

立法會
Legislative Council

LC Paper No. CB(2)1581/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the nineteenth meeting
held on Wednesday, 20 March 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building

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

Members Absent : Hon David CHU Yu-lin, JP
Hon Fred LI Wah-ming, JP
Hon LAU Kong-wah
Hon LAU Ping-cheung

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 J R Dobbing
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)

Mrs LEUNG YOUNG Shi-kwan, Grace
Chief Inspector (Licensing)

Department of Justice

Ms Monica LAW
Acting Senior Assistant Law Draftsman

Ms Francoise LAM
Government Counsel

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

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Joanne MAK
Senior Assistant Secretary (2)2

I. Meeting with the Administration
(The Bill and LC Paper No. CB(2)966/00-01(02))

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

2. The Committee continued with clause by clause examination of the Bill and had finished scrutinising clause 15 at the end of the meeting.

3. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -

- (a) to consider Hon Tommy CHEUNG's view that the term "public interest" in the Bill was too wide and should be qualified with reference to the main objective of the Bill i.e. instituting the necessary fire and building safety requirements on karaoke establishments (KE). (The member requested the Administration to make reference to the definition of "immediate health hazard" in the Public Health and Municipal Services Ordinance (Cap 132));
- (b) to review the drafting of clause 14(1)(a) as some members considered that "safety" and "promoted" in the clause seemed to be incongruous;
- (c) to consider members' view that the "directions" given by the licensing authority under clause 14(1), in scope, should be restricted to cover only remedial works necessary to ensure the operation of a KE was in compliance with the licensing conditions and regulations made under the Bill;

- (d) to confirm whether it was the policy intent that the "directions" in clause 14(1) and the "notice" in clause 15(1)(a) were meant to be given only to the licensee or the authorized person, as the case might be, and if so, to review the drafting of the relevant clauses to reflect the policy intent;
- (e) to consider Hon Tommy CHEUNG's view that the service of notices under clause 14(2) should be by registered post addressed to the last known place of business or residence of the person to be served, and by posting the same upon a conspicuous part of the premises concerned. (The member requested the Administration to make reference to the relevant provisions of the Public Health and Municipal Services Ordinance);
- (f) to explain the implementation of the proposed licensing scheme for KE including the role and responsibilities of the Fire Services Department and staffing arrangements;
- (g) to consider whether the District Court should be empowered to direct partial closure of a KE, instead of complete closure under clause 15, if circumstances warranted; and
- (h) to consider whether an express provision should be provided in the Bill to stipulate that the closure order made under clause 15 would not operate to prevent human habitation on the premises concerned (reference should be made to a similar provision in the Public Health and Municipal Services Ordinance);
- (i) to consider whether an express provision should be added to clause 15 to the effect that a licensee could apply to request the District Court to withdraw a closure order when requirements of a direction given under clause 14 had been complied with.

II. Dates of next meetings

4. The Committee agreed to cancel the next meeting originally scheduled for 10 April 2002 at 10:45 am and to hold the next three meetings on -

- (a) 8 April 2002 (Monday) at 4:30 pm;
- (b) 15 April 2002 (Monday) at 8:30 am; and
- (c) 16 April 2002 (Tuesday) at 10:45 am.

5. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
12 April 2002

**Proceedings of the nineteenth meeting of the Bills Committee on
Karaoke Establishments Bill
on Wednesday, 20 March 2002 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000134	Chairman	Clause by clause examination - clause 14	
000135-000218	Mr Tommy CHEUNG	The Public Health and Municipal Services Ordinance - definition of "public health hazard"	
000219-000225	Chairman	-ditto-	
000226-000343	Mr Tommy CHEUNG	-ditto-	
000344-000359	Chairman	-ditto-	
000400-000424	Mr Tommy CHEUNG	-ditto-	
000425-000449	Chairman	-ditto-	
000450-000507	Mr Tommy CHEUNG Chairman	-ditto-	
000508-000723	Mr Tommy CHEUNG	-ditto-	
000724-000802	Chairman	-ditto-	
000803-000809	Mr Tommy CHEUNG	-ditto-	
000810-000826	Chairman	-ditto-	Adm (para. 3(a))
000827-000829	Mr Tommy CHEUNG	The Public Health and Municipal Services Ordinance - service of orders and notices	
000830-000843	Chairman	-ditto-	
000844-001006	Mr Tommy CHEUNG	-ditto-	
001007-001027	Chairman	-ditto-	
001028-001038	Mr Tommy CHEUNG	-ditto-	
001039-001045	Chairman	-ditto-	
001046-001110	Adm	-ditto-	
001111-001208	Chairman	-ditto-	
001209-001223	Ms Audrey EU	Drafting of Clause 14(1)(a)	
001224-001227	Chairman	-ditto-	
001228-001242	Ms Audrey EU	-ditto-	
001243-001247	Chairman	-ditto-	
001248-001311	Adm	-ditto-	
001312-001316	Chairman	-ditto-	
001317-001413	Adm	-ditto-	

001414-001428	Ms Audrey EU	-ditto-	
001429-001433	Chairman	-ditto-	
001434-001558	Ms Audrey EU	-ditto-	Adm (para. 3(b))
001559-001603	Chairman	-ditto-	
001604-001804	Mr Tommy CHEUNG	Meaning of "remedial works" in clause 14	
001805-001808	Chairman	-ditto-	
001809-001842	Adm	-ditto-	
001843-001858	Chairman	-ditto-	
001859-001922	Adm	-ditto-	
001923-001950	Chairman	-ditto-	
001951-002038	Adm	-ditto-	
002039-002051	Chairman Adm	-ditto-	
002052-002112	Chairman	Scope and nature of the "remedial works" in clause 14	
002113-002149	Mr Tommy CHEUNG	-ditto-	
002150-002249	Chairman	-ditto-	
002250-002349	Adm	-ditto-	
002350-002407	Chairman	-ditto-	
002408-002509	Adm	-ditto-	
002510-002523	Chairman	-ditto-	
002524-002535	Adm Chairman Mr Tommy CHEUNG	-ditto-	
002536-002613	Chairman	-ditto-	
002614-002618	Mr Tommy CHEUNG	-ditto-	
002619-002621	Chairman	-ditto-	
002622-002643	Adm	-ditto-	
002644-002647	Chairman	-ditto-	
002648-002732	Adm	-ditto-	
002733-002750	Chairman	-ditto-	
002751-002812	Adm	-ditto-	
002813-002918	Chairman	-ditto-	
002819-002841	ALA4	-ditto-	
002842-003021	Ms Audrey EU	-ditto-	
003022-003025	Chairman	-ditto-	
003026-003057	Mr Andrew WONG	-ditto-	
003058-003143	Chairman	-ditto-	
003144-003239	Ms Audrey EU	-ditto-	

003240-003338	Adm	-ditto-	
003339-003509	Adm	-ditto-	
003510-003751	Chairman	-ditto-	
003752-003856	Adm	-ditto-	
003857-004013	Chairman	-ditto-	Adm (para. 3(c))
004014-004020	Adm Chairman	-ditto-	
004021-004054	Adm	-ditto-	
004055-004058	Mr Andrew WONG	-ditto-	
004059-004417	Mr Tommy CHEUNG	-ditto-	
004418-004546	Chairman	-ditto-	
004547-004646	Mr Andrew WONG	-ditto-	Adm (para. 3(f))
004647-004723	Chairman	-ditto-	
004724-004750	Mr Andrew WONG	-ditto-	
004751-004817	Chairman	-ditto-	
004818-004916	Mr Tommy CHEUNG	Service of notices giving directions under clause 14(2)	
004917-005015	Chairman	-ditto-	Adm (para. 3(e))
005016-005026	Adm	-ditto-	
005027-005046	Chairman	-ditto-	
005047-005127	Mr Tommy CHEUNG	-ditto-	
005128-005136	Chairman	-ditto-	
005137-005147	Mr Tommy CHEUNG Chairman	-ditto-	
005148-005209	Chairman	-ditto-	
005210-005324	Adm	-ditto-	
005325-005447	Mr Tommy CHEUNG	Persons who would be held responsible for failure to comply with the requirements of a direction given under clause 14	
005448-005621	Adm	-ditto-	
005622-005942	Mr Andrew WONG	-ditto-	
005643-005555	Chairman	-ditto-	
005556-005758	Mr Tommy CHEUNG	-ditto-	
005759-005715	Chairman	-ditto-	
005716-005720	Mr Andrew WONG Chairman	-ditto-	
005721-005734	Chairman	-ditto-	
005735-005738	Mr Andrew WONG	-ditto-	
005739-005747	Mr Tommy CHEUNG	-ditto-	

005750-005751	Chairman	-ditto-	
005752-005759	Mr Tommy CHEUNG	-ditto-	
005800-005804	Chairman	-ditto-	
005805-005842	Mr Tommy CHEUNG	-ditto-	
005843-005848	Mr Andrew WONG	-ditto-	
005849-005906	Mr Tommy CHEUNG	-ditto-	
005907-005827	Chairman	-ditto-	
005828-005948	Mr Tommy CHEUNG	-ditto-	
005949-010003	Chairman	-ditto-	
010004-010012	Adm	-ditto-	
010013-010040	Chairman	-ditto-	
010041-010307	ALA4	The need to clearly stipulate in clause 14 that to whom the "directions" would be given	
010308-010323	Mr Tommy CHEUNG	-ditto-	
010324-010429	Chairman	-ditto-	
010430-010535	Adm	-ditto-	
010536-010615	Chairman	-ditto-	
010616-010647	Adm	-ditto-	
010648-010700	Chairman	-ditto-	
010701-010702	Adm	-ditto-	
010703-010904	Chairman	-ditto-	Adm (para. 3(d))
010905-011021	Adm	-ditto-	
011022-011120	Mr Andrew WONG	-ditto-	
011121-011133	Chairman	-ditto-	
011134-011149	Mr Andrew WONG	-ditto-	
011150-011326	Adm	-ditto-	
011327-011329	Chairman	-ditto-	
011330-011356	Mr Andrew WONG	-ditto-	
011357-011409	Chairman	-ditto-	
011410-011412	Mr Andrew WONG	-ditto-	
011413-011426	Chairman	-ditto-	
011427-011442	Mr Andrew WONG	-ditto-	
011443-011454	Adm	-ditto-	
011455-011513	Chairman	-ditto-	
011514-011545	Adm	-ditto-	
011546-011645	Chairman	-ditto-	
011646-011716	Mr Andrew WONG	-ditto-	
011717-011737	Chairman Mr Andrew WONG	-ditto-	

011738-011748	Chairman	-ditto-	
011749-011752	Mr Tommy CHEUNG	-ditto-	
011753-011814	Chairman	-ditto-	
011815-011821	Mr Andrew WONG	-ditto-	
011822-011855	Adm	-ditto-	
011856-011904	Mr Andrew WONG Chairman Mr Tommy CHEUNG	-ditto-	
011905-011931	Mr Tommy CHEUNG	-ditto-	
011932-012006	Chairman	-ditto-	
012007-012029	Mr Tommy CHEUNG	-ditto-	
012030-012255	Chairman	-ditto-	
012256-012313	Mr Tommy CHEUNG	The need to clearly stipulate in clause 15 that on whom the "notice" would be served	
012314-012329	Chairman Mr Tommy CHEUNG	-ditto-	
012330-012359	Chairman	-ditto-	
012400-012415	Adm	-ditto-	
012416-012423	Chairman Mr Tommy CHEUNG	-ditto-	
012424-012439	Chairman	-ditto-	
012440-012450	Mr Tommy CHEUNG	-ditto-	
012451-012539	Chairman	-ditto-	
012540-012614	Mr Tommy CHEUNG	-ditto-	
012615-012622	Chairman	-ditto-	
012623-012655	Mr Tommy CHEUNG	Entry of a karaoke establishment which had been subject to a closure order - clause 15(3)(b)	
012656-012711	Chairman	-ditto-	
012712-012744	Adm	-ditto-	
012745-012751	Chairman	-ditto-	
012752-012807	Adm	-ditto-	
012808-012849	Chairman	-ditto-	
012850-012909	Mr Tommy CHEUNG Chairman	-ditto-	
012910-012943	Adm	-ditto-	
012944-013032	Adm	-ditto-	
013033-013143	Mr Tommy CHEUNG	-ditto-	
013144-013152	Adm	-ditto-	

013153-013159	Chairman Mr Tommy CHEUNG	-ditto-	
013200-013242	Adm	-ditto-	
013243-013311	Mr Tommy CHEUNG Chairman	-ditto-	
013312-013341	Chairman	-ditto-	
013342-013348	Mr Tommy CHEUNG	-ditto-	
013349-013355	Chairman	-ditto-	
013356-013431	Mr Tommy CHEUNG	-ditto-	
013432-013435	Adm	-ditto-	
013436-013455	Chairman	-ditto-	
013456-013543	Ms Audrey EU	The need to provide an express provision in the Bill to stipulate that the closure order under clause 15 would not operate to prevent human habitation on the premises concerned	
013544-013551	Chairman	-ditto-	
013552-013630	Adm	-ditto-	
013631-013648	Chairman	-ditto-	
013649-013703	Ms Audrey EU	-ditto-	
013704-013727	Adm	-ditto-	
013728-013805	Chairman	-ditto-	
013806-013818	Ms Audrey EU	-ditto-	
013819-013827	Chairman Mr Tommy CHEUNG	-ditto-	
013828-013841	Adm	-ditto-	
013842-013859	Adm	-ditto-	
013900-013903	Chairman	-ditto-	
013904-013933	Adm	-ditto-	
013934-013945	Chairman	-ditto-	
013946-013947	Adm	-ditto-	
013948-014024	Chairman	The need to empower the District Court to direct partial closure of a KE, instead of complete closure under clause 15, if circumstances warranted	Adm (para. 3(g))
014025-014127	Mr Tommy CHEUNG	-ditto-	
014128-014138	Adm Chairman	-ditto-	
014139-014204	Chairman	-ditto-	
014205-014221	Mr Tommy CHEUNG	-ditto-	
014222-014243	Chairman	-ditto-	
014244-014247	Mr Tommy CHEUNG	-ditto-	

014248-014327	Adm	-ditto-	
014328-014416	Mr Tommy CHEUNG	-ditto-	
014417-014511	Chairman	The need to add a provision to clause 15 to the effect that a licensee could apply to request the District Court to withdraw a closure order	Adm (para. 3(h))
014512-014541	Adm	-ditto-	
014542-014549	Mr Tommy CHEUNG	-ditto-	
014550-014625	Chairman	-ditto-	
014626-014636	Adm	-ditto-	
014637-014704	Mr Andrew WONG	-ditto-	
014705-014710	Chairman	-ditto-	
014711-014733	Mr Andrew WONG	-ditto-	
014734-014744	Chairman	-ditto-	
014745-014800	Mr Andrew WONG	-ditto-	
014801-014803	Adm	-ditto-	
014804-014846	Chairman	Dates of next meetings	
014847-014851	Mr Tommy CHEUNG	-ditto-	
014852-015200	Chairman	-ditto-	

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

Council Business Division 2
Legislative Council Secretariat
12 April 2002