

就食物及衛生局酒牌制度檢討 公眾諮詢 (2011 年 7 月) 的回應

娛樂界權益關注組

香港酒吧及卡拉 OK 業權促進組

酒吧業聯社(香港)

港九舞廳夜總會聯合總商會

序言

1. 食物及衛生局（“局方”）在 2011 年 7 月發出酒牌制度公眾諮詢檔（“諮詢檔”），就立例規管酒牌的發牌及續牌制度進行公眾諮詢。諮詢期為期兩個月，提交意見的限期是 2011 年 9 月 14 日。
2. 諮詢檔共有七章及兩附錄。
3. 在第 1.1 段，諮詢檔明確表示檔的目的是「概述香港的簽發酒牌政策及相關的各项事宜，讓市民和業界能掌握充分資料，以便進行討論」。
4. 第二至第六章設有多條問題，問題摘要則在第七章問題的源起是就樓上酒吧帶來的新情況聆聽公眾與業界的意見。
5. 為方便討論起見，我們集中討論對諮詢檔的意見；但為避免重複，我們不會再就第七章發表意見。
6. 我們打算在表達對問題摘要的意見前，先討論諮詢檔就某些議題，事實或法例的說法，因為我們對部分說法不敢苟同。

第一章 概要

簽發酒牌制度

7. 局方認為在人口稠密的香港，簽發酒牌制度必須平衡經營者的利益和鄰近社區的利益，對此我們十分贊同。但是，我們認為在平衡利益的時候，也要顧及酒吧從業員及其家人的生計，香港作為旅遊及娛樂中心的地位及地鋪租金不斷上揚（甚至蔓延到低層單位）的情況，以及鄰近競爭對手（如深圳及澳門），相對享有寬鬆的發牌制度，很明顯，局方在平衡利益的時候，似乎沒有考慮這些因素。
8. 在諮詢文件第 1.7 段，局方提述：「酒牌局以公開、透明和公平的方式審理酒牌申請，力求平衡合法商業活動與區內居民兩者之間的利益」。酒牌局在考慮每宗申請時，均按有關成文法及普通法（包括「Wednesbury reasonableness⁽¹⁾」之概念）作出決定。然而，酒牌局就申請結果並沒有向公眾人士提供裁決的全面原因。因此，審理酒牌的制度其實絕非透明和公平。在終審法院案例東方日報發行商訴影視及娛樂事務管理處中⁽²⁾，前終審法院李國能說：“如有責任提供理由，就必須提供充分的理由。”但是，對於

酒牌局批准或拒絕發牌的理由，持牌人/上訴人卻無從得知。酒牌局根據這些不透明的理由，對持牌者施加不同的理由。

9. 另外，在諮詢檔第 1.7 段，局方列舉了酒牌局根據《應課稅品（酒類）規例》第 17 條審批酒牌申請的準則（2）：

甲) 申請人是持有該牌照的適當人選（準則 1）

乙) 就與申請有關的處所而言，考慮到處所的位置及結構及處所內的消防安全及衛生情況，該處所是適合用作售賣或供應令人醺醉的酒類的地方（準則 2）

丙) 在有關個案的整體情況下，批出該牌照並不違反公眾利益（準則 3）

（統稱為「三項準則」）

10. 在諮詢文件第 1.8 段，局方亦承認酒牌局在考慮酒牌申請時，會考慮秘書處及其他政府部門的意見，例如警務處、屋宇處、消防處及/或食物環境衛生署（“食環署”）諮詢文件續說：

“這些部門會根據各自的專業範疇，就申請人是否適當人選，有關處所是否符合相關的樓宇安全。消防安全及環境衛生規定，以及該處所是否適合售賣及飲用令人醺醉的酒類，向酒牌局提出意見。民政事務總署作為會所的發牌當局，亦會就有關處所是否領有合格證明書向酒牌局提出意見。”

11. 然後，局方在諮詢檔的第 1.9 段表示，市民大眾亦可直接向酒牌局，或透過有關民政事務處進行的諮詢工作（地區諮詢工作在第三章詳述），就酒牌申請提出反對。酒牌局十分重視這些反對意見，而這些意見也是酒牌局拒絕發牌，或就處所的營業時間、最高容納人數、關閉門窗方面施加條件的依據。

12. 我們認為現行以遵守三項準則作為基礎的發牌制度是恰當，有效及足夠的。制度不單公平及合理，也能平衡各方的利益。相反，建議的改革似過分嚴苛、專橫及沒有必要。儘管如此，我們對現行的發牌制度仍有所保留，

因為酒牌局就其裁決往往未能提供高透明度及公開的理由。

第二章 樓上酒吧

13. 很明顯，局方建議立例更嚴格規範酒吧發牌制度，是基於在諮詢檔第二章提及的所謂樓上酒吧問題。局方把樓上酒吧描繪成罪惡溫床，且引發嚴重的防火、公眾安全及公眾滋擾等問題。以下我們逐一討論所謂的問題。

公眾安全

14. 在諮詢文件第 2.4 段，局方陳述如下：

「我們關注到，當大量顧客聚集在酒吧林立的多層大廈內，在受酒精影響下，能否在緊急關頭爭相逃生時找到出路，並通過樓梯脫險。樓梯如因有嘔吐物而變得滑溜或受阻，加上顧客擠在樓梯歇息或吸煙，又或顧客飲酒過多，情況會更加惡劣。」

很明顯，局方亦清楚明瞭在現行制度下酒牌局在審批酒牌的申請時，會就處所的防火安全問題諮詢消防處的意見（見上文第 10 段及諮詢文件第 1.8 段）。局方也明白到，消防處就防火安全及申請者能否遵守現行防火安全法例及規則方面定必向酒牌局提供意見或反對。毫無疑問，消防處的意見包括滅火設備、灑水器、緊急照明及大廈是否設有充足的走火通道等。既是說，在酒牌局審核每個申請時，消防處也詳細檢查申請者能否遵守有關的安全法規，而消防處一定不會批准未能遵守有關法規的申請。因此，消防處以專業的知識把關，向未能遵守消防法規的申請者提出反對。換言之，那些沒有根據法例設立充足防火設施或走火通道的申請者，在消防處反對下，根本不能獲發酒牌。

15. 儘管如此，局方似乎仍然關注兩個問題：

15.1 樓梯變得濕滑或受阻

15.2 顧客擠在樓梯歇息或吸煙，又或顧客飲酒過多

很明顯，上述兩個問題均不是在考慮發牌時應參考的因素，除續牌者的過往記錄外，它們卻是持牌者的操守及執法的問題。局方聲稱在酒牌局及政府官員的夜間巡查，發現部分酒吧出口被吸煙的顧客阻塞，有些酒吧的入場人數更超越最高容納人數。但是，局方沒有公報官方的資料支持其說法。

這些情況可能在極少數的持牌酒吧發生，甚至在無牌的酒吧發生。誠如前面所說，這些問題應交由執法部門（大程度上是消防處，其次是警方及食環署）處理。

16. 如果執法機關能定時及嚴格的執法，上述的問題不難迎刃而解。對付重犯者，執法機關（如消防處）可以把重犯者有關的巡查記錄呈交酒牌局（正如警方也會就申請者向酒牌局呈交有關的記錄）。酒牌局在考慮重犯者的記錄後，很可能施加更嚴格的發牌條件，甚至拒絕申請。
17. 其實，局方在諮詢文件 2.4 段末也承認：

“雖然相關政府部門已就這些違規情況加強執法，但仍有需要考慮是否須進一步收緊對樓上酒吧的管制。”

從上述段落所見，局方明顯認為問題應交由執法機關解決。但是，局方仍聲稱可能需要進一步收緊對樓上酒吧的管制。局方明明知道問題應由執法機關解決，因此，我們不禁要問，為何仍要修例進一步收緊對樓上吧的管制？

其實，現行的法律已經十分嚴格：

- 17.1 消防條例（香港法例第 95 章）
- 17.2 消防安全（建築物）條例（香港法例第 572 章）
- 17.3 消防安全（商業處所）條例（香港法例第 502 章）
- 17.4 火警發生時逃生守則
- 17.5 建築物（規劃）規例（香港法例第 123F 章）
- 17.6 吸煙（公眾衛生）條例（香港法例第 371 章）附表 2 第 1 部 19 項

如發現處所的樓梯濕滑或被阻塞，消防處有權根據 17.1 至 17.3 的法例檢控持牌人。此外，根據吸煙（公眾衛生）條例第 15F 條委任的督察（見上文 17.6），也有權向在處所走火通道吸煙的顧客發出定額罰款告票。

18. 因此，目前的法例已經十分嚴格。須要做的是加強執法，不是更嚴格管制

甚至取締樓上吧。在八十年代及九十年代的香港，匪徒持械行劫珠寶公司的情況曾經十分嚴重，而警方亦嚴厲執法對付匪徒。當時沒有人不智地提議立法取締或嚴格限制在地面經營的珠寶公司，以免匪徒容易在地面街道上逃遁，或利用行人做人質或人肉沙包。

19. 發牌法例 2003 第 182 條之指引(經修訂)⁽³⁾就英格蘭及威爾斯的酒牌制度作出指引。該指引亦清楚地說明公眾安全的考慮：

“發牌及其他有關部門須明白，公眾安全的主旨是保障處所使用者的安全，而非公共健康，因為後者在其他條例已經有所規範”（第 2.19 段(3)）

“因此，在對酒吧或者會所酒吧作出發牌限制時，不應該考慮公共衛生的因素。”（第 2.19 段(3)）【這涉及局方關於地面變得滑溜的疑慮】

20. 英國內政部在指引第 2.20 段談及防火安全：

“自 2006 年 10 月 1 日起，改革（防火安全）規則 2005（防火規則）取代了之前的防火法例。因此，根據防火措施法例（1971）發出的防火證書將失效。發牌當局應明白根據防火規則第 43 條，所有發牌機關就防火安全向處所施加的要求或禁令亦失效，而酒牌不用變更。換言之，當防火規則適用時，發牌當局不能就防火安全方面施加條件。”（第 2.20 段(3)）【這涉及局方關於防火安全的疑慮】

21. 在諮詢文件的第 2.5 段，局方認為規管食肆及會社的各種條例，如屋宇署頒布的《提供火警逃生途徑守則》的規定及按照消防處的規定提供適當的消防裝置及設備要求等，亦應該適用於樓上酒吧。我們贊同是項建議，因為酒吧經營者及持牌人均非常關注員工、顧客及財物的安全。儘管如此，如果相關的法規適用於樓上吧，政府不應該對樓上酒吧立法施加更嚴格的規定。
22. 局方在諮詢文件第 2.5 段末提到，“樓上酒吧的顧客易喝醉”，因此應該對樓上酒吧立法施加更嚴格和特定規定。首先，沒有統計資料或個案分析支持局方的說法，這說法純屬沒有根據的推測。再者，由於最近政府修緊酒後駕駛的法例，酒吧業界亦發覺顧客對酒精飲料的需求明顯下降。

23. 另外，局方亦須明白，酒牌局可以根據發牌標準考慮申請人的持牌經驗，管理技巧及技術。很明顯，這些考慮因素包括持牌人有沒有相關的經驗及知識去避免客人飲醉撩事生非。如申請人沒有相關的經驗，或曾被警方投訴其管理的處所治安欠佳，酒牌局絕對可以拒絕其申請。在這情況下，監管機制行之有效。為何仍要對對樓上酒吧立法施加更嚴格和特定規定？
24. 根據不少統計和報告，如果一多層式大廈發生火警，濃煙是第一號殺手。Keith A Laffety 博士在他的論文吸入濃煙⁽⁴⁾提到：

“很多火警的遇難者不單吸入濃煙，而且被火燒傷。在美國，約 60-80% 的火災遇難者死於吸入濃煙及其他於燃燒中釋出的有害物質。”

25. 由於吸入濃煙是火災的頭號殺手，聲稱顧客飲了酒後難以逃生的說法根本站不住腳，濃煙很快就令人喪失逃生意志及能力。因此，認為沒有受酒精影響的人較醉酒的人更易逃生的論點不能成立，而且與醫學上的證據和科學資料背道而馳。
26. 另外，在香港的很多高樓大廈，例如中環的衡怡大廈及彌敦道的恒生銀行大廈等，超過九成的商戶均是醫療中心或醫生診所。一旦火警發生，那些生病、身體虛弱、輪椅使用者及剛接受藥物注射的人，很可能較喝了一點酒的人更難逃生。但是，目前沒有法例針對醫療中心。因此，如果局方一意孤行地對濃煙為第一殺手的論據（見第 25 段）置之不理，仍打算對樓上吧施加更嚴格的規定，更漠視病人比酒吧顧客更難逃生的事實，則當局明顯歧視酒吧顧客。

罪案

27. 當局試圖抹黑樓上吧為毒品及其他非法活動氾濫的罪惡溫床。局方認為樓上酒吧有別於位於地面的酒吧，毒販／濫用藥物者可以輕易在警務人員抵達現場之前棄置毒品，因警方需要較長時間抵達現場。（見諮詢文件第 2.6 段）
28. 從報章的報導可見，警方在打擊樓上酒吧或地面酒吧的販毒及其他罪行時，多數以臥底探員配合採取行動。報章的報導指出，警方通常在收到線報後，才假扮客人到酒吧逮捕毒販或其他非法分子。就是說，臥底探員及在酒吧門外接應的探員合作，在犯罪分子進行毒品或其他非法交易時才採取行動，類似的方法行之有效。因此，說由於地理位置令執法困難的說法完

全不能成立。

29. 此外，在諮詢文件第2.7段，局方亦關注到顧客在受酒精影響的情況下更易與鄰近酒吧的顧客發生糾紛，甚至動武，因為在多層大廈的環境中，走廊、公眾洗手間、電梯大堂及樓梯均比較擁擠。但是，我們認為在相對封閉的環境中更加安全。大部分多層大廈均設有閉路電視及攝錄機，而酒吧持牌人亦樂於在走廊設置這些儀器。在這情況下，任何人在動武前定必三思，因為打鬥的情況在鏡頭下表露無遺。情況就如幾年前的妓女連環殺手一樣⁽⁵⁾。案發後，差不多全部的一樓一鳳均安裝了閉路電視檢查拍門的客人。因此，針對一樓一鳳的罪案大幅下降。所以，我們認為設置閉路電視監察顧客進出，可以阻止罪惡發生。
30. 相反，由於私隱及涉及龐大資源的原因，一般在地面的處所很難設置閉路電視。
31. 英國內政部的發牌法例2003第182條之指引（經修訂）也支持在處所內外設置閉路電視可以防止罪惡發生的論調：

“對酒吧施加的條件應針對阻嚇及防止罪案發生。例如，一般來說，在處所內外設置閉路電視可以防止騷亂，滋擾行為及其他罪惡發生。某些處所持牌者希望設置閉路電視來保障員工安全，及防止針對酒吧或客人的罪案。但在對酒吧施加條件時，應考慮宏觀的問題，確保閉路電視的視野能覆蓋特定的區域，和確保不會出現關於發牌條件的糾紛。”（第2.6段）

32. 眾所周知，在目前的酒牌制度下，執行對酒吧施加的條件的工作是警方的責任。警方也會定期查牌，警方記錄查牌時的結果，如處所違反發牌條件或在處所內有不法行為，警方也會向酒牌局呈交有關資料及巡查報告。警方的工作在每宗酒牌申請均會進行。如警方就申請者呈交負面資料，申請者幾乎肯定不會獲發酒牌。因此，如果發生於樓上酒吧的罪案真的如警方公佈的數字那麼嚴重（我們無法核實警方公佈的數字），則似乎警方沒有盡力執法，責任不應推到處所持牌者身上。

33. 立法局食物安全及環境衛生委員會似乎也有類似的看法：

“有委員關注警方會否成立隊伍，分別進行牌照巡查及處理公眾滋擾。政府當局表示，警方的雜項調查小隊負責處理酒牌申請及記錄違例及警告，供酒牌局考慮施加附加條件及撤銷牌照。視乎處所內的活動所需，確保執行牌照條件及打擊罪案問題的巡查會由警方罪案組的一般軍裝警員負責。政府當局向委員保證，警方瞭解公眾對酒吧所造成滋擾的關注，並會致力採取行動，以盡量減少對公眾構成幹擾……”⁽⁶⁾

34. 很明顯，如果持牌者在處所設置閉路電視，而警方又加強執法，諮詢文件第2.6段和2.7段的問題，相信可以迎刃而解。
35. 在諮詢文件第 2.8 段和 2.9 段，局方把酒吧描繪成是罪案率偏高的地方，而樓上酒吧的罪案率對比更特別高。但是，我們根本無法驗證數字的準確性，也無法知道在罪案數字的背後，多少是嚴重罪行，多少是輕微罪行，多少涉及輕微的糾紛，多少涉及沒有喝酒人士之間的紛爭。
36. 另外，罪案是否一定在無牌的酒吧發生，我們也無從得知。比如說，東方日報在 2011 年 8 月 16 日（見下文）報導有罪案在一家無牌酒吧發生。但是，報導的標題卻是：

“樓上吧毒品派對 拘大批青少”



37. 蘋果日報關於這宗新聞的標題也差不多：

“樓上吧變毒窟 警拘43人”



樓上吧變毒窟 警拘43人

【本報訊】警方打擊青少年樓上吧吸毒及販毒，4日兩度在沙灣的樓上吧以及旺角一間酒廊。即晚進行行動中，警方共拘捕46名男女，包括在沙灣拘捕43人，當中7人涉販毒，2人涉吸食毒品。

警方在沙灣兩度行動，警方在沙灣一間樓上吧及旺角一間酒廊，即晚進行行動中，警方共拘捕46名男女，包括在沙灣拘捕43人，當中7人涉販毒，2人涉吸食毒品。

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38. 讀者如果只是匆匆看看標題，很容易對局方的說法信以為真，以為樓上酒吧都是毒販和罪惡的天堂。但是，報導的內文清楚說明涉案的是無牌酒吧。這些誤導性的標題令人產生錯覺，以為樓上酒吧真的是罪惡溫床。此外，我們根本無法驗證警方公佈的罪案數字多少涉及持牌酒吧，多少涉及無牌酒吧，依賴這些數字得出的結論根本不可靠。

公眾滋擾

39. 諮詢檔第 2.10 段指出，由於許多樓上酒吧鄰近住宅樓宇，顧客須與其他樓宇使用者共用公用設施，因此有關公眾滋擾的投訴相繼不絕。

40. 但是，局方也明白酒牌局有權對處所施加發牌條件，減低噪音及其他滋擾。一般的條件是：

40.1 在某時段後須關閉所有門和窗戶

- 40.2 限制播放音樂的時段
- 40.3 聘用保安員維持顧客出入的秩序
- 40.4 限制使用開放無上蓋地方，平臺及內庭院的時段
- 40.5 限制賣酒時間

41. 很明顯，第 40.1 段到 40.5 段的附加條件並非詳盡無遺，但它們確實能有效減低噪音對鄰近住宅樓宇的滋擾，尤其是第 40.5 段能防止顧客因飲酒太多而在離開時行為不檢。這也支持我們的說法，就是現行的酒牌制度嚴格，足以應付潛在的公眾滋擾問題。

42. 而且，英格蘭內政部在發牌法例 2003 第 182 條之指引（經修訂）也承認：

“如要施加發牌條件來防止處所對公眾滋擾，施加的條件必須是在持牌者控制範圍內。如果就處所顧客的反社會行為對處所施加條件，做法並不公平，也不能實現發牌制度的目的，因為顧客的行為不在持牌者的控制範圍內。”（第 2.38 段）

43. 由於上述（尤其是第 42 段的原因），把酒吧顧客離開處所後的行為歸疚於處所持牌人是極不合理的。否則，當英格蘭國家足球隊輸掉球賽，觸發他們的支持者生事，造成人命或財物的損失時，英格蘭國家足球隊或足協便須負起責任！

44. 該指引的第 2.39 段（在本文第 42 段引述）說明瞭其中的理據：

“除了在處所的鄰近地區，顧客應為自己的行為負責。一個妄顧社會法規的人必須為自己的行為負責，與人無尤。但是，如酒牌局對處所施加條件，要求處所在門外設置告示牌，勸告客人保持清靜及尊重附近住客對寧靜的要求，則是合理的做法。”

45. 根據噪音管制發例（香港法例第 400 章），造成噪音滋擾可以是刑事罪行。在噪音管理局訴 *Step in Limited*⁽⁷⁾一案中，終審法院對噪音定義裁決出指引：

<u>時段</u>	<u>規限</u>
日間及黃昏（7:00am to 11:00pm）	不超於 65 分貝
晚上（11:00pm to 7:00am）	不能聽見

46. 既然噪音管制條例及上述案例已經就酒吧對民居的噪音影響作出嚴格規範，政府不應該在考慮發出酒牌時再添加管理噪音的條件。

酒牌局及政府部門採取的措施

47. 在諮詢文件第 2.12 段及 2.14 段中，局方似乎承認酒牌局擁有很大的自由度去施加發牌條件，打擊關於樓上酒吧的公共安全及公眾滋擾問題。另外，由於酒牌局亦有就處所最高容納人數施加發牌條件，酒吧過於擁擠及相關問題應可以迎刃而解。局方也承認，如處所客人人數超越最高容納人數，警方會作出檢控。因此，似乎局方也承認酒牌局透過對處所施加有關的條件，可以有效地解決公眾安全及公眾滋擾的問題。
48. 由於上文第 47 段的原因，政府根本沒有充裕理據以更嚴格的法例來打擊樓上酒吧的罪案、公共安全、及公眾滋擾的問題。

第二章的總結

49. 由於上文第 13 段到 48 段的原因，以下的結論十分明顯：

- 49.1 沒有足夠的理據及資料去支持以更嚴厲的法例管制樓上酒吧
- 49.2 先前提及的發牌制度及三個原則（見上文第九段）已經十分足夠，可以有效地管制樓上酒吧

下一步：評論

50. 我們重申第 13 段到 49 段的理由，因此，我們對第 2.15(a)的答案是：否。
51. 由於我們對 2.15(a)的答案是否，我們不用解答第 2.15(b)(i)到(iv)、(c)(i)到(iv)的問題。但是，我們對這些問題有一點意見。

第 2.15(b)(i)段

這做法明顯歧視樓上酒吧，因為對醫務中心（見上文第 26 段）、補習學校、私人會所、桑拿浴室、旅館（如尖沙嘴的重慶大廈）也沒有類似的監管。

而且，局方也承認一個事實，就是樓上酒吧出現的主因是租金主導（見諮詢文件第 1.16 段），打壓樓上酒吧的生存空間只會使租金上升得更快。政

府及公眾的共識是不會推出刺激租金上升的政策（見特首曾蔭權在 2011 年 8 月 25 日諮詢會的發言），這建議無疑跟政府及公眾的共識背道而馳。

第 2.15(b)(ii)段

這也是歧視酒吧及跟政府住房政策背道而馳的建議。而且，大廈公契是業主之間的私人合約，這限制無疑侵犯他們自由立約的權利，私有產權及人權。

第 2.15(b)(iii)段

我們重申我們在 2.15(b)(ii)到(iii)段的看法。為公平起見，政府應協助這些高危大廈的立案法團改善保安及安全設備，例如委派消防處及警方給予他們相關的意見，並提供免息貸款予業主改善設備。這樣才是解決問題正本清源的方法。

第 2.15(b)(iv)段

任何降低法定容納人數的措施均是歧視樓上酒吧，而且沒有法理基礎。在英格蘭，某些客人喜歡以「巡遊酒吧」形式，到不同酒吧飲至酩酊大醉，但香港沒有這樣的飲酒文化。在香港，在酒吧內外的糾紛或打鬥多數源於個人恩怨，如金錢糾紛、黑社會派別衝突和結識異性等等，與飲醉酒關係不大。這些糾紛在其他擁擠的處所如酒樓、戲院、公園、球場及游泳池均有發生。

第 2.15(c)(i)段

這建議明顯歧視酒吧經營者。而且，酒吧一般在教育機構/補習社關門後才開始營業。

第 2.15(c)(ii)段

這個因素是學術性的問題。香港是一個人煙稠密的大都會，市民往往在同一地方居住、工作及消遣。這也是香港一個吸引人之處。人們無須舟車勞頓就可以工作、居住及消遣，這是七十年代開始的生活方式。在英格蘭，政府在批出酒牌時，會考慮“累計影響”的因素，但英格蘭的文化、飲酒習慣和對私隱的看法均不同，毫無疑問，甚少英格蘭人在居住的物業發現酒吧或者其他商業處所。但是，自十九世紀初開始，香港政府便批出商住兩用的租契，而香港人亦已經習慣這生活方式。因此，第 2.5(c)(ii)段提出針對樓上酒吧的建議過於激進，而且與香港人的生活方式格格不入。

第 2.15(c)(iii)到(iv)段

我們重申我們上述的觀點，反對這些建議。

第三章 刊登申請公告

對諮詢文件第 3.6 段的意見

52. 我們歡迎增加刊登申請公告的方法。但應讓申請人選擇以報紙刊登廣告（一份中文報紙及一份英文報紙）或在酒牌局網站刊登廣告。

其他意見

53. 為節省資源及更有效通知附近的居民，應允許申請者在大廈大堂及處所門外放置申請公告，代替以報紙刊登廣告。

第四章 牌照有效期

對諮詢文件第 4.7 段的意見

54. (a) 是
- (b) 我們贊成推行周年檢討機制，讓表現理想的持牌人能更改發牌條件

對諮詢文件第 4.8 段的意見

55. 在不影響我們對第段 53(b)項的情況下，我們歡迎政府及居民在周年檢討時給予意見。

第五章 自然人及後備持牌人

56. 設立法團持牌人可以解決酒吧東主或持牌人的問題。在現行制度下，只有自然人可以持有酒牌。當持牌人突然逝世或辭工，問題便出現。在此情況下，處所不能賣酒，生意往往大受影響，甚至倒閉。設立後備持牌人可以解決部分問題，但後備持牌人也可能突然逝世或辭工。因此，我們支持酒牌局設立法團持牌人和後備持牌人。

對諮詢文件第 5.20(a)段的建議

57. 基於第 56 段的原因，政府應設立法團持牌人。為確保這機制健全，法團的董事需要跟自然持牌人一樣負責。

對諮詢文件第 5.20(b)段的建議

58. 政府應設立後備持牌人制度，讓後備持牌人在持牌人不幸逝世、患病或辭工時可以立刻補上，維持酒吧的運作，使員工不會失業，東主也不會血本無歸。

對諮詢文件第 5.20(c)段的建議

59. 我們認為兩個後備持牌人比較適當。後備持牌人越多，越能使處所順利地運作。

對諮詢文件第 5.20(d)段的建議

60. 是。我們重申我們在第 59 段的建議。

對諮詢文件第 5.20(e)段的建議

61. 這做法問題不大，他們已經隨時準備好作持牌人。

第六章 牌照分類

62. 局方在諮詢檔第 6.1 及 6.2 段指出，目前本港只設有單一類酒牌，適用於所有售賣酒類以供在該處所飲用的處所。不過，每個牌照所附有的條件，則視乎每宗個案的情況及性質而可能有所不同。局方並建議應為不同類型的處所發出不同的酒牌，以便進一步提升審批發牌申請的效率。局方並以新加坡及美國加州的制度為例子。
63. 此外，局方在第 6.3 段分析香港現行的情況。
64. 第一條關於酒牌的法例是酒精發牌條例訂立於 1886⁽⁸⁾。在這條法例中，設有眾多類型的酒牌，如“附加酒牌”、“雜貨商酒牌”、“酒精商店酒牌”、“酒館酒牌”，等等。
65. “附加酒牌”及“酒館酒牌”是主要的兩個類別。根據發牌條例 1886 第二條，“附加酒牌”的定義是：

“發予酒店持牌人，酒樓持牌人，甜食商零售令人醺醉的酒類飲品的牌照，作為一門輔助生意，但不是經營酒吧。”

在同一條文，“酒館酒牌”的定義：

“任何零售令人醺醉的酒類飲品的處所或娛樂場所，而該酒類飲品可以在內飲用，但不包括已經領有附加酒牌的娛樂場所。”

66. 我們提議政府可以仿效這兩項分類方法。就“附加酒牌”的發牌，我們可以採用較寬鬆的政策，因為他們主要的業務並非酒吧。就主要業務是酒吧的處所，酒牌局在審理他們的申請時，可以使用較嚴格的政策。
67. 日本似乎也採用類似的系統。根據其娛樂場所控制法例，較寬鬆的政策適用於酒樓、夜總會、餐館等場所，因為這些場所的主要業務並非售賣酒精銀品，較嚴格的政策適用於酒吧或24小時開放的酒吧。

對諮詢文件第 6.6(a)段到(b)段和 6.7 段的建議

68. 我們重申我們於上文第 62 段到 67 段的建議。

第七章 問題摘要

69. 在上文，我們已經就第一到第六章的議題發表意見。為節省時間和提高效率，我們重申在上文第 61 段到 68 段的建議，但在這裡不會再重複這些建議。

其他建議

70. 公眾諮詢是為市民就諮詢檔提供一個公平表達意見及疑慮的平臺，因此，我們不會只就諮詢檔提出的問題發表意見。在這裡，我們希望在以下段落表達其他的意見。

誤解

71. 我們體會到局方對發生於樓上酒吧的罪案，公眾安全和公眾滋擾的問題十分關注，也擔心酒吧數目的不斷上升及聚集帶來的問題。我們認為這些疑慮反映局方沒有詳細瞭解問題的核心及源由。
72. 酒精對人類行為的影響是近幾個世紀學者的研究議題。在 Bickerdyke⁽⁹⁾(1886) 的論文中，作者描述了在西元 2000 年前埃及售賣啤酒的情況和習俗，他反對以嚴厲的法律管制酒牌，而他對管制飲酒行為的評論在今天看來仍相當

適用。雖然作者承認酒精飲品有時可能跟騷亂有關，但他認為管制售賣酒精飲品的時間和地點可以導致更多的問題：

“要解決飲酒帶來的害處，我們不能只靠嚴厲的法例，因為這樣並不足夠。要長遠解決問題，必須從教育著手。”

73. 當局對酒精飲品持有的負面態度，跟某些小報關於騷亂的花邊新聞差不多。科學家 Robert Burton⁽¹⁰⁾曾經在 *The Anatomy of Melancholy* 就瘋狂喝酒的害處表達他的憤怒：

“第一瓶酒可以解渴，第二瓶酒可以帶來愉快，第三瓶酒可以帶來狂喜，第四瓶酒令他們發瘋。如果這是真的，我們的瘋子需要喝多少才足夠？四乘四瓶？...他們比發瘋更可怕，比發瘋更差！”

Heywood 在 *Philocothoinista or the Drunkard Opened, Dissected and Anatomised* (1635)也表達了類似的意見。

74. 但是，在這些批評背後，欠缺的是對酒精飲品和其他因素，如喝酒的地方、心情、和個人性格等等的關係的認識，而這認識今日科學研究是必要的。Burton 及 Heywood 等人把酒精飲品視為社會問題的根源--這也是 200 年後循道宗教徒與節制主義者的想法。具有諷刺意味的，是循道宗教徒的學說在被歷史學家認為是飲酒（杜松子酒及其他酒）高峰期的五十年後才出現 (Brander, M. 1973)。直到三十年代末期，Tom Harrison⁽¹¹⁾ 及集體觀察社的著作才對這些議題有一個比較全面的探討。他們才是願意親身到酒吧及附近街道看看的學。因此，他們以比較冷靜客觀的方式描述酒吧的情況，而非盲目地反對或支持酒精飲品。就當時人們的態度和欠缺有關資料的情況，Harrison 有下列觀察：

“最大的問題，是社會學者和節制主義者根本不會光顧酒吧。因此，酒吧對他們來說是一個謎。但他們在自己的書房中，卻聲稱能計算每 10000 人中有多少人是酒鬼，有多少人死於肝臟硬化。但是，從我們到酒吧考察的經驗，很少顧客飲至酩酊大醉，也很少人顧客死於肝臟硬化。”

75. 關於管制酒精飲品的有效性，Harrison 的論調跟 Bickerdyke 相似：

“在酒牌制度中，人們都假設酒吧開放的時間與客人是否飲至酩酊大醉有關係。但這假設跟其他的假設一樣（如醉酒人數跟酒吧的數

目有關)，都缺乏事實支持，歐洲大陸每個國家的經驗都證明這些假設不準確。我們認為，正正因為政府嚴格限制賣酒時間，人們才認為酒吧是不道德的地方。”

76. Doris Langley Moore 也有談及這個“禁果”理論。她在 News Chronicle (1939 年 6 月)中討論以“婆婆政府”方法管制酒吧發牌的制度：

“酒吧發牌制度，跟處理其他潛在的社會罪惡一樣，建機於一個錯誤假設，就是以為增加從事某活動的難度，就能防止人們從事這活動。但是，熟悉人類行為的人都明白，事實剛好相反，從事這活動的難度往往鼓勵更多人向難度挑戰。禁果往往比手到拿來的果子更甜……我十分相信，如果我們把酒牌制度放寬至跟其他的歐洲國家一樣，短期來說，醉酒的人可能會輕微上升，但長遠來說，我們都是理性的，懂得怎樣控制自己。”

77. 關於醉酒跟酒吧數目的關係，Harrison 下了一個有趣的註腳。他提供資料（由英格蘭酒牌局提供），證明酒吧數目越多，醉酒人數越少。
78. 上述學者及科學家的分析明顯地說明一個事實，就是收緊酒牌發牌制度不能解決問題，卻可能令問題更嚴重。因此，我們反對以立法手段收緊酒牌發牌制度。

世界上其他地方的情況

79. 局方在諮詢檔中討論了世界其他地方的酒牌制度，這確實是一個開明的做法。因此，我們也會簡略地討論其他國家的酒牌制度，以及這些國家與酒牌有關的治安及公眾滋擾問題。

澳門

80. 澳門政府一直致力打造澳門成為一個擁有高級酒店、賭場、賽馬場、夜總會及酒吧的娛樂之都。由於澳門鄰近香港，雙方對客人的競爭是無可避免，而且十分激烈。
81. 根據澳門法令 16/96/M 第二條的第一項，第一、二、三類處所的酒牌（既是酒樓、酒吧、夜總會）均由澳門政府旅遊局發出。

82. 澳門政府旅遊局發出的酒樓、酒吧、夜總會酒牌申請指南概述了申請酒牌的準則。在準則中，並沒有如諮詢檔一樣針對樓上酒吧的措施。
83. 此外，在澳門也沒有規定飲用酒精飲品的最低年齡。
84. 其實，澳門政府一直採取寬鬆的政策管制娛樂及酒吧事業，但並沒有導致大規模社會安全、滋擾及公眾秩序的問題。澳門似乎十分瞭解管得過嚴可能產生更大負面問題（見上文第 71 至 78 段）。

義大利

85. 幾個世紀以來，義大利的不同區域都有獨立不同的文化、經濟、社會及政治環境。為確保自己的獨立地位，不同區域或城市跟其他區域或城市常常發生戰爭。（Siena 跟 Florence，Pisa 跟 Lucca，Bologna 跟 Modena 均曾交戰）。在 Siena，每年均舉行由七十地區參與的賽馬活動。在賽馬活動前後，往往出現不同區域之間的騷亂或暴力事件。Dante⁽¹²⁾在 *Interno* 中記載了歷史上多次發生的騷亂或暴力事件。年輕人以前是（也仍然是）這些活動的參與者。但根據官方的數據，這些活動跟酒精無關。
86. 義大利人比歐洲其他國家的人更愛飲酒，但飲酒跟進食一起進行。當地的酒吧發牌制度十分寬鬆，24 小時開放的酒吧隨處可見。
87. 根據 Marsh 和 Kibby 的報告，義大利的概況如下：
 - A. 人們從社會的背景去看飲酒行為，社會人士對醉酒行為的容忍程度也跟其他地方不同
 - B. 在義大利，暴力事件往往發生在的士高而非酒吧；而人們並沒有把使用酒精飲品視為的士高發生暴力事件的重要原因
 - C. 在討論日常的飲酒活動時，人們注意到酒精飲品跟騷亂無關
 - D. 暴力事件往往由於廣泛的社會或政治議題引起
 - E. 足球賽往往導致暴力事件
 - F. 暴力事件涉及不同集團、村莊或市鎮的衝突

G. 酒吧經理/東主注重社會安定，不允許暴力行為和騷亂事件

88. 義大利的經驗告訴我們，以為酒吧存在會導致暴力事件或擾亂的說法是不正確及曲解的。

總結

89. 我們上述的意見不一定具決定性，但我們對局方在諮詢文件提出的問題，說法及建議均存有疑問。儘管我們支持第三至第六章內某些建議，但我們強烈反對以立法手段收緊酒牌制度去解決所謂的問題。理由是：

89.1 我們堅信現行的酒牌制度已經足夠，可以有效地應付及控制問題

89.2 執法機關需要更努力地加強執法

90. 我們認為，如政府委任更多專業人士（如律師或聲譽好的業內人士），現行法律機制及「三項準則」是足以解決問題的。

91. 我們希望與政府和業內人士進一步交換意見，確保香港有足夠的措施去解決問題。

娛樂界權益關注組

香港酒吧及卡拉 OK 業權促進組

酒吧業聯社(香港)

港九舞廳夜總會聯合總商會

隨附 1033 名的簽名支持者

參考文獻

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2. (1997-98) 1 HKCFAR 279 第 290 頁
3. 發牌法例 2003 第 182 條之指引（經修訂），由英格蘭內政部於 2010 年 10 月發出
4. Keith A. Lafferty 博士的論文，Lafferty 博士是 Temple University 緊急醫學的兼任教授
5. 一名巴基斯坦男子於 2008 年因謀殺 4 名妓女被拘捕
6. 立法會秘書處為 2011 年 4 月 12 日會議擬備的最新背景資料簡介（第 10 段）
7. 終審法院民事案件第 11，2004 年
8. 酒精發牌條例，香港法例（於 1886 年發出的第 21 條）
9. Bickerdyke J. (1886)，撰寫 ‘The Curiosities of Ale and Beer: An Entertaining History’
10. Robert Burton (1577-1640)，一位牛津大學學者，因編寫 “The Anatomy of Melancholy” 一書聞名於世
11. Harrison B (1969)，撰寫 ‘Drink and Sobriety in an Early Victorian Town: Banbury 1830-1860’ 一書
12. Dante Alighieri，義大利詩人，著有 “Inferno” 及 “Oivine Comedy”

**Comments to
Review of Liquor Licensing
Public Consultation Paper
by the Food and Health Bureau July 2011**

娛樂界權益關注組

香港酒吧及卡拉 OK 業權促進組

HK Bars & Karaoke Rights Advocacy

酒吧業聯社(香港)

港九舞廳夜總會聯合總商會

PREFACE

1. The Food and Health Bureau (the “Bureau”) issued a Review of Liquor Licensing Public Consultation paper (the “Consultation Paper”) in July 2011 inviting comments from the Public on the issues raised in the Consultation Paper concerning new laws on regulating the issue and renewal of liquor licenses in Hong Kong. A two months Public consultation period was set and the deadline for submission of comments is 14 September 2011.
2. The Consultation Paper comprised of 7 chapters and 2 appendices.
3. Paragraph 1.1. in the Consultation Paper unequivocally stated that the purpose of the consultation document “is to facilitate an informed discussion by the public and the trade about the liquor licensing policy in Hong Kong” and views on various issues relating to the liquor licensing regime was sought.
4. Various questions are raised in Chapter 2 to 6, and a “Summary of Questions” is laid out in Chapter 7. Those questions so raised are believed to be called for due to new circumstances bring about by the so-called “Upstairs Bars” and discussion with the public and trade participants.
5. With a view to streamline our comments to the questions so raised, we shall focus our comments to the Consultation Paper and various comments requested, whilst we shall not address on Chapter 7 for redundancy reason.
6. Before we go to our comments to the Summary of Questions, in the light of the issues, facts and law raised in the Consultation Paper which we do not entirely agree or share, we shall comment on those matters first.

CHAPTER 1 : OVERVIEW

The Licensing System

7. We share the view of the Bureau that there should be a fair and reasonable

balancing act to weigh the economic and commercial interests of the liquor licensees and the interests of the neighboring residences in the midst of a densely populated Hong Kong. However, we are inclined to take the view that such balancing act has also to take into account of the effect on the livelihood of the employees of the licensees and their families, Hong Kong as a tourist and entertainment hub, the ever increasing rental of ground level shop premises which escalated to the 1st few levels above, and the more relaxed liquor licensing regime of nearby competitors such as Macau and Shenzhen. Plainly, it appears that the Bureau has failed to consider those aforesaid factors in the balancing act.

Licensing Criteria

8. In paragraph 1.7 of the Consultation Paper, the Bureau stated that the LLB “adopts an open, transparent and fair approach and aims to balance the interests of legitimate commercial activities and those of the locality”. Whilst we can only comment that the LLB is obliged to consider each and every application in a tribunal capacity in pursuant to the statutory provisions and Common Law with Wednesbury reasonableness⁽¹⁾, the lack of full, published and publicly assessable reasons for its decision is clearly non-transparent nor open. In the Court of Final Appeal Case of Oriental Daily Publisher v Commissioner for Television and Entertainment Licensing Authority⁽²⁾, former Chief Justice Li said : “Where there is a duty to give reasons, it must be discharged by giving adequate reasons.” The licensees/applicant and the Public at large has no means to know and understand the grounds for granting or refusal of an application, and the grounds and factors leading to the LLB attaching a variety of conditions to the liquor license.
9. Further, in paragraph 1.7 of the Consultation Paper, the Bureau set out the liquor licensing criteria to be considered by LLB set out in Regulation 17 of the Regulations (2) namely :
 - (i) whether the applicant is a fit and proper person to hold the license; (“Criteria 1”)

- (ii) whether the premises are suitable for selling and supplying intoxicating liquor, having regard to the location and structure of the premises and the fire safety and hygienic conditions in the premises; ("Criteria 2")

AND

- (iii) whether in all the circumstances the grant of the license is not contrary to the public interest. ("Criteria 3")

(Collectively the "Three Criterias")

10. In paragraph 1.8 of the Consultation Paper, the Bureau stated and conceded that the LLB has the benefit and assistance of its Secretariat in seeking the views of the government departments concerned, including the Police, the Building Department ("BD"), the Fire Services Department ("FSD") and the Food and Environmental Department ("FEHD"). It went on to say :

"These departments will, based on their respective expertise, advise LLB as to whether the applicant is a fit and proper person and the premises concerned is compliant with the relevant building safety, fire safety and environmental hygiene requirements as well as suitable for selling and consuming intoxicating liquor. The Home Affairs Department ("HAD"), being the licensing authority for clubs, also advises LLB on whether the premises concerned are issued with a certificate of compliance ("CoC")."

11. Furthermore, in paragraph 1.9, the Bureau also stated that the Public at large, which necessarily involves residences living close to or nearby the applicant's premises, could also comment which in all cases in reality, object to the application, and such objection from residences of close proximity to the premises concerned is taken seriously by the LLB when considering criteria 3, and very often a key reason to refuse the application or otherwise attaching various conditions to the license like restricting hours of selling liquor, limiting capacity, closing of all doors and windows and so on.

12. It is our full consensus that the present licensing regime operating on a balancing act based on the Three Criteria is appropriate, effective and sufficient enough to operate a fair, reasonable and balancing system of liquor licensing, and the proposed reform is either too stringent, authoritative or unnecessary. Having said that, we maintain our reservations as to our comment on the non-transparent and unopenness of the LLB's decision.

CHAPTER 2 : UPSTARS BARS

13. It is clear and apparent that the Bureau backed up its call for more stringent laws to regulate liquor licensing due to the so-called Upstair Bars fiasco as stated in Chapter 2 where the Bureau attributed high crime rates, serious fire hazardous, public safety concern and Public nuisance brought about by the Upstairs Bars. We shall deal with the alleged problems one by one.

Public Safety Concerns

14. In paragraph 2.4 of the Consultation Paper, the Bureau stated that :

“There is much concern over whether people, under the influence of alcohol and gathering in large numbers in a concentration of bars in a multi-storey building, can make their way to safety through the stairs while fighting for exit during emergencies. The situation would be worsened by slippery (with vomit) or blocked staircases, customers crowding at staircases for a rest or smoking and excessive drinking.”

It is clear that the Bureau is well acquainted with the current policy that the LLB has the assistance and views of the FSD on fire safety issues of the relevant premises when handling the application for a liquor license (see : paragraph 10 above and paragraph 1.8 of the Consultation Paper). The Bureau understands that the FSD will give advice to the LLB concerning fire safety and whether the premises concerned is able to meet all fire safety standards and requirements as prescribed under the relevant fire safety and prevention laws and regulations. Such no doubt embraces a variety of conditions to be met like installation of fire

fighting equipment, water sprinklers, emergency lightings, and availability of fire escape exit having access to the fire escape stairs of the building. As such, the FSD is there to scrutinize and vet each and every applicant's premises for fire safety standard, and clearly FSD will not approve those applicant's premises which fails to meet their required standards. As such, the professional "control gate" is there to stem out those unqualified premises. In another words, those premises that are poorly equipped to tackle fire hazards or do not have sufficient and appropriate fire escape facilitate in accordance with the relevant legislation, like availability of properly lightened fire escape stairs and exits would have been objected by the FSD, and license would not be granted in the first place as such does not meet Criteria 2.

15. Having said that, it appears that the Bureau is concerned with 2 other issues namely :

- 15.1 slippery or blocked staircases

- 15.2 customers crowding at staircases for a rest or smoking and excessive drinking

It is apparent that the aforesaid 2 problems are not fundamental issues to be considered at the stage of consideration of the license application but rather issues of licensee's discipline and enforcement protocol. The Bureau commented that night visits by LLB and Government officials revealed that exits of premises were blocked and used by customers to smoke, and some premises were having customers exceeding the maximum capacity limits. However, the Bureau did not disclose any proper official records to back up such stance, and such occurrence may well be from a minority of licensees or simply from unlicensed premises. In any case, as stated earlier on, these are matters mainly for the enforcement agents, namely to a great extent the FSD and lesser extent, the police and the FEHD.

16. It is reasonable to expect and believe that the enforcement agents, if routine and diligent checks are made, should be able to stem out the aforesaid problems.

As for repeated offenders, the enforcement agents like FSD could have submitted its routine check reports to the LLB like the police checks reports that are tabled at the LLB hearings, to voice the repeated offender's history, and most probably the LLB will impose stringent conditions on the license or even decline to grant a license.

17. In fact, the Bureau accepted at the end of paragraph 2.4 of the Consultation Paper that :

“While relevant governments departments have been stepping up enforcement against these irregularities, there may be room to consider whether the control over upstairs bars needs to be further tightened.”

From the aforesaid statement, one point is distinctively sure, that is the Bureau accepts that the problems are basically for the enforcement agent, yet the Bureau went on to say that “there may be room” to tighten control over upstairs bars. It is clear that the Bureau is clearly aware that the cure to the problem mainly rest on enforcement, and if so, it begs the question as to why more stringent legislation is called for to tighten control of upstairs bars ? One would wonder what sort of tightening control could possibly forestall or stem out the problems with slippery or blocked staircases and customers crowding at staircases to rest or smoke ? In fact, there is already stringent legislative provisions to that effect like :

- 17.1 Fire Services Ordinance Cap 95
- 17.2 Fire Safety (Buildings) Ordinance Cap 572
- 17.3 Fire Safety (Commercial Premises) Ordinance Cap 502
- 17.4 Code of Practice for the Provision of Means of Escape in case of Fire
- 17.5 Regulation 41(1) of the Building (Planning) Regulations Cap 123(F)

17.6 Paragraph 19 of Part 1 of Schedule 2 of the Smoking (Public Health) Ordinance Cap 371

The FSD has power and authority under ordinances stated in 17.1 to 17.3 to prosecute the licensee when slippery or blocked staircases are discovered. Further, the inspectors appointed under section 15F of the ordinance stated in 17.6 above has the right and authority to issue fixed penalty tickets to those patrons smoking at the exit stairs of the Premises.

18. Hence, as stringent provisions are already in place, the only issue is left to enforcement and not to tighten control or stem out upstairs bars. Scenario can be drawn from the outbreak of armed robbery of jewelry shops in Hong Kong in the 80s and early 90s, and the police fought hard to tackle the problem. There is no senseless call to tighten up legislation to prohibit jewelry shops to be located on street level to forestall the easy getaway of the robbers of using innocent pedestrians as hostage or human sandbags.
19. Furthermore, it is clearly recognized in the Amended Guidance Issued Under Section 182 of the Licensing Act 2003⁽³⁾ which deals with guidance to be considered when issuing liquor license in England and Wales stated that in respect of Public Safety concerns :

“Licensing authorities and responsible authorities should note that the public safety objective is concerned with the people using the relevant premises and not with public health, which is dealt with in other legislation.” (paragraph 2.19 of (3))

“Accordingly, conditions should not be imposed on a premises license or club premises certificate which relate to cleanliness or hygiene” (paragraph 2.19 of (3)) [This goes to the concern raised by the Bureau about slippery floors].

20. The Home Office went on in paragraph 2.20 of the said Amended Guidance to comment on fire safety concerns :

“From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 (‘the Fire Safety Order’) replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. Licensing authorities should not that under article 43 of the Fire Safety Order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the license. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.” (Paragraph 2.20 of (3)) [This goes to the concerned raised by the Bureau concerning fire safety]

21. In paragraph 2.5, the Bureau proposed that the restaurant or COC licensed premises have to observe all provisions in the Code of Practice for the Provisions of Means of Escape in Case of Fire promulgated by BD and the provisions of appropriate fire services installation stipulated by FSD should be extended to upstairs bars. We agree with such proposal as operators and licensees are very concerned with safety of their staff, patrons and properties. Having said that, if the aforesaid is made available by means of conditions attached to the liquor license of upstairs bars, and in fact a lot of the recent licensing conditions imposed such conditions, there appears to be no basis to call for more stringent and specific requirement in legislative provision in this respect.
22. The Bureau observed in the last part of paragraph 2.5 of the Consultation Paper that the Public considered more stringent and specific requirements should be made applicable to upstairs bars “where customers are more likely to get drunk than restaurants”. First of all, there is no statistic or case study on this proposition, and such assertion is speculative. Further, given the impact of the recent drink driving law, operators have reported a dramatic decline in personal consumption of alcohol in restaurants and bars alike.

23. On the other hand, the Bureau should note that Criteria 1 allows the LLB to consider the applicant's experience in holding a liquor license, management skills and control how. Such considerations would no doubt include refusing an application on the ground that the applicant has no knowledge and experience in controlling the drinking limits of its patrons so as to forestall its patrons getting drunk and cause disturbance or acted in unruly manners. The LLB would not grant license to those inexperienced applicants or to those that the police had made report as to occurrence of disturbances caused by drunk patrons in the Premises prior to the application. In such circumstances, the mechanism is there, and how can one reasonably justify the introduction of even more stringent and specific requirements ?
24. According to statistics and reports, during a fire in multi-stories buildings, smoke is the No. 1 killer of the victims. Dr. Keith A Laffety MD commented in his reputable article titling "Smoke Inhalation⁽⁴⁾" :

"Many victims of fire accidents have both smoke inhalation and thermal injury. Inhalation injury from smoke and the notorious products of combustion in fires may account for as many as 60-80% of fire-related death in the United States."

25. As when smoke during a fire is the main killer in a fire scene, the proposal to say that people have some alcoholic drinks could have difficulty in running for their life become tenuous, as smoke will very soon retard and disable peoples' ability and will to run for their life in a fire situation. Hence, by resting on the premise that people not affected by drink would be more capable to run away from a fire scene that those having some alcoholic drinks is misconceived, and fall foul of medical evidence and scientific statistics.
26. Further, there are a number of high rise buildings in Hong Kong that have a conglomeration of medical centres inside, some like Hang Yee Building in Central and Hang Seng Banking Building on Nathan Road, having over 90% of its spaces being occupied by medial centres or doctors' office. In case of an outbreak of fire, one would have thought that the ill, frail, wheel-chair bound

patients or those having just received medicine injection could be far less able to get out of the building than those having a few alcoholic drinks patrons. But there is no statutory provisions targeting medical centres on public safety consideration. Hence, if the Bureau can blatantly ignore the trite medical findings of smoke killing theory stated in paragraph 25 above, the introduction of stringent conditions against upstairs bars on the ground of weaker ability to escape is discriminatory against drinkers whilst it is demonstrated above that the patients of those medical centres and doctors' clinics could be even slower and incapable to run for their life in case of an outbreak of fire.

Crime

27. The Bureau has painted a dark picture on the upstairs bars as a crime haven, where drugs and illicit activities are carried out, as unlike bars at street level, drug abusers and traffickers could easily dispose of the drugs before police arrival on the ground that upstairs bars are well tucked in on high floors of buildings whether access takes time (see : paragraph 2.6 of the Consultation Paper).
28. From newspapers reports, it is clear that nearly all of the reported cases of police making arrests in upstairs bars and other bars in street levels for drugs and other illicit activities; undercover police officers were deployed. The newspapers reports stated that the police have prior information or tips off as to target criminals undergoing drugs and other illicit activities in certain bars, and then undercover police officers could be deployed to the target bar to pose as customers. A professional co-ordination between the undercover police officers and the police officers waiting outside would be made, and they would move in to make arrest when drugs, money or other illicit items changed hands. Such undercover operation has been very successful. Henceforth, the belief on the geographical location of upstairs bars making it difficult for enforcement action is entirely misconceived.
29. The other issue the Bureau raised concern on the crime issue was stated in paragraph 2.7 of the Consultation Paper, where the Bureau took the view that

the likelihood of patrons under the influence of alcohol entering into dispute and fight is far more higher in the cramped corridor, common washrooms, stairs and lifts lobby of a multi-storey building than on the open street. We say that the closeted environment in fact would be much more safer as most of the lifts and lift lobbies of high rise buildings have their own security close circuit TV ("CCTV"), camera, and no doubt licensees would be happy to install some in the corridors. Clearly, anyone wanting to start a fight would have a serious thought before doing so as the fight would be fully captured and recorded by the CCTV, and at the end, arrest by the police would be inevitable. Scenario can be drawn from the prostitutes' serial killer case a few years ago⁽⁵⁾, which later triggered on almost all "one room one prostitute" to install CCTV recorder to monitor their patrons knocking on their doors. Ever since, crime on those prostitutes has decreased dramatically. As such it is strongly believed that the installation of CCTV will forestall crime of fighting among patrons on their way of entering and leaving the premises.

30. On the contrary, it would not be an easy task to install CCTV on all streets having licensed premises situated due to privacy and enormous costs concerns.
31. Effectiveness of CCTV in forestalling crime both inside and outside the Premises is supported by The Amended Guidance issued under the Section 182 of the Licensing Act 2003 issued by the Home Office of England which stated that :

"Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure that certain

areas are properly covered and there is no subsequent dispute over the terms of the condition.” (paragraph 2.6)

32. It is well established in the liquor licensing regime, the enforcement of license conditions rest on the police, and routine operations of police attending premises for so-called “checking of license” is carried out. The police keep a full record of all the checking results and will comment on any breach of license condition or illegal activities. Such checking records are produced at each and every LLB hearing for the LLB consultation. Indeed and has always been, if the checking records are not favourable and negative, it is almost certain that the applicant will not get his license renewed. Hence, even if the alleged crime of upstairs bars are prevalent which figures we have no way to verify, it appears that the police might not be executing their police work enough, bearing in mind that such deficiency is not to have anything to do with the licensees.
33. The lacking of policing appears to be echoed by the Panel on Food Safety and Environmental Hygiene of the Legislative Council, as similar concerns were raised :

“Concern had been raised as to whether there were separate teams in the Police to carry out license inspections and handle public nuisance. The Administration advised that the Police’s Miscellaneous and Enquiry Unit was responsible for processing applications for liquor licenses and recording offences and warnings for LLB’s consideration of additional conditions and revocation. The checks to ensure enforcement of the license conditions and to combat crime problems would be conducted by the Police’s normal uniform branch in crime teams as necessitated by the activities in the premises. The Administration assured members that the Police was aware of the public concern about the nuisance resulting from bars and would endeavour to take actions to minimize the disturbance to the public.....”⁽⁶⁾

34. In the premises above, it is clear that the existence or installation of CCTV, more police commitment to police the licensed premises would have curtailed or otherwise solved the concerns raised in paragraphs 2.6 and 2.7 of the Consultation Paper.
35. By paragraphs 2.8 and 2.9 of the Consultation Paper, the Bureau attempted to paint a dim picture of the overall crime rates of licensed premises and the disproportionate crime rate posed by the upstairs bars. It is fair to say at the outset that one could have no means to verify the figures so relied on, and there is no way in knowing how those figures break down into categories of offences, were they serious or trivial, minor argument or large scale fight, one has no information thereon.
36. Further, one would question that whether the figures included crimes committed by unlicensed premises as from newspapers reports like the recent one on Oriental Daily on 16 August 2011 (see below), the crime was committed by an unlicensed premises but the caption is :

“樓上吧毒品派對 拘大批青少”



37. The same report was made by Apple Daily with similar title :

“樓上吧變毒窟 警拘43人”



樓上吧變毒窟 警拘43人

【本報訊】警方打擊青少年在樓上吧吸食及販毒，4日內兩度搜查尖沙嘴的樓上吧以及旺角一間酒吧。可憐的行動中，警方共拘捕46名男女，包括在尖沙嘴拘捕43人，當中7人涉嫌販毒，2人為酒吧負責人。

帶走15名未成年男女

警方在旺角一間酒吧，搜獲價值約100多人的毒品，並拘捕15名未成年男女。警方在尖沙嘴一間酒吧，搜獲價值約2,000元的毒品，並拘捕43人，當中7人涉嫌販毒，2人為酒吧負責人。

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38. From a glance of the title or heading of the aforesaid newspaper report, ordinary readers would be led to believe what the Bureau is trying to put across, namely a dark picture of the drug and crime haven of upstairs bars. However, it is very much clear from the body of the report that the premises is in fact unlicensed. Such misleading report contributed to a misconceived belief by the Public at large that upstairs bars are really a haven for crime. But without verified statistics, one cannot say for sure whether the high crime rate is attributable solely to licensed upstairs bars or a mixture of licensed and unlicensed upstairs bars or simply unlicensed bars. Placing reliance on such unverified and broad brush figures is tenuous and unreasonable.

Public Nuisance

39. In paragraph 2.10 of the Consultation Paper, the Bureau attributed the proximity of upstairs bars to residential premises and the competing use for communal

facilities with other building users to the source of public nuisances affecting neighbouring workers and residents.

40. However and on the other hand, the Bureau recognizes the powers of LLB to attach conditions to the liquor license to impose a variety of restrictions to curb noise and other nuisance. The normal conditions are :

40.1 Closing of all doors and corridors after certain hours

40.2 Restriction on music playing after certain hours

40.3 Deployment of security personnel to manage patrons entering and leaving the premises in orderly manner

40.4 Restriction on the use of open area, patio or courtyard completely or after certain hours

40.5 Restriction on selling liquor after certain hours

41. It is clear that the conditions laid out in paragraphs 40.1 to 40.5 is by no means exhaustive, but it is also clear that such conditions assisted in forestalling emission of noise to neighbour residents after certain hour and in particular, condition 40.5 is aimed to put a stop on patrons having a drink too much leading to misbehaviour after leaving the premises. This reinforced our stance that the current licensing regime is strong enough and sufficiently adequate to tackle the potential public nuisance problem.

42. In any case, the Home Office of England recognized in the Amended Guidance issued under Section 182 of the Licensing Act 2003⁽³⁾ that :

“In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the license holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the

control of the license holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.”
(paragraph 2.38)

43. In the premises above, and in particular on the matters stated in paragraph 42, it is wrong and unreasonable to put the blame on the licensee for the behaviour of the patrons after he/she left the licensed premises. If such blame is to be so attributed, then the England National Football team could be liable to all those injured people and damages caused to properties by their supporters or football hooligans whenever they lose a game to the other side !
44. Paragraph 2.39 of the said Guidance quoted in paragraph 42 laid out the rationality :

“Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the license holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.”

45. There is in place of a stringent statutory provision in the Noise Control Ordinance Cap 400 to tackle against public noise nuisance with criminal sanctions. In the Court of Final Appeal case of Noise Control Authority, Noise Control Appeal Board and Step In Limited⁽⁷⁾, it was held by the Court of Final Appeal that the noise limit permissible to be emitted are :

<u>Time Period</u>	<u>Exterior</u>
Day & Evening (7:00am to 11:00pm)	Not exceeding 65 dB.
Night (11:00pm to 7:00am)	Not Audible

46. In the light of the provisions of the Noise Control Ordinance and the said decision of the Court of Final Appeal, it is clear that each and every neighbour is protected from nuisance of noise emitted from licensed premises. As such, there is no justifiable ground to rewrite the present liquor licensing regime to tackle the noise nuisance problem.

Actions Taken by LLB and Government Departments

47. The Bureau seemed to have accepted in paragraphs 2.12 to 2.14 of the Consultation Paper that the LLB has wide and unfettered powers to impose attaching conditions to the license to tackle public safety and nuisance problems relating to upstairs bars. Further, due to established practice of LLB in imposing capacity limits for upstairs bars to control over crowding and number of patrons going into and leaving the premises, overcrowding and incidental problems should well be curbed. The Bureau also recognized that the police will carry out prosecution if the maximum capacity limit of premises imposed by LLB is exceeded during license checks. It therefore appears that the Bureau accepts and recognizes the effectiveness of the attaching condition and police enforcement work would resolve or otherwise tackle the public safety and nuisance problem of upstairs bars.
48. In the premise of paragraph 47 above, there appears to be little or nonesoever justification to call for more stringent legislative provisions to tackle public concerns on crime, public safety and nuisance issues relating to upstairs bars.

Conclusion to Chapter 2

49. In the light of the comments made in paragraphs 13 to 48 above, it is clear and unequivocal that :
- 49.1 There is no justifiable basis and/or substantial hard evidence or facts in support of a call for more stringent legislative provisions to tackle liquor licensing application by upstairs bars.

- 49.2 The present licensing regime and the Three Criterias (see : paragraph 9 above) is adequate, appropriate and far reaching in tackling licensing to upstairs bars.

Next Steps : Comments

50. Matters stated in paragraphs 13 to 49 above is reiterated, and therefore the answer to paragraph 2.15(a) of the Consultation Paper is **No**.
51. As our answer to the questions in paragraph 2.15(a) of the Consultation Paper is **No**, there should not be any need to comment on the questions raised in paragraph 2.15(b)(i) to (iv), (c)(i) to (vi). However, we would wish to raise a few comments thereon.

Paragraph 2.15(b)(i)

Such drastic measure would be discriminatory against upstairs bars operators as there is no such limitation on the number of medical centres (see : paragraph 26 above), tuition schools, private clubs, sauna houses, small hostel hotels (see : Chung King Mansion in TST).

Furthermore, as the Bureau itself recognizes the harsh reality that the upsurge of the upstairs bars is “mainly rental driven” (see : paragraph 1.16 of the Consultation Paper), the reduction of availability of avenues for upstairs bars would no doubt aggravate the escalating rental problem even further. It is both the Government and Public consensus that no government policy should lead to aggravation of price and rental of landed properties in Hong Kong (see HE Donda Tsang’s address at the Consultation meeting on 25 August 2011), and this proposal is no doubt in direct conflict and must not be adopted.

Paragraph 2.15(b)(ii)

Again, such proposal is discriminatory and against public policy on properties for reason stated above. Further, the Deed of Mutual Covenant of the building concerned is a private contract between all owners, and any such limitation would no doubt infringe their rights and freedom as to how they deal with their

property. This lead to concern of infringement of property rights and human rights.

Paragraph 2.15(b)(iii)

Our comments to paragraphs 2.15(b)(i) to (ii) above is reiterated. In fair sense, the Government should lend a helping hand to help the Incorporated owners of those “high risk targeted building” to improve their security and safety facilities by sending in officers of FSD and the police to give advice and to make available interest free loans to the owners to achieve such improvements. Such is a positive way in a long term resolution instead of adopting a “chopping off one’s rotten arm” resort.

Paragraph 2.15(b)(iv)

Any setting of limits to further reduce the legal capacity is discriminatory and without legal basis. Unlike the drinking culture in England where patrons practiced “bar crawl” resulting to highly intoxicated patrons going from one bar to another, and conflicts erupted while groups met on their way, there is no such culture in Hong Kong. In Hong Kong, fights or quarrels in or outside bars are not normally related to alcoholic intoxication, but due to personal disputes on money or other issues, gangsters feud and clashes on picking up of girls. All those problems can happen in other venues involving crowd like restaurants, cinemas, park, football pitch, swimming pools etc.

Paragraph 2.15(c)(i)

Such consideration is undoubtedly discriminatory against the bars operators. Further, the operation time of bars normally commences long after the closure of educational/tutorial establishments.

Paragraph 2.15(c)(ii)

Such consideration is academic as in reality, Hong Kong is a densely populated metropolitan city, where people live, work and entertain side-by-side. This in fact is a beauty and niche of Hong Kong as people do not need to travel far to work, reside and entertain. Such way of life has been harmoniously going on since the 70s. In England, the factor of “cumulative impact” is a factor to be

taken into consideration on liquor license application, but England is a total different Country with differences in culture, drinking habits and value in privacy than of the Hong Kong people. No doubt, very few Englishman would wish to work a block away from his home and where there are pubs and other commercial businesses in the same block of his home. In Hong Kong, mixed residential and commercial crown leases were granted since early 19th Centuries, and people live on and had adapted to such unique living culture. Hence, consideration 2.5(c)(ii) is too radical and too far reaching in not only being used to tackle upstairs bars, but also to change Hong Kong people's living culture.

Paragraph 2.15(c)(iii) to (vi)

We reiterate all our comments above and oppose to taking those consideration.

CHAPTER 3 : ADVERTISING AN APPLICATION

Comments on Paragraph 3.6 of the Consultation Paper

52. We welcome more choices on the avenues in placing the requisite advertisement, and applicant should have the choice of choosing to place the requisite advertisement on any newspapers circulating in Hong Kong (one Chinese and one English) or on a designated website maintained by LLB.

Other Suggestions

53. With a view to save costs and that the purpose of advertisement is to make known to the neighbourhood that the premises is applying for a license, conspicuous notices be allowed to be placed both at the front lobby of the building (where the premises is located) and front of the premises as an alternative to placing advertisement on newspapers or designated website.

CHAPTER 4 : DURATION OF LICENSE

Comments to Paragraph 4.7 of the Consultation Paper

54. (a) Yes
- (b) An annual review at the instigation of the licensee is welcome so that the well behaved licensee can have its license conditions reviewed due to good performance.

Comments to Paragraph 4.8 of the Consultation Paper

55. Subject to our comments on (b) above, we welcome views from Government departments and residences alike to give comment at the review hearing.

CHAPTER 5 : NATURAL PERSON AND RESERVE LICENSE

56. The extending of license holder to a corporate entity is no doubt a practical way in resolving the problems facing licensed premises owners and operators. Under the current policy, only a natural person can apply for and hold a liquor license. Problem arises when the holder suddenly died or resigned from his employment with the premises owner or operator. In such event, the premises would immediately be deprived of the right to sell alcoholic drinks leading to enormous loss of businesses and ultimate closure. Reserve licensee may solve part of the problem, yet there is still possibility that the reserve licensee might face the same scenario together with the holder, leading to the same end result. Henceforth, we support the new policy that the LLB is entitled to issue license to corporate license holder and also a reserve licensee.

Comment to Paragraph 5.20(a) of the Consultation Paper

57. Corporate licensee should be allowed for reasons stated in paragraph 56 above. The integrity of the licensing regime is protected when the directors of the corporate entity is made personally liable as if they were the natural person licensee.

Comment to Paragraph 5.20(b) of the Consultation Paper

58. A reserve licensee mechanism should be introduced so that a reserve licensee

can take the place of the license holder in case the licensee suddenly died, bed ridden for long period due to serious sickness or accident or simply quitted employment. This would help the premises to run on so that employees would not so easily loose their job and owner would not loose their investment.

Comment to Paragraph 5.20(c) of the Consultation Paper

59. Two may be appropriate yet more is welcome. The greater the number the greater prospect of minimizing the sudden running out of business of the premises.

Comment to Paragraph 5.20(d) of the Consultation Paper

60. Yes and we reiterate our comment in paragraph 59 above.

Comment to Paragraph 5.20(e) of the Consultation Paper

61. There is little harm in so doing as those people are actually on the standby.

CHAPTER 6 : CLASSIFICATION OF LICENSE

62. In paragraphs 6.1 and 6.2 of the Consultation Paper, the Bureau rightly pointed out the present system of liquor licensing by means of a single type of liquor license with a variety of conditions to be attached depending on circumstances of the case and merits attached, and raised the suggestion that perhaps the invoking of various categories of licenses for different type of premises may achieve efficiency in identifying and allocating somewhat modest and stringent conditions according to the category. The classification system in Singapore and California United States are quoted in support.

63. The Bureau went on to attempt an analysis of the Hong Kong position in paragraph 6.3.

64. The very first piece of legislation in Hong Kong concerning liquor licensing was the Spirit Licences Ordinance 1886⁽⁸⁾. In that very first piece of liquor licensing legislation, there were a number of categories of licenses “Adjunct Licence”, “Grocer’s Licence”, “Spirit Shops Licence”, “Public House Licence” etc.
65. “Adjunct Licence” and “Public House Licence” were the two main categories. Under section 2 of the Spirit Licences Ordinance 1886, an “Adjunct Licence” is defined as :

“the licence granted to hotel keepers, restaurateurs, or confectioners, for the retail sale of intoxicating liquors and an adjunct to their respective business without keeping public bar”

Under the same section, “Public House” is defined as :

“any house or place of entertainment where intoxicating liquors are sold by retail and may be consumed on the premises, but shall not include any place of entertainment kept under an adjunct licence”

66. We propose that the aforesaid two categories may well be the way forward. It is fair to say that those businesses not having a main bar like the Adjunct Licence businesses in the said ordinance should well be dealt with more relaxed conditions or no condition as their main business is not a bar, whilst it is fair and understandable that those operators with the mainly or only business as a bar may face much more scrutiny by the LLB when considering their application.
67. Japan appears to adopt similar system as under its Entertainment Establishments Control Law, more relaxed requirements are applicable to restaurants, night clubs, cafes etc where the selling of alcoholic drinks are adjunct to their main business, and more stringent when it comes to bars and 24 hours bars.

Comment to Paragraph 6.6(a) and (b) and 6.7

68. We reiterate our comments in paragraphs 62 to 67 above.

CHAPTER 7 : SUMMARY OF QUESTIONS

69. As we have attempted to address and comment on the issues raised in Chapters 1 to 6 including those specific questions requesting for comments, with a view to save time and achieve efficiency, we reiterate all our comments from paragraphs 1 to 68 above and would not wish to elaborate further at this moment of time.

Further Comments

70. We perceive that the public consultation process is to afford a fair and reasonable opportunity to the Public to voice their comments, reaction and concerns on the matters and proposals raised in the Consultation Paper, and hence we are not and should not be bound to comment on specific questions raised. Henceforth, we would wish to make further comments in paragraphs here to follow.

Misconception

71. We are given to understand that the Bureau expressed serious concerns to the upsurge of crime, public safety and nuisance problems, and social disorder stemming from the upsurge of upstairs bars, and in general, the increasing number and conglomeration of licensed premise selling intoxicating drinks. We say that this is a very much general view lacking indepth study, researches and understanding of the heart of the matter.

72. The effects of alcohol on behaviour have been the subject of discussion and scholarly researches for centuries. In Bickerdyke (1886)⁽⁹⁾ he gave an account of the beer shops of Egypt in 2000 BC and the customs associated with, perhaps, the earliest known consumption of ale. Some of Bickerdyke's comments on

the regulation of drinking behaviour strike us as being very pertinent today as he was a fierce antagonist of stringent licensing laws. While recognizing that alcohol could sometimes be associated with disorderly behaviour, he was of the opinion that restricting the times and places of its consumption was only likely to lead to more problems :

“To check the evils of drunkenness, we [must] rely not on prohibitory legislation which as been tried elsewhere and found wanting, but on the gradual spread of education and enlightenment.”

73. Some earlier historical source reflect a much more negative attitude towards alcohol like that advanced by the Bureau, one which would not be out of place in some of the more lurid tabloid accounts of contemporary disorder. The scientist Robert Burton⁽¹⁰⁾, for example, vents his rage at excessive drinking in *The Anatomy of Melancholy* (1621) :

“The first pot quenches thirst, the second makes them merry, the third for pleasure, quarta ad infaniam, the fourth makes them mad. If this position be true, what a catalogue of madmen shall we have ? What shall they be that drinks four times four ? They are more than mad. Worse than mad.”

Similar views are expressed by Heywood in *Philocothoinista or the Drunkard Opened, Dissected and Anatomised* (1635).

74. Missing from such diatribes, of course, is any real examination of the extent to which the effects of alcohol are mediated by other factors such as the circumstances in which drinking takes place, mood, personality factors etc – all those variables which today are generally held to be essential in any ‘scientific’ discussion. Rather, Burton and Heywood are content to hold up drinking as the root of most social ills – simple philosophy taken up by the Methodists and the Temperance movements some 200 years later. Ironically, of course, the Temperance movement came some 50 years after what most historians feel was the era of maximal abuse of alcohol – the high level of gin consumption and its

associated 'palaces'. (Brander, M. 1973) For a more considered approach to the problem one has to wait until the late 1930s and the seminal work of Tom Harrison⁽¹¹⁾ and the Mass Observation Unit. Here we find social scientists actually prepared to venture out to the pubs and surrounding streets to discover for themselves what actually happens. Here we find a view which is neither pro- nor anti-alcohol but which rests on a calm and objective account of real-life behaviour. Commenting on prevailing attitudes, and the lack of objective data, at the time, Harrison observes :

"The trouble is that sociologists and temperance men are seldom pub-goers. To them the pub opens on to a mystery. Who goes in and what happens there they don't know. But from this doorway there reels a succession of figures that can be recorded under the headings of drunks per 10,000 of the population, and later as victims of cirrhosis. We have seen how few of the people who come out of these doors are had up for being drunk or do die of cirrhosis."

75. Harrison's comments on the effectiveness of restrictions placed on drinking echo those of Bickerdyke :

"It is an absolutely basic assumption in contemporary licensing practice that the length of time a pub is open directly affects drunkenness. It is no better supported by demonstrable facts than the other assumption [that drunkenness is related to the number of pubs]; the experience of almost every country on the Continent disproves it. We have suggested that his inhibition on the pub's times, the rigorous enforcement of time limits on drinking, has had an effect in making the pub seem in a special way 'immoral'."

76. The appeal of forbidden fruit was also noted by Doris Langley Moore, whose lucid arguments against the 'nanny-state' approach to licensing appeared in the News Chronicle in June 1939 :

"Licensing regulations, like many other old-fashioned methods of

dealing with potential evil, were framed under the simple illusion that you can prevent people from doing something they want to do by placing difficulties in their way. The most acute students of human behaviour have long been aware that, on the contrary, difficulty frequently acts as a first-rate incentive, and forbidden fruit tastes far sweeter than that which drops into the hand I believe that, if we were given the freedom permitted in this respect to almost all other peoples of Europe, there might at first be some slight excess, but in a very short time we should adjust ourselves to the idea of being treated as rational creatures, and would behave as such."

77. The idea that the number of pubs in a locality is somehow related to levels of drunkenness is given an interesting twist by Harrison. He provides data, drawn from the UK Government licensing statistics, to show an inverse relationship between the two.
78. From the above illustrations from scholars and scientists, it is clear that when one approaches the liquor licensing system by the "further tightening the knot" strategy will not solve but aggravate the problem. We therefore oppose to any legislative measure to further tighten the legislative licensing regime.

Situation in Other Places Around the World

79. The Bureau has drawn scenarios from other parts of the World in its discussion in the Consultation Paper and one must say that this is no doubt an open minded approach. So, we also wish to briefly look to some other countries to have a broader picture of their liquor licensing systems and their problems with social order and public nuisance associated with licensed premises.

Macau

80. Macau positioned itself as an entertainment hub with top class hotels, casinos, race courses, night clubs and bars. With Macau's close proximity with Hong Kong, competition for patrons is direct inevitable and stiff.

81. According to the first item of Article 2 of Decree-Law 16/96/M of Macau, licenses of the first, second and third groups of establishments namely restaurants, bars and night clubs, are issued by the Macau Government Tourist Office.
82. The criterias of application for the licenses stated in paragraph 81 above are summarized in the "Application Process for the Licensing of Restaurants, Bars and Night Clubs Rules" issued by the Macau Government Tourist Office. We find nothing in the said Rules to the effect similar to those proposals made by the Bureau in the Consultation Paper as against upstairs bars.
83. Further, there is no legal limit for consumption of alcohol in Macau.
84. In fact and reality, Macau SAR Government has been adopting a modest attitude in regulating its entertainment and bars businesses, and there appears to be little problem or concern with social safety and public order. Perhaps the Macau licensing regime perfectly understand the backfire effect of "tightening the knot" as discussing in paragraphs 71 to 78 above.

Italy

85. In Italy, for centuries, regions have had their on different and independent cultural, economic, social and political development. In order to maintain their independence each region or city had to fight against neighbouring regions or cities (eg. Siena against Florence, Pisa against Lucca, Bologna against Modena etc.) Inside each city rival factions developed. Siena's Palio celebrates each year the rivalry among the seventy Contrade. Each Palio is preceded, accompanied and followed by episodes of public disorder and intergroup violence. Dante's *Inferno*⁽¹²⁾ contains many accounts of the historical precedents of such intergroup rivalry, disorder and violence. Young men were, and still are, the main participants in both the 'traditional' and less formal, patterns of disorder, but alcohol, according to statistics is never involved.

86. The Italians drink substantially more than anyone in Europe, but drinking is invariably associated with eating, and licensing law is very much relaxed as 24 hours bar license is a norm and not an exception.
87. According to a report by Marsh and Kibby, the Italian circumstances can be summarized as follows :
- a) Drinking is considered in its social context and the cross-cultural difference in the social tolerance of drunken behaviour are evident.
 - b) Violence is much more likely to happen in Italian discos than in bars or birrerie and alcohol is not seen as a significant factor in this context.
 - c) The lack of links between alcohol and disorder is further stressed in discussion concerning routine drinking activities.
 - d) Violence tends to be explained with reference to broad social and political issues.
 - e) A specific focus for violence is the football game.
 - f) Violence takes on a ritual nature involving conflict between groups from rival neighbouring villages and towns.
 - g) Bar managers/owners encourage a sense of community and discourage violent or disorderly behaviour.
88. In the light of the Italian scenario, it is very much wrong to assume or conclude that the existence of bars would normally lead to social disorder and nuisance.

Summing Up

89. Our aforesaid comments are by no means conclusive, yet we have raised doubts on the matters, allegations and proposals made in the Consultation Paper.

Whilst we support some of the proposals in Chapters 3 to 6, we do not agree and strenuously oppose to introducing more stringent legislative provisions to tackle the alleged problems and reforms. The reason being that :

- 89.1 We are firmly convinced that the present licensing regime is adequate and powerful enough to tackle and keep a check on the problem;
- 87.2 Enforcing agents needed to gear up their efforts and perform their diligent duties.
90. We are inclined to take the view that if more professionals like lawyers and reputable trade operators can be appointed to be LLB members, the balancing act on the Three Criterias is powerful enough to resolve the problem envisaged.
91. We cherish further discussion and exchange of views between trade participants and the Government to ensure that sufficient checks and safety nets are there to resolve problem.

娛樂界權益關注組

香港酒吧及卡拉 OK 業權促進組

HK Bars & Karaoke Rights Advocacy

酒吧業聯社(香港)

港九舞廳夜總會聯合總商會

Attached 1033 signatures of supporters

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- [7] FACV No. 11 of 2004
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- [10] Robert Burton (1577-1640), an English Scholar at Oxford University and best known for the classic book "The Anatomy of Melancholy"
- [11] Harrison B (1969) 'Drink and Sobriety in an Early Victorian Town : Banbury 1830-1860'
- [12] Dante Alighieri, an Italian Poet of the Middle Age and was famous for his work in "Inferno" and "Oivine Comedy"

Subject: strong protest against the Government's proposal to unreasonably crack
down on upstairs bars

Total number of signatures: 1033

/AM/ef

Please sign your name in strong protest against the Government's proposal to unreasonably crack down on upstairs bars!

The Food and Health Bureau is conducting a public consultation on introducing an amended liquor licensing regime by legislation. On the grounds of public safety and the prevalence of criminal activities, the Bureau suggests imposing more stringent licensing control on upstairs bars and introducing a cap on the number of bars in each building. If this policy is implemented, scores of liquor-licensed premises operating as bars which are not located at street level will be out of business and customers' right to choose a bar will be deprived, diminished and controlled. Moreover, the current liquor licensing regime is already very stringent. Please sign your name in strong protest against amending the current liquor licensing regime by legislation.

Count	Name	Phone No.	Signature
		98689xxx	
1	LIMBU BAY BDR.	5574834	<i>[Signature]</i>
2	Wong Kwai Kwai	15710xxx	<i>[Signature]</i>
3	Rana Asha	531549xx	<i>[Signature]</i>
4	Rana Chandro Kumar	9770102	<i>[Signature]</i>
5	Gurung Kantar	7115811	K. J.
6	RANA Prita	61521015	Prita
7	LEUNG MAN HING	98352xxx	<i>[Signature]</i>
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Count	Name	Phone No.	Signature
		98689xxx	
1	THAPA NIRAJ (DEAN)	6323	[Signature]
2	GURUNG BIKAS (BOB)	6323XXXX	[Signature]
3	Pichataphraksa Anusorn (GEN)	63902XX	[Signature]
4	LAVIA ANISH (MARC)	61011XX	[Signature]
5	Pai Aasha Maya	62113	[Signature]
6	Chhetri Akash	95315XXX	[Signature]
7	Serwanji Kumari	5399	[Signature]
8	Kade Sun Ki	913XXXX	[Signature]
9	Salin Gurung	69776XXX	[Signature]
10	Tamrakas Layman	51685XX	[Signature]
11	Chinaya Gurung	01616XXX	[Signature]
12	Gurung Naresh	6463XXXX	[Signature]
13	Rana Surendra	98881XX	[Signature]
14	Chu Yung Wang	92232XXX	[Signature]
15	CHANSU VEE	6112XXXX	[Signature]
16	Limbun Sunjet (JET)	69923XXX	[Signature]
17	GURUNG MANOJ KUMAR	9130XXX	[Signature]
18	GURUNG SUJAN	93101XXX	[Signature]
19	Lam Chalc (Mr Jeff)	95088XXX	[Signature]
20	Gurung, Sudeep	3868	[Signature]
21	Chan Chi Yan Kelvin	9305XXXX	[Signature]
22	GURUNG BABITA	6092XXX	[Signature]
23	Lo Tsz Hin	67367XXX	[Signature]
24	Poon Wai Ching	640132	[Signature]
25	Dik Bahadur Gurung	90275	[Signature]
26	Kai Surya Prakash	95385	[Signature]
27	GURUNG TIRTHA KUMARI (CATY)	63506	[Signature]
28	Chui Kam Chuen Michael	66978XXX	[Signature]
29	Gurung, Ananda Rai	9513056	[Signature]
30	Gurung TEA MANA	96689	[Signature]

請簽名強烈反對政府無理打壓酒吧/樓上酒吧!

食物及衛生局現正就立法更改酒牌發牌制度進行公眾諮詢。該局以公眾安全和罪案率高為理由，建議更嚴格管制樓上酒吧，包括規限每座大廈酒吧之數目。如果政府落實有關的措施，勢必令大量領有酒牌，以酒吧形式經營的處所結業，剝奪及削弱消費者對酒吧的選擇權，況且現行發酒牌制度已經十分嚴格，故請各位簽名反對立法更改現行發酒牌的機制。



姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Liu Chun Wa	62292xxx	Hoby Liu			
Tse Yan Yan	90118xxx	princept			
Ling Ki Yung	64184xxx	Lillian			
Chan Kwong Wah	9603xxx	Boony			
Chen Chik Sed	9201xxx	C.W. Chen			
Lau Wing Fu	28678xxx				
Fuoh Kin Lai	9600xxx				
Ho Chi Yan	67299xxx				
Yung Chi Kwan	93681xxx				
Wong Luk Kwan	28016xxx				
Lau Hau Lee	6133xxx				
Ng Ho Tin	98678xxx				
Chen Wai Hong	61030xxx				
Chan Pak Wai	63002xxx				
Lee Man Ched	96636xxx				
Chu Kai Wah	62398xxx				
Lai Chung Kang	6223xxx				

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Name	Phone No.	Signature	Name	Phone No.	Signature
MARSHA		<i>[Signature]</i>	VINIX		<i>[Signature]</i>
<i>[Signature]</i>		<i>[Signature]</i>	CHRIS		<i>[Signature]</i>
Minnie		Mystakalla	Erin		<i>[Signature]</i>
LTN		LSHARE	Rica		<i>[Signature]</i>
Weng		WTUBT	Antonio		<i>[Signature]</i>
<i>[Signature]</i>		J. Jones	Yance		<i>[Signature]</i>
Cal		GARCIA	brenda		<i>[Signature]</i>
Riggs		R. Hung	OMAR		<i>[Signature]</i>
Bmie		<i>[Signature]</i>	KRIS		<i>[Signature]</i>
BOTS		BCASER	GIGI		<i>[Signature]</i>
Rachel		Rachel Poserio	Lyn		<i>[Signature]</i>
ZARAH		<i>[Signature]</i>	JONAN		<i>[Signature]</i>
Austin		CABARDO	Frank		<i>[Signature]</i>
NOBL		<i>[Signature]</i>	RATZBL		<i>[Signature]</i>
Jessie		JANOC	JUDE		<i>[Signature]</i>
Janus		JANOS	ALAN		<i>[Signature]</i>
Pinky		P Lopez	NARY		<i>[Signature]</i>
byce		<i>[Signature]</i>	Alan		<i>[Signature]</i>
Peter		P. Cruz	Jeffrey		<i>[Signature]</i>
Gian		<i>[Signature]</i>	ST. PETER		<i>[Signature]</i>
Kia		Kia	Phil		<i>[Signature]</i>

(42)

請簽名強烈反對政府無理打壓酒吧/樓上酒吧!

食物及衛生局現正就立法更改酒牌發牌制度進行公眾諮詢。該局以公眾安全和罪案率高為理由，建議更嚴格管制樓上酒吧，包括規限每座大廈酒吧之數目。如果政府落實有關的措施，勢必令大量領有酒牌，以酒吧形式經營的處所結業，剝奪及削弱消費者對酒吧的選擇權，況且現行發酒牌制度已經十分嚴格，故請各位簽名反對立法更改現行發酒牌的機制。

姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
陳永知		Go	容利		容利
陸國權		Lu	Michelle Curillman		Michelle
Chan Kin Kan		Ben	Tammi Tam		Tammi
Chan Kit Lung		Kit	朱麗英		Linda
王傑		Kit	吳少玲		吳少玲
陳家輝		Kevin	陳家輝		Kevin
張志光		Dave	林俊傑		林俊傑
李家仁		Eric	陳家輝		陳家輝
梁建業		Ed	李耀		李耀
林子豪		AO	趙志強		趙志強
陳志強		志強	呂妙兒		呂妙兒
Joe Mo		Joe	Joe		Joe
陳志強		Sam	Salma Chan		Salma
陳志強		Chun-hun	陳志強		陳志強
陳志強		志強	梁嘉明		梁嘉明
陳志強		Robert	陳志強		陳志強
陳志強		Colbo	陳志強		陳志強

(41)

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
FAN HING		[Signature]	馮慕		[Signature]
張明		[Signature]	張明光		[Signature]
李米		[Signature]	李米		[Signature]
劉天偉		[Signature]	LUK HING YAN		[Signature]
朱偉		[Signature]	朱偉		[Signature]
YIA (H. M. R.)		[Signature]	葉麗儀		[Signature]
黃麗儀		[Signature]	黃麗儀		[Signature]
何志		[Signature]	何志		[Signature]
Geoff Ka Kong		[Signature]	甄詠西		[Signature]
Lam Wai Yan		[Signature]	LAM WAI YAN		[Signature]
歐東良		[Signature]	歐東良		[Signature]
李法		[Signature]	李法		[Signature]
Fung Siu Wai		[Signature]	王仲學		[Signature]
LEE WING		[Signature]	CHAN LINA LINA		[Signature]
YAN HAN		[Signature]	YAN HAN		[Signature]
韓宗利		[Signature]	韓宗利		[Signature]
Hung Kai		[Signature]	陳嘉		[Signature]
楊恩文		[Signature]	陳嘉		[Signature]
王山		[Signature]	王山		[Signature]
張群		[Signature]	張群		[Signature]
Lee Chi Ming		[Signature]	Lee Chi Ming		[Signature]

(42)

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Grace O		G	Gladylin		Glady
Maisy Ho		Maisy	Joselle		Josie
Carlo Chan		Chan	May Wong		May Wong
Agnes Tang		Tang			
譚素碧		譚素碧	Rosie Lee		Rosie
Andy Wong		Andy	Sai Chan		Sai
陳國明		陳	Max Sun		Max
Edward Kau		Kau	Brian Chu		Brian Chu
Teresa Lee		Teresa Lee	Lisa Poon		Lisa
Francis Chung		Chung	葉輝英		葉
Ben Chung		Ben	Sam Kho		Sam

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Alan Choi		Alan	Maisy Ho		Maisy
Cecilia Ng		Cec	Manfred Shiu		Manfred
Jimmy Fung		Jimmy	Roby Wong		Roby
			A Wu		A.
Clare		Clare	FUNG KM		Tommaso
Mandy Ho		Mandy	TSC Amy		Amy
Flora Lee		Lee	Stephen Wong		Stephen
Grace		Grace	Sarah Ma		S.M
HAYSI CHAN		HS	RAYMOND YOUNG		Raymond
Kelly Siu		Kelly	Wong Wai Man		Wai
Frank Fung		Frank	Frank Fung		Frank

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Benny Lee		Benny	Eva Leung		Eva
Carly Wong		Carly	Iva Wong		Iva
WONG P.L.		Carson	Frankie Chung		Frankie
Danny Ho		Danny	Loco Li		Li
Dennis W		Dennis	Kitty Ho		Kitty
Fanny Ho		Fanny	Kitty Chan		Kitty
William Wong		William	Olivia		Olivia
Sara Cheng		Sam	黃美英		Sam
Emily Lam		El	保羅		Pamela
Kelly Ho		Kelly	Fan Lau		Fan
Christy Chan		Christy	Anta Oi		Anta

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Yung Kiu Lung	[Redacted]	[Signature]	Yung Kiu Lung		[Signature]
Peter Lo		[Signature]	Peter Lo		[Signature]
Lee Han Tsang		[Signature]	Lee Han Tsang		[Signature]
Mable Chan		[Signature]	Mable Chan		[Signature]
NAITATA		[Signature]	NAITATA		[Signature]
Jesse Wu		[Signature]	Jesse Wu		[Signature]
W. Lo Ng		[Signature]	W. Lo Ng		[Signature]
Conis Lo		[Signature]	Conis Lo		[Signature]
Yan Ho		[Signature]	Yan Ho		[Signature]
Kathy Kong		[Signature]	Kathy Kong		[Signature]
Corwen Li		[Signature]	Corwen Li		[Signature]
Lee Ka Lam		[Signature]	Lee Ka Lam		[Signature]
Wendy Cheng		[Signature]	Wendy Cheng		[Signature]
Jam Ma		[Signature]	Jam Ma		[Signature]
Frank Ho		[Signature]	Frank Ho		[Signature]
Bon Wei		[Signature]	Bon Wei		[Signature]
Alvin Lo		[Signature]	Alvin Lo		[Signature]
Frank Ho		[Signature]	Frank Ho		[Signature]
Kevin Wong		[Signature]	Kevin Wong		[Signature]

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Mit Chung		Mit	Imran		Imran
Yoon Yui		Yoon	Kwanid		Yoon
Kenneth yip		Yip	Leong Sun		Leong Sun
Samuel Fung		Fung			
Ken Cheung		Cheung	Chemie Chan		Chan
Vivian Chan		Chan	Loke		Loke
Karl Tip		Karl	Charlie		Charlie
May Tai		Tai			
連錦隆		連	Rose		Rose
陳小華		陳			
林小美		林	Leong Chan		Leong Chan
林俊穎		林	Tom Greeney		Tom
陳大明		陳	Michael		Michael
黃美貞		黃	Mary		Mary
施偉斌		施	Tan		Tan
Willy Chan		Willy	Quoc		Quoc
古永樂		古	Leung		Leung
			Tommy W		Tommy W
Jason Ng		Ng	Paul Yip		Paul Yip
Tim Ho		Tim			
Loli Tam		Loli	Salcom		Salcom

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Name	Phone No.	Signature	Name	Phone No.	Signature
John		[Signature]	Ho		Eric
[Signature]		[Signature]	[Signature]		[Signature]
[Signature]		[Signature]	Eric Lam		Eric
Pat		[Signature]	Rayne		Rayne
[Signature]		[Signature]	[Signature]		[Signature]
[Signature]		[Signature]	Yan		[Signature]
Mr. Lee		[Signature]	Steven		Van Van
Frederick		[Signature]	Acho		chr A
[Signature]		[Signature]	[Signature]		[Signature]
[Signature]		[Signature]	[Signature]		[Signature]
Amanda		Amanda	[Signature]		[Signature]
[Signature]		Ting Ting	[Signature]		[Signature]
Shitter		Shitter	[Signature]		[Signature]
[Signature]		[Signature]	[Signature]		[Signature]
[Signature]		[Signature]	[Signature]		[Signature]
[Signature]		[Signature]	[Signature]		[Signature]
Grinder		Grinder	[Signature]		[Signature]
[Signature]		Roland Chan	[Signature]		[Signature]
[Signature]		Jay	[Signature]		[Signature]
[Signature]		Tung Le	[Signature]		[Signature]
Li Yang		Li Yang	[Signature]		[Signature]

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Larke		Larke	梁志強		Kim
Ng Long-Sun		Ng	梁志強		梁
謝志輝		謝	Liney		Liney
Tommy Chan		Tommy Chan	Ivan		Ivan
劉進		Jau	Mia		Mia
Janson		Jel	Kaymond		Kaymond
Siki		Siki	林文騰		林
何志強		何	符		符
方子健		方	符		符
殷		殷	Wong		Wong
Herbert		Herbert	鄧		鄧
林兆心		林	朱錦輝		朱
何炳健		何	A. Han		A. Han
Hana		Hana	梁志強		梁
SANDY		SANDY	梁志強		梁
TUC		TUC	梁志強		梁
龍全		龍	梁志強		梁

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Name	Phone No.	Signature	Name	Phone No.	Signature
Jacob		A. K. CHAN	John Wong		[Signature]
Manfred		[Signature]	Mia Yau		[Signature]
Spencer		莊靜貞	YUK YUK		[Signature]
White		李致強	CANIX. CHU		[Signature]
White		黃海備	LI ZUN LI		[Signature]
Qu		歐家晉	張國華		[Signature]
[Signature]		周嘉倫	[Signature]		[Signature]
[Signature]		陳鐵川	[Signature]		[Signature]
Lee Soding		[Signature]	Queenie Chung		[Signature]
陳山川		[Signature]	陳哲明		[Signature]
[Signature]		[Signature]	HOW CHING GING		[Signature]
曹美美		[Signature]	MARK KIT BANG		[Signature]
[Signature]		[Signature]	Edwin Cadogan		[Signature]
Bao Chid		[Signature]	[Signature]		[Signature]
潘東蓮		WILLIAM	ROGER PUN		[Signature]
殷志強		[Signature]	ANNY LAM		[Signature]
關家美		[Signature]	XX NA		[Signature]
林多		[Signature]	高田山		[Signature]
[Signature]		[Signature]	[Signature]		[Signature]
Chang Wad		[Signature]	ANDRE McLEOD		[Signature]
王人		[Signature]	[Signature]		[Signature]

請簽名強烈反對政府無理打壓酒吧/樓上酒吧!

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Paul Jan		TAN NING SHAN	CHENG KIM TUNG		
Ed		李天富	Samuel		
no		田偉強	王麗珊		
Kelvin Tso		KEVIN CHENG	蕭志恆		
Lilly		高志強	楊志強		
Kelvin Tso		林尚志	XIA XU		
Wong		BRIAN CHAN	梁卓毅		
Mr		譚偉強	Joe		
Bella		BELLA LI			
Alan		施風言			
Wong		王丹琪			
Wong		林山琳			
B		陳志倫			
Hel		關綺玲			
Wong		HAI YAN YING			
Wong		WONG KA KA			
Wong		C. C. Chan			
Wong		Doris Li			
Wong		梁卓毅			
Wong		陳偉			

(28)

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
陳永生		陳永生	王裕		[Signature]
陳明		[Signature]	石永清		石永清
陳永		CM	李永		[Signature]
王明		王明	吳永		[Signature]
王清		王清	陳誠		陳誠
ON WA		[Signature]	真建		[Signature]
郭子		郭子	李		[Signature]
王		王	李		[Signature]
方		方	李		[Signature]
牛		牛	李		[Signature]
黃		黃	李		[Signature]
黃		黃	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]
李		李	李		[Signature]

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Name	Phone No.	Signature	Name	Phone No.	Signature
John		[Signature]	Walter		[Signature]
Chris Li		Chris Li	Walter		[Signature]
Martin Lee		Martin Lee	Walter		[Signature]
Lisa		Lisa	Walter		[Signature]
Andrew Q		Andrew	Walter		[Signature]
Andy Kwan		Andy	Walter		[Signature]
Andy Chi		Andy	Walter		[Signature]
Simon Li		Simon Li	Walter		[Signature]
Thomas MA		Thomas	Walter		[Signature]
Paul Bruce		Paul	Walter		[Signature]
Fernand King		Fernand	Walter		[Signature]
Charlie Wright		Charlie Wright	Walter		[Signature]
Jimmy Wai		Jimmy Wai	Walter		[Signature]
Cindy Hui		Cindy Hui	Walter		[Signature]
Jack Chan		Jack Chan	Walter		[Signature]
Owen Chan		Owen Chan	Walter		[Signature]
Charlie Wong		Charlie Wong	Walter		[Signature]
Kenneth Fong		Kenneth Fong	Walter		[Signature]
Justin Ma		Justin Ma	Walter		[Signature]

41

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
李一木	[REDACTED]	[Signature]	SHAN HO	[REDACTED]	[Signature]
Joseph	[REDACTED]	[Signature]	董家業	[REDACTED]	[Signature]
Shunchoi	[REDACTED]	[Signature]	Paul Morris	[REDACTED]	[Signature]
Mawia chaw		[Signature]	Paul Morris		[Signature]
David King		David	吳天賜		[Signature]
William Chan		William	Joe K.K.		[Signature]
Steven Wang		[Signature]	NOBLE		[Signature]
Ken Cheng		[Signature]	THE		[Signature]
Oliver Lee		[Signature]	CHING CHANG		[Signature]
[Signature]		LOU LOU	吳業		[Signature]
[Signature]		KUAN MONS MONS	WALTERS YAN		[Signature]
Chloe		柯維	林海		[Signature]
Law		ANDY DIA	Ellie		[Signature]
Mark		Mark	陳耀		[Signature]
Michael LI		Michael	陳耀		[Signature]
Coco		Coco Li	陳耀		[Signature]
IAN ROBERTSON		IAN ROBERTSON	陳耀		[Signature]
[Signature]		[Signature]	[Signature]		[Signature]

41

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Name	Phone No.	Signature	Name	Phone No.	Signature
Clifford [redacted]		[Signature]	馮國材		[Signature]
AS P/BN		[Signature]	李國材		[Signature]
Amo		[Signature]	李國材		[Signature]
Celestial		WALTER MA	黃志輝		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]
李國材		[Signature]	李國材		[Signature]

4

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
張偉健		張偉健	王仁龍		王仁龍
王國華		王國華	林國華		林國華
蘇林		蘇林	蘇林		蘇林
周志華		周志華	周志華		周志華
梁明日		梁明日	梁明日		梁明日
王國華		王國華	王國華		王國華
莫小琳		Mo Mui Lam	莫小琳		莫小琳
李家聲		李家聲	李家聲		李家聲
郭樂華		郭樂華	郭樂華		郭樂華
林國華		林國華	林國華		林國華
李偉棠		李偉棠	李偉棠		李偉棠
何耀佳		何耀佳	何耀佳		何耀佳
李國華		李國華	李國華		李國華
朱宗明		朱宗明	朱宗明		朱宗明
何文正		何文正	何文正		何文正
李偉棠		李偉棠	李偉棠		李偉棠
陳國華		陳國華	陳國華		陳國華
陳國華		陳國華	陳國華		陳國華
李國華		李國華	李國華		李國華
王國華		王國華	王國華		王國華

41

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Name	Phone No.	Signature	Name	Phone No.	Signature
Mark McClellan		Mark McClellan	Wizel Colley		Wizel Colley
JUSTIN LAN		Justin Lan	OTTO WANG		OTTO
Simon Lee		Simon Lee	Martin Woo		Martin
Paul Fung		Paul Fung	Kenny Jennings		Kenny
Mark Simpson		Mark Simpson	John Koch		John Koch
Andrew Wood		Andrew Wood	JC		JC
Edward		Edward	Eric Ip		Eric Ip
Rocco Fuente		Rocco Fuente	Eric Herrera		Eric Herrera
Albert Ason		Albert Ason	Sam H		Sam H
Bernard Xloo		Bernard Xloo	Jackey Lam		Jackey Lam
Carlos McDonald		Carlos McDonald	Oliver		Oliver
Bob Morrow		Bob Morrow	Deni Wood		Deni Wood
Tommy Chen		Tommy Chen	Mark Chu		Mark Chu
Darrek Chero		Darrek Chero	Mike Thomas		Mike Thomas
Wynne Wong		Wynne Wong	Joe Cheng		Joe Cheng
Vincent Ngai		Vincent Ngai	George Lee		George Lee
Zack Tse		Zack Tse	Greg Moly		Greg Moly
Tommy Stanley		Tommy Stanley	David Law		David Law
Steve Woods		Steve Woods	Sean Stee		Sean Stee
Ross Klau		Ross Klau	Chris Adams		Chris Adams
Paul Lucas		Paul Lucas	Anthony Evans		Anthony Evans

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Name	Phone No.	Signature	Name	Phone No.	Signature
Thomas Tse		[Signature]	Steven Khoum		[Signature]
Henry Tse		[Signature]	CYNTHIA LAI		[Signature]
Albert X.		[Signature]	Fazito		[Signature]
Ray Wong		[Signature]	Owen Lau		[Signature]
Cher To		[Signature]	Tony		[Signature]
Lawrence Ho		[Signature]	Apple		[Signature]
Augustus		[Signature]	梁子浩		[Signature]
Chen		[Signature]	Louis Chan		[Signature]
Katie Mark		[Signature]			
王曉晴		[Signature]			
Aden Chan		[Signature]			
Melody Chan		[Signature]			
Lina Vddy		[Signature]			
Lucy Hui		[Signature]			
Garina Man		[Signature]			
Wong Ka Lun		[Signature]			
Angel Chan		[Signature]			
Deane Tanco		[Signature]			

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
張國強	ANDY	[Signature]	胡伯樂		[Signature]
孫浩文		sunm	Kevin Lam		[Signature]
R. Lee		[Signature]	NANCY LOI		[Signature]
黃卓仁		cywong			
李志華		[Signature]			
David Lam		David			
謝利恒		[Signature]			
陳詠正		[Signature]			
JACK CHAN		J. Chan			
羅華業		meaw			
翁善殿		[Signature]			
Kenny		[Signature]			
李小玲		[Signature]			
李麗嫻		李麗嫻			
陳志雲		[Signature]			
章美如		[Signature]			
Carmen		[Signature]			
李小姐		李小姐			
楊家豪		[Signature]			
P. P. Lo		Perry			
Bob Lee		[Signature]			

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Hugo	[Redacted]	Hugo	Peter	[Redacted]	Peter
Kif	[Redacted]	Kif	John	[Redacted]	John
Edwin	[Redacted]	Edwin	Daniel	[Redacted]	Daniel
Yuen	[Redacted]	Yuen	Sam	[Redacted]	Sam
Carl	[Redacted]	Carl	Chang		Chang
Joe	[Redacted]	Joe	Marco-L		Marco-L
CHARLES	[Redacted]	Charles	Chris	[Redacted]	Chris
DANNY	[Redacted]	Danny	Peter-W		Peter-W
Ivan	[Redacted]	Ivan	Lorraine M		Lorraine M
Joe	[Redacted]	Joe	Tony	[Redacted]	Tony
Don	[Redacted]	Don	張智宇		張智宇
Jack	[Redacted]	Jack	Lo Hung Kin		Lo Hung Kin
Sue	[Redacted]	Sue	葉子之		葉子之
Chris	[Redacted]	Chris	劉加麟		劉加麟
Frank	[Redacted]	Frank	Tony	[Redacted]	Tony
Amy	[Redacted]	Amy	Antonio Fune		Antonio Fune
Judy	[Redacted]	Judy	Edward Ho		Edward Ho
Jenny	[Redacted]	Jenny	于洪		于洪
Rolod	[Redacted]	Rolod	譚智健		譚智健
Kex	[Redacted]	Kex	李碧華		李碧華
			歐陽偉明		歐陽偉明

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Name	Phone No.	Signature	Name	Phone No.	Signature
Chris		[Signature]	Kevin		[Signature]
LUSAC		[Signature]	Zimmer		[Signature]
Josephine		Josephine	Madalyn		[Signature]
JEFFER		[Signature]	Jeff		[Signature]
Keith Kemp		[Signature]	Jeff		[Signature]
Alvin		[Signature]	Fred		[Signature]
Cetron		[Signature]	Ken		[Signature]
Stella		[Signature]	Derek		[Signature]
Tony		[Signature]	Carl		[Signature]
Richard King		[Signature]	Vicent		[Signature]
Marc		[Signature]	Brian		[Signature]
Mark Miller		[Signature]	Michael		[Signature]
James Miller		[Signature]	Wai Tsz		[Signature]
Wallace		[Signature]	Robert		[Signature]
Donald Williams		[Signature]	Thomas Ma		[Signature]
Ken		[Signature]	Ken		[Signature]
Raymond		[Signature]	Steve		[Signature]
Ken		[Signature]	MAX		[Signature]
Steven		[Signature]	Ben		[Signature]
Kevin		[Signature]	Andy		[Signature]
IVAN		[Signature]	SERGEY		[Signature]

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Name	Phone No.	Signature	Name	Phone No.	Signature
Lou			Ki		
Will			Johnny		
James		James	Johnny		
林		林	Jenny Fan		
Colo		Colo	Kenneth		
Jack			Ken Chan		
Jason			Eric		
符		符	Jonathan		
MIZ			Ko		
林			Leung		
林			Eric		
Gusar			Peggy Chan		
Mike			Sam Lee		
Sam			Blair		
Pat			Lee Wai Kwong		
Mr Lee			Sam		
Loas			Kenneth Lam		
Sir			Eric		
John			Eric		
Carson			Eric		

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食物及衛生局現正就立法更改酒牌發牌制度進行公眾諮詢。該局以公眾安全和罪案率高為理由，建議更嚴格管制樓上酒吧，包括規限每座大廈酒吧之數目。如果政府落實有關的措施，勢必令大量領有酒牌，以酒吧形式經營的處所結業，剝奪及削弱消費者對酒吧的選擇權，況且現行發酒牌制度已經十分嚴格，故請各位簽名反對立法更改現行發酒牌的機制。

姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
陳明		My	李怡		李怡
梁林		梁林	梁志怡		梁志怡
黃之勤		黃之勤	Dem Chan		Dem Chan
曾東明		曾東明	兩心情		兩心情
陳記		陳記			
朱小龍		朱小龍			
陳惠賢		陳惠賢			
梁心潔		梁心潔			
李偉		David			
林國明		林國明			
Crystal		Crystal			
黃志峰		黃志峰			
陳敏俊		陳敏俊			
Sean		Sean			
Dear Lo		Dear Lo			
200		200			
Keith Lam		Keith Lam			
Grady		Grady			
李俊豪		李俊豪			

Please sign your name in strong protest against the Government's proposal to unreasonably crack down on upstairs bars!

The Food and Health Bureau is conducting a public consultation on introducing an amended liquor licensing regime by legislation. On the grounds of public safety and the prevalence of criminal activities, the Bureau suggests imposing more stringent licensing control on upstairs bars and introducing a cap on the number of bars in each building. If this policy is implemented, scores of liquor-licensed premises operating as bars which are not located at street level will be out of business and customers' right to choose a bar will be deprived, diminished and controlled. Moreover, the current liquor licensing regime is already very stringent. Please sign your name in strong protest against amending the current liquor licensing regime by legislation.

Name	Phone No.	Signature	Name	Phone No.	Signature
Alastair		<i>Alastair</i>	Joe		<i>Joe</i>
Paul		<i>Paul</i>	Leo		<i>Leo</i>
Penny		<i>Penny</i>	Shirley		<i>Shirley</i>
Ray		<i>Ray</i>	Ronnie		<i>Ronnie</i>
Michael		<i>Michael</i>	Sharon		<i>Sharon</i>
Ernie		<i>Ernie</i>	Sally		<i>Sally</i>
Lily		<i>Lily</i>	H.H.K		<i>H.H.K</i>
Antonio		<i>Antonio</i>	Arthur		<i>Arthur</i>
Jerry		<i>Jerry</i>	Simon		<i>Simon</i>
Hans		<i>Hans</i>	Rose		<i>Rose</i>
Zoe		<i>Zoe</i>	Andy		<i>Andy</i>
Kathleen		<i>Kathleen</i>	Winnie		<i>Winnie</i>
Bob		<i>Bob</i>	Eileen		<i>Eileen</i>
Neil		<i>Neil</i>	Jan Lo		<i>Jan Lo</i>
Ivan		<i>Ivan</i>	Martin		<i>Martin</i>
Alex		<i>Alex</i>	Rocky		<i>Rocky</i>
Alex		<i>Alex</i>	Stanley		<i>Stanley</i>
Clow		<i>Clow</i>	May		<i>May</i>
Jan		<i>Jan</i>	Alan		<i>Alan</i>
Nash		<i>Nash</i>	Holly		<i>Holly</i>
Cole		<i>Cole</i>	K.K. Koo		<i>K.K. Koo</i>

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姓名	聯絡電話	簽名	姓名	聯絡電話	簽名
Barry Hui		Barry	鄧永強		Barry
Nelson Chan		Nelson	王卓文		Nelson
Jack Ma		Jack	陸仁		Jack
Charles		Charles	梁東英		Charles
Roy		Roy	林淑雨		Roy
Samuel		Sam	Alexander		Sam
Jackie		J	Tom Wong		Jackie
Sean		Sean	Grace		Sean
Maurus		Maurus	Plafini		Maurus
EDWIN		Edwin	Angie		Edwin
陳卓楠		Ellie	Winnie		Ellie
詹銘聰		Lo	Ann		Lo
葉仁傑		Don	Tu		Don
Andy Cheung		And	張明康		Andy
李兆波		波	霍大明		李兆波
Hilsin Wong		Hilsin	王		Hilsin
Dony		Dony	霍力群		Dony
Tim Wong		Tim	梁志威		Tim
曹廉禧		曹廉禧	李兆波		曹廉禧
陳志傑		陳	李兆波		陳志傑
			梁志威		
			李兆波		
			梁志威		
			李兆波		