

## **LEGISLATIVE COUNCIL BRIEF**

### **Clubs (Safety of Premises) Ordinance (Cap. 376) Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2012**

#### **INTRODUCTION**

The Secretary for Home Affairs ("SHA") has made the Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2012 ("the Amendment Order") under section 3 of the Clubs (Safety of Premises) Ordinance (Cap. 376) ("the Ordinance"). The purpose of the Amendment Order is to update the premises set out in the Schedule to the Clubs (Safety of Premises) (Exclusion) Order (Cap. 376 sub. leg. C) ("the Exclusion Order"). A copy of the Amendment Order is at **Annex**.

#### **BACKGROUND**

2. The Ordinance was enacted in 1991 to provide for the regulation, control and safety of club-houses. Section 3(1)(b) of the Ordinance provides that SHA may by order in relation to any type or description of club-house, for reasons connected with any such type or description, exclude any club-house or type or description of club-house from the application of the Ordinance.

3. Since the enactment of the Ordinance in 1991, section 3(1)(b) has been invoked to exclude those staff club-houses situated in Government premises from the application of the Ordinance in order to avoid double enforcement as the Architectural Services Department and the Housing Department are responsible for the design, construction and maintenance of Government premises under their jurisdiction, as well as ensuring a reasonable standard of building and fire safety.

4. Separately, two vessels, namely “Chuen Kee” and “Chuen Kee Kitchen”, have been excluded from the application of the Ordinance since 1994 to avoid double regulation. These two vessels, which were used by fishermen for weddings and other celebrations, were licensed by the Marine Department (MD) and subject to annual certification and inspection to ensure the safety requirements were complied with.

5. The Schedule to the Exclusion Order was last amended in 2011. After the amendment, requests have been received from Government departments to amend locations of four club-houses, delete one old club-house, and add a new one. Moreover, the licences of the two vessels as mentioned in paragraph 4 have expired and MD has confirmed that they are no longer mooring in Hong Kong waters. It is therefore necessary to amend the Schedule to the Exclusion Order accordingly to reflect the updated list of club-houses exempted from the application of the Ordinance.

## **THE AMENDMENT ORDER**

6. It is proposed to:

- (i) repeal items 3 and 4 of the Schedule to the Exclusion Order;
- (ii) update the addresses of four club-houses;
- (iii) delete one club-house; and
- (iv) add one new club-house to the Schedule to the Exclusion Order.

## **LEGISLATIVE TIMETABLE**

7. The legislative timetable is as follows –

Publication in the Gazette	14 December 2012
Tabling at Legislative Council	19 December 2012
Commencement of the Amendment Order	8 February 2013

## **IMPLICATIONS OF THE PROPOSAL**

8. The Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights.

## **PUBLIC CONSULTATION**

9. Since this is an updating exercise, public consultation on the Amendment Order is considered not necessary.

## **PUBLICITY**

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

## **ENQUIRIES**

11. Any enquiries on this brief should be addressed to Mr Franco KWOK, Assistant Director of Home Affairs, at 2835 2121 or by facsimile at 2147 0984.

**Home Affairs Department**  
**December 2012**

## Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2012

(Made by the Secretary for Home Affairs under section 3 of the Clubs  
(Safety of Premises) Ordinance (Cap. 376))

### 1. Commencement

This Order comes into operation on 8 February 2013.

### 2. Clubs (Safety of Premises) (Exclusion) Order amended

The Clubs (Safety of Premises) (Exclusion) Order (Cap. 376 sub.  
leg. C) is amended as set out in section 3.

### 3. Schedule amended

(1) The Schedule—

**Repeal items 3 and 4.**

(2) The Schedule, item 5—

**Repeal paragraph (13).**

(3) The Schedule, Chinese text, item 5, paragraph (17), after “消  
防局”—

**Add**

“綜合”.

(4) The Schedule, Chinese text, item 5, paragraph (18), after “消  
防局”—

**Add**

“綜合”.

(5) The Schedule, item 5, paragraph (27)—

**Repeal**

“Room 507, Murray Building, Garden Road, Central”

**Substitute**

“6/F, North Point Government Offices, 333 Java Road, North  
Point”.

(6) The Schedule, item 5, paragraph (62)—

**Repeal**

“Lower Block”

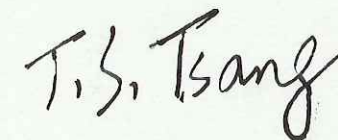
**Substitute**

“Annex Block A”.

(7) The Schedule, item 5, after paragraph (94)—

**Add**

“(95) Education Bureau            Room 1155, 11/F, Wu  
Staff Recreation Club            Chung House, 213 Queen’s  
Road East, Wanchai, Hong  
Kong”.



Secretary for Home Affairs

2012 December 4

### **Explanatory Note**

The Schedule to the Clubs (Safety of Premises) (Exclusion) Order (Cap. 376 sub. leg. C) specifies the premises which are excluded from the application of the Clubs (Safety of Premises) Ordinance (Cap. 376). The purposes of this Order are to—

- (a) delete 2 vessels from the Schedule;
- (b) update the addresses of 4 club-houses set out in the Schedule;
- (c) delete 1 club-house from the Schedule; and
- (d) add 1 club-house to the Schedule.