

Legislative Council
Panel on Home Affairs and Panel on Development
Joint Subcommittee to Monitor the Implementation of the
West Kowloon Cultural District Project

Follow-up to meeting on 23 March 2015

Update on the Park development and Public Open Space Bylaw of the West Kowloon Cultural District (“WKCD”)

The Administration was requested to advise in writing whether the Places of Public Entertainment Ordinance (Cap. 172) (“PPEO”) was applicable to the public open spaces in WKCD, and if so, whether the WKCD Public Open Space Bylaw or the principal Ordinance (i.e. the West Kowloon Cultural District Authority (“WKCDA”) Ordinance (Cap. 601)) would have an overriding effect on PPEO.

The objective of the PPEO is to ensure public safety with regard to structures, mechanical and electrical installations, fire risks, crowd management and hygiene issues at places where public entertainment is presented.

Under the PPEO, unless the relevant places are exempt places of public entertainment, no person shall keep or use any place of public entertainment without a licence granted thereunder. An application should be made to the Director of Food and Environmental Hygiene (“DFEH”) for a licence to keep or use the place of public entertainment. In general, the operator or organiser of any event, activity or other thing referred to in the definition of “entertainment” as specified in Schedule 1 to the PPEO to which the general public is admitted with or without payment (i.e. “public entertainment”) will have to apply for such a licence. “Entertainment” as defined under the PPEO means the following event, activity or thing or any part of any of them:

- (a) a concert, opera, ballet, stage performance or other musical, dramatic or theatrical entertainment;
- (b) a cinematograph or laser projection display;
- (c) a circus;
- (d) lecture or story-telling;
- (e) an exhibition of any one or more of the following, namely, pictures, photographs, books, manuscripts or other documents or other things;
- (f) a sporting exhibition or contest;

- (g) a bazaar;
- (h) an amusement ride within the meaning of the Amusement Rides (Safety) Ordinance (Cap. 449) or any mechanical device (other than such an amusement ride) which is designed for amusement; or
- (i) a dance party.

At present, WKCD or places under the management of WKCDA are not exempt places of public entertainment. Should any event and/or activity held in WKCD, including the public open space (“POS”) therein, fall within the definition of “public entertainment” under the PPEO, a place of public entertainment licence is required from DFEH. However, the requirement of the licence under the PPEO does not apply to entertainment held in any public place, including the POS in WKCD, to which the public has right of access and the organiser has no right to control the admission of the public. The management of the POS of WKCD will be governed by a set of Bylaw to be made by the WKCDA under the WKCDA Ordinance (Cap. 601) and enacted by the Legislative Council. Both the WKCDA Ordinance and the POS Bylaw will have no overriding effect on the PPEO. In other words, a licence under PPEO is still required if admission to the public entertainment can be controlled.

Home Affairs Bureau
May 2015