

Bills Committee on Karaoke Establishments Bill

**A checklist of major issues raised by the Bills Committee
and the Administration's responses
(as at 5 March 2002)**

Major issues

**Administration's responses
(LC Paper No.)**

**I. Definition of "karaoke establishments"
(KE)**

(1) Premises caught by the Bill

(a) recording studios etc

Item 5 of CB(2)1408/00-01(02)
and item 1 of CB(2)2382/00-01(01)

(Administration is of the view that recording studios would not be caught by the definition)

(b) premises holding rave parties

Item 6 of CB(2)1408/00-01(03)

(c) food establishments such as "私房菜")

) Item 3 of CB(2)1169/01-02(01)

(d) staff mess, offices of mutual aid)
committee etc.)

(2) Addition of "with a view to gain or profit" in the definition

Item 4 of CB(2)1169/01-02(01)

(3) Ordinances where the expression "by way of trade or business" is adopted

Item 5 of CB(2)1169/01-02(01)

II. Fire safety and building safety requirements

(1) Fire safety and building safety requirements

CB(2)1153/00-01(02) - Annexes B1 and B2

(2) Requirement of 5 kpa

Item 2 of CB(2)1408/00-01(02)
and item 4 of CB(2)502/01-02(02)

(3) A comparison between Hong Kong and UK, Singapore, Japan and Taiwan and additional information provided by the Administration

Item 1 of CB(2)1895/00-01(02)
and CB(2)832/01-02(03)

Item 1 of CB(2)1247/01-02(01)

- (4) Width of corridor of existing KE and dead-end corridor CB(2)502/01-02(03)
(Administration's latest response to requests made by the Concern Group)

III. Licensing procedures

- (1) Procedures for application of KE licence or permit CB(2)1153/00-01(02) - Annexes A1 and A2

- (2) Provisional limits for KE in clubs/hotels/guesthouses Item 2 of CB(2)1408/00-01(03)
(Administration has agreed to issue provisional limits to KE in certified clubs/licensed hotels or guesthouses, same as licensed restaurants)

- (3) Time for completing the licensing process Item 5 of CB(2)1408/00-01(03)

- (4) Shortening of time for processing an application for KE permit for a restaurant Item 1 of CB(2)747/01-02(01) and item 1 of CB(2)894/01-02(01)

(Administration has agreed that the processing time from receipt of an application to issue of the Letter of Requirement for a KE permit application for a new/existing restaurant can be shortened from 44 days to 39 days)

IV. Clause 3

- (1) Grace period of 12 months under clause 3(3)(b) Item 3 of CB(2)1408/00-01(02)

- (2) Types of premises exempted under clause 3(1)(a) - (c) Item 2 of CB(2)2382/00-01(02)

- (3) Premises exempted from applying for a liquor licence Item 3 of CB(2)2382/00-01(01)

- (4) Certified clubs -

- (a) criteria for exemption from applying for a KE permit - proposed amendment Item 3 of CB(2)747/01-02(01) and CB(2)832/01-02(01)

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| (b) | list of certified clubs reported to have karaoke activities | CB(2)832/01-02(02) |
| (c) | letter to certified clubs on the Administration's proposal in (a) above, reply from CRC and Administration's response | CB(2)1044/01-02(02) - (03) and CB(2)1154/01-02(01) |
| (5) | Factors to be considered in granting an exemption order under clause 3(1)(e) - proposed amendment | Item 3 of CB(2)894/01-02(01) |
| (6) | Licence requirement for establishments selling food and liquor in premises managed by Government | Item 2 of CB(2)1044/01-02(04) |
| (7) | Administration's revised proposal to narrow the applicability of scope of the Bill | Items 1 and 6 of CB(2)1169/01-02(01) |

(Administration has proposed a new clause 3(1))

V. Clauses 4(1) and 16(5)

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| (1) | Level of penalty | Item 7 of CB(2)1153/00-01(02) |
| (2) | Penalty imposed on similar offences under other Ordinances | Item 4 of CB(2)1044/00-01(04) |

(Administration has proposed to impose a penalty of a fine at Level 6 (instead of Level 5) and imprisonment of one year (instead of 6 months) for second or subsequent convictions, and to increase the daily fine from \$1,000 to \$2,000.)

VI. Clause 5

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| (1) | Meaning of "suitable place" and "suitable area" under clause 5(3)(b) | Item 3 of CB(2)1153/00-01(02) |
| (2) | Meaning of "public interest" under clause 5(3)(c) | Item 4 of CB(2)1153/00-01(02) |
| (3) | Policy intent for an individual person being the licensee | Item 1 of CB(2)1408/00-01(02) |

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| (4) | Public consultation under clause 5(6) | Item 3 of CB(2)1408/00-01(03) and items 4 - 5 of CB(2)2382/00-01(01) |
| (5) | Whether personal supervision of KE by a licensee is required | CB(2)502/01-02(04) - (05)

<i>(Administration has advised that to require personal supervision of the licensee would be ultra vires the enabling Ordinance)</i> |
| (6) | Body corporate, not the authorised person, would be the licensee | Item 2 of CB(2)502/01-02(02) |
| (7) | Similar provisions on "public interest" in other licensing regimes | Item 3 of CB(2)502/01-02(02) |
| (8) | Arrangements for continued operation of KE in case of death, disappearance or failure of function of authorised person | Item 1 of CB(2)747/01-02(03) |
| (9) | Who should satisfy the requirement for being "a fit and proper person" | Item 2 of CB(2)747/01-02(03) |
| (10) | Number of licences held by "body corporate" and "authorised person" | Items 3 and 4 of CB(2)747/01-02(03) |
| (11) | (a) whether other licensing regimes would take into account "the views of persons residing or working in the vicinity"

(b) objective criteria in considering objections under clause 5(3)(b). | Item 1 of CB(2)747/01-02(02)

<i>(Administration has proposed to delete clause 5(6))</i> |
| (12) | System for declaration of the background of the owner of KEs | Item 2 of CB(2)894/01-02(01) |
| (13) | Refusal of an application on ground of gravely undesirable background of an applicant | Item 1 of CB(2)1044/01-02(04) |
| (14) | Draft common conditions for KE licences or permits | Items 8 and 10 of CB(2)1169/01-02(01) |

VII. Clause 8

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| (1) | Time taken to advise decision on an application for renewal of licence | Item 2 of CB(2)747/01-02(02) |
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VIII. Clauses 13 and 19

- (1) Scope of powers - with reference to other legislation
- (On clause 13 - Hotel and Guesthouse Accommodation Ordinance, Clubs (Safety of Premises) Ordinance, Residential Care Houses (Elderly Persons) Ordinance.) Item 6 of CB(2)1153/00-01(02)
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(On clause 19 - Dangerous Drugs Ordinance, Gambling Ordinance and Amusement Games Centres Ordinance)
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- On clause 19 - Public Health and Municipal Services Ordinance and Control of Obscene and Indecent Articles Ordinance) Item 6 of CB(2)502/01-02(02)
- (2) Types of apparatus forfeited under other Ordinances (liquor licensed premises and unlicensed food premises) Item 7 of CB(2)747/01-02(03)
- (3) Need for powers under clauses 13 and 19 CB(2)973/01-02(01)
- (Administration has proposed to move an amendment to the effect that the existing clause 13(1)(iii) will be exercised only under warrant)*

IX. Other issues

- (1) Draft Regulations Annex C to CB(2)1153/00-01(02)
- (2) Cost estimate for alteration in a KE room Item 1 of CB(2)1153/00-01(02)
- (3) Statistics on reported crimes/offences occurring in karaoke CB(2)2395/00-01(01) and item 1 of CB(2)502/01-02(02)