

## OCEAN FAME INVESTMENT LIMITED

Our Ref CHC/gch

12 August 2011

Food and Environmental Hygiene Department  
42/F-45/F  
Queensway Government Offices  
66 Queensway  
Hong Kong

Attention : Mr Lam Cheuk-kuen

Dear Sirs

### **PUBLIC CONSULTANTATION ON THE REVIEW OF LIQUOR LICENSING**

I refer to your letter dated 26 July 2011.

I am a liquor licence holder of a bar located on the 1st floor of a composite building. It is served by an exclusive staircase leading from the street level. This composite building comprised of another bar on ground floor and my bar on the 1st floor. The upper floors are designed for domestic use but some units are occupied as music school, clinic and tutorial school etc.

We have been operating on this premises in the last 5 years. Apart from the occasional noise complaints, no crime has been reported.

I am writing to reflect to the authority that the 'noise complaint' cannot be justified as there is no guideline or legislation to dictate what is the excessive music or noise level. Despite, we have never been prosecuted by EPD, the Liquor Licensing Board simply looked at the number of 'noise complaints' and imposed stringent licence conditions. The Board or the police never told us the DB level that we should maintain at or below. This does not help us when we wish to adjust the music level within the legal limit. Because there is no legal limit.

The authority purely looks at the number of complaints with no regards to whether they are justifiable case or not. It is purely subjective. Such subjective assessment is not fair to the industry and only encourages malicious complaints and to consume the police resources.

Any measures targeted at bars or upstairs bars must be objective rather than subjective.

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Any complaints which the Board considers must be justified or proven cases and not mere complaints. We are innocent until proven guilty.

Secondly, upstairs bars are legitimate business occupying premises as per Buildings Department's approved plans. They should not be discriminated because residents filed complaints. In a situation where the upstairs bar operator is also the owner of the premises, the Government cannot take away his legitimate rights to operate a normal business within his owned premises. Any measures to discriminate upstairs bar in favour of the residents is not fair.

To summarize, the Government should leave the business alone so long there is no criminal case reported or recorded. If the building is designed as a composite building, it is a composite building. It is a fact that residents have to respect and accept.

Yours faithfully

Alnwick C H Chan

