

立法會
Legislative Council

LC Paper No. CB(2)36/02-03(03)

Ref : CB2/SS/10/01

**Subcommittee on Places of Public Entertainment Ordinance
(Amendment of Schedule 1) Regulation 2002 and
Places of Public Entertainment (Exemption) Order**

Background brief prepared by the Legislative Council Secretariat

**Places of Public Entertainment Ordinance
(Amendment of Schedule 1) Regulation 2002 and
Places of Public Entertainment (Exemption) Order**

Purpose

This paper gives a summary of issues and concerns raised by Members on the Administration's proposals made in the Places of Public Entertainment Ordinance (Amendment of Schedule 1) Regulation 2002 and Places of Public Entertainment (Exemption) Order.

The Administration's Proposals

2. At its meetings on 10 July 2001 and 6 December 2001, the Panel on Security was consulted on the Administration's proposals to regulate rave parties and other dancing activities at premises not licensed for dancing activities under the ambit of the Places of Public Entertainment Ordinance (Cap. 172) (PPEO), and to exempt certain places of public entertainment from further licensing under the PPEO. The major proposals of the Administration are as follows -

- (a) adding "dance party" into Schedule 1 of the PPEO;
- (b) defining "dance party" as an event with the following attributes -
 - (i) an event at which music was provided;
 - (ii) the primary activity was dancing;
 - (iii) the number of persons in the premises exceeded 200 on any one occasion during the event or any part of the event occurs between 2:00 am. to 6:00 am; and

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- (c) exempting premises which were 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) from further licensing under the PPEO.

3. Regarding the threshold of 200 persons referred to in paragraph 2(b)(iii) above, the Administration's original proposal was 50 persons. It was revised to 200 persons after taking into account members' views.

Issues and concerns raised by Members

4. Members held different views on the Administration's proposals. A member expressed support for the proposals, while another member expressed objection to the proposals as the licensing requirement would control people's activities. Members also raised various issues and concerns over the proposals. The issues and concerns raised are as follows -

- (a) some members expressed doubt as to whether the proposed licensing requirement could effectively achieve the purpose of combating drug dealing and abuse in rave parties;
- (b) a member suggested that it should be a licensing condition that a dance party organiser should try to take all practicable steps to prevent drug dealing and abuse within the party venue;
- (c) a member expressed concern about the time taken for the issue of a licence under the PPEO, which was estimated to be 40 to 50 days. The member urged that the processing time should be shortened; and
- (d) a member questioned why dance party venue should not be located in industrial buildings, where the structural and fire safety requirements were generally more stringent than those for residential and commercial buildings.

5. Members may wish to refer to the extracts from the minutes of the Panel meetings on 10 July 2001 and 6 December 2001 in **Appendices I and II** respectively for details of the discussions.

**Extract of minutes of the meeting of the
Panel on Security on 10 July 2001**

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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).

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

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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.

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.

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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 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

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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.

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.

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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.

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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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Legislative Council Secretariat

4 September 2001

**Extract of minutes of the meeting of the
Panel on Security on 6 December 2001**

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V. Proposed regulation of dance parties under the Places of Public Entertainment Ordinance (Cap. 172)

(LC Paper No. CB(2) 547/01-02(05))

49. At the invitation of the Chairman, Principal Assistant Secretary for Security (Narcotics) (PAS(S)(N)) briefed Members on the Administration's revised proposal for licensing dance parties under the Places of Public Entertainment (PPE) Ordinance (Cap. 172). She informed Members that dance party organisers had been consulted on the revised proposal and had not made any comments.

50. Mrs Selina CHOW asked why it was necessary to take 40 to 50 days for the issue of a PPE licence. She considered this inconsistent with the Administration's pledge of providing efficient service.

51. Assistant Director of Food and Environmental Hygiene (AD of FEH) responded that upon the receipt of an application, the Food and Environmental Hygiene Department, which was responsible for the issue of PPE licence, would consult the Buildings and Fire Services Departments respectively on the safety aspects. She said that a PPE licence would normally be issued around 30 days from the date of application. Principal Assistant Secretary for Home Affairs added that the Administration was considering the establishment of a central licensing agency to provide centralised licensing service. The issuing of PPE licence would be examined in the exercise.

52. In response to Mrs Selina CHOW's question about the fee for a PPE licence, AD of FEH said that the fee would be slightly more than \$1,000 for a temporary licence valid for one month.

53. In response to the Chairman's question about the number of rave parties where the number of participants were less than 200, PAS(S)(N) said that the number of participants of rave parties ranged from 500 to 1 000. Even rave parties of a smaller scale also had about 200 participants. The revised threshold of 200, which was drawn up having regard to views expressed, was therefore an appropriate one.

54. Mrs Selina CHOW considered that the Administration should further shorten the time needed for the issuing of a PPE licence. The Chairman said that the issue could be further discussed by the Bills Committee which might be formed to examine the proposed legislation.

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Council Business Division 2

Legislative Council Secretariat

9 January 2002