

立法會

Legislative Council

LC Paper No. CB(2) 1737/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 20th meeting
held on Monday, 8 April 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Hon James TO Kun-sun (Chairman)
Hon Fred LI Wah-ming, JP
Hon Howard YOUNG, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon David CHU Yu-lin, JP
Hon Andrew WONG Wang-fat, JP
Hon LAU Kong-wah

Public Officers Attending : Security Bureau
Mrs J CHOK
Deputy Secretary for Security
Mr S W HUI
Principal Assistant Secretary for Security
Department of Justice
Ms Monica LAW
Acting Senior Assistant Law Draftsman
Ms Francoise LAM
Government Counsel

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

Hong Kong Police Force

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

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 meeting
(LC Paper No. CB(2)1495/01-02)

The minutes of the meeting held on 15 March 2002 were confirmed.

II. Meeting with the Administration
(The Bill and LC Paper No. CB(2)973/00-01(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Committee continued with clause by clause examination of the Bill and had completed scrutinising all the clauses of the Bill before the end of the meeting.
4. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -
 - (a) On clause 16 (1)(c), to explain
 - (i) the circumstances under which prosecution would be taken against a person and the circumstances under which the licencing authority would exercise its discretion not to prosecute;
 - (ii) the reasons for the Administration not to adopt the arrangement applicable to food premises i.e. food premises using a name different from that indicated in the licence concerned would not constitute an offence;
 - (iii) to provide examples of similar provisions in other Ordinances and the penalty imposed by those provisions;
 - (iv) to consider the Chairman's suggestion that a licensee/grantee should be allowed to provide a few different names for his karaoke establishment (KE) to the licensing authority for registration and the KE could operate under any of those names; and
 - (b) to review the drafting of the English version of clause 16(1)(a) and (c) to improve clarity;
 - (c) to review the drafting of clause 16(2) to reflect the policy intent that "the person" referred therein should be construed to mean a natural person only;

- (d) On members' concern that articles seized under clause 13(1)(iii) were subject to forfeiture under clause 19, to provide the following information -
- (i) court cases illustrating the matters the court would consider in exercising its discretion to order forfeiture under other Ordinances;
 - (ii) the criteria adopted by enforcement officers in deciding on the scale of seizure when exercising the power to seize articles under other Ordinances and official guidelines (if any) issued in this regard for reference of enforcement officers; and
- (e) to provide examples of provisions in other Ordinances which were similar to clause 20(3) in respect of the discretion of the licensing authority to waive the requirements of any regulation made under the principal Ordinance. (Hon Howard YOUNG suggested the Administration to make reference to the Hotel and Guesthouse Accommodation Ordinance (Cap.349)).

Assistant Legal Adviser 3 was also requested to assist in providing advice/information on paragraph 3(b) and (d)(i) above.

III. Dates of next meetings

5. Mr Tommy CHEUNG would further confirm whether he would be able to attend the meeting scheduled for 16 April 2002 at 10:45 am.
6. In addition to the two meetings scheduled for 15 and 16 April 2002, the Committee agreed that another meeting be scheduled for 2 May 2002 at 4:30 pm.
7. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
30 April 2002

**Proceedings of the 20th meeting of the Bills Committee on
Karaoke Establishments Bill
on Monday, 8 April 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000-000001	Chairman	Dates of next meetings	
000002-000148	Members	-ditto-	
000149-000347	Chairman	Clause by clause examination - clause 16	
000348-000404	Mr Tommy CHEUNG	Clause 16(4)(c)	
000405-000416	Chairman	-ditto-	
000417-000507	Mr Tommy CHEUNG	-ditto-	
000508-000529	Chairman	-ditto-	
000530-000549	Mr Tommy CHEUNG	-ditto-	
000550-000613	Chairman	-ditto-	
000614-000709	Mr Howard YOUNG	Clause 16(1)(c) - The name of a karaoke establishment (KE) indicated in the permit or the licence	
000710-000749	Chairman	-ditto-	
000750-000837	Adm	-ditto-	
000838-000906	Adm	-ditto-	
000907-000912	Chairman	-ditto-	
000913-001000	Mr Howard YOUNG	-ditto-	
001001-001025	Adm	-ditto-	
001026-001035	Mr Howard YOUNG	-ditto-	
001036-001039	Adm	-ditto-	
001040-001111	Adm	-ditto-	
001112-001118	Mr Howard YOUNG	-ditto-	
001119-001144	Adm	-ditto-	
001145-001314	Mr Tommy CHEUNG	-ditto-	
001315-001337	Chairman Mr Tommy CHEUNG	-ditto-	
001338-001431	Mr Tommy CHEUNG	-ditto-	
001432-001534	Chairman	-ditto-	
001535-001559	Adm	-ditto-	
001600-001757	Chairman	-ditto-	
001758-001844	Adm	-ditto-	

001845-002038	Chairman	-ditto-	Adm (para. 3(a)(i) and (ii))
002039-002057	Adm	-ditto-	
002058-002102	Chairman	-ditto-	
002103-002105	Adm	-ditto-	
002106-002113	Chairman	-ditto-	
002114-002139	Adm	-ditto-	
002140-002146	Chairman	-ditto-	
002147-002158	Adm	-ditto-	
002159-002200	Chairman	-ditto-	
002201-002220	Adm	-ditto-	
002221-002225	Chairman	-ditto-	
002226-002244	Adm	-ditto-	
002245-002305	Chairman	-ditto-	
002306-002312	Adm	-ditto-	
002313-002331	Chairman	-ditto-	
002332-002349	Adm	-ditto-	
002350-002401	Chairman	-ditto-	
002402-002452	Mr Tommy CHEUNG	-ditto-	
002453-002512	Chairman	-ditto-	
002513-002550	Adm	-ditto-	
002551-002554	Chairman	-ditto-	
002555-002623	Mr Tommy CHEUNG	-ditto-	
002624-002709	Chairman	-ditto-	Adm (para. 3(a)(iii) and (iv))
002710-002824	Mr LAU Ping-cheung	Drafting of clause 16(1)(a) and (c)	
002825-002839	Chairman	-ditto-	Adm (para. 3(b)) and ALA3
002840-002844	Adm	-ditto-	
002845-002850	Chairman	-ditto-	
002851-003020	ALA3	Meaning of the "person in whose name the permit or the license was grated or issued" in clause 16(2)	
003021-003024	Chairman	-ditto-	
003025-003047	ALA3	-ditto-	
003048-003204	Adm	-ditto-	
003205-003217	Chairman	-ditto-	
003218-003253	ALA3	-ditto-	
003254-003427	Chairman	-ditto-	

003428-003446	ALA3	-ditto-	
003447-003507	Chairman	-ditto-	
003508-003530	Adm	-ditto-	
003531-003538	Chairman	-ditto-	
003539-003546	Adm	-ditto-	
003547-003610	Chairman	-ditto-	
003611-003636	ALA3	-ditto-	
003637-003644	Chairman	-ditto-	Adm (para. 3(c))
003645-003649	Adm	-ditto-	
003650-003707	Chairman	-ditto-	
003708-003720	Mr Tommy CHEUNG	-ditto-	
003721-003742	Chairman	-ditto-	
003743-003754	Mr Tommy CHEUNG	-ditto-	
003755-003816	Chairman	-ditto-	
003817-003830	Mr Tommy CHEUNG	-ditto-	
003831-003903	Chairman	-ditto-	
003904-003915	Adm	-ditto-	
003916-003934	Chairman	-ditto-	
003935-003954	Mr Tommy CHEUNG	Clause 17 - Proof of permit or licence	
003955-004012	Chairman	-ditto-	
004012-004127	ALA3	-ditto-	
004128-004414	Chairman	Clause 18 - Service of notices and orders	
004415-004422	Adm	-ditto-	
004423-004424	Chairman	-ditto-	
004425-004544	Adm	-ditto-	
004545-004619	Chairman	-ditto-	
004620-004751	Mr Tommy CHEUNG	-ditto-	
004752-004836	Adm	-ditto-	
004837-004855	Mr Tommy CHEUNG	-ditto-	
004856-004912	Chairman Mr Tommy CHEUNG	-ditto-	
004913-005002	Chairman	-ditto-	
005003-005043	Mr Tommy CHEUNG	-ditto-	
005044-005125	Chairman	-ditto-	
005126-005140	Mr Tommy CHEUNG	-ditto-	
005141-005149	Chairman	-ditto-	
005150-005158	Mr Tommy CHEUNG	Clause 19 - Forfeiture of apparatus and equipment used for karaoke (LC Paper No. CB(2)973/01-02(01))	

005159-005316	Adm	-ditto-	
005317-005442	Chairman	-ditto-	
005443-005531	Mr Tommy CHEUNG	-ditto-	
005532-005742	Chairman	-ditto-	
005743-005854	Adm	-ditto-	
005855-005900	Chairman	-ditto-	
005901-005944	ALA3	-ditto-	
005945-010123	Chairman	-ditto-	
010124-010220	Mr Tommy CHEUNG	-ditto-	
010221-010248	Chairman	-ditto-	
010249-010257	Mr Tommy CHEUNG Chairman	-ditto-	
010258-010311	Mr Tommy CHEUNG	-ditto-	
010312-010417	Mr Howard YOUNG	-ditto-	
010418-010548	Adm	-ditto-	
010549-010559	Mr Howard YOUNG	-ditto-	
010600-010610	Adm	-ditto-	
010611-010615	Chairman	-ditto-	
010616-010620	Adm	-ditto-	
010612-010620	Chairman	-ditto-	
010621-010702	Adm	-ditto-	
010703-010951	Chairman	-ditto-	Adm (para. 3(d)(i) and ALA3
010952-011024	Adm	-ditto-	
011026-011005	Chairman	-ditto-	
011106-011115	Adm	-ditto-	
011116-011334	Chairman	-ditto-	
011335-011412	Mr Tommy CHEUNG	-ditto-	
011413-011418	Chairman	-ditto-	
011419-011521	Mr Tommy CHEUNG	-ditto-	
011522-011539	Chairman	-ditto-	
011540-011543	Mr Tommy CHEUNG	-ditto-	
011544-011616	Chairman Mr Tommy CHEUNG	-ditto-	
011617-011807	Chairman	-ditto-	
011808-011837	Mr Tommy CHEUNG	-ditto-	
011838-011840	Chairman	-ditto-	
011841-012010	Adm	-ditto-	

012011-012041	Chairman	-ditto-	
012042-012106	Mr Tommy CHEUNG	-ditto-	
012107-012429	Chairman	-ditto-	Adm (para. 3(d)(ii))
012430-012445	Mr Tommy CHEUNG	Clause 20 - Regulations	
012446-012622	ALA3	-ditto-	
012623-012647	Chairman	Clause 20(3) - waiver of the requirements of any regulation in respect of KE	
012648-012821	Adm	-ditto-	
012822-012911	Chairman	-ditto-	
012912-012918	Adm	-ditto-	
012919-012943	Chairman	-ditto-	
012944-013009	Adm	-ditto-	
013010-013052	Chairman	-ditto-	
013053-013157	Adm	-ditto-	
013158-013258	Chairman	-ditto-	
013259-013355	Mr Tommy CHEUNG	-ditto-	
013356-013407	Chairman Mr Tommy CHEUNG	-ditto-	
013408-013524	Chairman	-ditto-	Adm (para. 3(e))
013525-013615	Adm	-ditto-	
013616-013711	Chairman	-ditto-	
013712-013802	Mr Howard YOUNG	-ditto-	
013803-013930	Chairman	i. Clause 21 - Schedule amended ii. Confirmation of minutes of meeting iii. Dates of next meetings	
013931-013937	Mr Tommy CHEUNG	-ditto-	
013938-014057	Members	-ditto-	
014320-014857	Chairman	-ditto-	

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

Council Business Division 2
Legislative Council Secretariat
 30 April 2002