

Chapter:	172	PLACES OF PUBLIC ENTERTAINMENT ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To consolidate and amend the law relating to places of public entertainment.

[31 October 1919]

(Originally 22 of 1919 (Cap 172 1950 Ed.))

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Places of Public Entertainment Ordinance.

Section:	2	Interpretation	L.N. 320 of 1999	01/01/2000
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In this Ordinance, unless the context otherwise requires-

"Building Authority" (建築事務監督) means the Director of Buildings; (Added 31 of 1963 s. 2. Amended L.N. 76 of 1982; L.N. 94 of 1986; L.N. 291 of 1993)

"construction" (建造) includes maintenance and alteration; (Added 72 of 1995 s. 2)

"entertainment" (娛樂) includes any event, activity or other thing specified in Schedule 1; (Replaced 72 of 1995 s. 2. Amended 83 of 1997 s. 2)

"installation" (裝置) includes the following-

- (a) any boiler, engine, motor, generator or other machine, apparatus or thing forming part of the installation; and
- (b) the following installations, namely, any heating, ventilation, air-conditioning, lighting, cooling, or gas installation which forms part of any thing (other than an installation) mentioned in paragraph (a) or (c); and
- (c) any other thing forming part of the installation; (Added 72 of 1995 s. 2)

"licensing authority" (發牌當局) means the Secretary for Home Affairs or a public officer authorized under section 3B; (Replaced 78 of 1999 s. 7)

"place of public entertainment" (公眾娛樂場所) means-

- (a) so much of any place, building, erection or structure, whether temporary or permanent, capable of accommodating the public; and (Replaced 19 of 1980 s. 2)
- (b) any vessel,

in or on which a public entertainment is presented or carried on whether on one occasion or more; (Replaced 7 of 1970 s. 2)

"public entertainment" (公眾娛樂) means any entertainment within the meaning of this Ordinance to which the general public is admitted with or without payment. (Replaced 72 of 1995 s. 2)

(Amended 72 of 1995 s. 2)

Section:	3	Delegation of powers		30/06/1997
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Where under any provision of this Ordinance any powers are conferred upon a public officer, such powers may be exercised by any public officer in the same department as that of the officer on whom the powers are conferred who is authorized in writing in that behalf by such officer.

(Added 31 of 1963 s. 3)

Section:	3A	Exemption orders	L.N.192 of 1998; L.N. 206 of 1998	09/04/1998
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(1) The Secretary for Home Affairs may by order published in the Gazette exempt places of public

entertainment which are of a specified class or description from- (Amended L.N. 372 of 1996; L.N. 192 of 1998; L.N. 206 of 1998)

- (a) this Ordinance or particular provisions of this Ordinance specified in the order;
- (b) regulations under this Ordinance which are so specified or particular provisions of such regulations being provisions which are so specified.

(2) For so long as an order under this section remains in force this Ordinance or, where appropriate, any regulation or licence to which the order relates, shall be construed and have effect subject to the terms of the order.

(Replaced 72 of 1995 s. 3)

Section:	3B	Secretary for Home Affairs may authorize public officer in respect of licensing matters	L.N. 320 of 1999	01/01/2000
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The Secretary for Home Affairs may authorize in writing any public officer to issue or cancel any licence or exercise any other function relating to licensing matters (other than the regulation making power under section 7) under this Ordinance.

(Added 78 of 1999 s. 7)

Section:	4	Licences for places of public entertainment		30/06/1997
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(1) No person shall keep or use any place of public entertainment without a licence granted under this Ordinance.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and imprisonment for 6 months, and to a further fine of \$2000 for every day during which the offence has continued. (Amended 72 of 1995 s. 4)

(Replaced 51 of 1976 s. 2)

Section:	4A	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	4B	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	5	(Repealed 25 of 1988 s. 33(1))		30/06/1997
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Section:	6	Restrictions on the unauthorized sale of tickets		30/06/1997
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(1) No person shall sell, or offer or exhibit or have in his possession for sale, or solicit the purchase of, any ticket or voucher authorizing or purporting to authorize admission to any place of public entertainment licensed under this Ordinance or any place with respect to which duty on payments for admission is payable under the Entertainments Tax Ordinance*-

- (a) in any public thoroughfare, or in the entrance hall of, or approaches to, any such place as aforesaid, except at a box-office, booth, turnstile or counter appointed by the proprietor or manager of such place or by the organizer of the entertainment, exhibition, performance, amusement, game or sport held therein; or (Amended L.N. 65 of 1986)
- (b) at a price exceeding the amount fixed by such proprietor, manager or organizer to be charged therefor, inclusive of the duty, if any, payable.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine of \$2000. (Amended 22 of 1950 Schedule)

(Added 2 of 1941 s. 2)

Note:

* Cap 110, 1988 R. Edition (now repealed, see 30 of 1993).

Section:	7	Power to make regulations for places of public entertainment	L.N. 320 of 1999	01/01/2000
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Remarks:

Adaptation amendments retroactively made - see 59 of 2000 s. 3

(1) The Secretary for Home Affairs may by regulation provide for- (Amended L.N. 65 of 1986; 72 of 1995 s. 5; L.N. 372 of 1996; L.N. 192 of 1998; L.N. 206 of 1998)

- (a) the kinds of entertainment for which places of public entertainment may be licensed for the purposes of this Ordinance; (Replaced 72 of 1995 s. 5)
- (aa) a licensing authority by which such licences or any class or description of such licences may be granted; (Replaced 72 of 1995 s. 5)
- (ab) the mode of application for such licences and the class or description of persons to whom such licences may be granted; (Added 72 of 1995 s. 5)
- (ac) the circumstances in which conditions specified in such licences may be cancelled, waived or varied or conditions substituted therefor or in which further such conditions may be added; (Added 72 of 1995 s. 5)
- (ad) the circumstances in which fees payable as regards licences for the purposes of this Ordinance may be waived or reduced; (Added 72 of 1995 s. 5)
- (ae) the transfer of such licences; (Added 72 of 1995 s. 5)
- (b) the cancellation of any such licence;
- (ba) fees payable in respect of any licence the licensing authority is empowered to issue, including fees for the issue of a licence or duplicate licence and renewal or amendment of a licence; (Added 78 of 1999 s. 7)
- (c) the location of a place of public entertainment generally or on or in any place, building, erection or structure and the circumstances, conditions and restrictions in or subject to which such location may be permitted; (Added 19 of 1980 s. 3)
- (d) the materials of which any place of public entertainment shall be constructed and regulating the construction of such place and the construction and arrangement of staircases, corridors, gangways, vestibules, seating accommodation, entrances, exits, doors and fastenings of in or appertaining to such place and all other matters appertaining to the same (including any stage, electrical wiring, lighting platform or electrical or other installation, whether such stage, wiring, platform or installation is temporary or permanent, and also including any other installation and any electrical or other system or arrangement); (Replaced 37 of 1951 s. 5. Amended 72 of 1995 s. 5)
- (e) the exercise of all such measures as may be prescribed in any such regulation against overcrowding, and for the control and prevention of fires and for the maintenance of sanitary conditions in any place of public entertainment; (Replaced 37 of 1951 s. 5)
- (f) the maintenance of peace and good order in a place of public entertainment; (Replaced 37 of 1951 s. 5)
- (g) the entry and inspection for the purposes of securing compliance with this Ordinance and of any regulations made thereunder of a place of public entertainment or a proposed place of public entertainment at any time by the Commissioner of Police, the Secretary for Home Affairs, the Building Authority, the Director of Fire Services and the Director of Marine, and any public officer authorized by them in that behalf, and any other officer authorized by the Chief Executive in that behalf; (Replaced 37 of 1951 s. 5. Amended 7 of 1970 s. 5; L.N. 67 of 1985; L.N. 242 of 1989; L.N. 372 of 1996; L.N. 192 of 1998; L.N. 206 of 1998; 59 of 2000 s. 3)
- (h)-(ia) (Repealed 25 of 1988 s. 33(1))
- (j) (Repealed 72 of 1995 s. 5)
- (ja) the grant of authority to persons to take or receive statutory declarations pertaining to matters provided for in the regulations; (Added 51 of 1976 s. 4)
- (k) matters (including appeals and the limitation or barring of causes of action) which either are ancillary to any of the foregoing or are for the purpose of carrying this Ordinance into effect. (Replaced 72 of 1995 s. 5)

(Amended 33 of 1939 Supp. Schedule; G.N. 840 of 1940; 20 of 1948 s. 4)

(2) Any regulation made under this Ordinance may provide that a contravention thereof shall be an offence and may prescribe penalties for such offence not exceeding a fine at level 4 and imprisonment for 6 months. (Added 13 of 1966 Schedule. Amended 51 of 1976 s. 4; 72 of 1995 s. 5)

- (3) The general purpose of regulations under subsection (1)(f) shall be to-
- (a) ensure the safety of any persons present in a place of public entertainment should a fire or other emergency occur in that place; and
 - (b) avoid disorder in such a place. (Added 72 of 1995 s. 5)
- (4) The Secretary for Home Affairs may by regulation amend Schedule 1. (Added 72 of 1995 s. 5. Amended L.N. 372 of 1996; 83 of 1997 s. 3; L.N. 192 of 1998; L.N. 206 of 1998)

Note:

Please note section 10 of the Public Entertainment and Amusement (Miscellaneous Provisions) Ordinance (72 of 1995), which reads as follows-

"10. Saver

The Places of Public Entertainment Regulations (Cap 172 sub. leg.) shall be deemed to have been made under section 7 of the principal Ordinance as amended by this Ordinance."

Section:	7A	(Repealed 47 of 1994 s. 2)		30/06/1997
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Section:	7B	(Repealed 47 of 1994 s. 2)		30/06/1997
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Section:	7C	(Repealed 78 of 1999 s. 7)	L.N. 320 of 1999	01/01/2000
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Section:	8	(Repealed 72 of 1995 s. 7)		30/06/1997
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Section:	9	Appeal to Municipal Services Appeals Board	L.N. 320 of 1999	01/01/2000
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(1) Whenever any person is dissatisfied with the exercise of the discretion of any person to whom discretionary power is given under this Ordinance in respect of any act, matter, or thing, which is by this Ordinance made subject to the exercise of the discretion of such authority, or with any action or decision of any such person either as to the carrying out of or the meaning of any of the provisions of this Ordinance, the person so dissatisfied may, unless proceedings have already been taken before a magistrate in relation thereto, appeal to the Municipal Services Appeals Board established under section 3 of the Municipal Services Appeals Board Ordinance (Cap 220). (Amended 78 of 1999 s. 7)

(2) (Repealed 58 of 1990 s. 22)

(3) (Repealed 25 of 1988 s. 33(1))

(Added 37 of 1951 s. 7)

Section:	10	Conditions (licences)		30/06/1997
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(1) A licence for the purposes of this Ordinance shall be in such terms as the licensing authority by which it is granted determines and, subject to anything done pursuant to regulations made under section 7(1)(ac), such licence shall be subject to such conditions (if any) as are specified in the licence.

(2) Without affecting the generality of subsection (1), terms or conditions referred to in that subsection may-

- (a) specify the period during which the licence is to remain in force;
- (b) specify the hours (on any day) during, and only during, which the place to which the licence relates may be used for public entertainment;
- (c) specify by reference to days, weeks or months 1 or more periods during, and only during, which such place may be so used;
- (d) require specified measures to be taken by the licensee or regulate or prohibit the doing by the licensee of specified acts, being measures or acts which relate to crowd control;
- (e) require the licensee to provide, at any time when the place to which the licence relates is so used, such number of first aid personnel as is sufficient to ensure the provision of a first aid service which is

adequate having regard to the nature of the entertainment as regards which the place is then being used;

- (f) specify the maximum number of persons which may be admitted as regards entertainments taking place in the place to which the licence relates and any such term or condition may specify such a maximum as regards entertainments in general or specify 2 or more such maxima as regards specified entertainments of different classes or descriptions.

(3) Where a licence for the purposes of this Ordinance is granted subject to conditions, the licensing authority by which the licence was granted may, in accordance with regulations made under section 7(1)(ac), cancel, waive or vary any such conditions or substitute other or add further such conditions.

(4) In this section "first aid personnel" (急救人手) means persons each of whom is qualified to administer first aid.

(Added 72 of 1995 s. 9)

Section:	11	Power to close places of public entertainment used in contravention of provisions of this Ordinance	L.N. 320 of 1999	01/01/2000
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(1) Where a magistrate is satisfied, on application by the licensing authority or any public officer authorized by that authority in this behalf, that a place of public entertainment is kept or used without a licence granted under this Ordinance, or kept or used in contravention of any of the provisions of this Ordinance or any regulations made under section 7, he shall, subject to subsection (5), make an order in Form 1 in Schedule 2 (in this section referred to as a "Prohibition Order") prohibiting the keeping or use of the place of public entertainment for all purposes, or for any purposes specified in the Prohibition Order, with effect from the 8th day after copies of the order have been served under subsection (6).

(2) Any order made under the provisions of subsection (1) shall remain in force until, on application by the licensing authority or any public officer authorized by that authority in this behalf or by any person having an interest in such place of public entertainment, a magistrate is satisfied that a licence in respect of such place of public entertainment has been granted, or the provisions of this Ordinance or any regulations made under section 7 have been complied with, as the case may be, or that such place of public entertainment will be used in future for some other purpose.

(3) Any person who contravenes any order of a magistrate made under the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine at level 6 and imprisonment for 12 months, and to a further fine of \$2000 for every day during which the offence has continued.

(4) Where a magistrate is satisfied, on application by the licensing authority or any public officer authorized by that authority in this behalf, that a Prohibition Order in respect of a place of public entertainment has been served under subsection (6) but has not been continuously complied with from the 8th day after it was served, he shall, without prejudice to any penalty which may be imposed under this section, but subject to subsection (5), make an order in Form 2 in Schedule 2 (in this section referred to as a "Closure Order").

(5) A magistrate shall not make a Prohibition Order or a Closure Order unless satisfied-

- (a) that at least 14 days' notice of intention to apply for the order has been served under subsection (6);
- (b) that such notice stated the time and place set for the hearing of the application and advised that any person having reasonable cause to be heard upon the application might request to be so heard; and
- (c) that every person having reasonable cause to be heard upon the application and requesting to be so has had an opportunity to be heard.

(6) Notice of intention to apply for a Prohibition Order or a Closure Order in respect of any place of public entertainment, and a copy of every such order when made, shall be in both English and Chinese and shall be served by affixing it to a conspicuous part of that place of public entertainment.

(7) A Closure Order made in respect of any place of public entertainment shall come into force on the 8th day after it has been served under subsection (6) and shall remain in force for as long as the Prohibition Order made in respect of that place of public entertainment remains in force.

(8) Upon the coming into force of a Closure Order in respect of any place of public entertainment, the licensing authority or any public officer authorized by that authority in this behalf shall lock or seal, or cause to be locked or sealed, all or any of the entrances to or exits from the place of public entertainment and may disconnect or cause to be disconnected all gas, water and electricity supplies thereto.

(9) While a Closure Order is in force in respect of any place of public entertainment-

- (a) no person, except with the written permission of the licensing authority or any public officer

- authorized by that authority in this behalf, shall enter or remain in that place of public entertainment;
- (b) a person carrying written authority from the licensing authority or any public officer authorized by that authority in this behalf may remove from the place of public entertainment any person who fails to comply with paragraph (a), and in doing so may, with such assistance from police officers as may be necessary, use such force as is reasonably necessary.

(10) Any person who, without lawful authority or excuse-

- (a) enters or remains in any place of public entertainment in contravention of subsection (9)(a) shall be guilty of an offence and shall be liable on conviction to a fine at level 6 and imprisonment for 12 months, and to a further fine of \$2000 for every day during which the offence has continued;
- (b) breaks or interferes with any lock or seal placed on any place of public entertainment under subsection (8) shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and imprisonment for 6 months; or
- (c) removes or defaces a document affixed to any place of public entertainment for the purposes of this section shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and imprisonment for 6 months.

(11) The licensing authority or any public officer authorized by that authority in this behalf may recover as a civil debt from the occupier of the place of public entertainment the cost of any work carried out under subsection (8).

(Added 83 of 1997 s. 4. Amended 78 of 1999 s. 7)

Schedule:	1		L.N. 175 of 2002	15/01/2003
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[sections 2 & 7(4)]
(Amended 83 of 1997 s. 5)

1. The events, activities and other things referred to in the definition of "entertainment" in section 2 of this Ordinance are the following or any part of any of them- (Amended L.N. 120 of 2002)

- (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 1 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) (Repealed L.N. 120 of 2002)
- (i) 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; (Amended L.N. 120 of 2002)
- (j) a dance party. (Added L.N. 120 of 2002)

2. In this Schedule "stage performance" (舞台表演) includes a tragedy, melodrama, comedy, farce, pantomime, revue, burlesque, burletta, shadow play, an exhibition of dancing, conjuring or juggling, an acrobatic performance and any other stage event including an interlude.

3. In this Schedule, "dance party" (跳舞派對) means an event with all of the following attributes-

- (a) music or rhythmic sound of any kind or source is provided at the event;
- (b) the primary activity at the event is dancing by the persons attending the event;
- (c) either-
 - (i) the number of persons attending the event exceeds 200 on at least one occasion during the event;
 - or
 - (ii) any part of the event occurs between 2 a.m. and 6 a.m.

(Added L.N. 120 of 2002)
(Schedule 1 added 72 of 1995 s. 9)

[section 11]

FORM 1

[section 11(1)]

PLACES OF PUBLIC ENTERTAINMENT ORDINANCE

(Chapter 172)

Prohibition Order

CONCERNING the place of public entertainment known as
..... situated at
TO the occupier of the said place of public entertainment, namely
.....

WHEREAS application has been made to me by (licensing authority or public offer authorized by that authority in this behalf making the application) for an order prohibiting the keeping or use of the above place of public entertainment as (specify use to be prohibited) on the grounds that the said place of public entertainment is being kept or used without a licence OR in contravention of the provisions of the Places of Public Entertainment Ordinance, namely, (specify the contravention) OR in contravention of the regulations of the Places of Public Entertainment Regulations, namely, (specify the contravention):

NOW on proof to my satisfaction of the said grounds and that at least 14 days' notice of intention to apply for this Order has been given as required by law, I DO, in exercise of my powers under section 11(1) of the Places of Public Entertainment Ordinance-

- (a) order that a copy of this Order, in English and Chinese, be served by affixing it to a conspicuous part of the said place of public entertainment;
- (b) prohibit the keeping or use of the said place of public entertainment as/for (specify use prohibited) from the 8th day after copies of this Order have been so served until such time as the Order is rescinded in accordance with section 11(2) of the Places of Public Entertainment Ordinance.

Dated this day of 19

(signed)
Magistrate

- Note:
- 1. The penalties for a breach of this Order are a fine at level 6 and imprisonment for 12 months and a further fine of \$2000 for every day during which the offence continues.
 - 2. Failure to comply with this Order continuously from the 8th day after service of this Order may result in a Closure Order being made in respect of the place of public entertainment.
 - 3. The penalty for removing or defacing a copy of this Order affixed to any place of public entertainment, is a fine at level 4 and imprisonment for 6 months.

(Amended 78 of 1999 s. 7)

FORM 2

[section 11(4)]

PLACES OF PUBLIC ENTERTAINMENT ORDINANCE

(Chapter 172)

Closure Order

TO (licensing authority or public officer authorized by that authority in this behalf making the application)

WHEREAS a Prohibition Order was made by me (OR specify the person who made the order) on the day of 19, in respect of the place of public entertainment known as situated at prohibiting the keeping or use of that place of public entertainment as (specify use prohibited):

AND WHEREAS application has been made to me for a Closure Order in respect of that place of public entertainment:

NOW on proof to my satisfaction that the Prohibition Order has not been continuously complied with from the 8th day after it was served and that at least 14 days' notice of intention to apply for this Order has been given as required by law, I DO, in exercise of my powers under section 11(4) of the Places of Public Entertainment Ordinance, authorize you, (licensing authority or public officer authorized by that authority in this behalf applying for the Closure Order)-

- (a) to serve a copy of this Order by affixing it to a conspicuous part of the said place of public entertainment;
- (b) on the 8th day thereafter to close the said place of public entertainment in the manner prescribed by law.

Dated this day of 19

(signed)
Magistrate

- Note:
1. It is an offence for any unauthorized person to enter or remain in or on the place of public entertainment, to which this Order relates after it has been served. The penalties are a fine at level 6 and imprisonment for 12 months and a further fine of \$2000 for every day during which the offence continues.
 2. The penalty for removing or defacing a copy of this Order affixed to any place of public entertainment or for breaking or interfering with any lock or seal placed on any place of public entertainment is a fine at level 4 and imprisonment for 6 months.

(Amended 78 of 1999 s. 7)
(Schedule 2 added 83 of 1997 s. 6)