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**Paper for the House Committee Meeting
of the Legislative Council
on 9 February 2001**

**Legal Service Division Report on
Karaoke Establishments Bill**

Object(s) of the Bill

To establish a statutory licensing scheme for the regulatory control of karaoke establishments to improve fire safety of those establishments.

LegCo Brief Reference

2. SBCR 2/1866/97 Pt.20 dated 10 January 2001 issued by the Security Bureau.

Date of First Reading

3. 7 February 2001.

Background

4. Following a major fire at the Top One Karaoke in January 1997, a Government Inter-departmental Working group was set up to coordinate efforts to better control karaoke establishments. The Working Group recommended that the most efficient way to institute the necessary fire safety, building and public safety requirements on karaoke establishments is to introduce a statutory licensing system.

5. At present, there is no specific control of karaoke establishments other than some general requirements applicable to the premises in which they are located. Karaoke business located in restaurants or attached to clubs or hotels is indirectly subject to some form of control under the legislation regulating food business, clubs and hotels or guesthouses. Karaoke establishments which do not operate in restaurants, hotels or clubs can still conduct business with a business registration certificate.

Comments

6. The Bill seeks to implement the recommendation of the Working Group. The proposed regulatory regime provided in this Bill is similar to that provided in the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) and the Clubs (Safety of Premises) Ordinance (Cap. 376). The Bill was first introduced into the previous Legislative Council on 15 March 2000. A Bills Committee was formed to scrutinize the Bill. However, due to other legislative priorities, the Bill had not been considered by the previous Legislative Council and it lapsed at the end of the 1999/2000 legislative session.

7. A "karaoke establishment" is defined in clause 2 of the Bill to mean any place opened, kept or used for the purpose of karaoke by way of trade or business, whether or not the trade or business is carried on exclusively or in association or connection with any other trade or business activity and whether or not the place is a place to which the public have or are permitted to have access.

8. Under the proposed licensing scheme, the licensing authority may grant a permit to karaoke establishments located in premises in respect of which a licence or certificate of compliance has been issued under other legislation. Examples of such premises are restaurants, hotels or guesthouses and clubhouses. For karaoke establishments located elsewhere, the operators concerned are required to apply for a licence from the relevant licensing authority. The Director of Food and Environmental Hygiene will act as the licensing authority for karaokes in restaurants. For karaokes located in premises other than restaurants, the licensing authority will be the Secretary for Home Affairs.

9. The Bill proposes that permits or licences will be granted only if the licensing authority is satisfied that the karaoke establishments concerned meet certain requirements relating to health, fire safety and building safety and such requirements will be prescribed in regulations made by the Chief Executive in Council. An outline of the proposed requirements is at Annex B of the LegCo Brief. For existing karaoke establishments, the Bill proposes a grace period of 12 months to allow them time to comply with the prescribed requirements.

10. Under the Bill, a person who operates, keeps, manages or otherwise has control of a karaoke establishment without a licence or permit commits an offence. The maximum penalty for the offence is a fine at level 5 (\$50,000) and imprisonment for 6 months and in the case of a continuing offence a further daily fine of \$1,000 may be imposed for each day during which the offence continues. A person to whom a permit or a licence has been granted or issued commits an offence if he operates or manages the karaoke establishment concerned in contravention of any condition of the permit or the licence and is liable to the same level of penalty as operating or managing a karaoke establishment without a licence or permit.

11. Other provisions of the Bill deal with the following matters -
- (a) exemption of certain karaoke establishments from the provisions of the Bill;
 - (b) power of authorized public officers and police officers to inspect karaoke establishments and obtain information in respect of such establishments;
 - (c) power of the licensing authority to give directions in respect of any karaoke establishment to ensure compliance with the provisions of the Bill;
 - (d) application to the District Court for a closure order for non-compliance with directions given by the licensing authority;
 - (e) renewal, revocation and suspension of permits or licences; and
 - (f) appeal against decisions of the licensing authority to the Administrative Appeals Board.
12. If enacted, the Bill will come into operation on a day to be appointed by the Secretary for Security by notice in the Gazette.

Public Consultation

13. A three-month public consultation on the proposed licensing scheme was conducted from February to May 1998. The karaoke trade and the general public were generally supportive of the objective to improve fire and public safety of karaoke establishments. However, the trade raised concerns over the financial implications in compliance with the fire safety construction requirements.

14. The Provisional Urban Council and Provisional Regional Council were consulted in late 1998 and early 1999. The two Municipal Councils were generally supportive of the proposal but noted the concerns expressed by the karaoke trade.

Consultation with the LegCo Panel

15. The LegCo Panel on Security of the last term was consulted on the Bill in January 1999. Members of the Panel generally supported the objective to improve the safety of karaoke establishments. However, some members were concerned about the impact of the licensing scheme on the karaoke trade and the extent of the licensing requirements.

Conclusion

16. We are seeking clarification from the Administration on the legal and drafting aspects of the Bill. In view of the public importance of the Bill and the concerns expressed by members of the Panel on Security, it is recommended that a Bills Committee be formed to study the Bill in detail.

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