

For discussion  
on 21 June 2010

**Legislative Council Panel on  
Food Safety and Environmental Hygiene**

**Enforcement Actions under the  
Places of Public Entertainment Ordinance (Cap. 172)**

**Introduction**

This paper briefs Members on the current enforcement of the Places of Public Entertainment Ordinance (Cap. 172) (“PPEO”).

**Requirements under the PPEO**

2. The PPEO was enacted to ensure public safety with regard to building, hygiene, fire and ventilation aspects, as well as law and order within the premises. All places of public entertainment shall comply with the requirements set by the Food and Environmental Hygiene Department (“FEHD”) and departments concerned as appropriate, such as the Buildings Department (“BD”), Fire Services Department (“FSD”), Hong Kong Police Force (“Police”) etc.

3. Under the PPEO, any person who keeps or uses any place for presenting or carrying on the types of entertainment specified under Schedule 1 of the PPEO, whether the general public are admitted with or without payment, are required to apply for a licence. The types of entertainment include:

- (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 one 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) an amusement ride within the meaning of the Amusement Rides (Safety) Ordinance (Cap.449);
- (i) a dance party.

4. The licensing authority of PPEO is the Secretary for Home Affairs (“SHA”). On 1 January 2000, the then SHA issued a written authorization to authorize specific officers of FEHD to issue or cancel any licence or exercise any other functions relating to the licensing matter under PPEO. The licensing functions and duties under PPEO are then carried out by FEHD. According to established practice, FEHD does not need to notify SHA of individual operation nor does it need to seek prior approval from SHA ahead of individual operation.

### **Enforcement of PPEO**

5. Any person who desires to keep or use any place of public entertainment shall submit an application to FEHD. In considering each application, FEHD would consult the departments concerned as appropriate in order to ensure public safety with regard to building, hygiene, fire and ventilation aspects, as well as law and order within the premises. When the applicant complies with all the licensing requirements, FEHD will issue the licence.

6. In 2009, FEHD has received about 1 200 temporary Places of Public Entertainment Licences (PPEL) applications and about 30 full PPEL applications. About 1 100 temporary PPELs and about 20 full PPELs were issued by FEHD. Among the temporary PPELs issued, some 90 were for entertainment activities of non-typical nature (such as photograph displays and education exhibitions). In 2009, FEHD took

five prosecutions, one in respect of temporary PPE and four for permanent PPE, against places of public entertainment operated without a licence.

### **Removal of Exhibits at Times Square**

7. On 29 May and 30 May 2010, FEHD conducted operations to enforce the PPEO at Times Square, Causeway Bay. The police were also present to maintain law and order and to prevent any breach of the peace or other offence. In the operations, after FEHD officers had noted that the organisers' intention was to display some exhibits<sup>1</sup>, they made enquiries with the organisers on the purpose of display. The FEHD officers were in turn told that the relevant items were for display at an exhibition but FEHD had not received the relevant licence application. After giving repeated warnings to the organisers to leave with their items but to no avail, the FEHD officers took summons action. Since the organisers still refused to remove the exhibits, the Police then repeatedly warned the organisers to cease committing the offence and to remove the exhibits. However, these warnings were ignored. The Police then attempted to take action to prevent the continuation of the offence and to seize the exhibits. When this action was obstructed the police took arrest action for wilfully obstructing a police officer in the execution of his duties.

8. The Government understood that Times Square management had rejected the request of the organisers to hold activities at the above-mentioned site. Moreover, even if the request were approved by the venue management, organisers would still have to apply for the relevant licence from FEHD under the PPEO. In this respect, two temporary places of public entertainment licences had been applied for, and subsequently issued, in respect of commercial promotional activities held in the public place at Times Square for durations longer than but overlapping the period of display intended by the organisers.

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<sup>1</sup> The exhibits displayed include a bronze coloured statue measuring 4.5 m high X 1.7 m wide X 1.4 m deep; a relief measuring 2.3 m high X 6.4 m wide X 0.2 m deep; and a white coloured statue measuring 2.2 m high X 0.8m wide X 0.8m deep.

9. The exhibits were returned to the organisers on 1 June 2010 for display in the Victoria Park. The organisers have obtained the permission of the Leisure and Cultural Services Department to place the exhibits concerned at the Victoria Park in between the evening of 1 June 2010 and 4 June 2010.

### **Conclusion**

10. The Government has no intention to suppress any activity, as far as they are in compliance with the existing legislations. The removal of the exhibits at the Times Square was necessary and was in accordance with law and established procedures.

Home Affairs Bureau  
Food and Environmental Hygiene Department  
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