

Bills Committee on Karaoke Establishments Bill

**A checklist of major issues raised by the Bills Committee
and the Administration's responses
(as at 4 February 2002)**

Major issues

**Administration's responses
(LC Paper No.)**

**I. Definition of "karaoke establishments"
(KE)**

(1) Premises caught by the Bill

(a) recording studios etc

Item 5 of CB(2)1408/00-01(02)
and item 1 of CB(2)2382/00-
01(01)

*(Administration is of the view that
recording studios would not be
caught by the definition)*

(b) premises holding rave parties

Item 6 of CB(2)1408/00-01(03)

**II. Fire safety and building safety
requirements**

(1) Fire safety and building safety requirements

CB(2)1153/00-01(02) - Annexes
B1 and B2

(2) Requirement of 5 kpa

Item 2 of CB(2)1408/00-01(02)
and item 4 of CB(2)502/01-02(02)

(3) A comparison between Hong Kong and UK,
Singapore, Japan and Taiwan

Item 1 of CB(2)1895/00-01(02)
and CB(2)832/01-02(03)

(4) Width of corridor of existing KE and dead-end
corridor

CB(2)502/01-02(03)

*(Administration's latest response
to requests made by the Concern
Group)*

III. Licensing procedures

(1) Procedures for application of KE licence or
permit

CB(2)1153/00-01(02) - Annexes
A1 and A2

- (2) Provisional limits for KE in clubs/hotels/guesthouses Item 2 of CB(2)1408/00-01(03)
(Administration has agreed to issue provisional limits to KE in certified clubs/licensed hotels or guesthouses, same as licensed restaurants)
- (3) Time for completing the licensing process Item 5 of CB(2)1408/00-01(03)
- (4) Shortening of time for processing an application for KE permit for a restaurant Item 1 of CB(2)747/01-02(01) and item 1 of CB(2)894/01-02(01)
(Administration has agreed that the processing time from receipt of an application to issue of the Letter of Requirement for a KE permit application for a new/existing restaurant can be shortened from 44 days to 39 days)

IV. Clause 3

- (1) Grace period of 12 months under clause 3(3)(b) Item 3 of CB(2)1408/00-01(02)
- (2) Types of premises exempted under clause 3(1)(a) - (c) Item 2 of CB(2)2382/00-01(02)
- (3) Premises exempted from applying for a liquor licence Item 3 of CB(2)2382/00-01(01)
- (4) Certified clubs -
- (a) criteria for exemption from applying for a KE permit Item 3 of CB(2)747/01-02(01) and CB(2)832/01-02(01)
(Administration has proposed to add clause 3(1)(da))
- (b) list of certified clubs reported to have karaoke activities CB(2)832/01-02(02)

(5) Factors to be considered in granting an exemption order under clause 3(1)(e) - proposed amendment Item 3 of CB(2)894/01-02(01)
(Administration has proposed to amend clause 3(1)(e))

(6) Licence requirement for establishments selling food and liquor in premises managed by Government Item 2 of CB(2)1044/01-02(04)

V. Clauses 4(1) and 16(5)

(1) Level of penalty Item 7 of CB(2)1153/00-01(02)

(2) Penalty imposed on similar offences under other Ordinances Item 4 of CB(2)1044/00-01(04)
(Administration has proposed to impose a penalty of a fine at Level 6 (instead of Level 5) and imprisonment of one year (instead of 6 months) for second or subsequent convictions, and to increase the daily fine from \$1,000 to \$2,000.)

VI. Clause 5

(1) Meaning of "suitable place" and "suitable area" Item 3 of CB(2)1153/00-01(02)

(2) Meaning of "public interest" Item 4 of CB(2)1153/00-01(02)

(3) Policy intent for an individual person being the licensee Item 1 of CB(2)1408/00-01(02)

(4) Public consultation under clause 5(6) Item 3 of CB(2)1408/00-01(03) and items 4 - 5 of CB(2)2382/00-01(01)

(5) Whether personal supervision of KE by a licensee is required CB(2)502/01-02(04) - (05)
(Administration has advised that to require personal supervision of the licensee would be ultra vires the enabling Ordinance)

- (6) Body corporate, not the authorised person, would be the licensee Item 2 of CB(2)502/01-02(02)
- (7) Similar provisions on "public interest" in other licensing regimes Item 3 of CB(2)502/01-02(02)
- (8) Arrangements for continued operation of KE in case of death, disappearance or failure of function of authorised person Item 1 of CB(2)747/01-02(03)
- (9) Who should satisfy the requirement for being "a fit and proper person" Item 2 of CB(2)747/01-02(03)
- (10) Number of licences held by "body corporate" and "authorised person" Items 3 and 4 of CB(2)747/01-02(03)
- (11) (a) whether other licensing regimes would take into account "the views of persons residing or working in the vicinity" Item 1 of CB(2)747/01-02(02)
(Administration has proposed to delete clause 5(6))
(b) objective criteria in considering objections under clause 5(3)(b).
- (12) System for declaration of the background of the owner of KEs Item 2 of CB(2)894/01-02(01)
- (13) Refusal of an application on ground of gravely undesirable background of an applicant Item 1 of CB(2)1044/01-02(04)

VII. Clause 8

- (1) Time taken to advise decision on an application for renewal of licence Item 2 of CB(2)747/01-02(02)

VIII. Clauses 13 and 19

- (1) Scope of powers - with reference to other legislation

(On clause 13 - Hotel and Guesthouse Accommodation Ordinance, Clubs (Safety of Premises) Ordinance, Residential Care Houses (Elderly Persons) Ordinance.)
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Item 6 of CB(2)1153/00-01(02)
and

On clause 19 - Dangerous Drugs Ordinance,)
Gambling Ordinance and Amusement Games)
Centres Ordinance)

On clause 19 - Public Health and Municipal Services Ordinance and Control of Obscene and Indecent Articles Ordinance) Item 6 of CB(2)502/01-02(02)

(2) Types of apparatus forfeited under other Ordinances (liquor licensed premises and unlicensed food premises) Item 7 of CB(2)747/01-02(03)

(3) Need for powers under clauses 13 and 19 CB(2)973/01-02(01)

(Administration has proposed to move an amendment to the effect that the existing clause 13(1)(iii) will be exercised only under warrant)

IX. Other issues

(1) Draft Regulations Annex C to CB(2)1153/00-01(02)

(2) Cost estimate for alteration in a KE room Item 1 of CB(2)1153/00-01(02)

(3) Statistics on reported crimes/offences occurring in karaoke CB(2)2395/00-01(01) and item 1 of CB(2)502/01-02(02)

Council Business Division 2
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