

**立法會**  
**Legislative Council**

LC Paper No. LS20/11-12

**Paper for the House Committee Meeting  
on 6 January 2012**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 30 December 2011**

**Date of tabling in LegCo** : 11 January 2012

**Amendment to be made by** : 8 February 2012 (or 29 February 2012 if extended by resolution)

**Places of Public Entertainment Ordinance (Cap. 172)  
Places of Public Entertainment (Exemption) (Amendment) Order  
2011 (L.N. 183)**

This Amendment Order is made by the Secretary for Home Affairs under section 3A of the Places of Public Entertainment Ordinance (Cap. 172) (the Ordinance). It amends the Places of Public Entertainment (Exemption) Order (Cap. 172 sub. leg. D) by adding a new exemption for places managed by The Legislative Council Commission from the operation of sections 4 and 11<sup>1</sup> of the Ordinance and provides a definition of "The Legislative Council Commission" (new section 2A). The Order came into operation on the date of publication in the Gazette, i.e. 30 December 2011.

2. The Ordinance provides for the regulation of places of public entertainment in that no person shall keep or use any place of public entertainment<sup>2</sup> without a licence granted under the Ordinance. Under section 3A of the Ordinance, the Secretary for Home Affairs may by order published in the Gazette exempt places of public entertainment from the application of the Ordinance or any part thereof.

3. According to the LegCo Brief (File Ref: L/M to HAB/D3/10/9/5) issued by the Home Affairs Bureau on 29 December 2011, the Administration has been informed of The Legislative Council Commission's proposal to admit

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<sup>1</sup> Section 4 provides for the requirements to obtain a licence under the Ordinance in respect of keeping or using any place of public entertainment. Section 11 sets out magistrates' power to close places of public entertainment used in contravention of the provisions of the Ordinance.

<sup>2</sup> According to section 2 of the Ordinance, "entertainment" includes any event, activities or other things specified in Schedule 1 to the Ordinance and "public entertainment" means any entertainment within the meaning of the Ordinance to which the general public is admitted with or without payment.

members of the public to join the following activities to be held at the LegCo Complex-

- (a) guided education 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 the Legislative Council (LegCo);
- (d) video introducing the various aspects of LegCo;
- (e) exhibition 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 education activities/services on the work and other aspects of LegCo.

4. The Administration is of the view that the proposed activities may fall within the meaning of "public entertainment" and the LegCo Complex will be a place of public entertainment for the purpose of the Ordinance. The Legal Service Division holds the same view.

5. The exemption effected by the Amendment Order would relieve The Legislative Council Commission of the need to have a licence for conducting the proposed activities. At its meeting on 23 December 2011, the Legislative Council Commission discussed the proposed Exemption Order and agreed to conduct the proposed activities in a prudent manner.

#### **Toys and Children's Products Safety Ordinance (Cap. 424)**

#### **Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2011 (L.N. 184)**

6. By this Notice made under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424) (the Ordinance), the Secretary for Commerce and Economic Development amends Schedules 1 and 2 to the Ordinance so that certain safety standards specified for toys and children's products are updated. The Amendment Notice will come into operation on 1 April 2012.

7. Under sections 3 and 5 of the Ordinance, no person shall manufacture, import or supply a toy or children's product unless the toy or product complies with all the requirements contained in at least one relevant standard specified in Schedule 1 or 2 or if the standard is amended, as so amended.

8. Schedule 1 specifies the safety standards for toys. The Amendment Notice updates two of the specified standards, namely the International Standard and the European standard.

9. Schedule 2 specifies the safety standards for 12 types of children's products. The Amendment Notice updates some of the standards specified for the following eight types of products -

- (a) baby walking frames;
- (b) bunk beds for domestic use;
- (c) child safety barriers for domestic use;
- (d) children's cots for domestic use;
- (e) children's high chairs and multi-purpose high chairs for domestic use;
- (f) children's paints;
- (g) playpens for domestic use; and
- (h) wheeled child conveyances.

10. Members may refer to the LegCo Brief (File Ref: CITB CR 08/18/3) issued by the Commerce, Industry and Tourism Branch of the Commerce and Economic Development Bureau in December 2011 for background information. The contents of the major changes introduced by this Notice are summarized in Annex B to the LegCo Brief.

11. According to paragraph 8 of LegCo Brief, consultations with major trade associations and organizations advocating children welfare were conducted in September 2011. In response to the concerns about the frequency of updates and their effective date, the Administration has proposed that the updates take effect on 1 April 2012 to allow time for the trade to adjust to the updated requirements.

**General Holidays and Employment Legislation (Substitution of Holidays) (Amendment) Ordinance 2011 (23 of 2011)**

**General Holidays and Employment Legislation (Substitution of Holidays) (Amendment) Ordinance 2011 (Commencement) Notice (L.N. 185)**

12. By this Notice, the Secretary for Labour and Welfare appoints 24 February 2012 as the day on which the General Holidays and Employment Legislation (Substitution of Holidays) (Amendment) Ordinance 2011 (23 of 2011) (the Amendment Ordinance) comes into operation.

13. The General Holidays and Employment Legislation (Substitution of Holidays) (Amendment) Bill 2011 was passed on 14 December 2011. The

enacted Amendment Ordinance was published in the Gazette on 23 December 2011. The Amendment Ordinance amends the General Holidays Ordinance (Cap. 149) and the Employment Ordinance (Cap. 57) to change the day that is to be substituted as a general holiday and statutory holiday where any of the first 3 days of a Lunar New Year, or the day following the Chinese Mid-Autumn Festival, falls on a Sunday.

**Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2011 (L.N. 161 of 2011)**

**Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2011 (Commencement) Notice (L.N. 186)**

14. This Notice appoints 3 January 2012 as the day on which the Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2011 (L.N. 161 of 2011) (the Amendment Order) comes into operation.

15. The Amendment Order was made under section 6B of the Import and Export Ordinance (Cap. 60) to reflect the latest changes in the international non-proliferation regime in their control lists of strategic commodities. The Amendment Order was published in the Gazette on 18 November 2011 and was considered by the House Committee at its meeting on 25 November 2011. Members did not raise any queries on the Amendment Order.

**Concluding Remarks**

16. The above items of subsidiary legislation have not been discussed by the relevant Panels.

17. No difficulties have been identified in the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

TAM Shuk-fong, Clara  
Assistant Legal Adviser  
Legislative Council Secretariat  
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