

立法會
Legislative Council

LC Paper No. CB(2)1340/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/BC/9/00

**Legislative Council
Bills Committee on Karaoke Establishments Bill**

**Minutes of the sixteenth meeting
held on Tuesday, 26 February 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon James TO Kun-sun (Chairman)
Hon David CHU Yu-lin, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Member Absent : Hon Fred LI Wah-ming, JP

Public Officers Attending : Security Bureau
Mrs J CHOK
Deputy Secretary for Security
Mr S W HUI
Principal Assistant Secretary for Security
Mr Damian CHAN
Assistant Secretary for Security

Fire Services Department

Mr C C LEE
Chief Fire Officer/Fire Safety

Mr CHUNG Cheuk-hung
Senior Divisional Officer/Commercial Buildings and
Premises

Buildings Department

Mr MO Kim-ming
Assistant Director/New Buildings (1)

Mr YIP So
Chief Building Surveyor/Legal

Home Affairs Department

Mr TANG Hung-ki
Chief Officer (Licensing Authority)

Mr MAK Nai-cheong
Building Surveyor (Licensing Authority) Support

Food and Environmental Hygiene Department

Mr HUNG Chi-pai
Assistant Director (Operations) 1

Mr WONG Siu-wing
Senior Superintendent (Licensing)

Hong Kong Police Force

Mr WONG Che-kwong, Roger
Superintendent (Licensing)

Department of Justice

Mr J D SCOTT
Senior Assistant Law Draftsman

Ms Francoise LAM
Government Counsel

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Ms Joanne MAK
Senior Assistant Secretary (2)2

I. Confirmation of minutes of meetings

(LC Paper Nos. CB(2)957/01-02, CB(2)1047/01-02, CB(2)1048/01-02 and CB(2)1053/01-02)

The minutes of the meetings held on 21 December 2001 and 10 January, 14 January and 24 January 2002 were confirmed.

II. Meeting with the Administration

(The Bill and LC Papers Nos. CB(2)1044/01-02(02) and (03) and CB(2)1169/01-02(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).

LC Paper No. CB(2) 1169/01-02(01)

3. The Committee noted that the Administration would propose the following amendments to narrow the scope of applicability of the Bill -

- (a) deleting the existing clauses 3(1)(a) and (b) and including the "3 rooms and 30 square metres" exemption provision in clause 3 as new clause 3(1)(a);
- (b) deleting clause 4(4); and
- (c) revising clause 3(1)(e) to read "exempted by the licensing authority, by order in writing that is for the time being in force, where, for reasons connected with the situation, means of ingress or egress, design, construction, size or equipment, installations or facilities therein, he is satisfied that the safety of a person using a karaoke establishment will not be adversely affected."

4. Mr LAU Kong-wah, Mr Tommy CHEUNG and Mr Howard YOUNG expressed reservations about the "3 rooms and 30 square metres" exemption provision. They considered that the proposed exemption criteria still rendered the scope of control of karaoke establishments (KE) under the Bill too wide. Mr LAU Kong-wah opined that even with the proposed exemption criteria, clubhouses of private residential estates might still be caught by the Bill. Having regard to the policy intent of the Bill, he proposed that certified clubhouses of private residential estates, which had met general fire safety requirements under the relevant Ordinances governing such premises, should be exempted under the Bill. The Administration reiterated that clubhouses not meeting the proposed exemption criteria could apply for exemption under clause 3(1)(e) on a case-by-case basis, having regard to the merits of each case.

5. Mr Tommy CHEUNG considered that the Bill should only apply to bone fide KEs, i.e. "karaoke box" with enclosed-cubicle layout and operated for the purpose of karaoke by way of trade or business. Mr Howard YOUNG suggested that the Administration should consider exempting premises where the karaoke activity occurred in rooms which were not accessed through long and narrow corridors from the application of the Bill. The Administration responded that it would be extremely difficult, if not impossible, to translate into precise legal wording of countless possible layouts and scenarios within the premises of KEs. There were also technical difficulties in defining structures such as "corridors". The Administration also pointed out that if the licensing authority was satisfied that the safety of a person using a KE would not be adversely affected, it could waive in writing wholly, partly or conditionally the requirements of any regulation in respect of that KE under clause 20(3).

6. The Chairman suggested that the Administration should provide examples in the future Guide for Application for KE Licence/Permit as illustration of the types of premises which could be exempted under the Bill. The Administration agreed to consider the suggestion.

7. Mr Andrew WONG reiterated his stance that he would not support the resumption of Second Reading debate of the Bill as it was fundamentally wrong for the Administration to introduce a bill for the regulatory control of KEs. He pointed out that what had aroused public concern was not karaoke activity per se, but the high risk of fire in premises with closed -cubicle layout. He was of the view that the Administration should review the adequacy of the fire safety standards imposed on compartmentalised premises instead of introducing a licensing regime for KE.

8. On the draft standard conditions for KE licences or permits (at Annex D to LC Paper No. CB(2) 1169/01-02(01)), the Administration advised that the criteria for determining the maximum number of persons to be allowed in KE premises at any one time (including staff) would be based on the Code of

Practice for Provision of Means of Escape in Case of Fire published by the Director of Buildings. The relevant requirements set out in the Code of Practice were as follows -

- (a) customers
 - 1 m²/person, calculated on the aggregate area of entertainment rooms, lounge and dining area; and
 - 0.75 m²/person in dancing area and reception area.
- (b) staff - one per 20 customers or 4.5m²/person in kitchen/food preparation area, whichever was the greater.

Members noted that the floor area of passages would not be taken into account in calculating the population of a KE.

9. Mr Tommy CHEUNG considered that the requirement to stipulate the population of a KE in the licence or permit would not be conducive to the business environment. He pointed out that although the population of the premises concerned would be assessed for the purpose of determining the provision of means of escape in the course of processing an application for a restaurant or liquor licence, the maximum number of persons allowed in the premises was not stipulated as a condition of the licence.

III. Date of next meetings

10. The Committee agreed to hold the next two meetings on 7 March 2002 at 4:30 pm and 12 March 2002 at 8:30 am respectively.

(Post-meeting note : In order to avoid clashing with another committee meeting, the meeting on 12 March 2002 would be rescheduled.)

11. There being no other business, the meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
14 March 2002

**Proceedings of the sixteenth meeting of the Bills Committee on
Karaoke Establishments Bill
on Tuesday, 26 February 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000351	Chairman	Confirmation of minutes of meetings held on 21 December 2001 and 10 January, 14 January and 24 January 2002	
000352-001025	Adm	Introduction of the Administration's paper setting out responses to issues raised at the meeting held on 24 January 2002 (LC Paper No. CB(2) 1169/01-02(01))	
001026-001029	Chairman	-ditto-	
001030-001744	Adm	-ditto-	
001745-001750	Mr LAU Kong-wah	-ditto-	
001751-001813	Chairman	-ditto-	
001814-001827	Adm	-ditto-	
001828-001837	Chairman	-ditto-	
001838-002615	Adm	-ditto-	
002616-002628	Chairman	-ditto-	
002629-002802	Mr Howard YOUNG	The proposed "3 rooms and 30 square metres" exemption provision (Item 1 of LC Paper No. CB(2) 1169/01-02(01))	
002803-002830	Adm	-ditto-	
002831-003108	Adm	-ditto-	
003109-003317	Mr LAU Kong-wah	-ditto-	
003318-003555	Adm	-ditto-	
003556-003800	Adm	-ditto-	
003801-003819	Chairman	-ditto-	
003820-004050	Adm	-ditto-	
004051-004214	Mr LAU Kong-wah	-ditto-	
004215-004219	Chairman	-ditto-	
004220-004249	Mr LAU Kong-wah	-ditto-	
004250-004335	Adm	-ditto-	
004336-004513	Chairman	-ditto-	
004514-004521	Mr LAU Kong-wah	-ditto-	

004522-004545	Adm	-ditto-	
004546-004621	Chairman	-ditto-	
004622-004727	Mr LAU Kong-wah	-ditto-	
004728-004749	Chairman	-ditto-	
004750-004755	Mr LAU Kong-wah	-ditto-	
004756-004804	Chairman	-ditto-	
004805-004813	Mr LAU Kong-wah	-ditto-	
004814-004948	Adm	-ditto-	
004949-004959	Chairman	-ditto-	
005000-005008	Mr LAU Kong-wah	-ditto-	
005009-005010	Chairman	-ditto-	
005011-005049	Mr LAU Kong-wah	-ditto-	
005050-005255	Adm	-ditto-	
005256-005340	Mr LAU Kong-wah	-ditto-	
005341-005414	Chairman	-ditto-	
005431-005509	Adm	-ditto-	
005510-005517	Mr LAU Kong-wah	-ditto-	
005518-005725	Chairman	-ditto-	
005726-005735	Mr LAU Kong-wah	-ditto-	
005736-005801	Chairman	-ditto-	
005802-005820	Adm	-ditto-	
005821-005823	Chairman	-ditto-	
005824-005853	Mr LAU Kong-wah	-ditto-	
005854-005904	Chairman Mr LAU Kong-wah	-ditto-	
005905-005917	Chairman	-ditto-	
005918-005929	Mr LAU Kong-wah	-ditto-	
005930-005938	Chairman	-ditto-	
005939-010043	Adm	-ditto-	
010044-010051	Mr Tommy CHEUNG	Application of the Bill to gymnasiums providing television which showed music videos	
010052-010055	Chairman	-ditto-	
010056-010249	Mr Tommy CHEUNG	-ditto-	
010250-010310	Adm	-ditto-	
010311-010316	Chairman	-ditto-	
010317-010329	Mr Tommy CHEUNG	-ditto-	
010330-010350	Chairman Adm	-ditto-	

010351-010443	Mr Tommy CHEUNG	-ditto-	
010444-010447	Chairman	-ditto-	
010448-010607	Mr Tommy CHEUNG	-ditto-	
010608-010631	Chairman	-ditto-	
010632-010709	Mr Tommy CHEUNG	Application of the Bill to discos with karaoke rooms not situated in long and narrow corridors	
010710-010717	Chairman	-ditto-	
010718-010727	Mr Tommy CHEUNG	-ditto-	
010728-010735	Chairman Mr Tommy CHEUNG	-ditto-	
010736-010824	Mr Tommy CHEUNG	-ditto-	
010825-010903	Chairman	-ditto-	
010904-010907	Mr Tommy CHEUNG	-ditto-	
010908-010931	Chairman	-ditto-	
010932-011028	Adm	-ditto-	
011029-011058	Chairman	-ditto-	
011059-011117	Mr Tommy CHEUNG	-ditto-	
011118-011219	Chairman	-ditto-	
011220-011350	Adm	-ditto-	
011351-011445	Mr Tommy CHEUNG	-ditto-	
011446-011531	Chairman	-ditto-	
011532-011542	Mr Tommy CHEUNG	-ditto-	
011543-011546	Chairman	-ditto-	
011547-011610	Mr Tommy CHEUNG	Application of the Bill to nightclubs where the karaoke rooms were partitioned by glass walls and the conduct of karaoke activities was of small-scale	
011611-011615	Chairman	-ditto-	
011616-011626	Adm	-ditto-	
011627-011652	Chairman	-ditto-	
011653-011737	Adm	-ditto-	
011738-011954	Mr Tommy CHEUNG	-ditto-	
011955-012038	Chairman	-ditto-	
012039-012040	Mr Tommy CHEUNG	-ditto-	
012041-012113	Chairman	-ditto-	
012214-012227	Chairman Mr Tommy CHEUNG	-ditto-	
012228-012416	Mr Howard YOUNG	-ditto-	
012417-012429	Chairman	-ditto-	

012430-012542	Adm	-ditto-	
012543-012642	Mr Howard YOUNG	-ditto-	
012643-012756	Adm	-ditto-	
012757-012817	Adm	-ditto-	
012818-012822	Chairman	-ditto-	
012823-012922	Mr Howard YOUNG	Granting of exemption to KEs where the closed cubicles for karaoke activity were facing a large lobby or dancing area (instead of access through corridors)	
012923-013028	Chairman	-ditto-	
013029-013044	Adm	-ditto-	
013045-013054	Chairman	-ditto-	
013055-013057	Adm	-ditto-	
013058-013102	Chairman	-ditto-	
013103-013238	Mr Andrew WONG	Comments on the approach of the Bill	
013239-013317	Chairman	-ditto-	
013318-013323	Mr Andrew WONG	-ditto-	
013324-013336	Chairman	-ditto-	
013337-013411	Mr Andrew WONG	-ditto-	
013412-013425	Chairman	-ditto-	
013426-013533	Mr Tommy CHEUNG	Working draft of new clause 3(1) (Annex B to LC Paper No. CB(2) 1169/01-02(01))	
013534-013624	Adm	-ditto-	
013625-013641	Mr Tommy CHEUNG	Non-application of the Bill to "bona-fide" restaurants	
013642-013716	Adm	-ditto-	
013717-013722	Mr Tommy CHEUNG	-ditto-	
013723-013745	Adm	-ditto-	
013746-013800	Mr Tommy CHEUNG	-ditto-	
013801-013859	Adm	-ditto-	
013900-013943	Mr Tommy CHEUNG	Maximum number of persons allowed in KE premises (Annex D to LC Paper No. CB(2) 1169/01-02(01))	
013944-014005	Adm	-ditto-	
014006-014058	Mr Tommy CHEUNG	-ditto-	
014059-014140	Adm	-ditto-	
014141-014150	Chairman Adm	-ditto-	
014151-014227	Adm	-ditto-	

014228-014313	Adm Chairman	-ditto-	
014314-014321	Adm	-ditto-	
014322-014351	Chairman	-ditto-	
014352-014447	Adm	-ditto-	
014448-014509	Chairman Adm	-ditto-	
014510-014538	Chairman	-ditto-	
014539-014557	Adm	-ditto-	
014558-014612	Chairman	-ditto-	
014613-014624	Adm	-ditto-	
014625-014655	Adm	-ditto-	
014656-014711	Chairman	-ditto-	
014712-014721	Adm	-ditto-	
014722-014727	Chairman	-ditto-	
014728-014758	Adm	-ditto-	
014759-015118	Mr Tommy CHEUNG	-ditto-	
015119-015125	Chairman	-ditto-	
015126-015131	Mr Tommy CHEUNG	-ditto-	
015132-015135	Chairman	-ditto-	
015136-015246	Adm	-ditto-	
015247-015326	Chairman	-ditto-	
015327-015410	Adm	-ditto-	
015411-015612	Adm	-ditto-	
015613-015616	Chairman	-ditto-	
015617-015650	Mr Tommy CHEUNG	-ditto-	
015651-015707	Chairman	-ditto-	
015708-015720	Adm	-ditto-	
015721-015729	Chairman	-ditto-	
015730-015751	Adm	-ditto-	
015752-015816	Mr Tommy CHEUNG	-ditto-	
015817-015911	Chairman	Dates of next meetings	
015912-015922	Adm	-ditto-	
015923-020226	Chairman	-ditto-	

**Note : The audio records of the above proceedings are kept at the LegCo
Library**

Council Business Division 2
Legislative Council Secretariat
14 March 2002