

**Extract from the draft minutes of the meeting
between Legislative Council Members and Wan Chai District Council
held on 6 March 2008**

Members present : Dr Hon YEUNG Sum, JP (Convenor)
Hon CHEUNG Man-kwong
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, JP
Hon CHIM Pui-chung
Hon Mrs Anson CHAN, GBM, JP

Attendance by invitation : **Wan Chai District Council Members**

Mr SUEN Kai-cheong, MH, JP (Chairman)
Mr Stephen NG Kam-chun, MH (Vice-Chairman)
Mr CHENG Ki-kin
Mr Kennedy LEE Kai-hung
Ms Kenny LEE Kwun-yee
Mr Michael MAK Kwok-fung
Ms Yolanda NG Yuen-ting
Dr Paul SIU Che-hung
Mr David WONG Chor-fung
Mr Stephen YAU How-boa, BBS, MH, JP

Staff in attendance : Miss Mary SO
Chief Council Secretary (2)5

Miss Vivien POON
Council Secretary (2)3

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III. Criteria for club licensing and nuisance caused by clubs to the Wan Chai community; and

IV. Liquor licensing

15. Members present agreed to discuss Item III in conjunction with Item IV.

16. The Chairman of WCDC expressed concern that clubs issued with liquor licences had caused much nuisance in Wan Chai District (WCD). He pointed out that the Clubs (Safety of Premises) Ordinance (Cap. 376) only required a

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club-house of any corporation or association to comply with certain safety requirements for the issue of a Certificate of Compliance. In other words, it was easier and faster for operators to designate their establishments as "clubs" in order to obtain a Certificate of Compliance from the Home Affairs Department (HAD), than for them to apply for a restaurant or light refreshment restaurant licence from the Food and Environmental Hygiene Department. This loophole in the system had led to the proliferation of clubs selling liquor in WCD and problems such as fire hazards. The concerns of WCDC had been conveyed to HAD and the Liquor Licensing Board (LLB), but neither had agreed to review the loophole.

17. Mr CHENG Ki-kin concurred that there was a need to review the loophole and out-dated legislation governing liquor licensing in the public interest. There should be more stringent monitoring of licensed clubs. Ms Yolanda NG said that the nuisance and hazards caused by clubs in composite buildings affected residents on a day-to-day basis. She considered that LLB had failed to take into account the public interest in issuing a number of liquor licences, and that the criteria adopted for licensing were rather lenient, especially during the processing of appeals from rejected applicants. The Chairman of WCDC said that even though brawls had occurred in the vicinity of clubs in WCD, they had no effect on the renewal of liquor licences for these clubs as the incidents had occurred off premises. Hon Tommy CHEUNG responded that LLB had the responsibility to strike a balance between the needs of residents and the interests of club operators. He was aware that steps had been taken by LLB to help reduce the extent of nuisances caused by late-night clubs in a number of areas.

18. Dr PAUL SIU was concerned about the proliferation of upstairs clubs selling liquor in Tang Lung Street. In the event of a fire, residents and club patrons would need to evacuate via staircases of the multi-storey buildings and Dr SIU was particularly concerned about the capacity of the evacuation facilities. He objected to the lack of monitoring of clubs in WCD which did not even maintain a register of members. According to Dr SIU, a number of late-night clubs in WCD were selling liquor until 8 a.m., which could have an adverse effect on youth. In this connection, LLB should restrict the number of hours for selling liquor. Mr Stephen YAU said that LLB may impose conditions on a licensee to restrict the number of hours for selling liquor. Hon Tommy CHEUNG reiterated that the operator of a club-house was required under the Clubs (Safety of Premises) Ordinance to apply for a Certificate of Compliance to ensure that the club-house complied with the relevant safety requirements. As for fire safety, WCDC should contact the Buildings Department for advice. Hon Tommy CHEUNG and Mr Kennedy LEE concurred with Dr SIU that many establishments operated under the guise of clubs and HAD should step up its inspection/monitoring of such establishments.

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19. Mr Kennedy LEE pointed out that LLB had remained unresponsive to WCDC's concerns over liquor licensing and the proliferation of upstairs clubs. Hon Mrs Anson CHAN suggested WCDC to refer their observations about LLB to the Food and Health Bureau. Members present agreed that to address the issues raised, a comprehensive review should be conducted by the Administration and LLB on liquor licensing, club licensing and the relevant legislation; and that the matter be referred to the Panel on Food Safety and Environmental Hygiene for follow-up.

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