

EXTRACT

立法會
Legislative Council

LC Paper No. CB(2) 2242/00-01
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE/1

LegCo Panel on Security

Minutes of meeting
held on Tuesday, 10 July 2001 at 10:30 am
in the Chamber of the Legislative Council Building

- Members present** : Hon LAU Kong-wah (Chairman)
Hon James TO Kun-sun (Deputy Chairman) (Chairman of the meeting)
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon IP Kwok-him, JP
- Members absent** : Hon Albert HO Chun-yan
Dr Hon LUI Ming-wah, JP
Hon Andrew WONG Wang-fat, JP
Hon WONG Sing-chi
- Public Officers attending** : Item III
Mr Arthur NG, JP
Deputy Secretary for Home Affairs

Ms Miranda YEAP
Assistant Secretary for Home Affairs

Mrs Clarie LO
Commissioner for Narcotics

Miss Christina CHONG
Assistant Secretary for Security

Mr Kevin CHOI
Acting Assistant Director of Food and Environmental Hygiene

Mr PANG Yuk-lun
Superintendent of Food and Environmental Hygiene

Mr S G CHANDLER
Assistant Commissioner of Police

Mr IP Lau-chuen
Chief Superintendent of Police
Narcotics Bureau

Mr LAM Siu-tong
Assistant Director of Buildings

Mr TAM Chi-chung
Deputy Chief Fire Officer

Clerk in attendance : Mrs Sharon TONG
Chief Assistant Secretary (2)1

Staff in attendance : Mr Raymond LAM
Senior Assistant Secretary (2)5

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III. Proposed regulation of dance parties under the Places of Public Entertainment Ordinance, Cap. 172
(LC Paper No. CB(2) 2009/00-01(01))

9. At the invitation of the Deputy Chairman, Deputy Secretary for Home Affairs (DSHA) briefed members on the proposed regulation of dance parties under the Places of Public Entertainment Ordinance (PPEO) (Cap. 172).

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10. In response to Mr CHEUNG Man-kwong's question about how the proposed amendment to PPEO would address the problem of sale and abuse of drugs in rave parties, DSHA said that the proposed legislative amendments would bring rave parties and other dancing activities at premises not licensed for dancing activities under the ambit of PPEO. The organisers would have to comply with certain requirements, including building and fire safety measures, in order to obtain a licence under PPEO. Chief Superintendent of Police, Narcotics Bureau added that drug abuse, especially Ecstasy, associated with dance parties continued to be of concern. He informed members that in the first five months of 2001, 502 persons had been arrested for Ecstasy offences of which 201 were under the age of 21 and were linked to the dance party scene. The figure was higher than that for 2000, where the number of persons aged below 21 and arrested for Ecstasy offences was 294. With the proposed legislative amendments to PPEO, organisers of dance parties would be responsible for taking steps to prevent drug abuse in their parties.

11. The Deputy Chairman asked about the drug-related licensing requirements after the proposed legislative amendments to PPEO were passed. He also asked whether failure to comply with such requirements would lead to the revocation of a licence.

12. Assistant Commissioner of Police (ACP) responded that a Code of Practice for Dance Party Organisers was in place for organisers to follow. It suggested the adoption of measures such as the use of recorded closed circuit television systems and the display of signs stating that drug dealing and abuse would not be tolerated. The proposed legislative amendments would require organisers to inform the Police before holding a dance party so that the Police could draw their attention to the Code of Practice.

13. In response to the Deputy Chairman's question about whether the Code of Practice would be made as part of the licensing conditions, ACP said that compliance with the Code of Practice was voluntary. While most items in the Code of Practice would be made as licensing conditions, some items would not be made as licensing conditions. An example was the item that all security staff should be identifiable by the wearing of uniform or name badges.

14. ACP added that there was a trend of dance parties being held at smaller venues and in secret that it was difficult for the Police to know when and where these parties would be held. The Administration's proposal would enable the Police to have prior knowledge about the holding of dance parties including rave parties.

15. Mr CHEUNG Man-kwong said that he was in support of any measures to combat the trafficking and abuse of drugs. However, he was concerned as to how the proposed amendments to PPEO could effectively achieve the purpose of combating drug dealing and abuse in rave parties. He asked whether a licence would be issued if an organiser complied with the health and safety requirements, but not the Code of Practice. He also asked whether items related to drugs in the Code of Practice would be made as the licensing conditions.

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16. ACP responded that the licensing authority would examine the items in the Code of Practice and incorporate appropriate ones in the conditions for a licence. As a licence was issued for an event, it would be revoked immediately if the licensee was in breach of the health or safety conditions in the licence. Where drug abuse was found in the event, the Police would arrest persons who committed the offence but the licence would not be revoked. Under such circumstances, it would be difficult for the organiser to obtain a licence for another event in the future.

17. While expressing support for the proposed amendments to PPEO, Mr CHEUNG Man-kwong urged that it should be a licensing condition that an organiser should try his best to take all practicable steps to prevent drug dealing and abuse in his dance party.

18. ACP agreed with the views of Mr CHEUNG Man-kwong. He assured members that the Police would seek to introduce licensing conditions that prevent young people's access to drugs. He said that the Police would adopt a reasonable approach in assessing an organiser's responsibility. However, if an organiser did not take any steps to prevent drug dealing and abuse in his dance party, the Administration would seriously consider whether a further licence should be issued to the organiser.

19. Mr IP Kwok-him asked whether the Administration's proposal covered areas such as building structure and fire safety in addition to the prevention of drug abuse.

20. DSHA responded that organisers of dance parties would be required to adopt safety measures, including those related to building structure and fire safety. The requirement to apply for a licence would provide law enforcement agencies with the opportunity to examine safety aspects before a dance party took place.

21. Mrs Selina CHOW expressed concern that the proposed licensing control would restrict one's freedom. She said that while no one would oppose combating drug dealing and abuse in rave parties, it was questionable whether the proposed requirement of obtaining a licence would address these problems. She further said that while requirements could be laid down for dance parties where the number of participants exceeded a certain number, a licence should not be required before a dance party could take place. She added that it would be very unreasonable to require students of a tertiary education institute to apply for a licence for a dance party where participants exceeded a certain number. She also expressed concern that one would have to wait for 18 days before a temporary licence could be obtained. Referring to paragraph 14 of the Administration's paper, she asked about the number of party organisers and venue providers consulted by the Administration, how the consultations had been made, and the particular proposal for which they had expressed support. She also questioned why a threshold of 50 persons was proposed.

22. DSHA responded that apart from the problem of drug abuse, issues of public safety would arise when the number of participants of a dance party within a small venue exceeded a certain level. The proposed legislative amendments were drawn up to address various problems associated with dance parties. He said that clear

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provisions in the law would make it easier for young people and organisers to comply.

23. Commissioner for Narcotics (C for N) clarified that the legislative proposal did not involve the introduction of a new licensing system. It only sought to clarify grey areas in legislation in respect of whether dance parties were covered in Schedule I of the existing PPEO, which covered concerts and ballets. It was not clear in the existing legislation whether dance parties should be licensed. She said that the proposed threshold of 50 participants could be reviewed, if necessary. She added that a licence was not required for all dance parties which were not open to members of the public. It followed that a dance party held in a tertiary education institute would not be covered by the proposed legislation if it was private in nature. She informed members that the Administration had held two seminars with dance party organisers in the past year before the Code of Practice was drawn up. Consultations had been made with various parties including the Action Committee Against Narcotics, the Task Force on Psychotropic Substance Abuse and dance party organisers on proposed licensing of dance parties. At a meeting with rave party organisers in the previous month, the latter generally agreed with the Administration's proposal to amend PPEO.

24. Miss Margaret NG asked about the definition of a rave party. She opined that it was unreasonable to require a person to apply for a licence before holding a dance party or rave party. She said that she was opposed to the proposed legislative amendment, as it would control people's activities. She commented that although the Administration's proposal apparently sought to regulate areas such as structural safety of buildings and fire safety, it virtually sought to regulate rave parties.

25. DSHA responded that dancing activities involving a large number of persons in a small venue would be exposed to dangers in building structure and fire. The proposed legislative amendments only sought to bring dance parties under the ambit of PPEO. He added that there might be different types of popular dance parties at different times. The Administration therefore considered it more appropriate to use the number of participants as a basis for determining whether a dance party should be subject to the requirements in PPEO.

26. ACP said that the Police was very concerned about health and safety in entertainment activities. He informed members that in a number of other jurisdictions, the gathering of young people at small premises with amplified music had sometimes resulted in serious tragedies, such as the collapse of a building or major fires. As there was a loophole in existing legislation that allowed unsafe dance parties to be organised, legislative amendments were necessary to safeguard health and safety in such activities. He stressed that the proposed legislative amendments were not applicable to individuals holding a private party at their homes.

27. Miss Margaret NG asked about the characteristics of the dance parties that the Administration intended to control. She said that if the Administration intended to control all dance parties because of problems with rave parties, the Administration should have consulted the public as to whether the regulation of all dance parties where the number of participants exceeded 50 was acceptable.

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28. C for N stressed that a licence would not be required for any private dance party, even where the number of participants exceeded 50. Only dance parties where public were admitted and the number of participants exceeded 50 would be subject to PPEO. She reiterated that consultations had been made with the Action Committee Against Narcotics and the Task Force on Psychotropic Substance Abuse. More than 100 letters had been sent to rave party organisers inviting them to a meeting held in the previous month, where the Administration's proposal to amend PPEO was explained and no one expressed opposition.

29. Mr Howard YOUNG expressed doubt about whether 50 persons should be used as the threshold for determining whether a dance party should be subject to PPEO. He said that where a private dance party involved 10 families, the number of participants could easily exceed 50. As the attendance at the known rave party venues normally ranged between 200 and 5 000 people, the threshold of 50 persons was too low. He added that rave parties might not necessarily be unhealthy, as there were many well-organised rave parties in other countries. He considered that the Administration should encourage healthy rave parties. Referring to the fire safety requirements in the code of practice, he questioned why the venue of dance parties should not be located in any industrial buildings, where the structural and fire safety requirements were generally more stringent than those for residential and commercial buildings.

30. DSHA shared the view that healthy dance parties should be encouraged. He said that experience indicated that some dance parties were not subject to regulation and the sizes of rave parties were diminishing. As there was a need to achieve a balance between minimising inconvenience to organisers and avoiding the creation of a loophole in legislation, the threshold of 50 persons was appropriate.

31. Mr IP Kwok-him asked whether it was not necessary for a dance party organiser to apply for a licence for each event. DSHA responded that a temporary licence would be issued for each event, except for the events taking place in premises already licensed under the PPEO.

Adm 32. The Deputy Chairman concluded that in view of members' concerns, the Administration should further examine its proposal to amend PPEO.

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