

Ref : CB4/7/G/04

Background Brief

Exemption under Places of Public Entertainment Ordinance

Purpose

This brief provides background information on the deliberation of The Legislative Council Commission ('the Commission') concerning the exemption of the Legislative Council ("LegCo") Complex under the Places of Public Entertainment Ordinance ("PPEO") (Cap. 172).

Background

2. The LegCo Complex is the first purpose-built accommodation for the Hong Kong Legislature. As compared with the old LegCo Building, the LegCo Complex has much more space for Members and their staff, staff of the Secretariat and members of the public. As such, apart from providing conference facilities for the Council and office accommodation for Members and their staff, new and enhanced facilities and services, such as guided educational tour of the Complex, mock Council debates and exhibition have been planned during the course of development of the LegCo Complex to enhance public engagement and public understanding of the work of the legislature.

3. The LegCo Complex is under the management of the Commission, which is a statutory corporate body established under section 3 of the Legislative Council Commission Ordinance (Cap. 443). On 25 March 2010, the Commission endorsed the installation of a series of education facilities along the route of the proposed guided educational tour of the LegCo Complex. The education facilities include a Video Corner to show video introducing the various aspects of LegCo, an exhibition area to stage exhibitions on the work of LegCo, a Memory Lane to display information and exhibits about the historical development of the Legislature,

and a Children's Corner to provide young children with a leisurely environment to experience the legislature through story-telling, books, interactive games and learning resources. The Commission also agreed at its meeting on 19 May 2011 that the services of guided educational tours and story-telling activities would be provided to members of the public upon the commissioning of the LegCo Complex in late 2011. In addition, to mark the opening of the LegCo Complex in January 2012, the Commission endorsed the holding of a LegCo Complex Open Day for participation of the public in February 2012.

Compliance with Places of Public Entertainment Ordinance

4. In July 2011, the Legal Service Division ("LSD") of the Secretariat advised that some of the educational activities to be held at the LegCo Complex might fall within the meaning of "public entertainment" and the LegCo Complex would be a "place of public entertainment" under the PPEO for which a licence was required, unless an exemption was granted under section 3A of Cap.172.

5. In response to LSD's concern, the advice of the Home Affairs Bureau ("HAB") was sought on whether the proposed educational activities might fall within the meaning of "public entertainment" and the LegCo Complex where the activities would be carried out would be "a place of public entertainment" caught by the licensing provisions of PPEO, and if so, whether the LegCo Complex could be exempted from the licensing requirements. A meeting between the Secretariat and representatives of HAB and Food and Environmental Hygiene Department was held on 31 August 2011 to discuss the matter.

6. To facilitate the discussion at the meeting, the advice of the Architectural Services Department ("ArchSD") was sought on whether the facilities and architectural aspects in the LegCo Complex complied with the mandatory requirements under PPEO for licensing purpose. In accordance with the advice of ArchSD, premises (buildings or part of buildings) subject to the control of PPEO must meet specific architectural and fire services installation requirements under the Code of Practice ("COP") for Fire Safety in Building issued by the Buildings Department. However, as the LegCo Complex was not built for the purpose of public entertainment in general, no

provision was made for the LegCo Complex to comply with the requirements of the COP in the original design. ArchSD further advised that while the existing fire services installations could be modified to meet the requirements for licensing purpose, if required, the following architectural aspects in the LegCo Complex would not comply with the requirements under COP –

- (a) the requirement for a building site to abut a minimum of two thoroughfares for means of escape;
- (b) the requirements of a maximum of 16 steps per flight, and not less than 280 mm for the width and not more than 150 mm for the height of steps in fire escape staircases; and
- (c) the requirement on the width of exit routes (depending on occupant capacity of a building).

7. After the meeting with the Administration, HAB informed the Secretariat in September 2011 that HAB was prepared to grant exemption to the Commission to conduct "public entertainment" activities at the LegCo Complex by way of an Exemption Order which is a subsidiary legislation subject to the negative vetting procedure of LegCo. A letter (**Appendix I**) was sent by the Secretariat to HAB in November 2011 enquiring about the progress for the making of the relevant subsidiary legislation. HAB replied that it aimed to publish the proposed Exemption Order in the Gazette and bring it into operation by the end of December 2011.

Deliberation of the Commission

8. A report was made to the Commission at its meeting on 22 November 2011 on the matter. The Commission noted that HAB was prepared to grant an exemption under PPEO by means of an Exemption Order.

9. On 22 December 2011, a letter was received from HAB advising that the Administration was prepared to grant the exemption by January 2012 on the understanding of a number of points (points (a) to (f) set out in paragraph 4 of the letter in **Appendix II**). After discussion at its meeting on 23 December 2011, the Commission agreed to conduct the proposed

activities at the LegCo Complex in a prudent manner and to accept points (a) and (c) to (f). On point (b), the Commission wished to retain flexibility in relation to the type, scope and scale of activities to be held at the LegCo Complex. A letter conveying the Commission's position and HAB's subsequent reply are in **Appendices III and IV**.

Places of Public Entertainment (Exemption) (Amendment) Order 2011

10. The Places of Public Entertainment (Exemption) (Amendment) Order 2011 was published in the Gazette on 30 December 2011 and came into operation on the same day. A Subcommittee was formed by the House Committee on 6 January 2012 to scrutinize the Exemption Order.

Legislative Council Secretariat

17 February 2012

Letter to the Secretary for Home Affairs from the Secretariat



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處
LEGISLATIVE COUNCIL SECRETARIAT

By fax and by post
(Fax No.: 2591 6002)

來函檔號 YOUR REF :
本函檔號 OUR REF : CB4/7/V/02
電話 TELEPHONE : 3919 3400
圖文傳真 FACSIMILE : 3151 7052

2 November 2011

Mr TSANG Tak-sing, GBS, JP
Secretary for Home Affairs
Home Affairs Bureau
12/F, West Wing, Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Mr TSANG,

Exemption under Places of Public Entertainment Ordinance

With the relocation of the Legislative Council ("LegCo") to the LegCo Complex at Tamar in October this year, we plan to provide a range of educational activities/services at the new Complex to enhance visitors' understanding of the work of LegCo. A list of the educational activities/services planned to be carried out for members of the public at the LegCo Complex is attached for your reference. In addition to the educational activities/services, it is envisaged that other activities or events involving the participation of the public, such as marching band/stage performance on the annual Open Day, may be organized by the LegCo Secretariat at the LegCo Complex.

At a meeting held in July 2011 with the Administration including representatives from your Bureau, we discussed whether the educational activities/services to be carried out for members of the public at the LegCo Complex may be subject to licensing requirements under section 4 of the Places of Public Entertainment Ordinance (Cap. 172).

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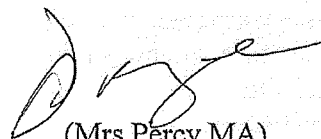
Your Bureau has recently advised that the Administration is prepared to grant exemption to The Legislative Council Commission ("the Commission") for the LegCo Complex under Cap. 172 (email correspondence dated 27 September 2011 from your Ms Winnie TSE to our Ms Emily PANG refers). As the grant of exemption would necessitate the making of subsidiary legislation, your Bureau would kick start the legislative process in consultation with the Department of Justice as soon as practicable.

You may wish to note that according to the schedule previously agreed by the Commission, the educational activities/services will be made available to members of the public starting from 11 January 2012. In addition, as part of a series of activities to mark the opening of the Complex, the Commission will discuss whether the annual Open Day will be held in early January 2012 at its coming meeting on 22 November 2011. Activities such as guided tours of the Complex, exhibition, music performance, activity/game booths will be organized for participation of the public on the Open Day. In the circumstances, we hope that the exemption could be granted in time for the launch of these activities.

To facilitate our report to the Commission at its meeting on 22 November 2011, I should be grateful for your written advice on the progress and timetable for the making of the relevant subsidiary legislation, **by 11 November 2011.**

Should you have any questions, please free feel to contact me at 3919 3400.

Yours sincerely,



(Mrs Percy MA)
for Secretary General

Encl.

c.c. Director of Administration

**Educational activities/services
to be carried out at the Legislative Council Complex**

Guided educational tours

Members of the public will be permitted to participate in guided educational tours to visit the facilities (details as listed in paragraphs 9 to 17 below) in the LegCo Complex. The tour will last for around one hour. There are three types of guided tours, namely tours for schools, tours for the public and tours for charitable organizations ("COs"). These tours will be arranged from 9 am to 6 pm, Mondays to Sundays throughout the year, aiming at providing 70 tours per week. Each tour may cater for up to 50 persons and the total number of visitors is expected to be around 500 per day.

2. Prior booking of guided tours for schools and COs must be done through the online booking system on the LegCo website. The general public is encouraged to make prior booking of guided tours through the online booking system. For organizations/companies other than COs who wish to come in a group with 15 persons or more, they can book a group tour through the online booking system.

3. Where tickets are not taken up, walk-in visitors may be allowed to take up the available places.

Children's Corner and story-telling programme

4. The Children's Corner is open to young children between the age of three and eight either through the participation of guided tours arranged by their respective kindergartens and primary schools or arranged individually by their parents. The Corner can accommodate at most 24 - 30 students or 12 children (accompanied by an adult for individual visits) at any one time.

5. For school visits, after the guided tour, kindergartens and junior primary students will be arranged to participate in the fun learning activities specially designed for young children in the Corner including story-telling, interactive games and learning kits.

6. For individual visits, the Corner will be open from 9 am to 6 pm, Mondays to Sundays. Certain sessions will be earmarked in certain periods of the day for booking by parents. A range of educational activities and games

will be provided in these 50-minute sessions for young children and parents to work together.

7. In addition, story-telling sessions will be conducted at pre-set time slots during weekends for young children and their family members. With the aid of big story books, staff members of the Secretariat will introduce a story related to LegCo to the participating children in an interesting and interactive way.

8. Advance booking for use of the Corner and participation in the story-telling sessions is required but eligible walk-in visitors may register on the spot if places are available.

Education facilities

9. To make the educational tours mentioned above (paragraphs 1 to 3 refer) meaningful for visitors, a series of education facilities has been developed and placed at various locations along the routing of the educational tour as follows:

Education facilities on Ground Floor ("G/F")

10. A number of education facilities are provided at the Main Lobby on G/F which is the official main entrance to the LegCo Complex.

Video Corner

11. A series of videos (each with a duration of about 4 minutes) introducing the various aspects of LegCo will be shown in the Video Corner in three languages (Cantonese, Putonghua and English) continuously for the convenience of visitors.

Exhibition Area

12. Thematic exhibitions on the work of LegCo will be staged in the Main Lobby of the Complex. Different options on the modes of display, e.g. in the form of panel boards for display of photos and posters, or show cases for display of documents with archival value, will be drawn up to suit various purposes.

Viewing Gallery and access corridors on 2/F

13. Two large models, one showing the current LegCo Building and one showing the new Complex at Tamar, will be displayed at the Viewing Gallery which also provides visitors with a panoramic view of the harbour. Touch screens with on-demand information on the two models of the LegCo Building and the LegCo Complex will be provided to enhance visitors' knowledge about the facilities in the two buildings. In addition, pictures of the various stages of development of the LegCo Building and the LegCo Complex will be displayed along the corridors leading to the Viewing Gallery.

Education facilities on 3/F

14. The education facilities on 3/F are to be provided in three zones: a Memory Lane which shows the development of the Hong Kong Legislature since 1843, an Education Activities Room for holding educational activities and two Education Galleries for briefing the guided tours.

Memory Lane

15. To increase public awareness of the historical development of the Legislature, a Memory Lane has been constructed to display valuable old photos, special and memorable items, and other visual aids relating to the different historical moments of the Legislature from 1840s to the present date in chronological order.

Education Activities Room

16. Role-plays of the law-making process and mock Council debates are conducted in the dedicated Education Activities Room in the LegCo Complex to provide training opportunities for students and young people, to enhance their understanding of the work of LegCo and to promote their civic awareness.

Education Galleries

17. The Education Galleries are partitioned by glass panels to enable visitors to observe the proceedings of Council meetings and even hold discussions without interrupting the meetings. Briefings on the work of LegCo will be held here during guided tours.

Letter from the Home Affairs Bureau dated 22 December 2011

政府總部
民政事務局



香港金鐘添美道二號
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電話 TEL NO. : 3509 8113
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立法會 LCC 64/11-12 號文件
LC Paper No. LCC 64/11-12

GOVERNMENT SECRETARIAT
HOME AFFAIRS BUREAU

12TH FLOOR, WEST WING,
CENTRAL GOVERNMENT OFFICES,
2 TIM MEI AVENUE,
ADMIRALTY,
HONG KONG.

22 December 2011

Ms Pauline Ng
Secretary General
Legislative Council Secretariat
Legislative Council Complex
Legislative Council Road
Central

Dear Ms Ng,

Exemption under the Places of Public Entertainment Ordinance

The major objective of the Places of Public Entertainment Ordinance ("PPE Ordinance") is to ensure public safety at places of entertainment at which members of the public would gather. For an exemption to be granted, the Government must satisfy itself that the concerned venues are safe for the purpose.

In the past few months, colleagues of this Bureau are in close contact with yours as well as other relevant government departments to explore whether an exemption should be granted under the PPE Ordinance by means of an Exemption Order such that the Legislative Council ("LegCo") Commission may conduct at the LegCo Complex at Tamar activities which fall under the definition of public entertainment activities under the PPE Ordinance without a PPE Licence.

In the course of the exercise, based on expert advice of the relevant government departments, we conclude that it is prudent for the LegCo Commission to carry out further study and mitigation measures at the LegCo Complex at Tamar to ensure that public safety is not compromised. However, such measures, to our understanding, are difficult to be introduced before the first public entertainment activity is held at the Complex in early January 2012.

The LegCo Complex is not built for the purpose of public entertainment in general. Nevertheless, the LegCo Commission has a long history of conducting its business in a prudent manner and we trust that it would spare no effort to uphold a prudent approach when conducting public entertainment activities at the LegCo Complex at Tamar. Against this background, and based on the information received from the LegCo Commission so far, we are prepared to grant the exemption by early January 2012 on the following understanding –

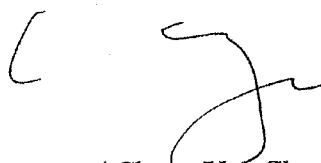
- (a) the LegCo Commission will conduct a study, carry out mitigation measures, and other safety and contingency arrangements to ensure that the LegCo Complex at Tamar is safe for the purpose of holding relevant public entertainment activities;
- (b) the type, scope and scale of public entertainment activities to be held at the LegCo Complex and the locations involved should be strictly limited to those described at Annex to your letter of 2 November 2011, which is annexed to this letter for the avoidance of doubt;
- (c) for the Open Day of the LegCo scheduled for early 2012, before the study and measures mentioned in (a) above are completed, the LegCo Commission should confine members of the public participating in the event to those areas under the management of the LegCo Commission at Tamar and maintain the order properly. For public safety purpose, you should also limit the maximum number of participants at any one time at a reasonable ceiling;
- (d) for the above activities, you should exercise your best endeavour to put in place all precautionary measures to uphold public safety and constantly review the adequacy of the precautionary measures;
- (e) we will solicit the assistance of the relevant government departments to review the situation from time to time and the LegCo Commission should be prepared to introduce the necessary mitigation measures as mentioned under (a) above; and

- (f) the LegCo Commission will not conduct any public entertainment activities at places that it manages outside Tamar.

We believe that public safety is paramount and the LegCo Commission shares the same belief. Therefore, we trust that the LegCo Commission would exercise its best endeavour to put in place all precautionary measures to ensure that under no circumstances would public safety be compromised. We will offer necessary advice and assistance should the Commission require any help in conducting the relevant study or introducing the necessary measures. You may also wish to note that, generally speaking, having regard to the major objective of the PPE Ordinance, the Secretary for Home Affairs may repeal any exemption given as and when necessary, in case we are not satisfied with the safety standard of the concerned venues.

I should be grateful if you could acknowledge receipt of this letter to indicate the LegCo Commission's agreement to (a) to (f) above as soon as practicable such that we could proceed with the remaining legislative work for the proposed Exemption Order.

Yours sincerely,



(Cheng Yan Chee)
for Secretary for Home Affairs

cc Director of Administration

**Educational activities/services
to be carried out at the Legislative Council Complex**

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Legislative Council Secretariat

October 2011

Reply letter to Home Affairs Bureau conveying the Commission's position



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China

立法會秘書處
LEGISLATIVE COUNCIL SECRETARIAT

來函編號 CORRESPONDENCE NO. CB4/7/V/02
查詢電話 TELEPHONE 3919 3003
傳真號碼 FACSIMILE 2877 9600

By fax and by post
(Fax No.: 2834 6176)

23 December 2011

Secretary for Home Affairs
Home Affairs Bureau
12/F, West Wing, Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong
(Attn: Mr CHENG Yan Chee)

Dear Mr CHENG,

Exemption under Places of Public Entertainment Ordinance

Thank you for your letter of 22 December 2011.


On behalf of The Legislative Council Commission ("the Commission"), this is to confirm that the Commission agrees to accept points (a) and points (c) to (f) as set out in your said letter.

As for point (b), the Annex that was sent to you under cover of our letter of 2 November 2011 was for illustrative purpose only. The Commission wishes to retain flexibility in the type, scope and scale of the public entertainment activities to be held at the LegCo Complex. Please see the attached Appendix which the Commission proposes to replace the Annex instead.

The Commission will endeavour to conduct public entertainment activities at the LegCo Complex in a prudent approach.

Meanwhile, we should be grateful if the proposed Exemption Order would be gazetted by the end of this year.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Pauline NG', written in a cursive style with a long horizontal stroke extending to the right.

(Ms Pauline NG)
Secretary General

Encl.

c.c. Director of Administration

Appendix

**Activities to be carried out in the Legislative Council Complex
which may fall within the scope
of the Places of Public Entertainment Ordinance**

Activities

- (a) guided educational tours for members of the public to visit the facilities in the LegCo Complex;
- (b) story-telling and activity sessions for young children and their family members to learn about the Legislature;
- (c) role-playing to enhance young persons' understanding of the work of LegCo;
- (d) videos introducing the various aspects of LegCo;
- (e) exhibitions on the work of LegCo;
- (f) music and stage performances by invited groups to enhance the understanding of the work of LegCo; and
- (g) other educational activities/services on the work and other aspects of LegCo.

Subsequent reply from Home Affairs Bureau dated 23 December 2011

政府總部
民政事務局

香港金鐘添美道一號
政府總部西翼十二樓



GOVERNMENT SECRETARIAT
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ADMIRALTY,
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本局檔號 OUR REF. : HAB/D3/10/9/5

來函檔號 YOUR REF : CB4/7/V/02

電 話 TEL NO. : 3509 8113

圖文傳真 FAXLINE : 2834 6176

23 December 2011

Ms Pauline Ng
Secretary General
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central

Dear *Pauline*,

Exemption under the Places of Public Entertainment Ordinance

Thank you for your letter of 23 December 2011.

We are pleased to note that the Legislative Council Commission ("the Commission") will endeavour to conduct public entertainment activities at the Legislative Council ("LegCo") Complex in a prudent approach. We are also glad to know that the Commission has agreed to accept point (a) and points (c) to (f) set out in our letter to you dated 22 December 2011.

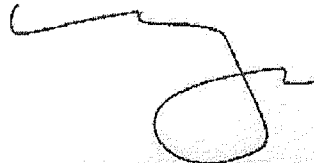
On point (b) in our letter of 22 December 2011, we noted the replacement list at the Appendix of your letter of 23 December 2011. We trust that the content of all the activities or

services proposed under (a) to (g) on the replacement list is directly related to the work of LegCo.

With the above in mind, the Secretary for Home Affairs has made the Places of Public Entertainment (Exemption) (Amendment) Order 2011 ("the Exemption Order"). The Exemption Order will be published in the Gazette on 30 December 2011 and will come into operation on the same day.

May I take this opportunity to wish you a Merry Christmas and a Happy New Year.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the top.

(CHENG Yan Chee)
for Secretary for Home Affairs

cc Director of Administration