

LEGISLATIVE COUNCIL BRIEF

Places of Public Entertainment Ordinance
(Chapter 172)

PLACES OF PUBLIC ENTERTAINMENT (EXEMPTION) (AMENDMENT) ORDER 2011

INTRODUCTION

By virtue of section 3A of the Places of Public Entertainment Ordinance (“PPEO”) (Cap. 172), the Secretary for Home Affairs (“SHA”) may by order published in the Gazette exempt places of public entertainment which are of a specified class or description from the PPEO.

2. In exercise of this power, SHA has made the Places of Public Entertainment (Exemption) (Amendment) Order 2011 (“the Order”) at **Annex**. The purpose of the Order is to exempt places under the management of the Legislative Council (LegCo) Commission from the requirement to obtain a licence under the PPEO.

BACKGROUND AND JUSTIFICATIONS

Places of Public Entertainment Ordinance

3. Section 4(1) of the PPEO provides that no person shall keep or use any place of public entertainment without a licence granted under the PPEO (“PPE Licence”). Section 4(2) of the PPEO provides that contravention of section 4(1) shall be guilty of an offence.

4. According to section 2 of the PPEO, “entertainment” includes any event, activity or other thing specified in Schedule 1 to the PPEO; whereas “public entertainment” means any entertainment within the meaning of the PPEO to which the general public is admitted with or without payment.

Public Entertainment Activities at the LegCo Complex

5. The LegCo Complex at Tamar is to be used by the LegCo Commission, which is a statutory corporate body established under section 3 of the Legislative Council Commission Ordinance (Cap. 443), to provide administrative support and services to LegCo and office accommodation to LegCo members. The LegCo Commission is responsible for the management of the LegCo Complex.

6. The LegCo Complex, which was just opened in October this year, has more facilities and space than the LegCo Building in Central. Therefore, the LegCo Commission has proposed to hold at the LegCo Complex the following activities/services, the content of which should be directly related to the work of the LegCo. These activities/services may constitute “entertainment” as defined in section 2 of the PPEO as read with Schedule 1 –

- guided education tours for members of the public to visit the facilities in the LegCo Complex;
- story-telling and activity sessions for young children and their family members to learn about the Legislature;
- role-playing to enhance young persons’ understanding of the work of LegCo;
- video introducing the various aspects of LegCo;
- exhibition on the work of LegCo;
- music and stage performances by invited groups to enhance the understanding of the work of LegCo; and
- other education activities/services on the work and other aspects of LegCo.

7. Since it is the LegCo Commission's plan to admit members of the public to join the activities/services described in paragraph 6 above, the LegCo Complex will be "places of public entertainment" within the meaning of the PPEO.

Justifications

8. The Administration proposes that exemption under the PPEO should be granted to places of public entertainment managed by the LegCo Commission such that when conducting public entertainment activities, the LegCo Commission does not need to obtain a PPE Licence. The major reason is that the LegCo Commission has all along conducted its business in a prudent manner. We trust that the LegCo Commission would adopt the same approach, exercise caution and put in place the necessary precautionary measures in upholding public safety when it conducts "public entertainment activities" of suitable type and scale at the LegCo Complex which is under its management. The LegCo Commission has undertaken that it will endeavour to conduct the relevant activities in a prudent manner, and indicated that it will not conduct any public entertainment activities at places that it manages outside Tamar.

THE AMENDMENT ORDER

9. The Order (at **Annex**) is intended to exempt any places under the management of the LegCo Commission.

LEGISLATIVE TIMETABLE

10. The legislative timetable is as follows –

Publication in Gazette and Commencement	30 December 2011
Tabling at LegCo	11 January 2012

PUBLICITY

11. A spokesman will be arranged to answer media and public enquiries.

ENQUIRIES

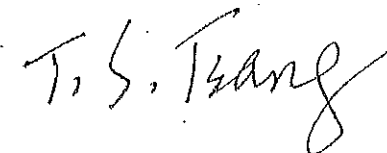
12. Any enquiries on this brief should be addressed to Miss Winnie TSE, Principal Assistant Secretary for Home Affairs, at (telephone) 3509 8120 or (facsimile) 2591 6002.

Home Affairs Bureau
29 December 2011

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

(Made by the Secretary for Home Affairs under section 3A of the Places of Public Entertainment Ordinance (Cap. 172))

1. **Places of Public Entertainment (Exemption) Order amended**
The Places of Public Entertainment (Exemption) Order (Cap. 172 sub. leg. D) is amended as set out in section 2.
2. **Section 2A added**
After section 2—
Add
“2A. **Exemption for places managed by The Legislative Council Commission**
(1) A place that is under the management of The Legislative Council Commission is exempt from the operation of sections 4 and 11 of the Ordinance.
(2) In this section—
The Legislative Council Commission (立法會行政管理委員會) means The Legislative Council Commission established by section 3 of The Legislative Council Commission Ordinance (Cap. 443).”



Secretary for Home Affairs

23 December 2011

Explanatory Note

This Order exempts places that are under the management of The Legislative Council Commission from the operation of sections 4 and 11 of the Places of Public Entertainment Ordinance (Cap. 172) (*the Ordinance*) so that those places may be kept or used as places of public entertainment within the meaning of the Ordinance without any licence granted under the Ordinance.