



HONG KONG BAR ASSOCIATION

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30th January 2012

Mr. Raymond Lam
for Clerk to Subcommittee
Subcommittee on Places of Public Entertainment
(Exemption) (Amendment) Order 2011
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong.

Dear Mr. Lam,

Subcommittee on Places of Public Entertainment (Exemption) (Amendment) Order 2011 (Meeting on 2 February 2012)

Thank you for your letter dated 18 January 2012.

The Hong Kong Bar Association expressed certain views on the Places of Public Entertainment Ordinance (Cap 172) on 2 June 2010. The relevant press release is accessible at: <http://www.hkba.org/whatsnew/press-release/20100602.pdf>. The Bar Association understands that there has been a prosecution arising out of the related incident at Times Square, Causeway Bay, a magistrate sitting in Eastern Magistracy may have ruled on the issues the Bar Association had questioned, and an appeal from the magistrate's verdict might have been lodged. It would be inappropriate for the Bar Association to comment on a matter which is most probably sub judice and in the absence of the submissions and statement of findings of the criminal case mentioned.

As far as the Places of Public Entertainment (Exemption) (Amendment) Order 2011 is concerned, the Bar Association notes that the amending Order adds "a place under the management of The Legislative Council Commission" to the list of exempted places from the operation of the Places of Public Entertainment Ordinance (Cap 172). It is a beneficial provision so that activities involving the members of the public in the LegCo Complex shall not be subject to licensing requirement on a per activity basis.

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香港大律師公會

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Letter to Subcommittee on Places of Public Entertainment
(Exemption) (Amendment) Order 2011
on 30th January 2012

Whether the activities proposed involving members of the public in the LegCo Complex falls within the definition of “entertainment” as defined in s 2 of the principal Ordinance and whether the definitions of “entertainment” or “place of public entertainment” have been inappropriately drafted are, in the respectful opinion of the Bar Association, matters which pertain to the possible amendments of the principal Ordinance.

The Bar Association hopes that the above views may be of assistance to the deliberations of the Sub-committee.

Yours sincerely,



Kumar Ramanathan SC
Chairman

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