

立法會

Legislative Council

LC Paper No. CB(2)1947/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/SS/2/11

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

**Minutes of meeting
held on Monday, 13 February 2012, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Cyd HO Sau-lan (Chairman)
Dr Hon Margaret NG
Hon Emily LAU Wai-hing, JP
Hon IP Kwok-him, GBS, JP

Member absent : Hon LEE Wing-tat

Public Officers attending : Item I

Miss Winnie TSE
Principal Assistant Secretary for Home Affairs
(Civic Affairs)³

Ms YEUNG Yuk-ip, Rita
Senior Superintendent (Licensing)
Food and Environmental Hygiene Department

Ms YAU Sau-ling, Cindy
Senior Assistant Law Officer (Civil Law)
Department of Justice

Action

- Attendance by invitation** : Item I
Legislative Council Secretariat
- Mr Jimmy MA, JP
Legal Adviser
- Clerk in attendance** : Mr Thomas WONG
Chief Council Secretary (2)2
- Staff in attendance** : Ms Clara TAM
Assistant Legal Adviser 9
- Mr Raymond LAM
Senior Council Secretary (2)2
- Miss Jasmine TAM
Council Secretary (2)2
- Miss Emma CHEUNG
Legislative Assistant (2)2

Action

I. Meeting with the Administration

- LC Paper No. CB(2)1035/11-12(01) -- The Administration's response to issues raised at the meeting of the Subcommittee on Places of Public Entertainment (Exemption) (Amendment) Order 2011 ("the Subcommittee") on 9 February 2012

The Subcommittee deliberated (index of proceedings at **Annex**).

Discussion

Scope of PPEO

Action

2. Noting that there were various public entertainment activities conducted at places under the management of The Legislative Council Commission ("LCC") during the Legislative Council ("LegCo") Complex Open Day on 11 and 12 February 2012, Dr Margaret NG said that for the avoidance of doubt over LCC's compliance with the Places of Public Entertainment Ordinance (Cap. 172) ("PPEO"), she raised no objection to the Places of Public Entertainment (Exemption) (Amendment) Order 2011 ("the Amendment Order"). However, she expressed grave concern about the wide scope of "public entertainment" and "place of public entertainment" under PPEO, as seminars or talks to which the general public was admitted and at which lecture or story-telling was conducted might be subject to the regulation of PPEO.

3. Mr IP Kwok-him raised no objection to the Amendment Order but considered that there might be room for review of the scope of "public entertainment" under PPEO, including its applicability to activities conducted on school open days.

Enforcement of PPEO

4. Ms Emily LAU expressed concern about the selective enforcement of PPEO and the use of PPEO to curb political activities. Principal Assistant Secretary for Home Affairs (Civic Affairs) 3 stressed that the Administration had never instituted prosecutions under PPEO selectively or used PPEO to curb political activities.

Admin

5. The Chairman requested the Secretary for Home Affairs to undertake, in his speech on the Amendment Order at the Council meeting to be held on 29 February 2012, not to use PPEO to curb political activities.

6. In connection with the Administration's paper tabled at the meeting on a judicial review case relating to the rally conducted at Lockhart Road Pedestrian Precinct to celebrate the International Day Against Homophobia on 15 May 2011, the Chairman requested the Administration to clarify whether the prohibition of rally participants from conducting certain activities without a licence granted under PPEO ("PPE licence") had been decided by the frontline police officers at the scene or more senior police officers not at the scene.

[*Post-meeting note:* A copy the Administration's paper on the aforesaid judicial review case was issued to members vide LC Paper No. CB(2)1053/11-12(02) on 14 February 2012.]

Action

Places under the management of LCC

7. To facilitate members' understanding of the background to the exemption given by the Administration to LCC, members agreed to request LCC to provide the Subcommittee with the relevant information, including a copy of its correspondences with the Administration concerning the exemption. Members also agreed that such information be attached to the Subcommittee's report to the House Committee.

Admin

8. Members also requested the Administration to provide LCC with information, together with a map, on the boundary of the places under LCC's management, with a copy to the Subcommittee. Members agreed that LCC be requested to upload the information and map, after receipt from the Administration, onto LegCo's website for public information.

Referral to relevant committees

9. Members agreed that the issue relating to the review of PPEO, particularly the scope of "public entertainment" and "place of public entertainment", should be referred to the Panel on Home Affairs for follow-up. Members also agreed that the applicability of PPEO to cultural performances in the West Kowloon Cultural District, including whether artists would be allowed to conduct street performances without a PPE licence, would be referred to the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project for follow-up.

Scope of amendments

10. Ms Emily LAU and Dr Margaret NG sought clarification on whether any amendment to the principal ordinance, i.e. PPEO, or to the Amendment Order to grant exemption under PPEO to places other than the places under LCC's management would fall outside the scope of the Amendment Order. Assistant Legal Adviser 9 responded in the affirmative.

11. The Chairman concluded that the Subcommittee had completed its scrutiny of the Amendment Order. Members noted that the Chairman would make a verbal report on the Subcommittee's deliberations to the House Committee on 17 February 2012. The deadline for giving notice of a motion to amend the Amendment Order, if any, was 22 February 2012. The scrutiny period of the Amendment Order would expire on 29 February 2012.

Action

12. There being no other business, the meeting ended at 9:30 am.

Council Business Division 2
Legislative Council Secretariat
9 May 2012

**Proceedings of meeting of the
Subcommittee on Places of Public Entertainment
(Exemption) (Amendment) Order 2011
on Monday, 13 February 2012, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject	Action required
000057 - 000252	Chairman Clerk	Expiry of the scrutiny period of the Places of Public Entertainment (Exemption) (Amendment) Order 2011 ("the Amendment Order"), deadline for giving notice to amend the Amendment Order, and date of reporting the Subcommittee's deliberations to the House Committee ("HC").	
000253 - 000607	Ms Emily LAU Chairman Dr Margaret NG ALA9	Whether the Places of Public Entertainment Ordinance (Cap. 172) ("PPEO") could be amended by way of amendments to the Amendment Order. Ms Emily LAU's indication of her intention to speak on the Amendment Order at the Council meeting of 29 February 2012.	
000608 - 000727	Admin	The Administration's briefing on paragraph 2 of its response to issues raised at the Subcommittee meeting on 9 February 2012 (LC Paper No. CB(2)1035/11-12(01)).	
000728 - 003041	Dr Margaret NG Mr IP Kwok-him Ms Emily LAU Chairman Admin LA	The Administration's briefing on paragraph 3 of its response to issues raised at the Subcommittee meeting on 9 February 2012 (LC Paper No. CB(2)1035/11-12(01)). Views of Dr Margaret NG, Mr IP Kwok-him and Ms Emily LAU on whether the Amendment Order should be supported and whether there was a need to review and amend PPEO. Concern of Ms Emily LAU and the Administration's response regarding the possibility of the Administration instituting prosecutions under PPEO selectively or using PPEO to curb political activities.	Admin to follow up (paragraph 5) of the minutes)

Time marker	Speaker	Subject	Action required
		<p>of 29 February 2012 that the Administration would not use PPEO to curb political activities.</p> <p>Members' agreement to the Chairman's suggestion of referring the issue of review of PPEO to the Panel on Home Affairs and the applicability of PPEO to performances to be conducted at the streets and public spaces in the West Kowloon Cultural District to the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project for follow-up.</p>	
003042 - 003240	Chairman Ms Emily LAU Admin	Paragraphs 4 to 6 of the Administration's response to issues raised at the Subcommittee meeting on 9 February 2012 (LC Paper No. CB(2)1035/11-12(01)).	
003241 - 003633	Chairman Admin	<p>The Administration's briefing on its paper tabled at the meeting regarding a pending judicial review case relating to PPEO.</p> <p>Chairman's request for the Administration to clarify, in connection with the rally conducted at Lockhart Road Pedestrian Precinct to celebrate the International Day Against Homophobia on 15 May 2011, whether the prohibition of rally participants from conducting certain activities without a licence granted under PPEO ("PPE licence") had been decided by the frontline police officers at the scene or more senior police officers not at the scene.</p>	Admin to follow up (paragraph 6 of the minutes)
003634 - 004943	Chairman Ms Emily LAU Admin LA	<p>Background to the making of the Amendment Order.</p> <p>Members' agreement to Ms Emily LAU's suggestion of requesting The Legislative Council Commission ("LCC") to provide to the Subcommittee a copy of its correspondences with the Administration concerning the exemption under the Amendment Order and having the correspondences attached to the Subcommittee's report to HC.</p>	

Time marker	Speaker	Subject	Action required
004944 - 005722	Chairman Ms Emily LAU Admin LA	<p>Examination of provisions in the Amendment Order.</p> <p>Whether there were information and a map on the boundary of places under LCC's management.</p> <p>Request from the Chairman and Ms Emily LAU for the Administration to provide LCC with information together with a map on the boundary of places under LCC's management, with a copy to the Subcommittee.</p> <p>Chairman's suggestion for LCC to upload the information and map on the boundary of places under its management, after receipt from the Administration, onto the Legislative Council's website for public information.</p> <p>Members' agreement to Ms Emily LAU's suggestion of having the relevant information and the map attached to the Subcommittee's report to HC.</p>	Admin to follow up (paragraph 8 of the minutes)
005723 - 005925	Chairman LA	Chairman's indication of intention to speak on the Amendment Order at the Council meeting of 29 February 2012.	

Council Business Division 2
Legislative Council Secretariat
9 May 2012