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HONG KONG SPECIAL ADMINISTRATIVE REGION**ORDINANCE NO. 22 OF 2002**L.S.

TUNG Chee-hwa
Chief Executive
11 July 2002

An Ordinance to regulate karaoke establishments.

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Enacted by the Legislative Council.

PART I**PRELIMINARY****1. Short title and commencement**

(1) This Ordinance may be cited as the Karaoke Establishments Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—
“grantee” (持證人) means a person to whom a permit has been granted or transferred or whose permit has been renewed;

“karaoke” (卡拉OK) means an activity in which a person, by himself or together with one or more than one other person, chants, intones, sings or vocalizes in association with or in company with any music or other sound, or any visual image or other information where—

- (a) the music or other sound or the visual image or other information is produced, distributed or conveyed by means of a film, laser disc, video tape or any other audio visual device;
- (b) the visual image or other information is displayed or exhibited on a screen or any surface; and

- (c) the chant, intonation, song or vocalization is blended or mixed with the music or other sound or the visual image or other information by means of an amplifier, microphone, speaker or any other amplifying device;

“karaoke establishment” (卡拉OK場所) means, subject to section 3, 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;

“licence” (牌照) means a licence issued under section 5(2)(c) or renewed under section 8(1) to operate a karaoke establishment or a provisional licence;

“licensee” (持牌人) means a person to whom a licence has been issued or transferred or whose licence has been renewed;

“licensing authority” (發牌當局) means—

- (a) in the case of a karaoke establishment—

(i) in premises in respect of which a licence has been issued under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349); or

(ii) in premises in respect of which a certificate of compliance has been issued under the Clubs (Safety of Premises) Ordinance (Cap. 376),

and is for the time being in force, the Secretary for Home Affairs;

- (b) in the case of a karaoke establishment in premises in respect of which a licence for the operation of a restaurant has been granted under the Public Health and Municipal Services Ordinance (Cap. 132) and is for the time being in force, the Director of Food and Environmental Hygiene;

- (c) in the case of a karaoke establishment in premises, other than of the description mentioned in paragraph (a) or (b), in respect of which a business registration certificate has been issued under the Business Registration Ordinance (Cap. 310) and is for the time being in force, the Secretary for Home Affairs;

“permit” (許可證) means a permit granted under section 5(2)(a) or renewed under section 8(1) to operate a karaoke establishment or a provisional permit;

“provisional licence” (臨時牌照) means a provisional licence granted or renewed under section 9 to operate a karaoke establishment;

“provisional permit” (臨時許可證) means a provisional permit granted or renewed under section 9 to operate a karaoke establishment.

(2) For the purposes of this Ordinance and the definition “licensing authority”, the licensing authority may authorize in writing any public officer to perform or exercise on behalf of the licensing authority all or any of the functions which are imposed or conferred on the licensing authority by this Ordinance.

3. Application, exemption and transitional

(1) This Ordinance shall not apply to any karaoke establishment—

- (a) in premises where the karaoke activity is carried on in not more than 3 rooms with an aggregate floor area of not more than 30 square metres;
- (b) in concert halls, theatres, auditoria and community halls in respect of which a licence has been granted and is for the time being in force under section 4 of the Places of Public Entertainment Ordinance (Cap. 172) or which are the subject of an order made under section 3A of that Ordinance that is for the time being in force; or
- (c) exempted by an order of the licensing authority under subsection (2) that is for the time being in force.

(2) Where, for reasons connected with the situation, means of ingress or egress, design (including the percentage of the area allocated for the karaoke activity), construction or size of, or the equipment, installations or facilities in, any karaoke establishment, the licensing authority is satisfied that the safety of persons using the karaoke establishment will not be adversely affected, he may by order in writing exempt the karaoke establishment from the application of this Ordinance.

(3) An order under subsection (2) may—

- (a) be made by reference to the type or description of a karaoke establishment;
- (b) be made by reference to or in respect of any person;
- (c) be made subject to such conditions;
- (d) be made subject to such geographical limitations;
- (e) have effect for such period; or
- (f) have such general, particular or partial application,

as may be indicated in the order and, if made by reference to or in respect of any person, shall be served on the person by reference to or in respect of whom it is made.

(4) A person who immediately before the date of commencement of section 4 was operating, keeping, managing or otherwise controlling a karaoke establishment in any premises may continue to operate that karaoke establishment without having to comply with any of the conditions indicated in section 4(2)—

- (a) during the period of 12 months beginning with that date; and
- (b) if within that period application is made to the licensing authority under section 5(1) for the grant of a permit or the issue of a licence in respect of that karaoke establishment, until that application is finally disposed of or withdrawn and, if the application is refused under section 5(2), for a further period of 12 months beginning with the date of the written order made under section 5(6).

(5) An application made to the licensing authority by virtue of subsection (4)(b), shall be acknowledged by the licensing authority in such form and manner as he may determine.

PART II

RESTRICTION ON OPERATION OF KARAOKE ESTABLISHMENTS

4. Restriction on operating karaoke establishment except with permit or licence

(1) Any person who on any occasion operates, keeps, manages or otherwise has control of a karaoke establishment in respect of which none of the conditions indicated in subsection (2) have been satisfied commits an offence and is liable—

- (a) on first conviction, to a fine at level 5 and to imprisonment for 6 months; and
- (b) on a second or subsequent conviction, to a fine at level 6 and to imprisonment for 1 year,

and in the case of a continuing offence, to a further daily fine of \$2,000 for each day during which the offence continues.

(2) The conditions referred to in subsection (1) are—

- (a) that a provisional permit has been granted under section 9 in respect of the karaoke establishment and is for the time being in force;
- (b) that a permit has been granted under section 5(2)(a) in respect of the karaoke establishment and is for the time being in force;
- (c) that a provisional licence has been issued under section 9 in respect of the karaoke establishment and is for the time being in force; or
- (d) that a licence has been issued under section 5(2)(c) in respect of the karaoke establishment and is for the time being in force.

(3) It shall not be a defence that a person charged with an offence under subsection (1) did not know that none of the conditions indicated in subsection (2) had been satisfied.

PART III

APPLICATION FOR GRANT OF PERMIT OR ISSUE OF LICENCE

5. Application for permit or licence

- (1) An application by a person for—
(a) the grant of a permit; or
(b) the issue of a licence,

under this Ordinance in respect of a karaoke establishment shall be—

- (i) made to the licensing authority in such form and manner as the licensing authority may determine;
(ii) accompanied by such prescribed information, particulars and plans as may be required; and
(iii) accompanied by the prescribed fee payable for the grant of a permit or the issue of a licence, as the case may be.

(2) Subject to subsections (3) to (5) and to any prescribed requirements, the licensing authority may—

- (a) grant a permit;
(b) refuse to grant a permit;
(c) issue a licence; or
(d) refuse to issue a licence,

and, where a permit is granted or a licence is issued, may impose such conditions, in relation to the operation, keeping, management or other control of a karaoke establishment, as he thinks fit.

(3) The licensing authority shall not grant a permit or issue a licence unless he is satisfied that the application has been made in accordance with subsection (1) and, in relation to the proposed operation of the karaoke establishment, that—

- (a) the person making that application is a person who—
(i) is a fit and proper person to operate the karaoke establishment;
(ii) will adequately supervise or will ensure the adequate supervision of the operation of the karaoke establishment;
(iii) is not the agent, representative or servant of any person whose permit or licence has been revoked or whose application to renew a permit or a licence has been refused under section 10; and

- (b) the place of the proposed operation is—
 - (i) suitable for the operation of the karaoke establishment;
 - (ii) located in an area suitable for the operation of the karaoke establishment.

(4) A permit may only be granted in respect of a karaoke establishment the place of the proposed operation of which is located in—

- (a) premises in respect of which a licence for the operation of a restaurant has been granted under the Public Health and Municipal Services Ordinance (Cap. 132) and is for the time being in force;
- (b) a hotel or guesthouse in respect of which a licence has been issued under the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) and is for the time being in force;
- (c) a clubhouse in respect of which a certificate of compliance has been issued under the Clubs (Safety of Premises) Ordinance (Cap. 376) and is for the time being in force.

(5) A licence may only be issued in respect of a karaoke establishment the place of the proposed operation of which is located in any place other than a place of the description mentioned in subsection (4).

(6) Subject to section 11(1), where the licensing authority refuses to grant a permit or to issue a licence he shall make a written order, properly dated and signed, to that effect adequately stating by reference to subsection (3), the matter in respect of which he is not satisfied and shall serve a copy thereof on the applicant.

- (7) A grant of a permit or an issue of a licence under this section shall—
- (a) be in such form as the licensing authority may determine;
 - (b) not take effect except on payment of the prescribed fee; and
 - (c) authorize the grantee or the licensee to operate a karaoke establishment for a period of 24 months, or such lesser period, and at such place, as may be indicated in the permit or the licence, from the date on which it is granted or issued.

(8) Notwithstanding subsection (7)(c), a permit to operate a karaoke establishment shall cease to have effect when the licence referred to in subsection (4)(a) or (b) or the certificate of compliance referred to in subsection (4)(c) in respect of the restaurant, hotel, guesthouse or clubhouse in which the karaoke establishment is located is no longer in force.

6. Transfer of permit and licence

(1) Except as provided in this section neither a permit nor a licence shall be transferable.

(2) Subject to subsection (6), the licensing authority may on application in writing to him, showing sufficient cause to his satisfaction, and on payment of the prescribed fee, allow the transfer from a grantee of an existing permit until its expiration to another person or from a licensee of an existing licence until its expiration to another person, and the fact of such transfer shall be endorsed on the permit or the licence.

(3) Where a permit or a licence is transferred under subsection (2), a reference in this section and in sections 5, 8, 9, 10 and 11 and in any regulation made under section 21 to a grantee or a licensee shall be construed as a reference to the person to whom the permit or the licence has been transferred.

(4) Where a permit or a licence is transferred under subsection (2), the licensing authority may in respect of the permit or the licence impose any condition in addition to or instead of any condition previously imposed by him under section 5(2).

(5) Where the licensing authority refuses to allow the transfer of a permit or a licence under subsection (2), he shall give to the applicant, in writing, an adequate statement of the reasons for the refusal.

(6) Subsection (2) does not apply to a permit or a licence that is the subject of a notice served on a grantee or licensee under section 11.

7. Representatives of bodies corporate or partnerships

(1) Where a body corporate or a partnership wishes to obtain a permit or a licence under section 5, a person authorized by the body corporate or the partnership in that behalf shall apply as the representative of the body corporate or the partnership and, if a permit or a licence is granted or issued by the licensing authority, it shall be expressed to be granted or issued to that person on behalf of the body corporate or the partnership, as the case may be.

(2) Where a permit or a licence is transferred to a body corporate or a partnership under section 6(2), it shall be expressed to be transferred to a person authorized by the body corporate or the partnership in that behalf as the representative of the body corporate or the partnership, as the case may be.

(3) A body corporate or a partnership may make an application to the licensing authority in such form and manner as the licensing authority may determine to substitute another person ("the substitute person") for the person whose name appears on the permit or the licence as the representative of the body corporate or the partnership.

(4) If the licensing authority is satisfied that the substitute person is a person who falls within section 5(3)(a), he shall grant the application and amend the permit or the licence to replace the name of the person specified therein with the name of the substitute person.

8. Renewal of permit or licence

(1) Subject to this section, the licensing authority may renew a permit or a licence.

(2) A grantee or a licensee may, not less than 90 days before the expiration of his permit or his licence, apply to the licensing authority for his permit or his licence to be renewed.

(3) This section does not apply to a grantee or a licensee whose permit or licence is revoked.

(4) An application by a grantee or a licensee for the renewal of a permit or a licence shall be made to the licensing authority in such form and manner as he may require.

(5) The renewal of a permit or a licence under this section shall not take effect except on payment of the prescribed fee and the licensing authority may in respect of the renewed permit or licence impose any condition in addition to or instead of any condition previously imposed by him under section 5(2) or 6(4), as the case may be.

(6) A renewal of a permit or a licence under this section before the expiration of the permit or the licence shall take effect on the day following the day of its expiration.

(7) Any permit or licence in respect of which an application for renewal is made under this section and which expires prior to the determination of such application shall, unless such application is withdrawn, or the permit or the licence is revoked or suspended under section 10, remain in force until the determination by the licensing authority of such application.

(8) A renewal of a permit or a licence under this section shall have effect from the day following the day upon which the permit or the licence being renewed would have expired but for subsection (7), for a period of 24 months or such lesser period as may be indicated by the licensing authority at the time of renewal.

9. Provisional permits and provisional licences

(1) Where an application is made to the licensing authority under section 5(1) for the grant of a permit or the issue of a licence, as the case may be, in respect of a karaoke establishment, the licensing authority may on application grant a provisional permit or issue a provisional licence.

(2) A provisional permit or a provisional licence shall authorize the grantee or the licensee to operate a karaoke establishment until—

- (a) the expiration of a period of 6 months or of such lesser period as may be indicated in the provisional permit or the provisional licence;

- (b) the licensing authority grants a permit or issues a licence to the applicant under section 5(2); or
- (c) the licensing authority serves a copy of a written order made under section 5(6) on the applicant notifying his refusal to grant a permit or to issue a licence,

whichever occurs first.

(3) A provisional permit or a provisional licence may, on one occasion only, be renewed on expiration for a period of 6 months or for such lesser period as may be indicated by the licensing authority at the time of renewal.

10. Revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of permit or licence

The licensing authority may by notice in writing served on the grantee or licensee—

- (a) revoke a permit or a licence;
- (b) suspend a permit or a licence for such period of time as he may think fit;
- (c) refuse to renew or transfer a permit or a licence; or
- (d) amend or vary the conditions of a permit or a licence,

if—

- (i) he is satisfied that any false or misleading statement or information was made or furnished by an applicant in connection with the application to obtain, renew or transfer the permit or the licence;
- (ii) the grantee or the licensee has been convicted of an offence under this Ordinance or any regulation made under section 21;
- (iii) in the case where the grantee or the licensee is a body corporate or a partnership, the person whose name appears on the permit or the licence as the representative of the body corporate or partnership has been convicted of an offence under this Ordinance or any regulation made under section 21;
- (iv) a condition of the permit or the licence is contravened, whether or not any person has been convicted of an offence under section 17; or
- (v) he ceases to be satisfied of any matter in respect of which he is required to be satisfied under section 5(3).

11. Notice of refusal of permit or licence or renewal and of revocation or suspension, etc.

(1) The licensing authority shall, before refusing an application for the grant of a permit or the issue of a licence under section 5(6) or before serving notice under section 10, serve on the applicant or the grantee or the licensee, as the case may be, notice of his intention to do so, stating the grounds on which he intends to refuse the application or to serve the notice, as the case may be, and containing an intimation that such applicant or such grantee or such licensee may make written representations to him.

(2) If the licensing authority decides to refuse an application for the grant of a permit or the issue of a licence under section 5(6) or serve a notice under section 10, he shall make a written order, properly dated and signed, to that effect and shall serve a copy thereof on the applicant or the grantee or the licensee, as the case may be.

12. Appeals

Any person aggrieved by a decision of the licensing authority made in respect of him under section 5, 6, 8, 9 or 10 may, within 28 days of receiving notice of the decision, appeal to the Administrative Appeals Board.

13. Coming into force of decisions of licensing authority

(1) Except as provided in subsection (2), a decision of the licensing authority that may be appealed against under section 12 shall not come into force—

- (a) subject to paragraph (b), until the expiration of the period during which an appeal under that section against the decision may be made; or
- (b) if an appeal under that section against the decision is made, until the appeal is disposed of, withdrawn or abandoned.

(2) Where the licensing authority is of the opinion that the safety of persons using a karaoke establishment will be adversely affected if the operation of a decision is suspended under subsection (1) and inserts a statement to that effect in the notice of the decision, the decision shall come into force upon service of such notice.

PART IV

SUPERVISION OF KARAOKE ESTABLISHMENTS

14. Inspection of karaoke establishments

(1) For the purposes of ensuring compliance with the provisions of this Ordinance and the conditions imposed in respect of any permit or licence—

- (a) any public officer authorized by the licensing authority in writing for that purpose may, without warrant and on production, if so required, of his written authorization and his identity card issued under the Registration of Persons Ordinance (Cap. 177); or
- (b) the Commissioner of Police or any police officer authorized by him may, without warrant and on production of his warrant card issued by the Commissioner of Police,

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- (i) at all reasonable times enter and inspect any karaoke establishment or any premises which he has reason to suspect are used as or for the purposes of a karaoke establishment;
 - (ii) require any person taking part in the operation or management of a karaoke establishment to produce any book, document or other article relating to the operation or management of that karaoke establishment or to any other activity in respect of the karaoke establishment or to furnish any information relating to such operation, management or activity; and
 - (iii) do such things as are necessary for the inspection of a karaoke establishment or for the inspection or testing of any apparatus, equipment or any other article, works or system used for or in connection with the operation, keeping, management or other control of the karaoke establishment.

(2) Without affecting the application of section 50(7) of the Police Force Ordinance (Cap. 232) insofar as it applies to any police officer, neither any authorized public officer nor the Commissioner of Police or any authorized police officer may enter any premises used wholly for residential purposes and constituting a separate household unit, in the exercise of the powers conferred by subsection (1), unless an adult occupier of the premises gives his consent.

(3) Where a magistrate is satisfied by information on oath that there is a reasonable ground for suspecting that there is to be found in any karaoke establishment or any premises any thing that is evidence of the commission of an offence against this Ordinance, he may issue a warrant authorizing—

- (a) any public officer authorized under subsection (1)(a); or
- (b) the Commissioner of Police or any police officer authorized by him under subsection (1)(b),

with such assistants as may be necessary, at any time to search for, seize and remove for further examination or testing any such thing in the karaoke establishment or the premises specified in the warrant.

(4) Where any thing is seized and removed under subsection (3) and no prosecution is instituted in respect of the suspected offence to which the thing relates within 6 months after the day of its seizure and removal, the authorized public officer or the Commissioner of Police or the authorized police officer shall return or arrange for the return of the thing to the operator of the karaoke establishment concerned or the person from whom it was seized and removed, as the case may be.

15. Licensing authority may direct remedial works

(1) The licensing authority may, in respect of any karaoke establishment in respect of which a permit or a licence has been granted or issued, by notice in writing, give such directions as appear to him to be required to secure that—

- (a) the conditions of the permit or the licence, as the case may be, are complied with; or
- (b) the provisions of this Ordinance are complied with.

(2) The licensing authority may, in respect of any other karaoke establishment, by notice in writing, give such directions as appear to him to be required to secure that—

- (a) the safety of persons using the karaoke establishment is promoted in a proper manner;
- (b) adequate apparatus and equipment required as safeguards against fire or other hazard are provided in the karaoke establishment; and
- (c) the provisions of this Ordinance are complied with.

(3) A notice under this section shall—

- (a) be served on the person being the operator, keeper, manager or otherwise having control of the karaoke establishment; and
- (b) indicate a period within which the directions shall be complied with.

16. Order for closure and cessation of use of premises as a karaoke establishment

(1) Where it is proved to the satisfaction of the District Court on the sworn information of the licensing authority that—

- (a) not less than 24 hours' notice in writing of his intention to swear the information was served by the licensing authority on the person being the operator, keeper, manager or otherwise having control of the karaoke establishment; and

- (b) it appears to the licensing authority that—
 - (i) there is any danger or risk of danger to persons on the premises being used as a karaoke establishment; or
 - (ii) the requirements of a direction given under section 15 have not been complied with in respect of the karaoke establishment within the period of time indicated in the notice served under that section,

the District Court shall make an order in writing directing that the karaoke establishment or a specified part thereof (“specified part”) shall close and shall cease to be used as a karaoke establishment.

- (2) An order under subsection (1) shall not operate—

- (a) if, on the day the order is made, any part of the karaoke establishment is used for human habitation, to prevent such habitation in that part; or
- (b) to affect the use of any common area in any building or public place so as to cause obstruction to public passage or fire escape.

- (3) On the making of an order under subsection (1)—

- (a) any police officer or any public officer authorized by the licensing authority in writing may remove from the karaoke establishment or specified part any person found in the karaoke establishment or specified part and any person being in the karaoke establishment or specified part in contravention of subsection (4);
- (b) the licensing authority may execute or cause to be executed any work necessary to give effect to the order made under subsection (1) and may recover in the District Court any expenses incurred by reason of such work from the person being the operator, keeper, manager or otherwise having control of the karaoke establishment as a debt due to the Government.

- (4) No person other than—

- (a) any police officer or any public officer in the course of his duty; or
- (b) any person authorized by the licensing authority in writing,

shall enter or be in the karaoke establishment or specified part while an order under subsection (1) is for the time being in force.

- (5) At any time while an order under subsection (1) is in force—

- (a) the person being the operator, keeper, manager or otherwise having control of the karaoke establishment; or
- (b) any person having an interest in the premises to which an order under subsection (1) relates,

may, by notice in writing served on the licensing authority, request the licensing authority to make a declaration under subsection (6).

(6) Where a request is made under subsection (5), the licensing authority shall as soon as practicable, and in any event within 28 days after receiving the request—

- (a) if satisfied that the circumstances that gave rise to the making of the order no longer exist, by notice in writing served on the person who made the request, declare that the order shall cease to have effect; or
 - (b) in any other case, notify the person in such manner as he thinks fit of any outstanding matter that requires to be remedied.
- (7) If the licensing authority—
- (a) rejects a request; or
 - (b) fails to make a declaration under subsection (6)(a) within the specified period,

the person who made the request may apply to the District Court for the discharge of the order.

(8) A person who makes an application under subsection (7) shall give notice in writing of the application to the licensing authority within 7 days after making the application.

(9) On hearing an application for the discharge of an order, the District Court may discharge the order if it is satisfied that the circumstances that gave rise to the making of the order no longer exist.

PART V

MISCELLANEOUS

17. Offences in relation to permits and licences

(1) Any person who on any occasion operates, keeps, manages or otherwise has control of a karaoke establishment in respect of which a permit or a licence, as the case may be, has been granted or issued—

- (a) in contravention of any condition of the permit or the licence, as the case may be, so granted or issued;
- (b) in any premises other than the premises indicated in the permit or the licence, as the case may be, so granted or issued; or
- (c) under any name other than the name of the karaoke establishment indicated in the permit or the licence, as the case may be, so granted or issued,

commits an offence.

- (2) Where a person charged with an offence under subsection (1)(a) is—
- (a) a representative of a body corporate or a partnership whose name appears on the permit or the licence concerned; or

(b) a grantee or a licensee who is an individual,
it shall be a defence for the person to prove that—

(i) he did not know and had no reason to suspect the existence of the circumstances giving rise to the contravention; and

(ii) he could not, by the exercise of reasonable supervision and reasonable diligence, have prevented those circumstances arising.

(3) Where an offence under subsection (1) is alleged to have been committed, evidence that a defendant did any act in connection with the operation, keeping, management or other control of a karaoke establishment shall, unless the contrary is proved, be proof that the defendant operated, kept, managed or otherwise had control of the karaoke establishment.

(4) Any person who—

(a) in or in connection with any application under this Ordinance makes any statement or furnishes information, whether such statement be oral or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular;

(b) obstructs the licensing authority, any police officer or any public officer in the exercise of any of his powers under this Ordinance;

(c) refuses to produce any book, document, or any other article upon being so required under section 14 or furnishes information which is false in a material particular and which he knows or reasonably ought to know is false in such particular;

(d) fails to comply with the requirements of a direction given under section 15 within the period indicated in the notice served thereunder;

(e) contravenes section 16(4),

commits an offence.

(5) Any person who commits an offence under this section is liable—

(a) on first conviction, to a fine at level 5 and to imprisonment for 6 months; and

(b) on a second or subsequent conviction, to a fine at level 6 and to imprisonment for 1 year,

and in the case of a continuing offence, to a further daily fine of \$2,000 for each day during which the offence continues.

18. Proof of permit or licence

For the purpose of any proceedings under this Ordinance a document purporting to be a copy of a permit or a licence and of any conditions to which the permit or the licence is subject, and to be certified by a public officer appointed in writing by the licensing authority for that purpose to be a true

copy, shall be received in evidence on its production without further proof and it shall be presumed that—

- (a) the document is a true copy of the permit or the licence;
- (b) the person who certified the document was a public officer appointed in writing by the licensing authority for that purpose; and
- (c) the permit or the licence was granted or issued in respect of the place stated in the document to the person stated in the document and is subject to those conditions.

19. Service of notices and orders

(1) A notice or an order to be served under this Ordinance, other than a notice to be served under section 16(1)(a), may be served by serving a copy—

- (a) personally;
- (b) by registered post addressed to the last known place of business or residence of the person to be served; or
- (c) where the notice or the order relates to any premises or part thereof, by leaving the same with an adult occupier of the premises or part thereof to which the notice or the order relates or by posting the same in a prominent position upon or near such premises or upon a conspicuous part of such premises or part thereof.

(2) A notice to be served under section 16(1)(a) shall be served—

- (a) by serving a copy by registered post addressed to the last known place of business or residence of the person to be served; and
- (b) by leaving a copy with an adult occupier of the premises or part thereof to which the notice relates or by posting a copy in a prominent position upon or near such premises or upon a conspicuous part of such premises or part thereof,

and service of the copy of notice under paragraph (a) shall be deemed to have been effected on the day immediately following the day on which it is dispatched by registered post.

20. Forfeiture of apparatus and equipment used for karaoke

The court may, on the conviction of any person of an offence under section 4 or 17 relating to a karaoke establishment, order the forfeiture of any apparatus, equipment or any other article together with all related or ancillary components including any cabinet or other casing in which that apparatus, equipment or other article is housed, if any, seized and removed under a warrant issued under section 14(3), being apparatus, equipment or any other

article which was placed in the karaoke establishment for the purposes of karaoke.

21. Regulations

(1) The Chief Executive in Council may by regulation provide for or in relation to—

- (a) the adequacy, suitability, maintenance, hygiene and use of apparatus or equipment in karaoke establishments;
 - (b) reports and information to be supplied to the licensing authority in respect of karaoke establishments;
 - (c) factors to be taken into account by the licensing authority in deciding the suitability of places under section 5(3)(b);
 - (d) the design, structure, maintenance, hygiene and sanitation of karaoke establishments;
 - (e) the precautions to be taken against fire or other hazard likely to endanger the lives of persons on premises being used as karaoke establishments;
 - (f) the fees to be charged for any matter prescribed or permitted by this Ordinance;
 - (g) the lodging of appeals under section 12;
 - (h) generally, carrying into effect the provisions of this Ordinance.
- (2) Any regulation made under this section may—
- (a) prohibit the performance of particular acts without the consent of the licensing authority;
 - (b) authorize the licensing authority to require or prohibit the performance of particular acts; and
 - (c) require particular acts to be performed to the satisfaction of the licensing authority.

(3) Where the licensing authority is satisfied that the safety of a person using a karaoke establishment will not be adversely affected, he may, by notice in writing served on the person being the operator, keeper, manager or otherwise having control of that karaoke establishment, waive wholly, partly or conditionally the requirements of any regulation in respect of that karaoke establishment and may amend or withdraw any such notice.

(4) A regulation made under this section may provide that a contravention thereof shall be an offence punishable by a specified penalty not exceeding—

- (a) on first conviction, a fine at level 5 and imprisonment for 6 months; and
- (b) on a second or subsequent conviction, a fine at level 6 and imprisonment for 1 year,

and in the case of a continuing offence, punishable by a further daily fine not exceeding \$2,000 for each day during which the offence continues.

(5) Any regulation made under subsection (1)(f) may provide for a different fee to be payable having regard to—

- (a) the type or description of a karaoke establishment;
- (b) the number of persons able to be accommodated in a karaoke establishment;
- (c) the total floor area of a karaoke establishment;
- (d) whether or not a permit is to be granted, or a licence is to be issued in respect of a karaoke establishment and whether or not any such permit or licence is provisional, as the case may be,

and the amount of any fee so provided need not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred by the licensing authority in the discharge of his functions under this Ordinance.

PART VI

CONSEQUENTIAL AMENDMENT

Administrative Appeals Board Ordinance

22. Schedule amended

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by adding—

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| “47. Karaoke Establishments Ordinance (22 of 2002) | A decision of the Secretary for Home Affairs or the Director of Food and Environmental Hygiene (as the case may be) under section 5, 6, 8, 9 or 10.”. |
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