

**立法會**  
***Legislative Council***

LC Paper No. LS 130/98-99

**Paper for the House Committee Meeting  
of the Legislative Council  
on 12 March 1999**

**Legal Service Division Further Report on  
Clubs (Safety of Premises) (Exclusion) (Amendment) Order 1999  
(L.N. 45 of 1999)**

The Amendment Order amends the Schedule to the Clubs (Safety of Premises) (Exclusion) Order (Cap. 376 sub. leg.) by, among other things, adding 5 club-houses to item 5, namely Border District Police Officer's Mess, Immigration Officers' Mess, HKPF Tai Mei Tuk Activities Training Centre, Housing Authority Staff Club and Officers' Mess, Police Training School.

2. At the House Committee meeting held on 26 February 1999, a member requested the Legal Service Division to follow up the Amendment Order on the following points :

- (1) Have the 5 club-houses been in operation before their inclusion in the Exclusion Order?
- (2) If the answer to (1) is "yes", have the 5 club-houses been licensed to operate under the Clubs (Safety of Premises) Ordinance (Cap. 376) ("the Ordinance")?
- (3) If the answer to (2) is "no", how did the Administration ensure that the 5 club-houses have maintained an acceptable fire and building safety standard on the premises?

3. The Administration's replies corresponding to the order of the above questions are set out below :

- (1) The HKPF Tai Mei Tuk Activities Training Centre is scheduled for opening in March or April 1999. The remaining 4 club-houses have been in operation before their inclusion in the Exclusion Order.

- (2) The Office of the Licensing Authority did not receive any application for certificate of compliance under the Ordinance, or issue any such certificate to the 5 club-houses.
  - (3) It is the practice for the Administration to exclude those club-houses situated on Government premises from the application of the Ordinance. This is because such premises are usually designed, built, managed and maintained by Government Departments and a reasonable standard of safety is administered. The 5 clubs-houses added to the Exclusion Order pertain to this category. They are situated on Government premises managed and maintained by either the Architectural Services Department (“ArchSD”) or the Housing Department (“HD”). Issues relating to the building and fire safety of these club-houses have been properly dealt with by both the user Departments and the maintenance Departments (ArchSD or HD).
4. The letter from the Legal Service Division and the Administration’s reply are annexed for ease of reference.

Encl

Prepared by

Lam Ping-man, Stephen  
Assistant Legal Adviser  
Legislative Council Secretariat  
2 March 1999

LS/S/31/98-99

L/M in HAB/CR/8/10/9 Pt. 5  
LS/S/31/98-99  
2869 9468  
2877 5029

Mr Ben W H Chong  
31/F, Southorn Centre  
130 Hennessy Road  
Wan Chai  
Hong Kong

26 February 1999

**URGENT BY FAX**

Fax No. : 2591 6002

Total Page(s) : 1

Dear Mr Chong,

**Clubs (Safety of Premises) (Exclusion) (Amendment) Order 1999**

At today's LegCo House Committee meeting, a member requested us to follow up your replies to our queries in relation to the addition of 5 club-houses to the Exclusion Order. We should be grateful for your further clarification on :

- (1) Have the 5 club-houses been in operation before their inclusion in the Exclusion Order?
- (2) If the answer to (1) is "yes", have the 5 club-houses been licensed to operate under the Clubs (Safety of Premises) Ordinance (Cap. 376)?
- (3) If the answer to (2) is "no", how did the Administration ensure that the 5 club-houses have maintained an acceptable fire and building safety standard on the premises?

In facilitating us to further report on this item to the House Committee meeting to be held on 5 March 1999, we should be grateful for your reply, in both languages, to reach us by 2 March 1999.

Yours sincerely,

(Stephen Lam)  
Assistant Legal Adviser

c.c. CAS(2)5

政府總部的信頭  
**Letterhead of GOVERNMENT SECRETARIAT**  
民政事務局  
**HOME AFFAIRS BUREAU**

OUR REF : L/M in HAB/CR/8/10/9 Pt.5

YOUR REF : LS/S/31/98-99

TEL NO. : 2835 1485

FAXLINE : 2591 6002

2 March 1999

Mr Stephen Lam  
Assistant Legal Adviser  
Legislative Council Secretariat  
Legal Service Division  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Mr Lam,

**Clubs (Safety of Premises) (Exclusion) (Amendment) Order 1999**

Thank you for your letter of 26 February 1999. My replies to your three questions are as follows-

- (1) From the recent enquiries made by the Office of the Licensing Authority of Home Affairs Department, four of the five club-houses in question have been in operation before their inclusion in the captioned Order. The last one, the HKPF Tai Mei Tuk Activities Training Centre, is scheduled for opening in March/April 1999.
- (2) The Office of the Licensing Authority did not receive any application for certificate of compliance under the Clubs (Safety of Premises) Ordinance (Cap.376), or issue any such certificate to the five club-houses.

- (3) As explained in my earlier letters, our practice is to exclude those club-houses situated in Government premises from the application of the Clubs (Safety of Premises) Ordinance (Cap.376). This is because such premises are usually designed, built, managed and maintained by Government Departments and a reasonable standard of safety is administered. The five clubs added to the captioned Order pertain to this category. They are situated in Government premises managed and maintained by either the Architectural Services Department (ArchSD) or the Housing Department (HD). Issues relating to the building and fire safety of these club-houses have been properly dealt with by both the user Departments and the maintenance Departments (ArchSD or HD).

Yours sincerely,

(Ben W H Chong)  
for Secretary for Home Affairs

cc DHA  
CO(LA), HAD