

立法會
Legislative Council

LC Paper No. CB(2)2006/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/00

Legislative Council
Bills Committee on Karaoke Establishments Bill

Minutes of the 23rd meeting
held on Thursday, 2 May 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Hon James TO Kun-sun (Chairman)
Dr 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 Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Fred LI Wah-ming, JP
Hon LAU Ping-cheung

Public Officers Attending : Security Bureau
Mrs Jennie CHOK
Deputy Secretary for Security
Miss Peggy LAU
Chief Assistant Secretary for Security
Mr Damian CHAN
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

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)

Clerk in Attendance : Ms Doris CHAN
Chief Assistant Secretary (2) 4

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)1737/01-02)

The minutes of the meeting on 8 April 2002 were confirmed.

II. Meeting with the Administration
(The Bill and LC Paper No. CB(2)1738/01-02(01))

2. The Committee deliberated (index of proceedings attached at **Annex A**).
3. The Administration confirmed that the policy intent of the proposed licensing control was mainly to institute the necessary fire safety and building requirements on karaoke establishments (KEs) and to take into account other concerns of the society at large when required.
4. The Chairman said that he would probably move Committee Stage amendments (CSAs) to amend clauses of the Bill to replace the reference to "public interest" by "fire safety, building safety and public safety".
5. Mr Tommy CHEUNG requested to put on record that he was opposed to the resumption of Second Reading debate of the Bill. However, in the event that the resumption of Second Reading debate of the Bill was supported, he would support the CSAs as proposed by the Chairman in the preceding paragraph.
6. The Administration agreed to move a CSA to amend the Chinese version of clause 14(1)(a) to substitute "保障" with "促進".

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

- (a) On clause 14, to consider
 - (i) members' views that clause 14(1)(a), (b) and (c) should be applicable only to KEs which operated without licences/permits during the transitional period as provided under clause 3(3). However, in respect of KEs which were granted licences under the proposed licensing scheme, the Administration should consider deleting clause 14(1)(a) and (b);
 - (ii) Mr Tommy CHEUNG's suggestion that in respect of KEs which were granted licences under the proposed licensing scheme, clause 14(2)(a) should be revised to specify that the directions in clause 14(1) would be given only to the licensee or the authorized person, as the case might be; and
 - (iii) the Chairman's suggestion that on resumption of Second Reading debate of the Bill, the Administration should give an undertaking that, in implementing clause 14(2), the licensing authority would not serve the notice under clause 14(1) on person not being the "operator, keeper, manager or otherwise having control of the KE". The Administration would also confirm that, in law, cleaning staff would not be regarded as the "the person being the operator, keeper, manager or otherwise having control of the KE";
- (b) to stipulate that the service of a closure order under clause 18 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.

8. The Chairman asked to put on record that as the licensing authority under the Bill would either be the Secretary for Home Affairs or the Director of Food and Environmental Hygiene depending on the circumstances, members were concerned that the number of inspections conducted to KEs by respective departments might be different, thus resulting in different levels of control in enforcement.

III. Date of next meeting

9. The next meeting would be held on 13 May 2002 at 2:30 pm.
10. There being no other business, the meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
21 May 2002

Annex A

**Bills Committee on Karaoke Establishments Bill
Meeting on Thursday, 2 May 2002 at 4:30 pm.
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000000 - 000058	Mr James TO Kun-sun	Confirmation of minutes of meeting	
000058 - 000142	Mr James TO Kun-sun	"Public interest" in the Bill (Item 1 of LC Paper No. CB(2)1738/01-02(01))	
000142 - 000311	Administration	-ditto-	
000311 - 000323	Mr James TO Kun-sun	-ditto-	
000323 - 000430	Administration	-ditto-	
000430 - 000529	Mr James TO Kun-sun	-ditto-	
000529 - 000716	Administration	-ditto-	
000716 - 000732	Mr James TO Kun-sun	-ditto-	
000732 - 000806	Administration	-ditto-	
000806 - 000844	Mr James TO Kun-sun	-ditto-	
000844 - 000901	Administration	-ditto-	
000901 - 000920	Mr James TO Kun-sun	-ditto-	
000920 - 000949	Mr Andrew WONG Wang-fat, JP	-ditto-	
000949 - 001005	Mr James TO Kun-sun	-ditto-	
001005 - 001018	Mr Andrew WONG Wang-fat, JP	-ditto-	
001018 - 001045	Administration	-ditto-	
001045 - 001155	Mr James TO Kun-sun	-ditto-	
001155 - 001324	Mr Tommy CHEUNG Yu-yan, JP	-ditto-	

001324 - 001405	Administration	-ditto-	
001405 - 001424	Mr James TO Kun-sun	-ditto-	
001424 - 001446	Administration	-ditto-	
001446 - 001526	Mr James TO Kun-sun	-ditto-	
001526 - 001533	Administration	-ditto-	
001533 - 001559	Mr James TO Kun-sun	-ditto-	
001559 - 001712	Ms Audrey EU Yuet-mee, SC, JP	-ditto-	
001712 - 001720	Mr James TO Kun-sun	-ditto-	
001720 - 001826	Mr Andrew WONG Wang- fat, JP	-ditto-	
001826 - 001834	Mr James TO Kun-sun	-ditto-	
001834 - 001907	Administration	-ditto-	
001907 - 001935	Mr James TO Kun-sun	-ditto-	
001935 - 001945	Mr Andrew WONG Wang- fat, JP	-ditto-	
001945 - 002001	Mr James TO Kun-sun	-ditto-	
002001 - 002103	Administration	-ditto-	
002103 - 002232	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
002232 - 002242	Mr James TO Kun-sun	-ditto-	
002242 - 002250	Mr James TO Kun-sun	-ditto-	
002250 - 002304	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
002304 - 002345	Mr James TO Kun-sun	-ditto-	
002345 - 002455	Administration	-ditto-	

002455 - 002505	Mr Andrew WONG Wang-fat, JP	-ditto-	
002505 - 002530	Administration	-ditto-	
002530 - 002541	Mr Andrew WONG Wang-fat, JP	-ditto-	
002541 - 002602	Mr James TO Kun-sun	-ditto-	
002602 - 002610	Administration	-ditto-	
002610 - 002634	Mr James TO Kun-sun	-ditto-	
002634 - 002655	Mr Andrew WONG Wang-fat, JP	-ditto-	
002655 - 002734	Mr James TO Kun-sun	-ditto-	
002734 - 002817	Mr Andrew WONG Wang-fat, JP	-ditto-	
002817 - 002827	Mr James TO Kun-sun	-ditto-	
002827 - 002843	Mr Andrew WONG Wang-fat, JP	-ditto-	
002843 - 002902	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
002902 - 003020	Administration	Drafting of clause 14(1)(a) (Item 2 of LC Paper No. CB(2)1738/01-02(01))	
003020 - 003035	Ms Audrey EU Yuet-mee, SC, JP	-ditto-	
003035 - 003052	Administration	-ditto-	
003052 - 003057	Mr James TO Kun-sun	-ditto-	
003057 - 003107	Mr Andrew WONG Wang-fat, JP	-ditto-	
003107 - 003126	Mr James TO Kun-sun	-ditto-	
003126 - 003142	Administration	-ditto-	
003142 - 003208	Mr James TO Kun-sun	-ditto-	
003208 - 003242	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
003242 - 003253	Mr James TO Kun-sun	-ditto-	

003253 - 003335	ALA3	Drafting of the Chinese text of clause 14(1)(a)	
003335 - 003351	Mr James TO Kun-sun	-ditto-	
003351 - 003359	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
003359 - 003757	Administration	-ditto-	Adm (paragraph 6)
003757 - 003827	Mr James TO Kun-sun	Scope of the "directions" given under clause 14(1) (Item 3 of LC Paper No. CB(2)1738/01-02(01))	
003827 - 004001	Administration	-ditto-	
004001 - 004010	Mr James TO Kun-sun	-ditto-	
004010 - 004240	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
004240 - 004247	Mr James TO Kun-sun	-ditto-	
004247 - 004256	Administration	-ditto-	
004256 - 004345	Mr James TO Kun-sun	-ditto-	
004345 - 004353	Administration	-ditto-	
004353 - 004452	Administration	-ditto-	
004452 - 004543	Mr James TO Kun-sun	-ditto-	
004543 - 004633	Administration	-ditto-	
004633 - 004748	Mr James TO Kun-sun	-ditto-	
004748 - 004839	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
004839 - 004846	Mr James TO Kun-sun	-ditto-	
004846 - 004918	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
004918 - 004927	Mr James TO Kun-sun	-ditto-	
004927 - 005129	Administration	-ditto-	

005129 - 005230	Mr James TO Kun-sun	-ditto-	
005230 - 005352	Administration	-ditto-	
005352 - 005407	Mr James TO Kun-sun	-ditto-	
005407 - 005410	Administration	-ditto-	
005410 - 005455	Mr James TO Kun-sun	-ditto-	
005455 - 005517	Administration	-ditto-	
005517 - 005535	Mr James TO Kun-sun	-ditto-	
005535 - 005604	Administration	-ditto-	
005604 - 005733	Mr Andrew WONG Wang- fat, JP	-ditto-	
005733 - 005746	Administration	-ditto-	
005746 - 005907	Mr James TO Kun-sun	-ditto-	
005907 - 010040	Administration	-ditto-	
010040 - 010124	Mr James TO Kun-sun	-ditto-	
010124 - 010143	Administration	-ditto-	
010143 - 010208	Mr James TO Kun-sun	-ditto-	Adm (paragraph 7(a)(i))
010208 - 010249	Administration	-ditto-	
010249 - 010305	Mr James TO Kun-sun	-ditto-	
010305 - 010402	Administration	-ditto-	
010402 - 010423	Mr James TO Kun-sun	-ditto-	
010423 - 010429	Administration	-ditto-	
010429 - 010523	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
010523 - 010532	Mr James TO Kun-sun	-ditto-	

010532 - 010740	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
010740 - 010854	Mr Andrew WONG Wang- fat, JP	-ditto-	
010854 - 010859	Mr James TO Kun-sun	-ditto-	
010859 - 011028	Administration	-ditto-	
011028 - 011044	Mr James TO Kun-sun	-ditto-	
011044 - 011156	Administration	Persons on whom the "direction" in clause 14(1) and the "notice" in clause 15(1)(a) should be served (Item 4 of LC Paper No. CB(2)1738/01-02(01))	
011156 - 011339	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
011339 - 011355	Mr James TO Kun-sun	-ditto-	
011355 - 011417	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
011417 - 011535	Mr James TO Kun-sun	-ditto-	
011535 - 011600	Administration	-ditto-	
011600 - 011652	Mr James TO Kun-sun	-ditto-	
011652 - 011730	Name not found	-ditto-	
011730 - 011738	Mr James TO Kun-sun	-ditto-	
011738 - 011759	Name not found	-ditto-	
011759 - 011820	Mr James TO Kun-sun	-ditto-	
011820 - 011837	Mr Tommy CHEUNG Yu- yan, JP	-ditto-	
011837 - 011907	Mr Andrew WONG Wang- fat, JP	-ditto-	
011907 - 011927	Mr James TO Kun-sun	-ditto-	
011927 - 011953	Mr Andrew WONG Wang- fat, JP	-ditto-	
011953 - 012018	Mr James TO Kun-sun	-ditto-	

012018 - 012140	Mr Andrew WONG Wang-fat, JP	-ditto-	
012140 - 012221	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
012221 - 012319	Mr James TO Kun-sun	-ditto-	Adm (paragraph 7(a)(iii))
012319 - 012330	Mr Tommy CHEUNG Yuyan, JP	-ditto-	Adm (paragraph 7(a)(ii))
012330 - 012333	Administration	Service of notices under clause 14(2) (Item 5 of LC Paper No. CB(2)1738/01-02(01))	
012333 - 012339	Mr James TO Kun-sun	-ditto-	
012339 - 012542	Administration	-ditto-	
012542 - 012644	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
012644 - 012707	Mr James TO Kun-sun	-ditto-	
012707 - 012752	Administration	-ditto-	
012752 - 012834	Mr James TO Kun-sun	-ditto-	
012834 - 012846	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
012846 - 012853	Mr James TO Kun-sun	-ditto-	
012853 - 012918	Administration	-ditto-	
012918 - 012935	Mr James TO Kun-sun	-ditto-	
012935 - 012942	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
012942 - 012949	Mr James TO Kun-sun	-ditto-	
012949 - 012954	Mr Tommy CHEUNG Yuyan, JP	-ditto-	
012954 - 013002	Mr James TO Kun-sun	-ditto-	Adm (paragraph 7(b))

013002 - 013124	Administration	Implementation of the proposed licensing scheme for karaoke establishments (Item 6 of LC Paper No. CB(2)1738/01-02(01))	
013124 - 013312	Mr Andrew WONG Wang-fat, JP	Staff arrangement of respective licensing offices of the Food and Environmental Hygiene Department (FEHD) and the Home Affairs Department (HAD)	
013312 - 013316	Mr James TO Kun-sun	-ditto-	
013316 - 013411	Administration	-ditto-	
013411 - 013421	Mr James TO Kun-sun	-ditto-	
013421 - 013434	Administration	-ditto-	
013434 - 013455	Mr James TO Kun-sun	-ditto-	
013455 - 013527	Administration	-ditto-	
013527 - 013549	Mr James TO Kun-sun	-ditto-	
013549 - 013600	Administration	-ditto-	
013600 - 013605	Mr James TO Kun-sun	-ditto-	
013605 - 013609	Administration	-ditto-	
013609 - 013635	Mr Tommy CHEUNG Yu-yan, JP	-ditto-	
013635 - 013721	Mr James TO Kun-sun	-ditto-	
013721 - 013728	Mr Tommy CHEUNG Yu-yan, JP	-ditto-	
013728 - 013759	Administration	Fee adjustment implications	
013759 - 013818	Mr James TO Kun-sun	-ditto-	
013818 - 013943	Mr Andrew WONG Wang-fat, JP	-ditto-	
013943 - 014052	Mr Tommy CHEUNG Yu-yan, JP	-ditto-	
014052 - 014114	Mr Andrew WONG Wang-fat, JP	-ditto-	

014114 - 014204	Administration	-ditto-	
014204 - 014212	Mr James TO Kun-sun	-ditto-	
014212 - 014330	Administration	-ditto-	
014330 - 014407	Mr Andrew WONG Wang-fat, JP	-ditto-	
014407 - 014438	Administration	-ditto-	
014438 - 014504	Mr James TO Kun-sun	Concern about the possibility of different levels of control as enforced by HAD and FEHD	
014504 - 014522	Mr Andrew WONG Wang-fat, JP	-ditto-	
014522 - 014613	Administration	-ditto-	
014613 - 014640	Mr Andrew WONG Wang-fat, JP	-ditto-	
014640 - 014700	Mr James TO Kun-sun	-ditto-	
014700 - 014729	Administration	-ditto-	
014729 - 014736	Mr Andrew WONG Wang-fat, JP	-ditto-	
014736 - 014744	Mr James TO Kun-sun	-ditto-	
014744 - 014753	Mr Andrew WONG Wang-fat, JP	-ditto-	
014753 - 014912	Mr Tommy CHEUNG Yu-yan, JP	-ditto-	
014912 - 014923	Mr James TO Kun-sun	-ditto-	
014923 - 014936	Mr Tommy CHEUNG Yu-yan, JP	-ditto-	
014936 - 014951	Mr James TO Kun-sun	-ditto-	
014951 - 015017	Administration	-ditto-	
015017 - 015054	Mr James TO Kun-sun	-ditto-	
015054 - 015119	Mr James TO Kun-sun	Date of next meeting	

Council Business Division 2

Legislative Council Secretariat

21 May 2002