

**LEGISLATIVE COUNCIL BRIEF**

**Places of Public Entertainment Ordinance (Cap. 172)**

**PLACES OF PUBLIC ENTERTAINMENT (EXEMPTION)  
(AMENDMENT) ORDER 2015**

**INTRODUCTION**

By virtue of section 3A of the Places of Public Entertainment Ordinance (the “Ordinance”) (Cap. 172), the Secretary for Home Affairs (the “SHA”) may by order published in the Gazette exempt places of public entertainment which are of a specified class or description from the Ordinance.

2. In exercise of this power, SHA has made the Places of Public Entertainment (Exemption) (Amendment) Order 2015 (the “Order”) at Annex. The Order serves to grant an exemption to provide that a place that is under the management of the Judiciary is exempt from the operation of sections 4 and 11 of the Ordinance.

**BACKGROUND AND JUSTIFICATIONS**

*Places of Public Entertainment Ordinance*

3. Section 4(1) of the Ordinance provides that no person shall keep or use any place of public entertainment without a licence granted under the Ordinance. Section 4(2) of the Ordinance provides that contravention of section 4(1) shall be guilty of an offence. Section 11 of the Ordinance empowers the licensing authority or authorised public officer to apply to a magistrate for an order to close a place of public entertainment kept or used in contravention of the Ordinance.

4. According to section 2 of the Ordinance, “entertainment” includes any event, activity or other thing specified in Schedule 1 to the Ordinance; whereas “public entertainment” means any entertainment within the meaning of the Ordinance to which the general public is admitted with or without payment.

### ***Galleries at No. 8 Jackson Road***

5. No. 8 Jackson Road is now being renovated to accommodate the Court of Final Appeal (the “CFA”) which is scheduled for relocation in the second half of 2015. The Judiciary is responsible for the management of the CFA building. As part of this project, the Judiciary will provide two galleries (one on the first floor of the building and the other one at the basement of the building) where exhibits and displays will be shown to show the history of the Judiciary and the architectural aspects of the building. The Judiciary has indicated that so far it only has plans to set up galleries in the building at No. 8 Jackson Road.

6. The showing of such exhibits and displays in the galleries is considered to amount to “public entertainment” as defined in section 2 of the Ordinance as read with Schedule 1. Since it is the Judiciary’s plan to admit members of the public to the galleries, the building will be “a place of public entertainment” within the meaning of the Ordinance.

### ***Exemptions under the Ordinance***

7. Section 3A(1)(a) of the Ordinance empowers the SHA to exempt, by order published in the Gazette, places of public entertainment which are of a specified class or description from the Ordinance. At present, places under the management of the Leisure and Cultural Services Department, the Home Affairs Department and the Legislative Council Commission, among others, are exempt from the operation of sections 4 and 11 of the Ordinance. Such exemptions are set out in the Places of Public Entertainment (Exemption) Order (Cap.172 sub. leg. D).

### ***Justifications***

8. In preparation for the relocation of the CFA to No. 8 Jackson Road, the Judiciary proposes to seek an exemption from sections 4 and 11 of the Ordinance for places under its management by amending the Places of Public Entertainment (Exemption) Order (Cap.172 sub. leg. D). The Judiciary has all along conducted its business in a prudent manner, and has indicated that it will adopt the same approach, exercising caution and putting in place the necessary

precautionary measures in upholding public safety and public order when it conducts relevant activities on the premises under its management.

## **AMENDMENT ORDER**

9. The Order at **Annex** is intended to exempt any places under the management of the Judiciary from the operation of sections 4 and 11 the Ordinance. We propose that the Order will come into effect on 22 May 2015.

## **IMPLICATIONS OF THE PROPOSAL**

10. The Order does not affect the current binding effect of the Ordinance and its subsidiary legislation. The Order is in conformity with the Basic Law, including the provisions concerning human rights. The Order does not have financial, civil service, economic, environmental, sustainability, productivity or family implications.

## **PUBLIC CONSULTATION**

11. The Legislative Council Panel on Home Affairs (the “Panel”) noted our proposal in February 2015. Members of the Panel did not raise objection to the proposed amendments.

## **ENQUIRIES**

12. For any enquires on this brief, please contact Mrs Susanne WONG, Principal Assistant Secretary for Home Affairs (Civic Affairs) 3 of the Home Affairs Bureau (Tel: 3509 8120) or Ms Wendy CHEUNG, Assistant Judiciary Administrator (Development) (Tel: 2825 4244).

**Home Affairs Bureau**  
**18 March 2015**

**Places of Public Entertainment (Exemption)  
(Amendment) Order 2015**

(Made by the Secretary for Home Affairs under section 3A of the Places of Public Entertainment Ordinance (Cap. 172))

**1. Commencement**

This Order comes into operation on 22 May 2015.

**2. Places of Public Entertainment (Exemption) Order amended**

The Places of Public Entertainment (Exemption) Order (Cap. 172 sub. leg. D) is amended as set out in section 3.

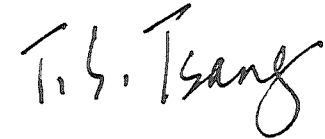
**3. Section 2B added**

After section 2A—

**Add**

**“2B. Exemption for places managed by Judiciary**

A place that is under the management of the Judiciary is exempt from the operation of sections 4 and 11 of the Ordinance.”.



Secretary for Home Affairs

18 March 2015

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### **Explanatory Note**

This Order exempts places that are under the management of the Judiciary from the operation of sections 4 and 11 of the Places of Public Entertainment Ordinance (Cap. 172) so that those places may be kept or used as places of public entertainment (within the meaning of that Ordinance) without a licence granted under that Ordinance.