

立法會
Legislative Council

LC Paper No. CB(2)630/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/SS/1/02

**Subcommittee on Karaoke Establishments (Licensing) Regulation
and Karaoke Establishments (Fees) Regulation**

**Minutes of the 2nd meeting
held on Monday, 25 November 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Andrew WONG Wang-fat, JP
Hon LAU Kong-wah
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon MA Fung-kwok, JP

Members Absent : Dr Hon David CHU Yu-lin, JP
Hon Eric LI Ka-cheung, JP
Hon James TO Kun-sun

Public Officers Attending : Mr David WONG
Acting Deputy Secretary for Security

Ms Monica LAW
Senior Assistant Law Draftsman

Mr LEE Chee-chung
Chief Fire Officer/Fire Safety
Fire Services Department

Mr MO Kim-ming
Assistant Director/New Buildings (1)
Buildings Department

Action

Mr YICK Tze-kai
Acting Chief Officer (Licensing Authority)
Home Affairs Department

Mr HUNG Chi-pai
Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Mr Damian CHAN
Assistant Secretary for Security

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

Staff in Attendance : Miss Connie FUNG
Assistant Legal Adviser 3

Miss Mary SO
Senior Assistant Secretary (2) 8

I. Meeting with the Administration
(LC Paper No. CB(2)451/02-03(01))

The Subcommittee deliberated (Index of proceedings at **Annex**).

2. Referring to paragraph (a) of the Administration's paper which set out the outcome of the Administration's discussion with Mr Tommy CHEUNG on the questions raised by Mr CHEUNG at the last meeting held on 15 November 2002, the Administration undertook to amend -

- (a) Section 2(a)(iii) of the Karaoke Establishment (Licensing) Regulation to make it clearer that the plan should show only apparatus and equipment of a substantial and permanent nature; and
- (b) The Chinese version of section 2(12) of Schedule 1 to the same Regulation to better reflect the minimum requirement in case of fire, i.e. karaoke music and visual image should be interrupted and simultaneously fire alarm and emergency flashlight to alert the patrons should be activated.

Action

3. At the request of the Subcommittee, the Administration undertook to provide a written response to the following requests/suggestions raised by members at the meeting -

- (a) To provide a comparison table showing the offences and penalties stipulated under the licensing regimes for karaoke establishments, restaurants and clubs;
- (b) To re-consider amending section 9 of the Karaoke Establishment (Licensing) Regulation to the effect that a grantee or licensee committed an offence only if he or she contravened section 5, 6, 7 or 8 without reasonable excuse;
- (c) To consider amending section 9 of the Karaoke Establishment (Licensing) Regulation to the effect that a person who committed an offence under subsection (1) should not be liable to imprisonment on first conviction, and that the onus was on the prosecution to prove that a grantee or licensee had contravened section 5, 6, 7 or 8 without reasonable excuse; and
- (d) To explain why it was not expressly provided in the Karaoke Establishment (Licensing) Regulation that the grantees or licensees had the duty to comply with the requirements set out in Schedules 1 and 2 to the Regulation at all times.

II. Date of next meeting

4. Members agreed to hold the next meeting on 2 December 2002 at 2:30 pm to continue discussion on the two Regulations. Members requested the Administration to provide the draft amendments mentioned in paragraph 2 above and its written response to the issues outlined in paragraph 3 above to the Subcommittee on or before 29 November 2002.

5. There being no other business, the meeting ended at 10:28 am.

Council Business Division 2
Legislative Council Secretariat
10 December 2002

**Proceedings of the 2nd meeting of the
Subcommittee on Karaoke Establishments (Licensing) Regulation
and Karaoke Establishments (Fees) Regulation
on Monday, 25 November 2002 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 - 000217	Chairman	Welcoming remarks and way forward	
000218 - 000437	ALA3	Issues to note in the Karaoke Establishments (Licensing) Regulation (the Licensing Regulation)	
000438 - 001630	Administration	Briefed members on the Administration's response to issues raised by members at the meeting on 15 November 2002 (LC Paper No. CB(2)451/02-03(01))	
001631 - 002056	Mr Tommy CHEUNG, Chairman, Administration and Mr LAU Kong-wah	Section 2(a)(iii) of the Licensing Regulation requiring the plan to show the location of all apparatus and equipment to be used for karaoke	✓ (Admin to provide an amended section 2(a)(iii) of the Licensing Regulation)
002057 - 004526	Mr Henry WU, Administration, Mr Tommy CHEUNG, Mr LAU Kong-wah and Mr MA Fung-kwok	Section 9 of the Karaoke Establishments (Licensing) Regulation should be amended to the effect that a grantee or licensee committed an offence if he or she, without reasonable excuse, contravened section 5, 6, 7 or 8 of the Regulation	
004527 - 004859	Mr Henry WU, Administration and Chairman	Offences and penalties stipulated under the licensing regimes for karaoke establishments, restaurants and clubs The Administration was requested to provide a comparison table showing the offences and penalties stipulated under the licensing regimes for karaoke establishments, restaurants and clubs	✓ (Admin to provide a written response)
004900 - 015432	Mr Tommy CHEUNG, Chairman and Mr Andrew WONG	Onus should be on the prosecution to prove that a grantee or licensee had contravened section 5, 6, 7 or 8 without reasonable excuse	✓ (Admin to provide a written response)
015433 - 012226	Mr LAU Kong-wah, Administration, Chairman, ALA3, Mr Tommy CHEUNG and Mr Andrew WONG	Reasons why it was not expressly provided in the Karaoke Establishment (Licensing) Regulation that the grantees or licensees had the duty to comply with the requirements set out in Schedules 1 and 2 to the Regulation at all times	✓ (Admin to provide a written response)
012227 - 013957	Mr Tommy CHEUNG, Administration, Mr Andrew WONG and Chairman	Licensing procedures for application for a karaoke establishment permit in restaurants	
013958 - 014459	Mr Tommy CHEUNG and Administration	Section 2(9) of Schedule 1 to the Licensing Regulation	

Action

014450 - 014513	Chairman and Administration	The Administration was requested to amend the Chinese version of section 2(12) of Schedule 1 to the Licensing Regulation to better reflect the minimum requirement in case of fire, i.e. karaoke music and visual image should be interrupted and simultaneously fire alarm and emergency flashlight to alert the patrons should be activated	✓ (Admin to provide the amendments)
014514 - 015025	Chairman, Mr Tommy CHEUNG, Mr Andrew WONG and Mr LAU Kong-wah	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

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