

L.N. 198 of 2006**PLACES OF PUBLIC ENTERTAINMENT (AMENDMENT)
REGULATION 2006**

(Made by the Secretary for Home Affairs under section 7 of the Places of Public Entertainment Ordinance (Cap. 172))

1. Commencement

This Regulation shall come into operation on 30 November 2006.

2. Interpretation

(1) Regulation 2 of the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A) is amended by repealing the definition of “licence” and substituting—

““licence” (牌照) means a licence granted or renewed under regulation 3, 3A, 3B or 162;”.

(2) Regulation 2 is amended, in the Chinese text, in the definition of “激光設備”, by repealing “。” and substituting “;”.

(3) Regulation 2 is amended by adding—

““provisional licence” (臨時牌照) means a licence granted under regulation 3A or renewed under regulation 3B;”.

3. Licences

Regulation 3 is amended by adding—

“(5) For the avoidance of doubt, this regulation does not apply to an application for the grant or renewal of a provisional licence.”.

4. Regulations added

The following are added—

“3A. Grant of provisional licence

(1) Where an application for the grant of a licence is made under regulation 3(1)(a), the licensing authority may grant a provisional licence permitting the applicant to keep or use the premises to which the application relates as a theatre or cinema.

(2) The licensing authority shall not grant a provisional licence under paragraph (1) unless—

(a) the licensing authority is satisfied that the applicant has complied with the requirements respectively imposed by it and the following persons in respect of the grant of the provisional licence—

(i) the Director of Fire Services;

(ii) (A) in case the application relates to any premises which are under the control of the Housing Authority, the Director of Housing; or

(B) in case the application relates to any other premises, the Building Authority; and

(iii) in case the application relates to any premises in which laser equipment is, or is proposed to be, installed, the Director of Electrical and Mechanical Services; and

(b) where the application is in respect of any premises in which a fixed electrical installation is, or is to be, installed, the licensing authority has received from the applicant—

(i) in case the installation is a new one, a copy of a work completion certificate issued both as regards the installation and for the purposes of regulation 19 of the Electricity (Wiring) Regulations (Cap. 406 sub. leg. E); or

(ii) in case the installation is an existing one, a copy of a periodic test certificate issued both as regards the installation and for the purposes of regulation 20 of those Regulations.

(3) A provisional licence granted in respect of any premises is valid until—

(a) the expiration of a period of 6 months from and including the date of its issue or of such lesser period as may be indicated in the provisional licence; or

(b) the licensing authority grants a licence under regulation 3(2)(c) in respect of the premises,

whichever occurs first.

3B. Renewal of provisional licence

(1) A provisional licence may, on one occasion only, be renewed at the absolute discretion of the licensing authority.

(2) A renewed provisional licence is valid for a further period of 6 months from and including the date of its renewal or for such lesser period as may be indicated in the provisional licence.

3C. Fees for provisional licence

(1) The fees payable for the grant and renewal of a provisional licence are \$2,680 and \$2,420 respectively.

(2) The fee payable for the issue of a duplicate of or any amendment to a provisional licence is the same as that payable for the issue of a duplicate of or any amendment to a licence granted or renewed under regulation 3(2)(c).

3D. Appeal against refusal to grant or renew provisional licence

(1) Where the licensing authority refuses to grant or renew a provisional licence, it shall notify the applicant in writing of the refusal and send the notification to the applicant by registered post.

(2) The applicant under paragraph (1) may, within 28 days after the date of the receipt by him of such notification, appeal to the Municipal Services Appeals Board as regards the refusal.”.

5. General penalty

Regulation 171(a) is amended by repealing “regulation 3” and substituting “regulation 3, 3A or 3B”.

6. Cancellation of licence

(1) Regulation 173(1) is repealed and the following substituted—

“(1) The licensing authority may cancel any licence without payment of any compensation if it is satisfied that—

(a) any of the conditions of the licence has not been complied with;

(b) there has been disorder at the premises to which the licence relates; or

(c) 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.”.

(2) Regulation 173 is amended by adding—

“(2A) Any holder of a licence who continues the performance of any public entertainment at the premises to which the licence relates after the receipt of a notification of cancellation under paragraph (2)(a) relating to the licence commits an offence and is liable upon summary conviction to a fine at level 2.”.

7. Power of licensing authority to reduce or waive fees

Regulation 178(1)(a) is amended, in the Chinese text, by repealing “政務總署署長” and substituting “民政事務總署署長”.

Dr. Patrick C. P. HO
Secretary for Home Affairs

25 September 2006

Explanatory Note

Under the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A), any person who desires to keep or use premises specially designed as a theatre or cinema shall apply to the licensing authority for a licence. A licence will be granted subject to compliance with certain requirements. This Regulation introduces a provisional licensing regime to provide a more business-friendly environment for theatre or cinema operators. Under the new regime, a provisional licence will be granted if an applicant complies with some requirements imposed by certain Government departments.

2. This Regulation provides for the grant and renewal of a provisional licence, the fees payable for the grant and renewal of a provisional licence, the appeal against refusal to grant or renew a provisional licence and the penalty for failing to comply with the conditions of a provisional licence. It also empowers the licensing authority to cancel a licence (whether provisional or not) if an applicant has made or furnished any false or misleading statement or information in connection with the application for the grant or renewal of the licence.