

## 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:8

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現時政府對發酒牌的規管已相當嚴格，租金不斷上升更加令業界經營困難。如果再限制對樓上酒吧發牌，只會令酒吧的生存空間進一步收窄。現時領酒牌時的諮詢機制，已能夠減少酒吧對鄰近住宅的影響，我認為再沒必要收緊現時的酒牌申請規管。