

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

**Administration's response to issues raised at the Subcommittee  
held on 15 November 2002**

- (a) *a brief report on the outcome of the Administration's discussion with Hon Tommy CHEUNG on the questions raised by Mr CHEUNG at the last meeting.*

On 21 November 2002, the Administration met with Hon Tommy CHEUNG and representatives of the Karaoke Requirements Concern Group and provided information and clarifications in reply to their questions on the Karaoke Establishments (Licensing) Regulation and the Karaoke Establishment (Fees) Regulation. While being satisfied with most of the responses, they have asked the Administration to follow up on four points. Our further responses to these outstanding points are as follows –

Karaoke Establishment (Licensing) Regulation

s2(a)(iii)

The Administration's intention is to require a plan to show only apparatus and equipment of a substantial and permanent nature and the application guidelines will provide further elaboration. If Members consider it necessary, we have no objection to making this clearer in the Regulation.

s6

We expect that after a microphone has been used, the management would clean it with damp cloth and alcohol/disinfectant or replace the disposable cover. One query is whether the use of the word "facilities" in the English version is appropriate. Having consulted drafting counsel, we confirm that the word "facilities"

can cover the items described above and its use is in line with our policy intent.

s2(12) of Schedule 1

The trade has raised the concern that the use of the words "影音通報系統" in the Chinese version would suggest the need to provide a very sophisticated audio-visual system capable of displaying overriding sound and images on the television screen of the Karaoke system. What is actually required, as the minimum, is the interruption of the karaoke music and visual image, and simultaneous activation of a fire alarm and emergency flashlight to alert the patrons. We are prepared to suitably revise the Chinese version to better reflect our requirement.

s2(9) of Schedule 1

The trade noted that some Karaoke premises might have a floor area of as large as 20 000 sq. ft. and feared that the exit plan of a scale of 1:200 might be too large for display in the room. We note, however, that an exit plan of 1 sq. ft. (e.g. 1 ft. x 1 ft.) in size could already cover a floor area of 40 000 sq. ft. and consider the present requirement reasonable and practical.

- (b) the Administration's response to the Sub-committee's suggestion that section 9 of the Karaoke Establishments (Licensing) Regulation should be amended to the effect that a grantee or licensee commits an offence only if he or she contravenes section 5, 6, 7 or 8 of the Regulation without reasonable excuse.***

Like those of restaurants and clubs, the licensing regime of Karaoke establishments is set up with a view to protecting public safety. It is important for the operators of all these premises to comply with the statutory requirements at all times to ensure protection of their patrons. "Reasonable excuse" is not generally provided as a defence under the Public Health and Municipal Services Ordinance (Cap. 132) and Club (Safety of Premises) Ordinance (Cap 376). Given the satisfactory operation of the licensing regimes under these two ordinances, we do not consider it

necessary to adopt a different approach in the Karaoke legislation.

That said, it should be noted that the licensing authorities will, as in the case of other licensing regimes, adopt a reasonable and pragmatic approach in enforcing the provisions of the Karaoke Ordinance and Regulations. As circumstances may warrant, the licensing authorities will deal with minor contraventions of the requirements in a practical manner and issue proper warning to the proprietors. Failure to remedy the situation as required may lead to prosecution. The Department of Justice will be consulted as appropriate. This flexible approach should strike a balance between taking care of the proprietors' possible concerns and minimising the safety risk to the public.

- (c) *to provide a flow chart showing the length of time required for completing the different stages of the licensing process.*

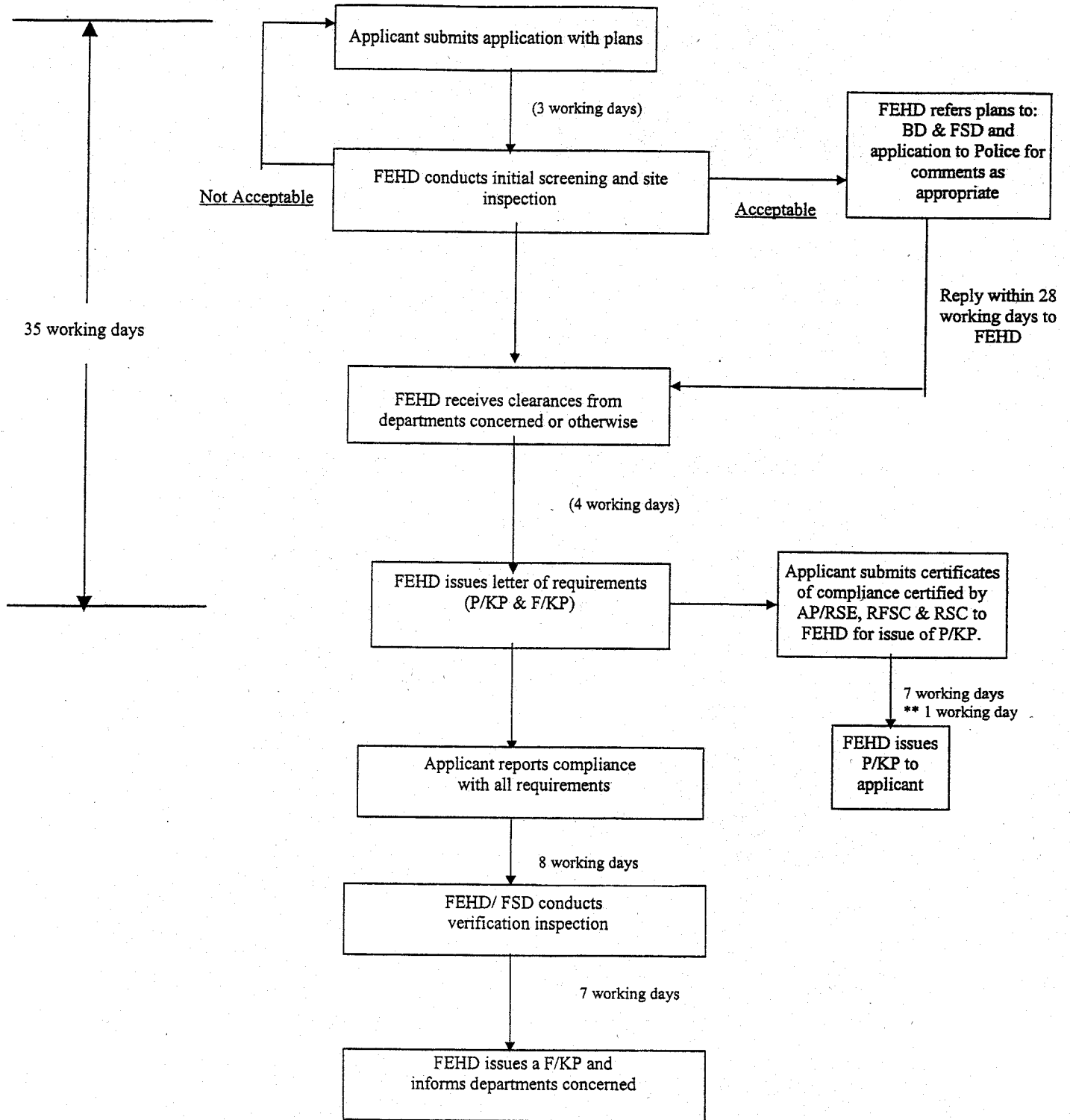
Please see attached.

Security Bureau  
November 2002

**Flow Chart Showing Licensing Procedures for  
Application for a Karaoke Establishment Permit in Restaurants**

Chart 1

Licensing Authority – Director of Food and Environmental Hygiene



- |   |   |
|---|---|
| Legend :- FEHD :- Food and Environmental Hygiene Department | RSC :- Registered Specialist Contractor in the Ventilation Category |
| BD :- Buildings Department                                  | RFSC :- Registered Fire Services Contractor                         |
| FSD :- Fire Services Department                             | P/KP :- Provisional Karaoke Establishment Permit                    |
| RSE :- Registered Structural Engineer                       | F/KP :- Full Karaoke Establishment Permit                           |
| AP :- Authorized Person                                     |   |

\*\*Applicant may approach the Provisional Food Business Licences Issue Office for issue of P/KP over the counter.

Chart 2

Flow Chart Showing Licensing Procedures for  
Application for a Karaoke Establishment Licence or  
a Karaoke Establishment Permit in Certified Clubs/Licensed Hotels or Guesthouses

Licensing Authority – Secretary for Home Affairs

