

Legislative Council Panel on Home Affairs Provisional Licences for Cinemas/ Theatres

Purpose

This paper briefs Members on the Administration's proposal to introduce provisional licences for cinemas/ theatres.

Background

2. Any person who wishes to keep or use premises specially designed as a theatre or cinema shall apply to the licensing authority¹ for a licence under the Places of Public Entertainment Regulations (Cap.172 sub.leg.A). In November 2004, the Subgroup on Business Facilitation of the then Economic and Employment Council (EEC) commissioned a review on cinema licensing. The review recommended a series of measures to speed up the licensing process which were endorsed by the then EEC in June 2005. A major recommendation of the review is the introduction of provisional licences for cinemas/ theatres.

Existing licensing process

3. The existing licensing process for cinemas/ theatres mainly comprises three stages –

(a) Submission of application and issue of licensing requirements

Upon receipt of an application, the Food and Environmental Hygiene Department (FEHD) will refer the application together with the layout plans to departments concerned including the Fire Services Department (FSD) and the Buildings Department (BD) for comments and arrange a

¹ The Director of Food and Environmental Hygiene is the licensing authority authorized by the Secretary for Home Affairs.

meeting with the applicant within 20 working days from the date of receipt of application. At or before the meeting, FEHD, FSD and BD will issue Letters of Requirements listing out the hygiene, fire safety and building safety etc. requirements with regard to the premises under application and the departments concerned will explain the respective requirements to the applicant and his/her Authorized Person (AP)/ Registered Structural Engineer (RSE) and registered contractors² at the meeting.

(b) Renovation of the premises and report of compliance

The applicant will then renovate the premises in accordance with the requirements set out in the Letters of Requirements. After completion of renovation, the applicant will submit certificates from AP/RSE and registered contractors certifying compliance of the respective requirements to the departments concerned.

(c) Compliance inspections and issue of licence

Upon receipt of report of compliance from the applicant, the departments concerned will conduct site inspections to confirm full compliance of the respective requirements. FEHD will issue the licence to the applicant after all relevant departments have confirmed that all the imposed safety requirements have been complied with.

According to the performance pledges of the respective departments, stage (c) will be completed within 28 working days (i.e. about 1.5 calendar months). However, experience has revealed that it usually takes a much longer time to complete this stage because the respective departments will not confirm full compliance even if there are minor deviations from the final proposed layout plans (e.g. location/ size of a door) or the applicant cannot produce full set of certificates with regard to

² The AP/ RSE are registered under the Buildings Ordinance (Cap. 123) and recognized for certifying compliance with requirements in respect of building safety. The registered contractors are registered specialist contractors (ventilation works) under the Buildings Ordinance and fire services installations contractors registered under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub.leg.A). They are recognized for certifying compliance with the requirements with regard to ventilation system and fire services installations respectively.

flammability standard of false ceilings, partitions, or wall furnishings etc. It may take a few months for an applicant to rectify the deviations and obtain the relevant certificates from the manufacturer; and for the departments concerned to arrange further site inspections to confirm full compliance.

The proposed provisional licensing regime

4. To allow cinemas/ theatres to commence business as soon as possible without compromising public safety, it is proposed that –

(a) An applicant for a cinema/ theatre licence may apply for a provisional cinema/ theatre licence at the same time. At or before the meeting with the applicant, FEHD, BD and FSD will issue two sets of requirements to the applicant: one for the issue of a provisional licence and another for a full licence. The two sets of requirements are largely the same except that, for the grant of a provisional licence, the applicant does not need to submit –

(i) **test reports and structural justifications** : these are test reports on fire resisting building products and structural justifications on building work items of a minor nature. They are compiled by the AP/RSE and will be submitted to BD to support the grant of a full licence; and

(ii) **certification with regard to portable fire extinguishers; and flammability standard of materials used as false ceilings, partitions, wall furnishings and curtains etc:** obtaining such certification from the manufacturer/ laboratories usually takes time and the fire risk arising from the lack of such certification pending the issue of a full licence is minimal. The applicant is required to provide the certification for these items before the issue of a full licence.

(b) FEHD will issue a provisional licence to the applicant as soon as the applicant submits the required certifications from AP/

RSE and registered contractors certifying compliance of the requirements for the issue of a provisional licence. Hence, the cinema/ theatre can commence business immediately after completion of renovation.

- (c) The respective departments will conduct site inspections to confirm full compliance of the requirements for the issue of a full licence. If non-compliance of the requirements is found, the applicant will be asked to follow up the outstanding requirements for re-inspection by the departments concerned. FEHD will issue a full licence to the applicant after the respective departments have confirmed full compliance with all the imposed safety requirements.

Meanwhile, if any deviation from the requirements for the issue of a provisional licence is found and such deviation will affect public safety (e.g. unauthorized building works, design of the ventilating and sprinkler systems does not conform to the required safety standards), the applicant will be asked to rectify the deviation within a specified period, failing which the provisional licence will be cancelled. In addition, the licensing authority may cancel any licence including a provisional licence if it is satisfied that any false or misleading statement or information was made or furnished by an applicant in connection with the application for the grant or renewal of the licence.

- 5. To prevent abuse, the provisional licence will be valid for six months. It may be renewed only once and the need for renewal has to be due to factors beyond the reasonable control of the applicant and his/her contractors/ agents.

Benefits to the cinema trade

- 6. In essence, the proposed provisional licensing regime for cinemas/ theatres enables a new cinema/ theatre to commence business immediately after completion of renovation with relevant certification by AP/RSE and registered contractors, pending production of a full set out

certificates and checking of compliance by relevant departments.

Consultation

7. We have consulted the Hong Kong Theatres Association (the Association) on the proposed provisional licensing regime including the detailed procedures for the application and grant of provisional licences. The Association supports the proposal and would like to see its early implementation. Among the existing 60 cinemas in Hong Kong, 52 are operated by the member organizations of the Association.

Way Forward

8. Implementation of the proposed provisional licensing regime requires amendments to the Places of Public Entertainment Regulations (Cap.172 sub.leg.A). We plan to publish the Places of Public Entertainment (Amendment) Regulation 2006 (the Amendment Regulation) in the gazette and table the same at the Legislative Council for negative vetting in October 2006. The Amendment Regulation will commence operation in late November 2006.

Advice sought

9. Members are invited to comment on and support the proposed provisional licences for cinemas/ theatres.

Home Affairs Bureau
July 2006