

# **LEGISLATIVE COUNCIL BRIEF**

## **Places of Public Entertainment Ordinance (Cap. 172)**

### **PLACES OF PUBLIC ENTERTAINMENT ORDINANCE (AMENDMENT OF SCHEDULE 1) REGULATION 2002**

#### **PLACES OF PUBLIC ENTERTAINMENT (EXEMPTION) ORDER**

#### **INTRODUCTION**

The Secretary for Home Affairs has proposed to amend Schedule 1 of the Places of Public Entertainment Ordinance (PPEO) (Cap.172) to bring rave parties and other dancing activities at premises not licensed for dancing activities firmly under the ambit of the PPEO, and to make an order under Section 3A of the PPEO to exempt certain places of public entertainment from the requirement to obtain a licence under the PPEO. The proposed amendment will be tabled at the Legislative Council for negative vetting on 10 July 2002.

#### **BACKGROUND AND ARGUMENT**

2. In Europe and the USA, rave music and dance parties have been associated with abuse of alcohol and psychotropic drugs. In Hong Kong, although alcohol abuse is not a major part of rave party culture, drug abuse, law and order problems and noise nuisance at rave parties have within past attracted much media and public concern. For example, some party goers were found 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. Besides, 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.

3. Patrons of rave parties 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. We estimate that there are about 50 venues regularly used for rave parties, many of which are currently not subject to any form of licensing control.

4. It is not uncommon that some dance parties held in bars and discotheques are associated with abuse of psychotropic drugs and have given rise to both public order and public safety concerns. Where these dance parties are held at premises covered by liquor licences with dancing endorsements, relevant Government departments can assess in advance potential risks to public safety, law and order and building and fire safety, and can impose licensing conditions to require precautionary measures be taken against such risks. However, in cases where dance parties do not provide alcoholic drinks, the organizers of these parties are not required to obtain a liquor licence, and can avoid the restrictions imposed under this licence. Such premises often may not have any limit restricting the maximum number of people who can safely be accommodated. In addition, the provision of fire service installations and equipment, means of escape, ventilation and sanitary facilities may not be adequate.

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 also comply with the requisite public safety standards under the PPEO. It is therefore necessary to plug this loophole and bring dance parties at issue under proper control.

6. 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. We propose to define "Dance party" as an event with the following attributes:-

- (a) an event at which music is provided;
- (b) the primary activity is dancing; and
- (c) (i) the number of persons attending the event exceeds 200 on at least one occasion during the event; **or**
  - (ii) any part of the event occurs between 2:00 a.m. to 6:00 a.m.

Private parties where members of the public could not gain access by buying tickets or giving other monetary consideration are not included in this licensing regime. 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 under the Miscellaneous Licences Ordinance, Cap. 114 would be exempted from further licensing under the PPEO. However, for premises covered by liquor licence with dancing endorsement, a PPE Licence would still be required if dance parties are held outside the liquor-selling hours specified in the liquor licence. Exemption would also be granted to those clubs with club liquor licence where there is dance floor as shown in the registered drawing of a Certificate of Compliance and the dancing activities should be confined only to such dance floor area. In addition, we have taken this opportunity to formalize the current arrangement whereby premises managed by the Leisure and Cultural Services Department and the Home Affairs Department are exempt from the licensing requirement under the PPEO as the relevant departments would have adequate capacity to assess the safety aspects of any events proposed to be held within their premises.

7. 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 Department and the Fire Services Department 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 working days. A temporary PPE licence, however, involving no erected or fixed structures could be obtained within 18 working days. Notwithstanding

this, departments concerned would still endeavour to expedite the processing as much as possible.

## **THE AMENDMENT REGULATION AND THE EXEMPTION ORDER**

8. The Secretary for Home Affairs has proposed that -
- (a) the Places of Public Entertainment (Amendment of Schedule 1) Regulation 2002, at Annex A, should be made under section 7(4) of the Places of Public Entertainment Ordinance ; and
  - (b) the Places of Public Entertainment(Exemption) Order 2002, at Annex B, should be made under section 3A of the Places of Public Entertainment Ordinance,

to regulate rave parties and other dancing activities at premises not licensed for dancing activities; and to exempt certain places of public entertainment from the requirement to obtain a licence under the PPEO.

## **PUBLIC CONSULTATION**

9. Dance party organizers and venue providers were consulted on the proposed amendment to the PPEO and definition of dance parties. The LegCo Panel on Security was also consulted on the same on 10 July 2001 and 6 December 2001 and was in general agreement with the proposal. Consultation forums with the Members of the District Councils were held on 22 and 26 June 2002. Members showed their support to the regulation.

## **BASIC LAW IMPLICATIONS**

10. The Department of Justice advises that the proposed Regulation and Order do not conflict with those provisions of the Basic Law carrying no human rights implications.

## **HUMAN RIGHTS IMPLICATIONS**

11. The Department of Justice advises that the proposed Regulation and Order are consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT OF THE LEGISLATION**

12. The Department of Justice advises that the proposed Regulation and Order will not affect the current binding effect of the Places of Public Entertainment Ordinance or its subsidiary legislation.

## **FINANCIAL AND STAFFING IMPLICATIONS**

13. Implementation of the proposed Regulation and Order will not give rise to any additional financial or staffing implications.

## **SUSTAINABILITY IMPLICATIONS**

14. The proposed Regulation and Order do not have any significant sustainability implications.

## **ECONOMIC IMPLICATIONS**

15. The proposed Regulation and Order should have positive effects on public safety and environmental hygiene. This is beneficial to the community at large.

## **ENVIRONMENTAL IMPLICATIONS**

16. The proposed Regulation and Order do not have any significant environment implications.

## **PUBLICITY**

17. The proposed Regulation and Order will be published in the Gazette on 5 July 2002 and a press release will be issued on the same day. The proposed Regulation and Order shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.

## **OTHERS**

18. For any enquiries on this brief, please contact Ms. Eva TO, Principal Assistant Secretary for Home Affairs (Recreation and Sport) (Tel: 2594 6616) and Ms. Miranda YEAP, Assistant Secretary for Home Affairs (Recreation and Sport) (Tel: 2594 5669) of Home Affairs Bureau.

July 2002  
Home Affairs Bureau

**PLACES OF PUBLIC ENTERTAINMENT ORDINANCE  
(AMENDMENT OF SCHEDULE 1) REGULATION 2002**

(Made under section 7(4) of the Places of Public Entertainment  
Ordinance (Cap. 172))

**1. Commencement**

This Regulation shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.

**2. Schedule 1 amended**

(1) Section 1 of Schedule 1 to the Places of Public Entertainment Ordinance (Cap. 172) is amended by adding “the following or any part of any of them” after “Ordinance are”.

(2) Section 1 of Schedule 1 is amended by repealing paragraph (h).

(3) Section 1 of Schedule 1 is amended, in paragraph (i), by repealing the full stop at the end and substituting a semicolon.

(4) Section 1 of Schedule 1 is amended by adding –

“(j) a dance party.”.

(5) Schedule 1 is amended by adding –

“3. In this Schedule, “dance party” (跳舞派對) means an event with all of the following attributes –

(a) music or rhythmic sound of any kind or source is provided at the event;

(b) the primary activity at the event is dancing by the persons attending the event;

(c) either –

(i) the number of persons attending the event exceeds 200 on at least one occasion during the

event; or

- (ii) any part of the event occurs between 2 a.m. and 6 a.m.”.

Secretary for Home Affairs

2002

### **Explanatory Note**

This Regulation amends Schedule 1 to the Places of Public Entertainment Ordinance (Cap. 172) to include dance parties among those events that constitute entertainment for the purposes of the Ordinance (section 2(4)).

2. A definition of “dance party” is added (section 2(5)).

## **PLACES OF PUBLIC ENTERTAINMENT (EXEMPTION) ORDER**

(Made under section 3A of the Places of Public Entertainment  
Ordinance (Cap. 172))

### **1. Commencement**

This Order shall come into operation on the commencement of the Places of Public Entertainment Ordinance (Amendment of Schedule 1) Regulation 2002 (L.N. of 2002).

### **2. Exemption for places managed by Leisure and Cultural Services Department and Home Affairs Department**

A place that is under the management of the Leisure and Cultural Services Department or the Home Affairs Department is exempt from the operation of sections 4 and 11 of the Ordinance.

### **3. Exemption for places issued with a liquor licence**

(1) A place, other than a place to which section 4(1)(a) applies, in respect of which there is in force a liquor licence granted under the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.), being a liquor licence that –

- (a) permits dancing activities to be held in the place; and
- (b) has effect subject to a condition that stipulates the maximum number of persons that may at any one time be present in the place,

is exempt from the operation of sections 4 and 11 of the Ordinance as regards any dance party.

(2) The exemption granted under subsection (1) –

- (a) has effect only for the hours during which the sale of liquor is permitted under the terms of the liquor licence;

- (b) ceases to have effect if at any time during the dance party there is a failure to comply with any condition of the liquor licence.

**4. Exemption for clubs issued with a certificate of compliance**

(1) A place that is a club-house within the meaning of that term as it is used in the Clubs (Safety of Premises) Ordinance (Cap. 376), and in respect of which there is in force –

- (a) a certificate of compliance issued under that Ordinance that –
  - (i) designates an area of the club-house within which dancing activities are permitted; and
  - (ii) imposes a condition that stipulates the maximum number of persons that may at any one time be present in the club-house; and
- (b) a liquor licence granted under the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.),

is exempt from the operation of sections 4 and 11 of the Ordinance as regards any dance party.

(2) The exemption granted under subsection (1) ceases to have effect if at any time during the dance party there is a failure to comply with any condition of the certificate of compliance or the liquor licence.

**5. Exemption for places issued with a public dance-hall licence**

(1) A place in respect of which there is in force a public dance-hall licence granted under the Miscellaneous Licences Ordinance (Cap. 114) is exempt from the operation of sections 4 and 11 of the Ordinance as regards any dance party.

(2) The exemption granted under subsection (1) ceases to have effect if at any time during the dance party there is any breach of the Miscellaneous

Licences Ordinance (Cap. 114) or the Miscellaneous Licences Regulations (Cap. 114 sub. leg.) or any condition of the licence.

Secretary for Home Affairs

2002

### **Explanatory Note**

The object of this Order, which is made under the Places of Public Entertainment Ordinance (Cap. 172) (“the Ordinance”), is to exempt certain places of public entertainment from certain requirements to obtain a licence under the Ordinance, as follows –

- (a) places that are under the management of the Leisure and Cultural Services Department or the Home Affairs Department are exempt from any requirement under the Ordinance to obtain a licence (section 2);
- (b) certain places issued with a liquor licence under the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.) are exempt from any requirement under the Ordinance to obtain a licence in respect of a dance party (section 3(1));
- (c) certain places that are club-houses under the Clubs (Safety of Premises) Ordinance (Cap. 376) are exempt from any requirement under the Ordinance to obtain a licence in respect of a dance party (section 4(1));

(d) places issued with a public dance-hall licence under the Miscellaneous Licences Ordinance (Cap. 114) are exempt from any requirement under the Ordinance to obtain a licence in respect of a dance party (section 5(1)).

2. The exemptions effected by sections 3(1), 4(1) and 5(1) are each subject to conditions (sections 3(2), 4(2) and 5(2)).