

立法會
Legislative Council

LC Paper No. CB(2)1865/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 22nd meeting
held on Tuesday, 16 April 2002 at 10:45 am
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 Michael MAK Kwok-fung

Members Absent : Hon David CHU Yu-lin, JP
Hon Fred LI Wah-ming, JP
Hon LAU Kong-wah
Hon Tommy CHEUNG Yu-yan, JP
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Public Officers Attending : Security Bureau

Mr S W HUI
Principal Assistant Secretary for Security

Miss Peggy LAU
Chief 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 LAM Siu-tong
Acting 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)

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 Nos. CB(2)1580&1581/01-02)

The minutes of the meetings on 7 and 20 March 2002 were confirmed.

II. Meeting with the Administration
(The Bill and LC Papers Nos. CB(2)1585/01-02(01) and (2))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. Hon Howard YOUNG said that the trade was very concerned about the power of the licensing authority to refuse to grant or renew a licence or permit based on the considerations of "public interest". The Administration should appreciate the fact that the trade had to make substantial investments for operating a karaoke establishment (KE) and the absence of criteria for assessing "public interest" would render the operation of a licensed KE uncertain. He questioned the need for the Bill to impose various regulatory controls on KE which were already provided for under various Ordinances, other than those relating to fire and building safety.
4. Hon Howard YOUNG further said that the trade also objected to clause 12(2) which provided that the licensing authority's decision that was appealed against would not be suspended in its operation if the licensing authority was of the opinion that the suspension of the decision would be contrary to the public interest.
5. The Administration was requested to respond in writing to the following issues to facilitate the work of the Committee -
 - (a) On clause 10(iv) and (v), to consider
 - (i) the Chairman's view that sub-clauses (iv) would give the licensing authority too much power as it could revoke the licence or permit of a KE on the basis that the KE was no longer located in an area suitable for the operation of KE during the validity period of its licence or permit;

- (ii) the Chairman's suggestion that clause 10(v) should be deleted as it overlapped with clause 10(iv);
 - (iii) to provide examples where the licensing authority might invoke clause 10 (a) - (d) in respect of circumstances set out in clause 10 (iv) & (v); and
 - (b) to confirm whether the existing Resource Centre under the Food and Environmental Hygiene Department providing advisory services and restaurant licensing-related information to applicants could also provide the same advisory services for KE applicants.
6. The Chairman reminded the Administration to provide -
- (a) response to issues raised at the meetings on 20 March and 8 April 2002;
 - (b) draft Committee Stage amendments proposed by the Administration at previous meetings; and
 - (c) updated draft Karaoke Establishments (Licensing) Regulations
- as soon as possible for members' consideration.

III. Date of next meeting

7. The next meeting would be held on 2 May 2002 at 4:30 pm. The Clerk would issue a circular to inform members of dates of further meetings and to confirm their attendance.
8. There being no other business, the meeting ended at 12:10 pm.

**Proceedings of the 22nd meeting of the Bills Committee on
Karaoke Establishments Bill
on Tuesday, 16 April 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000139	Chairman	Confirmation of minutes of meetings	
000140-000554	Adm	Administration's response to issues raised at the meeting on 7 March 2002 - clause 5(3)(b) and (c) (Item 1 of LC Paper No. CB(2)1585/01-02(02))	
000555-000558	Chairman	-ditto-	
000559-000954	Mr Howard YOUNG	-ditto-	
000955-001001	Chairman	-ditto-	
001002-001046	Adm	-ditto-	
001047-001054	Chairman Mr Howard YOUNG	-ditto-	
001055-001108	Chairman	-ditto-	
001109-001236	Mr Andrew WONG	-ditto-	
001237-001239	Chairman	-ditto-	
001240-001305	Mr Andrew WONG	-ditto-	
001306-001337	Chairman	-ditto-	
001338-001507	Adm	Extending the duration of the licence or permit for karaoke establishment (KE) specified under clause 5(8)(c) (Item 2 of LC Paper No. CB(2)1585/01-02(02))	
001508-001514	Chairman	-ditto-	
001515-001525	Adm	-ditto-	
001526-001553	Chairman	-ditto-	
001554-001711	Adm	Review of drafting of clause 7(1) (Item 1 of LC Paper No. CB(2)1585/01-02(03))	
001712-001718	Chairman	-ditto-	
001719-001734	ALA3	-ditto-	
001735-001756	Chairman	-ditto-	
001757-001828	ALA3	-ditto-	
001828-001853	Chairman ALA3	-ditto-	

001854-001921	Adm	-ditto-	
001922-001935	Chairman	-ditto-	
001936-002042	Adm	Basic requirements to be met by an applicant in order to be granted a provisional licence or permit under clause 9(1) (Item 2 of LC Paper No. CB(2)1585/01-02(03))	
002043-002045	Chairman	-ditto-	
002046-002109	Adm	-ditto-	
002110-002122	Chairman	-ditto-	
002123-002125	Adm	-ditto-	
002126-002131	Chairman	-ditto-	
002132-002134	Adm	-ditto-	
002135-002143	Chairman	-ditto-	
002144-002158	Adm	-ditto-	
002159-002225	Chairman	-ditto-	
002226-002259	Adm	-ditto-	
002300-002302	Chairman	-ditto-	
002303-002336	Mr Howard YOUNG	-ditto-	
002337-002452	Adm	-ditto-	
002453-002502	Chairman	-ditto-	
002503-002728	Adm	Clause 10 (iv) and (v) (Item 3 of LC Paper No. CB(2)1585/01-02(03))	
002729-002734	Chairman	-ditto-	
002735-002738	ALA3	-ditto-	
002739-002801	Chairman	-ditto-	
002802-002839	ALA3	-ditto-	
002840-002928	Chairman	-ditto-	
002929-003014	Adm	-ditto-	
003015-003038	Chairman	-ditto-	
003039-003054	Adm	-ditto-	
003055-003135	Chairman	-ditto-	
003136-003204	Adm	-ditto-	
003205-003300	Chairman	-ditto-	
003301-003311	Adm	-ditto-	
003312-003420	Chairman	-ditto-	
003421-003431	Adm	-ditto-	
003432-003459	Chairman	-ditto-	
003500-003511	Adm	-ditto-	
003512-003537	Chairman	-ditto-	

003538-003542	Adm	-ditto-	
003543-003552	Chairman	-ditto-	
003553-003626	Adm	-ditto-	
003627-003646	Chairman	-ditto-	
003647-003707	Adm	-ditto-	
003708-003716	Chairman	-ditto-	
003717-003720	Adm	-ditto-	
003721-003809	Chairman	-ditto-	
003810-003822	Adm	-ditto-	
003823-003925	Chairman	-ditto-	
003926-003937	Mr Howard YOUNG	-ditto-	
003938-004036	Chairman	-ditto-	
004037-004125	Mr Michael MAK	-ditto-	
004126-004223	Adm	-ditto-	
004224-004227	Chairman	-ditto-	
004228-004242	Mr Michael MAK	-ditto-	
004243-004331	Adm	-ditto-	
004332-004421	Chairman	-ditto-	
004422-004512	Adm	-ditto-	
004513-004528	Chairman	-ditto-	
004529-004538	Adm	-ditto-	
004539-004545	Chairman	-ditto-	
004546-004606	Adm	-ditto-	
004607-004713	Chairman	-ditto-	Adm (paragraph 5(a))
004714-004750	Adm	Decisions made by the licensing authority under clause 5,6,8,9 or 10 and the imposition of conditions under clause 5(2) were subject to appeal to the Administrative Appeals Board (AAB) (Item 4 of LC Paper No. CB(2)1585/01-02(03))	
004751-004804	Chairman	-ditto-	
004805-004918	Adm	Addition of an express provision to the Bill to the effect that a licence would remain in force if the licence had expired but the period for lodging an appeal against the decision of non-renewal of licence had yet to expire (Item 5 of LC Paper No. CB(2)1585/01-02(03))	
004919-004922	Chairman	-ditto-	
004923-005014	Mr Howard YOUNG	-ditto-	
005015-005040	Adm	-ditto-	

005041-005046	Mr Howard YOUNG	-ditto-	
005047-005055	Chairman	-ditto-	
005056-005107	Adm	-ditto-	
005108-005113	Mr Howard YOUNG	-ditto-	
005114-005115	Adm	-ditto-	
005116-005144	Chairman	-ditto-	
005145-005212	Mr Howard YOUNG	-ditto-	
005213-005243	Chairman	-ditto-	
005244-005449	Adm	-ditto-	
005450-005525	Chairman	-ditto-	
005526-005643	Adm	Service of notices and orders in respect of serious offences (Item 6 of LC Paper No. CB(2)1585/01-02(03))	
005644-005958	Chairman	-ditto-	
005659-005719	Adm	-ditto-	
005720-005810	Chairman	-ditto-	
005811-005829	Adm	-ditto-	
005830-010032	Chairman	-ditto-	
010033-010052	Adm	Average waiting time before an appeal case was heard by AAB (Item 7 of LC Paper No. CB(2)1585/01-02(03))	
010053-010114	Chairman	-ditto-	
010115-010123	Adm	Relevant statutory provisions to explain whether a decision of AAB was final or subject to further appeal to other courts (Item 8 of LC Paper No. CB(2)1585/01-02(03))	
010124-010127	Chairman	-ditto-	
010128-010213	Adm	-ditto-	
010214-010233	Chairman	-ditto-	
010234-010249	Adm	Examples of provisions in other Ordinances similar to clause 12(2) (Item 9 of LC Paper No. CB(2)1585/01-02(03))	
010250-010416	Chairman	-ditto-	
010417-010443	Mr Howard YOUNG	Average waiting time before an appeal case was heard by AAB	
010444-010507	Chairman	-ditto-	
010508-010534	Mr Howard YOUNG	-ditto-	
010535-010543	Adm	-ditto-	
010544-010615	Chairman	-ditto-	
010616-010657	Mr Howard YOUNG	-ditto-	
010658-010752	Chairman	Outstanding issues	
010753-010757	Adm	-ditto-	

010758-010805	Chairman	Date of next meeting	Clerk (paragraph 7)
010806-010811	Mr Howard YOUNG	-ditto-	
010812-010837	Chairman	-ditto-	
010838-010847	Mr Andrew WONG	The 4-month average waiting time for hearing of an appeal case by AAB	
010848-010857	Chairman	-ditto-	
010858-010951	Mr Andrew WONG	-ditto-	
010955-011005	Chairman	-ditto-	
011006-011039	Adm	-ditto-	
011040-011057	Chairman	-ditto-	
011058-011106	Mr Andrew WONG	-ditto-	
011107-011138	Chairman	-ditto-	
011139-011145	Adm Chairman	-ditto-	
011146-011152	Adm	-ditto-	
011153-011157	Chairman	-ditto-	
011158-011302	Adm	-ditto-	
011303-011323	Chairman	-ditto-	
011324-011331	Adm	-ditto-	
011332-011341	Chairman	-ditto-	
011342-011349	Adm	-ditto-	
011350-011409	Chairman	-ditto-	
011410-011422	Adm	-ditto-	
011423-011426	Chairman	Provision of advisory services by the Resource Centre of the Food and Environmental Hygiene Department for KE applicants to facilitate their applications	Adm (paragraph 5(b))
011427-011439	Adm	-ditto-	
011440-011453	Chairman	-ditto-	
011454-011459	Adm	-ditto-	
011500-011634	Mr Andrew WONG	-ditto-	
011635-011644	Chairman	-ditto-	

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

Council Business Division 2
Legislative Council Secretariat
 8 May 2002