

For discussion on 5 July 2001

Legislative Council Panel on Security

**Proposed Regulation of Dance Parties
under the Places of Public Entertainment Ordinance, Cap. 172**

PURPOSE

This paper seeks Members' views on a proposed amendment to the Places of Public Entertainment Ordinance (PPEO), Cap. 172 to require organizers of dance parties who are not otherwise subject to licensing under existing laws to obtain a licence under the Ordinance.

BACKGROUND

2. In Europe and North America, rave parties provide large, open spaces for all-night dancing, lounging and physical interaction. Use of drug and alcohol is largely associated with such rave youth sub-culture. In Hong Kong, alcohol is not a major element in rave parties, but drug and crime at rave parties has drawn media and public attention. Patrons of rave parties in Hong Kong are normally between 15 and 30 years of age and the attendance at the known venues ranges between 200 and 5,000 people. These dance parties usually begin at around midnight and run until daylight. It is estimated that there are about 75 venues regularly used for rave parties, which are currently not subject to any form of licensing control.

Public Safety and Crowd Management Concerns

3. While providing entertainment to those who enjoy music and dancing, drug-taking behavior, overcrowding and other related safety and security issues at dance parties have become issues of concern. In cases where such parties are held at premises covered by liquor licences with dancing endorsements, Government departments concerned can assess in advance potential risks to public safety, law and order and building and fire safety, and

can set conditions in the licence to mandate precautionary measures against such risks. However, in some cases dance parties do not provide alcoholic drinks. The organizers of these parties are therefore not required to obtain a liquor licence, and can avoid the restrictions imposed under this licence.

4. Dance parties held at premises not covered by a liquor licence or other applicable licence are not required to follow any safety limit of people participating in such parties. In addition, the provision of fire service installations and equipment, means of escape, ventilation, etc. are not controlled.

5. As for dance parties held in licensed restaurants, clubs and hotels, overcrowding is not uncommon and there exists potential danger in these premises in the event of an outbreak of fire. Unless they are covered by a liquor licence with dancing endorsement, these premises should comply with the requisite public safety standards under the PPEO in order to ensure the safety of the patrons.

Narcotics abuse and other crimes

6. Rave parties are often susceptible to drug abuse, with some partygoers using psychotropic drugs for their euphoric effect and to enhance the sensation provided by the music played at the parties. There have also been a number of violent crimes committed at rave venues, involving multiple assailants.

Noise Nuisance

7. Noise nuisance can be generated by party goers congregating outside the venue and leaving the venue, as well as by the amplified music of the event itself, particularly in circumstances where large-scale or ad hoc events are organized in locations not ordinarily associated with or designed for public entertainment.

Places of Public Entertainment (PPE) Licence

8. The PPEO requires any person keeping or using any place of public entertainment to obtain a licence. Schedule 1 of the PPEO (at

Annex A) does not explicitly refer to rave parties nor to other dancing activities as falling within the definition of "entertainment" laid down in the Ordinance.

9. The Department of Justice has advised that a rave party cannot be classified beyond doubt as a concert, stage performance or other musical, dramatic or theatrical entertainment as mentioned in paragraph 1(a) of the Schedule. There is a primary distinction between the events in paragraph 1(a) and a rave party, in that the audience of the former is largely passive, while the audience of a rave party participates actively. Accordingly, it would not be prudent to rely on Schedule 1 as presently drafted to regulate rave parties. The Department of Justice further advises that Schedule 1 should be suitably amended before organizers of rave parties should be required to obtain a licence under the PPEO.

Code of practice

10. Currently, as an interim measure to help address concerns regarding building and fire safety and maintenance of law and order, the Secretary for Security has co-ordinated a Code of Practice for Rave Party Organizers (**Annex B**), which was issued to the industry in October 2000. The Code encourages closer cooperation between party organizers and the Police, and provides guidelines on building safety, fire safety, environmental noise issues as well as measures to minimize narcotics and related crimes at such parties. In late June 2001, the Administration reviewed the Code and proposed some minor amendments such as employment of female staff to deal with female patrons, distributing leaflets containing drug warning to patrons, etc. The industry raised no objection to the proposed revisions and is given until the end of July 2001 to submit further views.

LICENSING PROPOSALS AND EXEMPTIONS

11. In order to bring rave parties and other dancing activities at premises not licensed for dancing activities firmly under the ambit of the PPEO, the Administration proposes to amend Schedule 1 of Cap. 172 by adding 'dance party' into Schedule 1 of the PPEO. This amendment

should provide for rave parties and other dancing activities to be clearly included under the definition of the PPEO. "Dance party" will be defined as an event at which music is provided, the primary activity is dancing and the number of persons attending exceeds 50 on any one occasion. To avoid over-regulation and imposition of undue administrative burden on dance party organizers, premises which are already covered by liquor licence with dancing endorsement or licence for operating a Public Dance Hall or a Dancing School under the Miscellaneous Licences Ordinance, Cap. 114 would be exempted from further licensing under the PPEO.

12. With the inclusion of dance parties in Schedule 1 of the PPEO, Government departments would have the authority to visit dance party venues in advance to assess any relevant risks to public safety, public nuisance and law and order. The Food and Environmental Hygiene Department (FEHD), which is responsible for the issue of PPE licences, would consult the Buildings and Fire Services Departments respectively on the safety of the premises, the maximum capacity of the premises and the fire safety requirements. FEHD will also inform EPD of the dance party venue to take concerted action with regard to amplified music noise nuisance and mitigation measures. In normal circumstances, the time taken to issue a PPE licence is estimated to be 40 to 50 days. A temporary PPE licence, however, involving no erected or fixed structures could be obtained within 18 days.

13. As for licensed restaurants, clubs and hotels which offer dancing space purely as an optional extra, most of them have obtained a liquor licence with dancing endorsement and will be exempted from the proposed licensing requirement under the PPEO.

CONSULTATION

14. Dance party organizers and venue providers were consulted on the proposed amendment to the PPEO in late June 2001 and were generally supportive of the proposal. Some expressed that the threshold of 50 patrons could be increased as dance parties normally involve a far greater number of patrons. Again, party organizers and venue providers were invited to submit to the Administration any further views they may have

before the end of July 2001 for fine-tuning the proposal.

ADVICE SOUGHT

15. Members are invited to comment on the proposal to amend the Schedule to the PPEO as set out in paragraph 11. Subject to Member's views, the Secretary for Home Affairs will co-ordinate the drafting of an appropriate amendment to Schedule 1 of the PPEO and introduce the amendment to the Legislative Council when ready. It is expected that the legislative amendment, if approved, will commence operation before the end of 2001.

Security Bureau
Home Affairs Bureau
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Places of Public Entertainment Ordinance, Cap. 172

SCHEDULE 1

[ss. 2 & 7(4)]
(Amended 83 of 1997 s. 5)

1. The events, activities and other things referred to in the definition of "entertainment" in section 2 of this Ordinance are—

- (a) a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment;
- (b) a cinematograph or laser projection display;
- (c) a circus;
- (d) a lecture or story-telling;
- (e) an exhibition of any 1 or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things;
- (f) a sporting exhibition or contest;
- (g) a bazaar;
- (h) any part of any of the foregoing; and
- (i) an amusement ride within the meaning of the Amusement Rides (Safety) Ordinance (Cap. 449) or any mechanical device (other than such an amusement ride) which is designed for amusement.

2. In this Schedule "stage performance" (舞台表演) includes a tragedy, melodrama, comedy, farce, pantomime, revue, burlesque, burietta, shadow play, an exhibition of dancing, conjuring or juggling, an acrobatic performance and any other stage event including an interlude.

(Added 72 of 1995 s. 9)