

**Information requested by the Bills Committee
at its meeting held on 16 April 2002 regarding
the Karaoke Establishments Bill**

The information requested by the Bills Committee is set out in the following paragraphs –

1. On clause 10(iv) and (v), to consider

- (i) the Chairman's view that the sub-clause (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;**

The licensing authority will exercise its power under the Bill cautiously and vigilantly. It would only 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 in extreme cases and on very rare occasions. In addition, clause 12(1) will provide a check and balance on the power vested in the licensing authority. The aggrieved person may appeal to the Administrative Appeals Board against the decision of the licensing authority.

- (ii) the Chairman's suggestion that clause 10(v) should be deleted as it overlapped with clause 10(iv);**

As already explained in item 3 of the Information requested by the Bills Committee held on 15 March 2002 (LC Paper No. CB (2) 1585/01-02(03)), the emphases in the two sub-clauses are different. Nevertheless, we accept that there is a certain degree of overlap between the two clauses. Clause 10(iv) provides that if the licensing authority ceases to be satisfied of a matter specified in clause 5(3), he may revoke or suspend a licence etc. This has the effect of making the requirements under clause 5(3) continuous requirements albeit that there is an express reference to the time of the grant in clause 5(3)(c). In order to address Members' concern, we propose to introduce a Committee Stage amendment to delete clause 10(v).

(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);

As a result of the above proposed deletion of clause 10(v), the licensing authority might invoke clause 10(a)-(d) in the event of a contravention of any matter referred to in clause 5(3) (and in clause 10(i)-(iii)). How clause 5(3) may operate has already been explained in items 3 and 4 of the Information requested by the Bills Committee held on 1 March 2001 [CB(2)1153/00-01(02)] and several previous Administration's responses.

We would stress that the kind of action to be taken under clause 10 will depend on the circumstances of each individual case. In particular, the licensing authority will take into account the nature and consequence of the breach to ensure that the action taken will be reasonable and proportionate.

2. 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.

We confirm that the existing Resource Centre of the Food and Environmental Hygiene Department will also provide advisory services and licensing information to KE permit applicants.

Security Bureau
April 2002