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13 November 2001

Ms Connie Fung
Assistant Legal Advisor
Legislative Council Secretariat
Legal Service Division

Dear Ms Fung,

Karaoke Establishments Bill

Thank you for your letter of 22 October 2001.

Dealing with matters raised in your letter-

Point (a)

Regulation 17(1) of the Dutiable Commodities (Liquor) Regulations provides that the Liquor Licensing Board may grant a liquor licence without conditions or subject to such conditions as it thinks fit.

In practice, it is imposed as one of the licensing conditions for liquor licence that the licensee shall personally supervise the premises. There is also additional licensing condition stipulating the hours of duty of the licensee for individual cases.

Point (b)

For the proposed KE Bill, it would not be open to the licensing authority to impose a condition of the description mentioned. This is so by reason of the statutory constraints imposed on the licensing authority under clause 5(3)(a)(ii)-

“...(ii) will adequately supervise or will ensure the adequate supervision of the operation of the karaoke establishment;”

A condition requiring personal supervision and, only personal supervision of the licensee, would be ultra vires the enabling Ordinance.

Yours sincerely,

(S W HUI)
for Secretary for Security