

Upstairs Bars

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Message

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We sincerely invite Forum members to share with us your views on the following matters regarding upstairs bars (details at Chapter 2 of the Consultation Document):

(a) Do the specific circumstances of upstairs bars require more stringent licensing control?

(b) If the answer to (a) is yes, should the following options for practical measures be taken to reduce the potential risk of upstairs bars, in addition to compliance with existing statutory and administrative requirements regarding the premises or building in question?

(i) Set a limit on the number of liquor-licensed premises that may be housed in a multi-storey building, say not more than half of the floors or a certain percentage of the gross floor area to be occupied by liquor-licensed premises.

(ii) Refuse to issue new liquor licences and new club liquor licences for premises in buildings which are concurrently used for residential purpose except for the lowest three storeys with separate access.

(iii) Refuse to issue new liquor licences and new club liquor licences altogether in certain high risk targeted buildings (e.g. those with a large number of residents in adjacent buildings or with a track record of higher incidence of crime or complaints in the past).

(iv) As the capacity limits for bars not at street level are set without considering the influence of alcohol on customers' behaviour, apply a discount factor to reduce the maximum capacity currently imposed so as to build in an appropriate "safety margin". The size of the "safety margin" will depend on the discount factor. A 70% discount factor will reduce the capacity limit of say, 200 persons to 140 persons. Moreover, instead of a particular discount factor, it is also possible to have a range of discount factors, say from 50% to 90%, depending on the location of the licensed premises in the concerned building and/or other relevant factors.

(c) Even if the measures in (b) are not pursued, should more stringent criteria be adopted when assessing a liquor licence application, so as to avoid the concentration of bars in non-purpose-built entertainment buildings or complexes? Relevant considerations could include -

(i) whether the building concerned is shared by others for non-entertainment purpose and if so, the potential impact of introducing an upstairs bar on such joint users (e.g. if the other premises in the same building are used for educational/tutorial purposes, should liquor-licensed premises be allowed?);

(ii) whether the building concerned is located among densely populated residential blocks, and if so, the potential impact of introducing an upstairs bar on the neighbourhood;

(iii) whether the building is purpose-built for restaurants, bars or entertainment;

(iv) the layout of the building concerned – where a joint-user building is concerned, the existence of separate access to cater for different user groups will have an edge over those with shared access;

(v) the number of liquor-licensed premises already in the building concerned – if, say, half of the floors were already taken up by liquor-licensed premises, it could be arguable whether it is socially desirable to allow more such premises to operate in the same building; and

(vi) the number of alcohol-related crimes and public nuisance reports in the building concerned or the precinct (e.g. within 50 or 100 metres' distance from the building concerned)?

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Posts:10

Votes:2

Credits:1

鑑於樓上酒吧的特別情況，政府應該更嚴格管制發牌制度。樓上酒吧發生強姦、非禮、傷人及吸毒等嚴重罪案屢見不鮮，我認為其原因主要在於樓上酒吧有別於地面酒吧，執法部門在巡查和採取執法時有一定難度。有毒品拆家更以警方人手不足「晚晚查牌」，大肆在樓上酒吧販賣毒品，此外，毒販/濫藥者在樓上酒吧可以輕易在警務人員到達現場之前棄置毒品，令調查人員面對極大挑戰，也令樓上酒吧成為罪惡溫床。

如果不嚴格管制發牌制度，樓上酒吧就有如計時炸彈：由於樓上酒吧大多都集中在油尖旺、灣仔和中西區等舊式商住大廈林立的地區，加上人煙稠密，樓上酒吧的消防設備令人擔心，即使消防設備合乎標準，但數百人集中在狹窄的地方，若發生火警或其他事故，走火通道等配套會超過負荷，擔心整幢樓逾千人同一時間逃離時，會發生意外。雖然酒牌局已將樓上酒吧可容納的人數上限作為既定的附加發牌條例，但仍有不少酒吧違規，警務人員執法也困難，所以嚴格管制樓上酒吧發牌制度是必須的。

只有完善的制度加上公正的執法人員才可將樓上酒吧的罪行杜絕，缺一不可。除了要求警務人員加強巡查，公正執法外，修正制度配合警務人員執法雙管齊下自然能事半功倍。