

政府總部  
民政事務局

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**GOVERNMENT SECRETARIAT  
HOME AFFAIRS BUREAU**

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15 July 2015

Ms Alice LEUNG  
Clerk to Food Safety and Environmental Hygiene Panel  
Food Safety and Environmental Hygiene Panel  
Legislative Council  
Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong

Dear Ms LEUNG,

**Panel on Food Safety and Environmental Hygiene  
List of follow-up actions**

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

In response to Members enquiries about the summon action against exhibits at Times Square in May 2010 (“the Case”), the Home Affairs Bureau would like to reply with information on the latest development of “the Case” as follows –

The Court of First Instance (CFI) has recently allowed the appeal against the conviction of “using a place of public entertainment without a licence” contrary to section 4(1) of PPEO (appeal no. of HCMA 538/2011), following the Court of Final Appeal (CFA)’s decision in *T v Commissioner of Police* (2014) 17 HKCFAR 593.

According to the CFA’s decision, “for a place to be a place of public entertainment, the person presenting or carrying on the public entertainment must be able to control admission to the place where the entertainment is being

presented or carried on”. The CFI considered that the organiser in “the Case” did not have the power to control admission at the venue where the exhibition was being presented, therefore the place concerned should not be regarded as a “place of public entertainment”. The Government respected the judgement and conceded the appeal.

In the light of the CFA’s decision, the Food and Environmental Hygiene Department has earlier updated the “Information on Application for Places of Public Entertainment Licence and Temporary Places of Public Entertainment Licence” accordingly. The updated information is made available on its website at [http://www.fehd.gov.hk/english/licensing/info\\_PPEL\\_e.pdf](http://www.fehd.gov.hk/english/licensing/info_PPEL_e.pdf)

A handwritten signature in cursive script, appearing to read 'Grace', with a light grey shadow or outline behind it.

(Miss Grace Li)  
for Secretary for Home Affairs

c.c. Secretary for Food and Health (Attn.: Miss Diane WONG)  
Director of Food and Environmental Hygiene  
(Attn.: Mr LAM Kam-kong)