

LEGISLATIVE COUNCIL BRIEF

KARAOKE ESTABLISHMENTS BILL

INTRODUCTION

At the meeting of the Executive Council on 29 February 2000, the Council ADVISED and the Chief Executive ORDERED that the Karaoke Establishments Bill, at Annex A, should be introduced into the Legislative Council.

BACKGROUND AND ARGUMENT

Background

2. A major fire at the Top One Karaoke in January 1997 killed 17 persons. Following the tragedy, an inter-departmental working group was set up to co-ordinate efforts to better control karaoke establishments.

3. At present, there is no specific control of karaoke establishments, other than some general requirements applicable to the premises in which they are located. For example, as most of the karaoke establishments also serve food or are attached to clubs or hotels, they are subject to some form of regulatory controls if –

- (a) the karaoke business is conducted in a place licensed as a general restaurant or a light refreshment restaurant under the Public Health and Municipal Services Ordinance, or is operated with a liquor licence under the Dutiable Commodities (Liquor) Regulations; or
- (b) the karaoke business is conducted within a clubhouse the safety of which has been certified under the Clubs (Safety of Premises) Ordinance, or within a hotel or guesthouse licensed under the Hotel and Guesthouse Accommodation Ordinance.

4. If a karaoke establishment does not operate as any of the above, it can still conduct business with a simple business registration certificate.

5. Without proper fire safety construction and installations, the risk of fire in a karaoke establishment remains high in the light of the unique characteristics of its operations. General alertness of the customers or patrons may be affected by the consumption of alcoholic drinks and loud music inside the premises. These premises are often partitioned into small cubicles and accessed through long and narrow passages. Such special layout will make it difficult to escape in case of fire. General fire safety provisions cannot adequately address the fire risk associated with, for example, the special closed-cubicle layout of most karaokes. Therefore, a set of prescribed minimum standards to safeguard fire and public safety in karaoke establishments is essential.

6. The inter-departmental working group concluded that the most effective way to institute the necessary fire safety, building and public safety requirements on karaoke establishments is to introduce a statutory licensing system.

The Proposal

7. We propose that all establishments providing karaoke facilities, whether attached to restaurants or other licensed premises, should be brought under the control of a licensing scheme administered by the licensing authority, i.e. karaoke establishments should be required to obtain a licence or permit for their operations. However, bona fide restaurants* will be exempted from the licence requirement. The licensing authority will adopt a pragmatic approach in enforcing the licensing conditions. In vetting an application from an existing karaoke establishment which has already been granted a separate licence for the purpose of, for example, restaurant, club, hotel or guesthouse, the authority will only focus on the applicant's compliance with the additional fire safety measures required to address the special layout and operation of the karaoke. For karaokes in restaurants or premises serving light refreshment, the Director of Food and Environmental Hygiene will act as the licensing authority. In other cases where, for example, the karaoke establishments are attached to hotels or clubs, the Secretary for Home Affairs will be the licensing authority. The one-stop approach to focus the licensing responsibility on the same authority within the premises should help streamline the licence processing procedures, rendering the licensing scheme more user-friendly to the karaoke operators. It should also help minimise possible duplication of regulatory efforts by Government agencies.

* Note A bona fide restaurant is one serving food and drinks as their main business with the aggregate area of all karaoke cubicles not exceeding 30% of its total seating area, and the number of karaoke cubicles not exceeding its total seating area divided by 100 square metres.

8. An applicant for a karaoke licence will be required to meet prescribed fire safety, building safety, public safety and health requirements. However, for existing karaoke establishments, a transitional licence or permit with a grace period of 12 months will be granted in the first instance to allow time for their compliance work. The transitional licence or permit may be extended for a period up to 12 months, if necessary. Details of the proposed licensing requirements will be laid down in regulations. An outline of these requirements is at Annex B.

9. Penalties will be imposed for premises operating karaoke activities without a licence or permit. The licensing authority may issue a direction if a karaoke operator fails to comply with the licensing conditions. The authority may further apply to the District Court for a closure order and prohibit the use of the premises as a karaoke establishment in the event that the operator fails to comply with a direction.

10. We pledged to introduce new legislation on the licensing scheme in 1999 pending the outcome of the Provision of Municipal Services (Reorganization) Bill. As the latter was passed by the Legislative Council in early December 1999 only, we propose to introduce the Karaoke Establishments Bill, at Annex A, as soon as possible.

THE BILL

11. The main provisions are:

- (a) **Clause 2** provides for some key definitions e.g. karaoke establishments, licensing authority, licence, permit. With the enactment of the Provision of Municipal Services (Reorganization) Ordinance on 2 December 1999, the Provisional Municipal Councils were dissolved on 1 January 2000. The relevant licensing authorities will therefore be the Secretary for Home Affairs and the Director of Food and Environmental Hygiene.
- (b) **Clause 3** disapplies the Bill in relation to particular karaoke establishments and provides for exemption and transitional matters under the Ordinance.
- (c) **Clause 4** prohibits any person from operating karaoke establishments unless authorized under a permit or licence.

- (d) **Clause 5** provides for the application for and grant or issue of permits and licences. **Clauses 6 and 7** deal with the transfer of permits and licences. **Clause 8** deals with the renewal of permits and licences.
- (e) **Clause 9** provides for the grant or issue of a provisional permit or licence.
- (f) **Clause 10 and 11** deal with revocation, suspension and refusal to renew or to allow transfer.
- (g) **Clause 12** provides for appeals to the Administrative Appeals Board against decisions to be made by the licensing authority under Clauses 5, 6, 8, 9 and 10.
- (h) **Clause 13** deals with inspection of karaoke establishments, while **Clause 14** enables the licensing authority to direct remedial measure to be taken.
- (i) **Clause 15** enables the licensing authority to obtain an order from the District Court to effect the closure and cessation of the use of premises as a karaoke establishment. **Clause 16** deals with offences and **Clause 17** provides for aids for proof.
- (j) **Clause 18** provides for service of notices.
- (k) **Clause 19** provides powers for the court to order forfeiture.
- (l) **Clause 20** empowers the Chief Executive in Council to make regulations.
- (m) **Clause 21** makes consequential amendments.

LEGISLATIVE TIMETABLE

12. The legislative timetable is as follows –

Publication in the Gazette	10 March 2000
First Reading and commencement of	15 March 2000

Second Reading debate

Resumption of Second Reading debate, to be notified
Committee stage and Third Reading

BASIC LAW IMPLICATIONS

13. The Department of Justice advises that the Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.

HUMAN RIGHTS IMPLICATIONS

14. The Department of Justice advises that the Bill is consistent with the human rights provisions of the Basic Law.

BINDING EFFECT OF THE LEGISLATION

15. The Bill does not contain any express binding effect provision.

FINANCIAL AND STAFFING IMPLICATIONS

16. We have provided additional resources for Fire Services Department and Buildings Department to step up inspections of karaoke establishments. The additional workload generated from the proposed licensing scheme for other relevant bureau and departments will be absorbed from within their global allocation. Fees will be charged for the licences or permits to cover administrative costs.

ECONOMIC IMPLICATIONS

17. The additional costs entailed in meeting the various provisions intended can be expected to be passed on to consumers. Nevertheless, consumers will in turn be assured of a safer environment in such establishments.

PUBLIC CONSULTATION

18. 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 our objective to improve fire and public safety of karaoke establishments. Some also suggested that the fire

safety management of karaoke establishments should be improved. Nevertheless, the trade raised concerns about the financial implications especially of the fire safety construction requirements.

19. We consulted the Provisional Urban Council and Provisional Regional Council in late 1998 and early 1999. The two Provisional Municipal Councils were generally supportive, but noted the concerns expressed by the karaoke trade. We also briefed the Legislative Council Panel on Security in January 1999.

20. We have continued discussions with the karaoke trade and refined the fire safety construction requirements to minimise the financial impacts, while maintaining our objective to improve fire safety in karaoke establishments. For example, existing karaoke establishments will not be required to widen the corridor width to 1.2 metres if basic fire safety measures have been installed; dead-end situations might be tolerated subject to additional fire safety provisions as may be required by the authority; and as requested by the trade, the aggregate area of corridors will be excluded in calculating the population capacity permitted of the premises. However, we do not consider it proper to further relax the fire-resistant requirement of partition walls separating the karaoke cubicles from the main corridors within an establishment, i.e. the partition walls should have a fire-resistant capability of at least one hour. The one-hour requirement is already the minimum standard for necessary protection of a fire escape route.

PUBLICITY

21. A press release will be issued on 8 March 2000. A spokesman will be available to answer press enquiries.

ENQUIRIES

22. For enquiries, please contact Mrs Juliana CHEN, Principal Assistant Secretary for Security at 2810 2003.

Security Bureau

8 March 2000

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LEGISLATIVE COUNCIL BRIEF

KARAOKE ESTABLISHMENTS BILL : ANNEXES

Annex A Karaoke Establishments Bill

Annex B Outline of proposed fire safety, building safety and health requirements

**Outline of the proposed Fire Safety, Building Safety
and Health Requirements for Karaoke Establishments**

(A) Fire Safety Requirements

Depending on the layout of the premises, the following fire safety requirements will be imposed where appropriate:-

- (a) karaoke establishments shall not be located on level 4 of basement or below or in any industrial buildings;
- (b) stipulated standards for combustible materials used as false ceilings, partitions or wall furnishings, carpets within the protected means of escape, and upholstered furniture containing Polyurethane Foam;
- (c) provision of fire service installations and equipment (e.g. automatic sprinkler systems, fire extinguishers, etc.);
- (d) general fire safety requirements for ventilation system including automatic cut-off devices;
- (e) emergency lighting and low level directional signs capable of maintaining indication of exit direction in darkness;
- (f) alarm bells at individual entertainment room;
- (g) audio-visual advisory system which can interrupt the musical system in case of alarm;
- (h) exit routes indication plans for each individual entertainment room;
- (i) a fire safety video should be shown to the customers each time before the start of music videos; and
- (j) employees should have received fire safety training provided by the Fire Services Department at least once in every twelve months.

(B) Building Safety Requirements

Essential buildings safety requirements will include:-

- (a) premises to be structurally suitable;
- (b) minimum width of exit routes (including internal corridor) to be provided;
- (c) exit from every entertainment room to have at least 2 directions of travel to a staircase or a point of discharge to a street;
- (d) internal exit corridors to be protected by fire-resisting construction; and
- (e) the building safety requirements concerning means of escape, fire-resisting construction and means of access for firefighting and rescue laid down in the Codes of Practice published by the Building Authority.

(C) Health Requirements

The following health requirements will be imposed on karaoke establishments:-

- (a) provision of toilet and ablution facilities;
- (b) adequacy of fresh air supply to patrons; and
- (c) fitting-out of ventilation system on the premises.