

立法會
Legislative Council

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Tel : 2869 9205
Date : 12 December 2002
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 18 December 2002

**Proposed resolution under section 34(2) of
the Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Security will move at the Council meeting of 18 December 2002 under section 34(2) of the Interpretation and General Clauses Ordinance relating to the Karaoke Establishments (Licensing) Regulation. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech which the Secretary for Security will deliver when moving the proposed resolution will be issued as soon as it is available.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

KARAOKE ESTABLISHMENTS (LICENSING) REGULATION

RESOLVED that the Karaoke Establishments (Licensing)

Regulation, published in the Gazette as Legal Notice No. 153 of 2002 and laid on the table of the Legislative Council on 30 October 2002, be amended -

- (a) in section 2(a)(iii), by adding "that are of a substantial and permanent nature" after "karaoke";
- (b) in section 5, by repealing everything after "shall be" and substituting "properly maintained such that the safety of persons using the premises will not be adversely affected.";
- (c) in section 9 -
 - (i) in subsection (1), by repealing everything before "grantee" where it first appears and substituting -
 - "(1) If -
 - (a) section 5 or 7 is contravened; or

(b) section 6 or 8 is
contravened,

the";

(ii) by renumbering subsection (2) as
subsection (3);

(iii) by adding -

"(2) Where a person charged
with an offence under subsection
(1) is -

(a) a representative of
a body corporate or
a partnership whose
name appears on the
permit or the
licence concerned;
or

(b) a grantee or a
licensee who is an
individual,

it shall be a defence for the
person to prove that -

(c) he did not know and
had no reason to
suspect the
existence of the
circumstances giving
rise to the
contravention; and

(d) he could not, by the
exercise of

reasonable
supervision and
reasonable
diligence, have
prevented those
circumstances
arising.";

(iv) in subsection (3), by repealing
"subsection (1)" and substituting
"subsection (1)(a)";

(v) by adding -

"(4) A person who commits an
offence under subsection (1)(b) is
liable -

(a) on first conviction,
to a fine at level 3
and imprisonment for
3 months; and

(b) on a second or
subsequent
conviction, to a fine
at level 5 and
imprisonment for 6
months,

and in the case of a continuing
offence, to a further daily fine of
\$300 for each day during which the
offence continues.";

(d) by repealing section 2(12) of Schedule 1 and
substituting -

"(12) An emergency alert system which can interrupt the music or other sound and visual images produced by the karaoke equipment and at the same time produce visible and audible warning signals in case of a fire alarm shall be provided.".