

**Information requested by the Bills Committee
at its meeting held on 18 May 2001 regarding
the Karaoke Establishments Bill**

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

- 1. To provide statistics on complaints lodged to the Police in respect of vice-related activities in different types of karaoke establishments in the past.**

Further to the 5 year statistics on reported crimes occurring in karaokes/discos (*LC Paper No. CB(2)2395/0-01(01)*), the Police advised that they had practical difficulties in providing the crime figures occurring in karaoke boxes and karaoke nightclubs from their central database as the statistics had been collected as one single category with those occurring in discos.

However the Police have managed to retrieve the statistics on reported offences occurring in karaokes in three districts (viz Wanchai, Yau Tsim and Mongkok) from January 2000 to September 2001 at Annex for Members' reference.

- 2. To reconsider the proposal under the Bill that the licence/permit should be issued/granted to a physical person.**

Clause 7 of the Bill provides, where a body corporate or a partnership wishes to obtain a permit or licence, for a person authorized by the body corporate or the partnership in that behalf to apply as the representative of the body corporate or partnership.

Members have raised concern that undue disruption might be caused to the operation of the karaoke establishment if the person authorised then dies, disappears or otherwise fails to function. We have reviewed the provision under Clause 7 and are of the view that although a person must be duly authorised when the application for licence is made and when the permit or licence is granted or issued, the body corporate would be the licensee, *not* the authorised person. Thus, in the event of the death, disappearance, failure to function of such authorised person or otherwise cessation of authority by the company, the permit or licence would not automatically lapse in such circumstances. In other words, the present wording of clause 7 does not have the effect of preventing a body

corporate or partnership from being the licensee. Clause 7 only adds a condition for licensing in case the applicant is a body corporate or partnership.

3. **To provide further justifications for clause 5(3)(c) which provides that the grant/issue of a permit/licence should not be contrary to the public interest.**

We have put before the Bills Committee the meaning of “public interest” in LC Paper No. CB(2)1153/00-01(02). Each application is unique according to its own particular circumstances and must be considered and dealt with by the licensing authority according to those particular circumstances. Indeed similar provision is also found in other licensing regimes such as Massage Establishments Ordinance (s.6), Dutiable Commodities (Liquor) Regulations (Reg.17), Amusement Games Centres Ordinance (s.9), Pawnbrokers Ordinance (s.5), Timber Stores Ordinance (s.8) and Residential Care Homes (Elderly Persons) Ordinance (s.10).

4. **To consider redrafting section 3 of Schedule 2 of the Karaoke Establishments (Licensing) Regulation to the effect that the premises shall be structurally suitable to withstand a live load to the satisfaction of the relevant licensing authority.**

We have little difficulty in transforming the prescriptive requirements on loading into a performance based one. However we remain of the view that it is desirable to specify 5 kpa in the draft Karaoke Establishments (Licensing) Regulation, which will give a clear guideline for KE operators.

For premises designed with an imposed load of not less than 5 kpa, it will be structurally suitable to withstand the live load for the normal operation of a KE. In such cases, its structural suitability needs not be checked again if the approved layout is to be altered after the licence is granted, unless raised floor screedings and/or addition of solid partition walls, fish tanks or other heavy equipment and plants are proposed.

For premises designed with an imposed load of less than 5 kpa, structural justification is required to demonstrate its structural suitability for use as a KE. If its approved layout is to be altered after the licence is issued, re-checking of its structural suitability based on the revised layout would be required.

5. **To elaborate on the circumstances under which the enforcement agent needs to invoke the power under clause 13.**

We are considering this and will revert to Members in due course.

6. **On clause 19 on forfeiture of karaoke apparatus and equipment, to provide a comparison on other similar legislative provisions.**

In addition to provisions in section 22 of the Amusement Games Centre Ordinance (Cap. 435) in relation to video and arcade games equipment, section 56 of the Dangerous Drugs Ordinance (cap. 134) in relation to articles used in the commission of an offence and section 26 of the Gambling Ordinance (Cap. 148) in relation to gambling equipment, similar provisions on forfeiture also appear in –

- (a) section 86A of the Public Health and Municipal Services Ordinance (Cap.132) in relation to hawker offences –

“..... the court shall, in addition to any other penalty order the forfeiture of the equipment or commodity unless there are special reasons special to the facts of the case and not special to the offender", and

- (b) section 39 of the Control of Obscene and Indecent Articles Ordinance (Cap.390) in relation to offences –

“ Any article which is obsceneany machinery or apparatus used for projecting or showing; or machinery, plate, implement, utensil, photographic film or material used for the purpose of printing copies of any article shall be liable to forfeiture.”

Security Bureau
November 2001

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