

## KARAOKE ESTABLISHMENTS (LICENSING) REGULATION

(Made by the Chief Executive in Council under section 21 of the Karaoke Establishments Ordinance (22 of 2002))

### 1. Commencement

This Regulation shall come into operation on the day appointed for the commencement of the Karaoke Establishments Ordinance (22 of 2002).

### PART 1

#### Application for Grant of Permit or Issue of Licence

### 2. Submission of plans and information

An application for the grant of a permit or for the issue of a licence shall be accompanied by---

(a) 3 copies of a plan showing, to the satisfaction of the licensing authority, the layout of the premises to which the application relates and showing the use of each part thereof and in particular, the following---

(i) each part of the premises intended to be used for karaoke;

(ii) each part of the premises intended to be used as a lounge, a dining area, a dancing area, a reception area, a kitchen and food preparation area, an office, a store room or a staff room;

(iii) the location of all apparatus and equipment to be used for karaoke;

(iv) the exit routes;

(v) the location of all sanitary fitments and their drainage connections;

(vi) the location of all fire service installations and equipment;

(vii) the means of ventilation of the premises including the location of all windows, ducts and any mechanical means of supplying ventilation; and

(viii) the location of all furniture and fixtures of a substantial and permanent nature; and

(b) such information as may be required by the licensing authority for assessing the adequacy of the means of escape and the sanitary fitments provided.

### 3. Suitability of premises for operation of karaoke establishment

(1) In deciding whether premises to which an application relates are suitable for the operation of a karaoke establishment under section 5(3)(b)(i) of the Ordinance, the licensing authority may take into account whether or not---

(a) the fire service requirements set out in Schedule 1 are complied with;

(b) the premises are structurally suitable for the operation of the karaoke establishment;

(c) there are adequate means of escape from the premises and adequate means of access

for firefighting and rescue in case of emergency;

(d) the premises are adequately protected by fire resisting construction;

(e) sanitary fitments to a standard not less than that required by the provisions of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and

Latrines) Regulations (Cap. 123 sub. leg.) applicable to restaurants are provided;

(f) where building works as defined in section 2(1) of the Buildings Ordinance (Cap. 123) have been commenced or carried out on the premises, approval and consent have been obtained from the Director of Buildings under section 14 of that Ordinance, and where such building works have been completed, the certificate required to be given to the Director of Buildings under regulation 25 of the Building (Administration) Regulations (Cap. 123 sub. leg.) has been received by the Director; and

(g) where a fixed electrical installation as defined in section 2 of the Electricity Ordinance (Cap. 406) is installed in the premises---

(i) in the case where the installation is not yet required to have been certified under regulation 20 of the Electricity (Wiring) Regulations (Cap. 406 sub. leg.), a copy of the work completion certificate issued in respect of the installation for the purposes of regulation 19 of those Regulations has been submitted to him; or

(ii) in any other case, a copy of the latest periodic test certificate issued in respect of the installation for the purposes of regulation 20 of those Regulations has been submitted to him.

(2) For the purposes of subsection (1)(b), premises shall be regarded as structurally suitable for the operation of a karaoke establishment if the requirement set out in section 1 of Schedule 2 is complied with.

(3) For the purposes of subsection (1)(c), premises shall be regarded as having adequate means of escape and adequate means of access for firefighting and rescue in case of emergency if the requirements set out or referred to in sections 2, 3 and 4 of Schedule 2 are complied with.

(4) For the purposes of subsection (1)(d), premises shall be regarded as adequately protected by fire resisting construction if the requirements set out or referred to in sections 5, 6 and 7 of Schedule 2 are complied with.

#### 4. Certification of plans

(1) Where a permit or a licence is granted or issued in respect of any premises, the licensing authority shall certify the plan of the premises submitted under section 2 to the effect that the permit or licence is granted or issued on the basis of the layout as shown on the plan.

(2) The licensing authority shall give one copy of the certified plan to the grantee or licensee and retain 2 copies of the certified plan.

(3) A grantee or a licensee who wishes to alter or add to the layout of the premises

as shown in the certified plan shall apply in writing to the licensing authority for approval in such manner as the licensing authority may specify.

(4) The licensing authority shall approve an alteration or addition to the layout of any premises if he is satisfied that the premises will remain suitable for the operation of the karaoke establishment after the proposed alteration or addition.

(5) Where the licensing authority approves any alteration or addition to the layout of any premises, he shall endorse his approval on the certified plan of the premises or certify a new layout plan thereof in replacement of the existing certified plan, and subsection (2) shall apply accordingly.

## PART 2

### General Conditions Applicable to Karaoke Establishments in Respect of which Permits or Licences have been Granted or Issued

#### 5. General maintenance

Each part of the premises to which a permit or a licence relates and all seating, fittings and apparatus in the premises, including electrical, cooling, ventilating and other installations, shall be maintained in good order and condition.

#### 6. Sanitizing facilities for microphones

Adequate sanitizing facilities for all microphones shall be provided and maintained in the premises to which a permit or a licence relates and the microphones shall be kept in a clean and hygienic condition.

#### 7. Alterations to layout

Except with the prior approval in writing of the licensing authority, no alteration or addition shall be made to the layout of the premises as shown in the plan certified by the licensing authority under section 4.

#### 8. Display of permit or licence

The permit or licence shall be displayed in a conspicuous position near the entrance of the karaoke establishment in respect of which the permit or licence is granted or issued.

## PART 3

### Offences and Penalties

#### 9. Offences and penalties

(1) If section 5, 6, 7 or 8 is contravened, the grantee or licensee commits an offence and in the case where the grantee or licensee is a body corporate or a partnership, the person whose name appears on the permit or the licence as the representative of the body corporate or partnership also commits an offence.

(2) A person who commits an offence under subsection (1) is liable---

(a) on first conviction, to a fine at level 5 and imprisonment for 6 months; and

(b) on a second or subsequent conviction, to a fine at level 6 and imprisonment for 1 year,  
and in the case of a continuing offence, to a further daily fine of \$2,000 for each day during which the offence continues.

#### SCHEDULE 1 [s. 3]

##### Fire Service Requirements for Karaoke Establishment

###### 1. Restrictions on location

Karaoke establishments shall not be located---

- (a) on basement level 4 or below;
- (b) in a building or any part of a building that is designed and constructed for industrial use; or
- (c) in any part of a building that is designed and constructed for commercial use if industrial use is permitted in any other part of the building and the part for commercial use is not completely separated from the part for industrial use by a buffer of non-fire-hazardous occupancy to the satisfaction of the Director of Fire Services.

###### 2. General requirements

(1) All combustible materials used as false ceilings, partitions or wall furnishings shall conform to British Standard 476: Part 7 Class 1 or 2 Rate of Surface Spread of Flame or to another standard acceptable to the Director of Fire Services, or shall be brought up to any of those standards by treating with a fire retardant paint or solution acceptable to the Director of Fire Services.

(2) All draperies and curtains, if installed, shall be made of fire resistant material and conform to British Standard 5867: Part 2 fabric type B when tested in accordance with British Standard 5438 or to another standard acceptable to the Director of Fire Services, or shall be brought up to any of those standards by treating with a fire retardant solution acceptable to the Director of Fire Services.

(3) All carpets within the protected means of escape shall---

- (a) be made of pure wool;
  - (b) conform to British Standard 5287 when tested in accordance with British Standard 4790; or
  - (c) be manufactured to a standard acceptable to the Director of Fire Services.
- Carpets that do not meet any of the above requirements shall also be accepted as complying with fire safety requirements if their pile height does not exceed 10 mm and they do not cover more than 5% of the protected means of escape calculated on a floor-by-floor basis.

(4) All polyurethane foam filled mattresses shall conform to British Standard 7177 (for use in medium hazard premises) or to another standard acceptable to the Director of Fire Services.

(5) All polyurethane foam filled upholstered furniture shall conform to British Standard 7176 (for use in medium hazard premises) or to another standard acceptable to the Director of Fire Services.

(6) If more than 50% of the total surface area of the openable or breakable windows provided for the premises are rendered not openable or unbreakable, a smoke extraction system that conforms to the standard set out in the Code of Practice for Minimum Fire Service Installations and Equipment as published from time to time by the Director of Fire Services shall be provided.

(7) All exits shall be indicated by illuminated signs, bearing the word and characters "EXIT 出口", installed in accordance with the requirements set out in the Code of Practice for Minimum Fire Service Installations and Equipment as published from time to time by the Director of Fire Services. Adequate directional signs indicating the route to an exit shall be provided at locations where exit signs are not readily visible.

(8) Low level directional signs capable of indicating the route to an exit in darkness shall be provided at 200 mm above floor level.

(9) An exit plan drawn to a ratio of not less than 1:200 showing the floor layout of the premises and the directions of egress to escape staircases and means of escape shall be displayed in each room intended to be used by customers. The size of the exit plan shall not be less than 250 mm × 250 mm and shall be affixed adjacent to the exit of each room at 1 500 mm above floor level.

(10) Emergency lighting shall be provided.

(11) A short fire safety film shall be provided for showing to customers before they start the karaoke activity.

(12) An audio and visual alert system which can interrupt or override the music or other sound and visual images produced by the karaoke equipment in case of a fire alarm shall be provided.

### 3. Fire service installations and equipment

Fire service installations of the following description shall be provided in accordance with the following provisions and with the Code of Practice for Minimum Fire Service Installations and Equipment as published from time to time by the Director of Fire Services---

(a) a fire hydrant and hose reel system;

(b) a manual fire alarm system with operation switches provided at each of the following locations---

(i) near each exit leading away from the premises;

(ii) at the main entrance;

- (iii) at the cashier's counter;
  - (iv) at the reception area; and
  - (v) at the waiting area;
- (c) alarm bells of the fire alarm system in individual rooms intended to be used by customers;
- (d) where the premises are located in a curtain-walled building or on a basement floor and occupy an area exceeding 126 m<sup>2</sup>, an automatic sprinkler system that uses fast-response-type sprinkler heads;
- (e) where the premises are located in a place other than those described in paragraph (d) and---
- (i) occupy an area exceeding 126 m<sup>2</sup> but not exceeding 230 m<sup>2</sup>, either an automatic fire detection system or an automatic sprinkler system; or
  - (ii) occupy an area exceeding 230 m<sup>2</sup>, an automatic sprinkler system that uses fast-response-type sprinkler heads;
- (f) where the premises are located in a curtain-walled building or on a basement floor with a cubic volume exceeding 7 000 m<sup>3</sup>, a smoke extraction system.

#### 4. Ventilating systems

- (1) All ventilating systems shall---
  - (a) in the case where the karaoke establishment is located in a restaurant, comply with the requirements set out in the Ventilation of Scheduled Premises Regulation (Cap. 132 sub. leg.); or
  - (b) in any other case, comply with the requirements set out in the Building (Ventilating Systems) Regulations (Cap. 123 sub. leg.).
- (2) Automatic cut-off devices shall be provided for mechanical ventilating systems to enable the ventilation supply to be cut off in case of fire.

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### SCHEDULE 2 [s. 3]

#### Requirements Regarding Structural Suitability, Means of Escape, Means of Access for Firefighting and Rescue and Fire Resisting Construction

##### 1. Structural suitability

A karaoke establishment shall be structurally capable of withstanding an imposed load of not less than 5 kPa and be in sound structural condition.

##### 2. Compliance with codes of practice concerning provision of means of escape, etc.

- (1) The requirements set out in---
- (a) the Code of Practice for the Provision of Means of Escape in Case of Fire; and
- (b) the Code of Practice for Means of Access for Firefighting and Rescue,

as published from time to time by the Director of Buildings shall be complied with.

(2) For the purposes of determining whether adequate means of escape are provided in accordance with the Code of Practice referred to in subsection (1)(a), the population of a karaoke establishment is to be calculated as follows---

(a) customers---1 m<sup>2</sup>/customer, calculated on the total floor area of the lounge, dining area and rooms intended to be used by customers, except toilets;

---0.75 m<sup>2</sup>/customer, calculated on the total floor area of the dancing area and reception area;

(b) staff ---one staff member for every 20 customers or 4.5 m<sup>2</sup>/staff member, calculated on the total floor area of the kitchen and food preparation area, whichever is the greater.

### 3. Exit routes

(1) The width of exit routes including internal corridors within a karaoke establishment shall be at least 1.2 m.

(2) Every room intended to be used by customers, except toilets, in a karaoke establishment shall have at least 2 routes leading in different directions to a staircase or a point of discharge to a street except where the route leading to a staircase or a point of discharge to a street is possible only in one direction and this is unavoidable due to building design. In such a case, additional safety measures to the satisfaction of the licensing authority shall be provided.

### 4. Vision panels

Every room intended to be used by customers, except toilets, in a karaoke establishment shall have a vision panel that provides a clear view of things on the other side of the panel both from inside and outside the room. The vision panel shall be of a size not less than 0.04 m<sup>2</sup> installed either on the wall facing the internal corridors or on the access door of the room.

### 5. Compliance with code of practice concerning fire resisting construction

The requirements set out in the Code of Practice for Fire Resisting Construction as published from time to time by the Director of Buildings shall be complied with.

### 6. Internal corridors

(1) Every internal corridor within a karaoke establishment shall be separated from other areas by a wall having a fire resistance period of not less than one hour ("fire resisting wall") and the doors in the corridor shall be self-closing and have a fire resistance period of not less than 1/2 hour.

(2) Every opening for the passage of air-conditioning ducts, ventilation ducts, electrical trunking, conduits, pipes and wires through a fire resisting wall and every hole in the wall left after construction shall be protected with fire dampers or other

form of fire stop that is considered suitable by the licensing authority to maintain the required fire resistance period of the wall. If any such ducts, trunking, conduits, pipes, wires or insulation passing through the wall consist of combustible material, the material shall be contained within an enclosure having a fire resistance period of not less than one hour. Every access opening provided to the enclosure shall be provided with a door having a fire resistance period of not less than 1/2 hour.

7. Fire resistance period of vision panels

A vision panel required to be installed under section 4 shall have a fire resistance period of not less than that required for the wall or door on which it is installed.

CHENG Mei-sze, Maisie

Clerk to the Executive Council

Council Chamber

22 October 2002

Explanatory Note

This Regulation makes provision in relation to the application for and the grant or issue of, a permit or a licence to operate a karaoke establishment. It also contains provisions relating to the maintenance, hygiene and alteration to the layout of karaoke establishments and to the display of permits and licences.

2. Section 1 provides that the Regulation is to come into operation on the day appointed for the commencement of the Karaoke Establishments Ordinance (22 of 2002).

3. Part 1 comprises sections 2, 3 and 4. Section 2 sets out the plans and information required to be submitted to the licensing authority together with an application for the grant of a permit or for the issue of a licence.

4. Section 3 sets out factors that may be taken into account by the licensing authority when deciding whether premises are suitable for the operation of a karaoke establishment under section 5(3)(b)(i) of the Karaoke Establishments Ordinance (22 of 2002). Some of the specific requirements are set out in Schedules 1 and 2.

5. Section 4 provides for the certification of layout plans of premises by the licensing authority and applications for alteration to the layout of karaoke establishments.

6. Part 2 comprises sections 5 to 8 and deals with matters relating to the maintenance, hygiene, alterations to the layout of karaoke establishments and to the display of permits and licences.

7. Part 3 comprises section 9 and provides that a contravention of section 5, 6, 7 or 8 is an offence punishable by a fine and imprisonment and a further daily fine in the case of a continuing offence.

8. Schedules 1 and 2 set out, respectively, fire service and building safety



requirements applicable to karaoke establishments.