

Legislative Council Panel on Home Affairs

**Proposed Legislative Amendments to the
Places of Public Entertainment (Exemption) Order
(Cap. 172 sub. Leg. D)**

Purpose

This paper informs Members of the proposed legislative amendments to the Places of Public Entertainment (Exemption) Order (Cap. 172 sub. leg. D) (the “Exemption Order”) under the Places of Public Entertainment Ordinance (the “Ordinance”) (Cap. 172). The amendments serve to grant an exemption to provide that a place that is under the management of the Judiciary is exempt from the operation of sections 4 and 11 the Ordinance.

Background and Justifications

Places of Public Entertainment Ordinance

2. Section 4(1) of the Ordinance provides that no person shall keep or use any place of public entertainment without a licence granted under the Ordinance. Section 4(2) of the Ordinance provides that contravention of section 4(1) shall be guilty of an offence. Section 11 of the Ordinance empowers the licensing authority or authorised public officer to apply to a magistrate for an order to close a place of public entertainment kept or used in contravention of the Ordinance.

3. According to section 2 of the Ordinance, “entertainment” includes any event, activity or other thing specified in Schedule 1 to the Ordinance; whereas “public entertainment” means any entertainment within the meaning of

the Ordinance to which the general public is admitted with or without payment.

Galleries at No. 8 Jackson Road

4. No. 8 Jackson Road is now being renovated to accommodate the Court of Final Appeal (the “CFA”) which is scheduled for relocation in the second half of 2015. The Judiciary is responsible for the management of the CFA building. As part of this project, the Judiciary will provide two galleries (one on the first floor of the building and the other one at the basement of the building) where exhibits and displays will be shown to show the history of the Judiciary and the architectural aspects of the building. The Judiciary has indicated that so far it only has plans to set up galleries in the building at No. 8 Jackson Road.

5. The showing of such exhibits and displays in the galleries is considered to amount to “public entertainment” as defined in section 2 of the Ordinance as read with Schedule 1. Since it is the Judiciary’s plan to admit members of the public to the galleries, the building will be “a place of public entertainment” within the meaning of the Ordinance.

Exemptions under the Ordinance

6. Section 3A(1)(a) of the Ordinance empowers the Secretary for Home Affairs (the “SHA”) to exempt, by order published in the Gazette, places of public entertainment which are of a specified class or description from the Ordinance. At present, places under the management of the Leisure and Cultural Services Department, the Home Affairs Department or the Legislative Council Commission are exempt from the operation of sections 4 and 11 of the Ordinance. Such exemptions are set out in the Exemption Order under the Ordinance.

Proposed Amendments

7. In preparation for the relocation of the CFA to No. 8 Jackson Road, the Judiciary proposes to seek an exemption from sections 4 and 11 for places under its management by amending the Exemption Order. The Judiciary has all along conducted its business in a prudent manner, and has indicated that it will adopt the same approach, exercising caution and putting in place the necessary precautionary measures in upholding public safety and public order when it conducts relevant activities on the premises under its management.

8. In accordance with section 3A(1)(a) of the Ordinance, the SHA has agreed that an exemption be granted to the places under the management of the Judiciary from the licensing requirement under section 4 of the Ordinance. Consequently, the said places should also be exempted from section 11 of the Ordinance which empowers the licensing authority or authorised public officer to apply to a magistrate for an order to close a place of public entertainment kept or used in contravention of the Ordinance.

Way Forward

9. Members are invited to note the proposed amendments to the Exemption Order as set out in paragraph 8 above. The Amendment Exemption Order will be published in the Gazette and tabled at the Legislative Council for negative vetting in March 2015. Subject to negative vetting by the Legislative Council, the Amendment exemption Order is proposed to take effect in May 2015.

**Home Affairs Bureau
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