

LCQ4: Licence for keeping or using any place of public entertainment for lectures or story-telling

Following is a question by the Hon Cyd Ho Sau-lan and a reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (December 21):

Question:

Under section 4 of and Schedule 1 to the Places of Public Entertainment Ordinance (PPEO), any person who keeps or uses any place of public entertainment for presenting or carrying on activities of entertainment including a lecture or story-telling, etc, is required to apply to the Food and Environmental Hygiene Department (FEHD) for a licence and be granted such a licence by FEHD, and those who fail to do so shall be liable on conviction to imprisonment for six months and a fine at level 4 (ie HK\$10,001 to HK\$25,000). In this connection, will the Government inform this Council:

- (a) when a lecture or story-telling was brought within the ambit of PPEO by the authorities, and the background to and justifications for doing so;
- (b) whether the authorities have invoked the aforesaid provisions to institute prosecutions; if they have, of the date on which the aforesaid provisions were last invoked to institute prosecution and the details of the case concerned; whether the person being prosecuted was subsequently convicted; if so, of the penalty; and
- (c) whether the authorities have assessed if the aforesaid provisions will infringe on the freedom of speech and right to expression; if the assessment findings are affirmative, whether they will amend Schedule 1 to PPEO accordingly as early as possible with a view to abolishing the aforesaid provisions under PPEO in respect of the requirement of applying to FEHD for a licence for keeping or using places of public entertainment for presenting or carrying on lectures or story-telling?

Reply:

Acting President,

The Places of Public Entertainment Ordinance (PPEO) was enacted in 1919. It has been amended a number of times in its history of more than 90 years and has been included in the laws of the Hong Kong Special Administrative Region (HKSAR) since 1997. Its primary aim is to protect public safety at places of entertainment at which members of the public would gather. On the three parts of the question, my reply is as follows:

(a) The decision to add "lecture" and "story-telling" into the definition of "entertainment" under the PPEO was made in 1951 when the PPEO was amended. The terms have remained in the definition since then. The Legislative Council of the HKSAR did not amend the terms when it passed a proposal to amend the PPEO again in 2002.

(b) The PPEO provides that the licensing authority for the Places of Public Entertainment Licences (PPELs) is the Secretary for Home Affairs (SHA). Starting from 2000, SHA has delegated the authority to issue or cancel PPELs or to exercise any other function relating to licensing matters to the Director of Food and Environmental Hygiene under section 3B of the PPEO. The Food and Environmental Hygiene Department has not prosecuted against the conduct of lecture or story-telling activities without a PPEL under the PPEO since 2000.

(c) When the licensing authority considers applications for PPELs, its considerations stem from the angle of protecting public safety. It will not put restrictions on the content of the "lecture" or "story-telling", and as a matter of fact, it does not impose such restrictions.

Freedom of speech, of the press and of publication are protected by the Basic Law of the HKSAR. The HKSAR Government executes the PPEO in order to ensure public safety, and it does not infringe on the freedom of speech or the right to express opinions.

Thank you, Acting President.

Ends/Wednesday, December 21, 2011

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