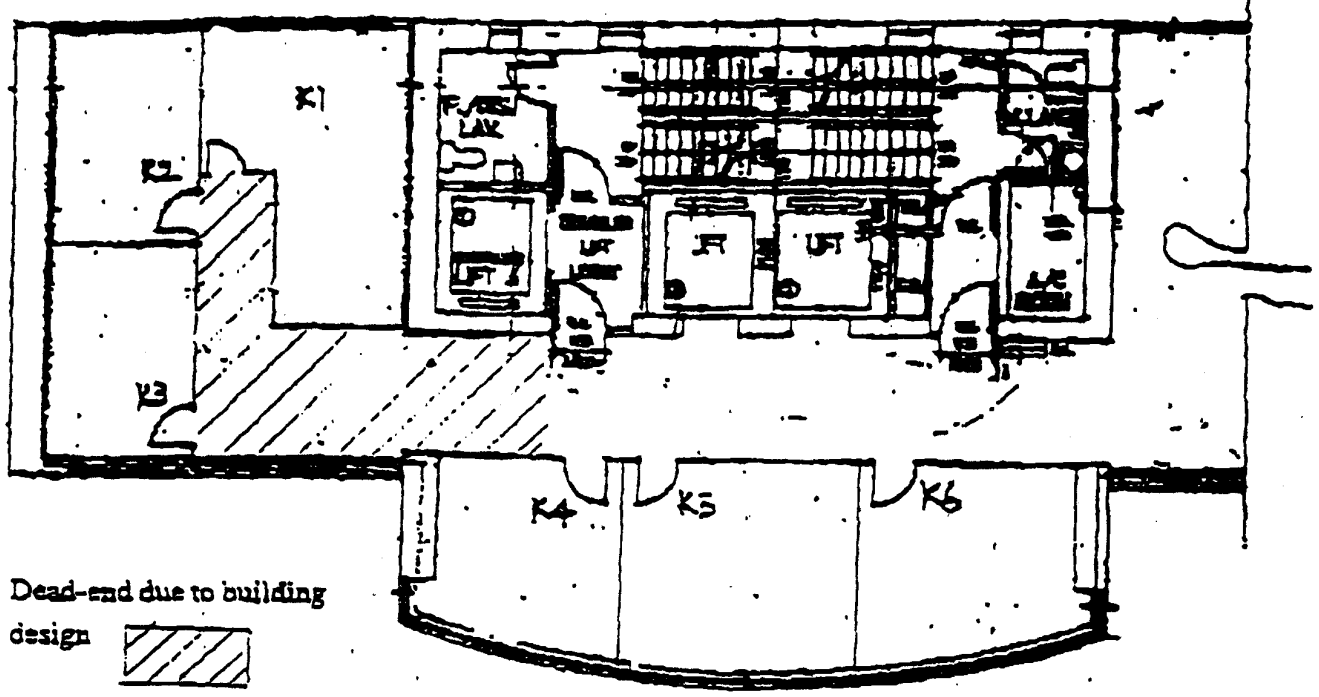
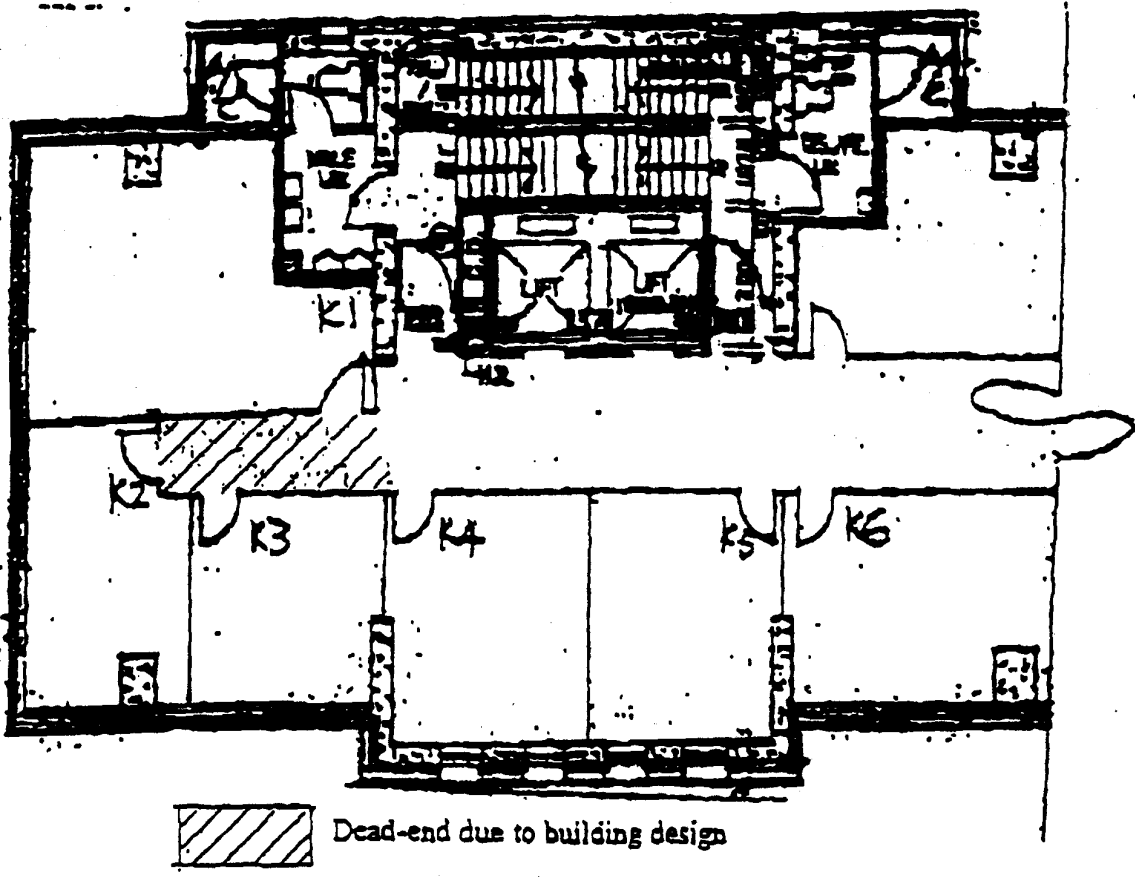
Please refer to item 3 of the “Information requested by the Bills Committee at its meeting held on 1 March 2001 regarding the Karaoke Establishments Bill”.

8. Decision of former Urban Council and Regional Council

It is the community consensus that for the sake of public safety, licensing control of karaoke establishments is a necessary means to upgrade fire safety in karaoke establishments. We note the Public Health Select Committee of the former Provisional Urban Council and the Environmental Hygiene Select Committee of the former Provisional Regional Council had respectively passed a motion to exempt existing karaoke establishments from four building safety requirements. These motions are not statutorily binding in nature. In view of the unique features and mode of operation of karaoke establishments, we remain of the view that all karaoke establishments should comply with the fire safety and building safety requirements specifically applicable to karaoke establishments.

Please also refer to item 5 of the “Information requested by the Bills Committee at its meeting held on 1 March 2001 regarding the Karaoke Establishments Bill”.

Security Bureau
May 2001



 Unacceptable
Deal-end

