

立法會
Legislative Council

LC Paper No. CB(2)1833/12-13

(These minutes have been
seen by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

**Minutes of special meeting
held on Thursday, 13 June 2013, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon Steven HO Chun-yin (Deputy Chairman)
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon CHEUNG Kwok-che
Hon WONG Yuk-man
Hon Claudia MO
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Dr Hon Helena WONG Pik-wan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent : Dr Hon Joseph LEE Kok-long, SBS, JP
Dr Hon LEUNG Ka-lau

Public Officers attending : Item I

Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food)1

Mr LAU Che-wong
Assistant Director (Operations)1
Food and Environmental Hygiene Department

Ms Rita YEUNG Yuk-ip
Senior Superintendent (Licensing)
Food and Environmental Hygiene Department

Mr YU Tak-cheung
Assistant Director/New Buildings 1
Buildings Department

Dr Shermann FONG Che-ping
Principal Environmental Protection Officer (Regional
South)
Environmental Protection Department

Mr YAU Wai-keung
Deputy Chief Fire Officer (Licensing and
Certification)
Fire Services Department

Mr CHEU Yu-kok
Senior Station Officer (Policy)8
Fire Services Department

Mr TSE Sau-kong
Chief Superintendent of Police
(Support Branch) (Support Wing) (Acting)
Hong Kong Police Force

Mr WONG Kin-yee
Superintendent of Police (Licensing Office)
Hong Kong Police Force

Mr Stephen YAU How-boa, BBS, MH, JP
Chairman
Liquor Licensing Board

Mr Chris IP Ngo-tung
Member
Liquor Licensing Board

Mr KO Chun-wa, MH
Member
Liquor Licensing Board

Ms Pearl LAM Po-ling
Member
Liquor Licensing Board

Mr SHUM Hon-wo
Member
Liquor Licensing Board

Mr Simon WONG Kit-lung
Member
Liquor Licensing Board

Dr James WONG Kong-tin
Member
Liquor Licensing Board

Attendance : Item I
by invitation

Institution of Dining Art

Mr Ricky AU
Committee Member

Hong Kong Bar & Club Association

Mr CHIN Chun-wing
Vice Chairman

The Lion Rock Institute

Miss Sarah Joan Pemberton
Research Assistant

Civic Party

Mr Andy YU
Representative

Democratic Alliance for the Betterment and Progress
of Hong Kong

Mr Wade CHAN
Representative

The Federation of Hong Kong and Kowloon Ballroom
and Night Club Merchants

Mr LEE Wai-hung
Chairman

Entertainment Business Rights Concern Group

Ms CHAN Yun-lin
Chairperson

Democratic Party

Mr HUI Chi-fung
Member of Democratic Party

The Concern Group on the Issue of Liquor Licences

Mr Jacky WATT Mong-kwan
Member of the Concern Group on the Issue of Liquor
Licences

Ms CHENG Lai-king

Central and Western District Council Member

Hong Kong Bars and Karaoke Rights Advocacy

Miss Anita TO
Vice Chairman

Hong Kong Federation of Restaurants and Related
Trades

Mr TAM Hop-sing
Chief Executive Officer

Clerk in attendance : Ms Elyssa WONG
Chief Council Secretary (2) 5

Staff in attendance : Mr Jove CHAN
Senior Council Secretary 2 (6)

Ms Priscilla LAU
Council Secretary (2) 5

Ms Michelle LEE
Legislative Assistant (2) 5

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- I. Liquor licensing - Guidelines and procedures for assessing liquor licence applications**
(LC Paper Nos. CB(2)1249/12-13(01), CB(2)1292/12-13(01) and (02))

Under Secretary for Food and Health ("USFH") briefed members on the "Guidelines on Assessing Liquor Licence Applications" ("the Guidelines") prepared by the Liquor Licensing Board ("LLB") (LC Paper No. CB(2)1249/12-13(01)).

2. Chairman of the Liquor Licensing Board ("C/LLB") briefed members on the procedures adopted by LLB for assessing liquor licence applications (LC Paper No. CB(2)1292/12-13(01)).

3. Members also noted the background brief entitled "Regulation of upstairs bars" (LC Paper No. CB(2)1292/12-13(02)) prepared by the Legislative Council ("LegCo") Secretariat.

Views of deputations

4. At the invitation of the Chairman, the following 11 deputations and one individual presented their views on liquor licensing - guidelines and procedures for assessing liquor licence applications -

- (a) Institution of Dining Art;
- (b) Hong Kong Bar & Club Association;
- (c) The Lion Rock Institute;

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- (d) Civic Party;
- (e) Democratic Alliance for the Betterment and Progress of Hong Kong;
- (f) The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants;
- (g) Entertainment Business Rights Concern Group;
- (h) Democratic Party;
- (i) The Concern Group on the Issue of Liquor Licences;
- (j) Ms CHENG Lai-king;
- (k) Hong Kong Bars and Karaoke Rights Advocacy; and
- (l) Hong Kong Federation of Restaurants and Related Trades.

5. Members also noted two written submissions from the Hong Kong Catering Industry Association and Mr AU Nok-hin, Southern District Council Member, respectively.

6. A summary of the views of depositions is in the **Appendix**.

Discussion

7. C/LLB welcomed members to give views on the new proposals set out in the Guidelines. LLB would consolidate the views collected and finalized the Guidelines which would be published on LLB's website. At the request of the Chairman, C/LLB undertook to inform the Panel on how LLB would follow up on the views received before promulgating the Guidelines.

Guidelines on Assessing Liquor Licence Applications and regulation of upstairs bars

8. Mr CHEUNG Kwok-che enquired about the difference between the criteria for assessing liquor licence applications for upstairs bars and bars located at street level. C/LLB advised that the criteria for assessing liquor licence applications were applicable to all types of liquor-licensed premises, including upstairs bars and bars located at street level. These criteria were (a) whether the applicant was a fit and proper person to hold the licence; (b) whether the location and structure of the premises and their fire safety and

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hygienic conditions were suitable for the sale of liquor; and (c) whether the grant of the licence was contrary to the public interest. That said, since there were wide public concerns about the safety of upstairs bars, LLB had proposed two additional licensing conditions in the liquor licences for upstairs bars, namely (a) requiring the licensees to attend a "seminar on liquor licensing" and (b) imposing a more stringent capacity limit for their premises. In considering liquor licence applications and the need to impose additional licensing conditions, LLB would take into account the views and assessment from relevant Government departments such as the Police.

9. Ms Claudia MO enquired whether an upstairs karaoke lounge would be regarded as an upstairs bar if it sold liquor on its premises for consumption on the premises. If so, Ms MO was worried that some existing upstairs karaoke lounges might not be able to meet the stringent requirements as set out in the Guidelines. Mr Tommy CHEUNG echoed Ms MO's view and criticized that the definition of upstairs bar was unclear. The Deputy Chairman enquired whether clubs would also be subject to the new stringent requirements.

10. Deputy Secretary for Food and Health (Food)1 ("DSFH(F)1"), Assistant Director (Operations)1 of the Food and Environmental Hygiene Department ("AD(O)1/FEHD") and C/LLB stressed that any person intending to sell liquor at any premises for consumption on the premises, was required to obtain a liquor licence. Premises which operated as a club should also acquire the relevant Certificate of Compliance from the Home Affairs Department. DSFH(F)1 further advised that the Guidelines would apply to all liquor-licensed premises including those karaoke lounges and clubs at which liquor was sold and consumed. While there was no statutory definition of upstairs bars, they generally referred to liquor-licensed premises with the sale and consumption of liquor on the premises being the main line of business, and they were not located at street level. At present, there were 413 upstairs bars, representing 6.6% of all liquor-licensed premises.

11. Mr Tommy CHEUNG queried the accuracy of the number of upstairs bars as the number might have included the number of upstairs clubs which served liquor on the premises. Mr CHEUNG also expressed dissatisfaction with the requirement that the total number of upstairs bars should not exceed half of the number of floors of the building. In his view, this requirement left out some important factors such as the area of each floor. He considered the Guidelines not thoughtfully prepared.

12. The Chairman, Mr Tommy CHEUNG and Dr Helena WONG commented that LLB was too reliant on the recommendations made by the

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Police in considering liquor licence applications. DSFH(F)1 clarified that decisions of LLB were made independently having taken into account the views from the Police, other relevant Government departments as well as stakeholders including neighbouring residents.

13. Mr Tommy CHEUNG expressed objection to the new proposal to impose a more stringent capacity limit for upstairs bars. He also questioned the effectiveness of setting a safety margin of 90% of the capacity limit to achieve greater fire safety. Mr CHAN Chi-chuen expressed similar views. He enquired about the basis on which the Administration determined the capacity limit and the justification for setting a more stringent safety margin for upstairs bars. He also sought information about the enforcement of the capacity limit for the premises of upstairs bars and the number of prosecutions. Mr CHEUNG Kwok-che enquired whether the Fire Services Department ("FSD") had been consulted about setting a safety margin of 90% of the capacity limit for upstairs bars.

14. Assistant Director/New Buildings 1, Buildings Department advised that the expected number of users of the premises was calculated in accordance with the Code of Practice for Fire Safety in Buildings 2011, having taken into account the size, design and use of the premises, as well as the means of escape of the building where the premises were located. That said, LLB could impose further requirements such as a safety margin of the capacity limit or other additional licensing conditions if it deemed necessary. USFH added that in the light that people under the influence of alcohol might not be able to make their way to safety with ease through staircase during emergencies, it was considered necessary to impose a more stringent capacity limit for the premises of upstairs bars.

15. Chief Superintendent of Police (Support Branch) (Support Wing) (Acting) ("CSP(Atg)") advised that the Police would check the number of persons on the liquor-licensed premises against the capacity limit during inspections. As regards the number of prosecutions, the Administration advised that it would provide the information after the meeting.

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16. Mr WONG Kwok-hing expressed concern about whether the suitability of the premises for an upstairs bar would be assessed per se or consideration would be given to the number of upstairs bars in a building. Mr WONG expressed concern that if there were more than one upstairs bar in a building, the consideration of fire safety, adequacy of means of escape in case of emergencies would be different. He enquired whether all the 413 upstairs bars met fire safety requirements, and whether FSD had regularly inspected those buildings to assess their fire risk.

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17. Deputy Chief Fire Officer (Licensing and Certification), FSD advised that FSD officers would inspect the premises for the processing of restaurant licence application to ensure that fire safety requirements were complied with. FSD also conducted random inspections and participated in joint inspections with other Government departments on liquor-licensed premises. Enforcement action, such as issuance of Fire Hazard Abatement Notice, would be taken if fire hazards were noted.

18. Mr WONG Kwok-hing considered it important for the Administration to adopt a more stringent fire safety assessment for an upstairs bar if it was located in a building with a large number of upstairs bars. He stressed that it would be a dereliction of duty for the Administration and LLB if people could not be evacuated within a short span of time in case of fire or other emergencies simply because the Administration and LLB had not taken into account this factor. He also suggested that the Administration and LLB should conduct stress tests to assess whether people in those buildings could promptly escape to place of safety in case a fire broke out.

19. The Deputy Chairman was concerned about the nuisance caused by liquor-licensed premises, particularly those upstairs bars. He invited The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants ("The Federation") to give views on residents' complaints about the nuisance caused by liquor-licensed premises. Mr LEE Wai-hung of The Federation said that it was quite common for residents to take an opposite view about liquor-licensed premises. He considered that the Government had imposed a number of stringent regulations, such as those for upstairs bars as set out in the Guidelines, which were not conducive to the liquor-selling business.

20. Referring to the Standard Licensing Conditions imposed on Liquor Licences, Dr Helena WONG expressed concern about one licensing condition which stated that the licensee should not permit any common prostitutes to assemble or remain on the premises. Dr WONG was of the view that this might constitute discrimination against sex workers as it denied them access to entertainment after work.

21. Mr Tommy CHEUNG queried the requirement for a liquor licence applicant to possess sufficient experience in managing liquor-licensed premises. He commented that such requirement would not be conducive to the business environment.

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Grace Period

22. Sharing the view with Institution of Dining Art, Ms Claudia MO enquired whether the Administration would consider a three- to five-year grace period for the trade when the Guidelines came into operation. USFH advised members that LLB would consider the views of the Panel and the deputations on the duration of the grace period when it finalized the Guidelines.

Review on LLB

23. Dr Helena WONG expressed concern about whether LLB could balance the interests of the trade and members of the public when considering liquor licence applications. She requested the Administration to review the composition, functions, operational transparency and the complaint mechanism of LLB. She also expressed dissatisfaction that complaints lodged by residents on nuisance caused by liquor-licensed premises were not properly dealt with and they were being passed on to different government departments.

24. C/LLB advised that LLB consisted of 11 members appointed by the Chief Executive. Among them, two members were representatives of the catering trade, one was a District Council member and the other eight were from different backgrounds such as social welfare, legal, education and media communication. In his view, LLB had a broad representation of interests that enabled it to balance the interests of different sectors in considering the grant of liquor licences.

25. C/LLB further advised that under the existing mechanism, complaints could be made directly to the relevant law enforcement agencies including the Police, the Environmental Protection Department and the Food and Environmental Hygiene Department. All complaints would be properly handled and recorded. Complainants might also lodge an appeal to the Municipal Services Appeal Board if they were aggrieved by the decisions of LLB. Dr Helena WONG urged the Administration to review those complaint cases which had been considered not substantiated and offer assistance to the complainants. USFH noted the view.

Cases Involving the Licensing Sub-unit of the Wanchai Police District

26. Referring to the recent case of a Superintendent of the Police who had been convicted of misconduct in relation to an application for a liquor licence from a restaurant, Dr Helena WONG expressed grave concern about the probity and integrity of Police officers who gave advice to LLB

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on liquor licence applications. She asked whether the Food and Health Bureau and LLB would review all the applications recommended by the sub-unit led by the Superintendent concerned.

27. C/LLB advised that LLB was also gravely concerned about the case. He had issued a letter to the Police urging it to consider reviewing its existing mechanism for handling liquor licence applications and the related monitoring system, in order to ensure that all applications were processed in a fair, just and impartial manner. He reiterated that in assessing liquor licence applications, LLB would consider the views of all relevant Government departments and stakeholders before deciding on the applications.

28. Dr Helena WONG further enquired about the follow up action of the Police in relation to the case. CSP(Atg) advised that there were stringent requirements on the conduct of Police officers and the Police had attached great importance to the integrity of the force, with zero-tolerance towards offences such as corrupt practices. The Police had also promulgated clear guidelines for preventing conflicts of interests or malpractices, and put in place an internal monitoring mechanism for the conduct of Police officers. CSP(Atg) stressed that the case in relation to the Superintendent in question was an isolated incident only.

29. Regarding the handling of liquor licence applications, CSP(Atg) further advised that comments made by the designated team in each Police district would be reviewed by Police officers at a higher rank before submitting to the Licensing Office in the Police Headquarters for consideration and recommendation to LLB. LLB would consider the recommendations of the Police in conjunction with recommendations and views from other Government departments and stakeholders before making its final decision.

Expansion of SOHO

30. Mr WONG Kwok-hing enquired whether the Administration had plans to expand SOHO in the Central district. He said that residents at the neighbourhood of SOHO were gravely concerned about the nuisance caused by the bars in SOHO. USFH and DSFH(F)1 clarified that the Administration had not defined the boundary of SOHO. Mr WONG Kwok-hing was not satisfied with the Administration's response. He said that, being a former member of LLB, he was aware that the boundary of SOHO had been well defined.

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31. To better follow up the subject with the Administration, the Chairman invited members to provide written questions to the Administration through the Clerk. Mr Tommy CHEUNG requested the Administration to provide its response to the questions before finalizing the Guidelines.

(Post-meeting note: The Administration's response to members' questions on the subject was circulated to members vide LC Paper No. CB(2)1668/12-13(01) on 30 July 2013)

Motion moved by member

32. Dr Helena WONG proposed to move the following motion –

"本委員會促請食衛局全面檢討酒牌局的組成、職能、運作透明度、及投訴機制的設立等，以確保公眾利益得以維護。"

(Translation)

"That this Panel urges the Food and Health Bureau to comprehensively review the Liquor Licensing Board in respect of its composition, functions, operational transparency, the complaint mechanism to be put in place and etc., so as to ensure public interests are safeguarded."

33. The Chairman put Dr Helena WONG's motion to vote. He declared that all members present voted in favour of the motion. The Chairman declared that the motion was carried.

II. Any other business

34. There being no other business, the meeting ended at 4:37 pm.

Panel on Food Safety and Environmental Hygiene

Special meeting on Thursday, 13 June 2013

on Public consultation on "Liquor licensing - Guidelines and procedures for assessing liquor licence applications"

Summary of views and concerns expressed by deputations/ individuals

Organization/ Individual	Major views and concerns
Regulation of upstairs bars	
<ul style="list-style-type: none">• The Concern Group on the Issue of Liquor Licences• Democratic Alliance for the Betterment and Progress of Hong Kong• Democratic Party• Ms CHENG Lai-king, Central and Western District Council Member	<ol style="list-style-type: none">1. The deputations express grave concern about the proliferation of bars and upstairs bars in residential areas which bring along problems of public safety, crime, noise and other environmental nuisance. They call on the Administration to tighten up the regulation of upstairs bars.2. Some deputations consider that a more stringent control should be imposed on the business hours of upstairs bars.3. There is a view that no upstairs bar should be allowed in single staircase buildings, having regard to the fire safety concern.
<ul style="list-style-type: none">• The Lion Rock Institute	<ol style="list-style-type: none">1. Holding the view that a lenient and flexible policy is conducive to the vibrant development of economic activities, the deputation considers it not necessary for the Administration to impose stringent control over upstairs bars. However, the Administration should step up its enforcement actions to address public concerns on public order, building safety and environmental nuisance caused by upstairs bars.
<ul style="list-style-type: none">• Hong Kong Bar & Club Association	<ol style="list-style-type: none">1. Taking into account the operational difficulties of upstairs bars and the

Organization/ Individual	Major views and concerns
<ul style="list-style-type: none"> • Entertainment Business Rights Concern Group • The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants • Hong Kong Bars and Karaoke Rights Advocacy 	<p>existing stringent regulation on upstairs bars, the deputations object to the further strengthening of the regulation over upstairs bars.</p> <ol style="list-style-type: none"> 2. The deputations are of the view that a more stringent control over upstairs bars would lead to proliferation of unlicensed bars operated in private premises. 3. There is also a view that the Administration should strengthen enforcement against operation of unlicensed bars.
<ul style="list-style-type: none"> • Democratic Party 	<ol style="list-style-type: none"> 1. Holding the view that a large number of complaints are relating to liquor-licensed premises located at street level, the deputation expresses dissatisfaction with the Administration's lack of proposals to tighten up control over bars located at street level.
<p>Guidelines on Assessing Liquor Licence Applications</p>	
<ul style="list-style-type: none"> • Civic Party • Democratic Alliance for the Betterment and Progress of Hong Kong • Ms CHENG Lai-king, Central and Western District Council Member 	<ol style="list-style-type: none"> 1. The deputations in general express support for more stringent control on liquor-licensed premises. They welcome the proposed additional licensing conditions for upstairs bars, namely (a) requiring the licensees to attend the "Seminar on Liquor Licensing" to ensure that the operators of upstairs bars have the knowledge to put their premises under proper management; and (b) imposing a more stringent capacity limit for upstairs bars for the purpose of safe evacuation of customers from upstairs bars. 2. To address the problem of noise nuisance caused to neighbouring residents, the deputations also express support for more stringent requirements imposed by the Liquor Licensing Board ("LLB") on liquor

Organization/ Individual	Major views and concerns
	licensed premises, such as installation of double-glazed windows and the appointment of qualified professionals for conducting noise impact assessment.
<ul style="list-style-type: none"> • The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants • Hong Kong Catering Industry Association • Hong Kong Federation of Restaurants and Related Trades • Institution of Dining Art 	<ol style="list-style-type: none"> 1. While agreeing that the operators of upstairs bars should have the knowledge to put their premises under proper management, the deputations consider the proposed "Seminar on Liquor Licensing" to be attended by licensees of upstairs bars should be organized by LLB or the Food and Environmental Hygiene Department, so as to ensure that the course fee will be set at a reasonable level and the seminar will meet the needs of licensees. The deputations also request that the seminar should be organized at the location and time convenient to the licensees. The licensees should also be allowed time to attend the seminar.
<ul style="list-style-type: none"> • The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants • Hong Kong Bar & Club Association • Hong Kong Bars and Karaoke Rights Advocacy • Hong Kong Catering Industry Association • Hong Kong Federation of Restaurants and Related Trades • Institution of Dining Art 	<ol style="list-style-type: none"> 1. Pointing out that there is no statutory definition for upstairs bars, the deputations question the basis for setting the safety margin. The deputations also express worries that a more stringent capacity limit and excessive requirements on noise control would have an adverse impact on the business environment of upstairs bars, leaving them with little room to run their business. 2. There is a view that the Administration should allow the trade to introduce self-regulation over licensed liquor premises including upstairs bars.
Liquor Licensing Board	
<ul style="list-style-type: none"> • The Concern Group on the Issue of Liquor Licences 	<ol style="list-style-type: none"> 1. The deputations consider that LLB should attach importance to the views of residents on liquor licence applications, and enhance communication

Organization/ Individual	Major views and concerns
<ul style="list-style-type: none"> • Democratic Alliance for the Betterment and Progress of Hong Kong 	<p>with neighbouring residents.</p>
<ul style="list-style-type: none"> • Democratic Party 	<ol style="list-style-type: none"> 1. The deputation holds the view that LLB is dominated by the trade and the views of residents are not awarded sufficient consideration, particularly during vetting liquor licence applications.
<ul style="list-style-type: none"> • The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants 	<ol style="list-style-type: none"> 1. The deputation expresses concern about the composition of LLB. In its view, half of the board members of LLB should be representatives from the catering and entertainment industries, so as to reflect the views of the trade.
Others	
<ul style="list-style-type: none"> • Civic Party • Democratic Alliance for the Betterment and Progress of Hong Kong 	<ol style="list-style-type: none"> 1. The deputations request the Administration and LLB to step up their enforcement and inspection to ensure the compliance of licensing conditions by operators of upstairs bars and to combat crimes related to upstairs bars.
<ul style="list-style-type: none"> • The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants 	<ol style="list-style-type: none"> 1. In view of the nuisance or disturbance caused by liquor-licensed premises to neighbouring residents, the deputation requests the Administration to identify sites suitable for commercial uses such as bars and upstairs bars.
<ul style="list-style-type: none"> • Mr AU Nok-hin, Southern District Council Member 	<ol style="list-style-type: none"> 1. The deputation considers that the existing liquor licensing mechanism fails to address public concerns about fire safety, noise and other environmental nuisance caused by liquor-licensed premises on the one hand, nor to provide a business environment conducive to the development of the trade. In its view, District Councils should be empowered to consider liquor licence applications.

<u>Name of Organization</u>	<u>Submission (LC Paper No.)</u>
Entertainment Business Rights Concern Group	LC Paper No. CB(2)1292/12-13(04) and LC Paper No. CB(2)1354/12-13(01)
The Federation of Hong Kong and Kowloon Ballroom and Night Club Merchants	LC Paper No. CB(2)1354/12-13(01)
Hong Kong Bar & Club Association	LC Paper No. CB(2)1292/12-13(03)
Hong Kong Bars and Karaoke Rights Advocacy	LC Paper No. CB(2)1354/12-13(01)
Hong Kong Catering Industry Association	LC Paper No. CB(2)1354/12-13(02)
Institution of Dining Art	LC Paper No. CB(2)1336/12-13(01)
Mr AU Nok-hin, Southern District Council Member	LC Paper No. CB(2)1292/12-13(05)