

Government's response to judgment handed down by Kowloon City Magistrates' Courts on two cases involving Places of Public Entertainment Ordinance (Cap. 172)

In response to the judgment handed down by Kowloon City Magistrates' Courts on two cases involving the Places of Public Entertainment Ordinance (Cap. 172), a Government spokesman today (February 3) made the following response:

The Places of Public Entertainment Ordinance (Cap. 172) (PPEO) serves the primary purpose of ensuring public safety and order on various aspects, including fire safety, building safety, electrical and mechanical equipment, ventilation, crowd management, hygiene, etc, at places of entertainment where members of the public congregate. For the organisation of any public entertainment events/activities (including those specified under PPEO) at any places (except those specified under the Places of Public Entertainment (Exemption) Order (Cap. 172D)), and provided that the relevant operator has the right to control public access to the premises (regardless of whether the general public is admitted with payment), the organiser must apply for a places of public entertainment licence (PPEL) in accordance with PPEO.

In general, places installed with mechanical devices known as "claw machines" involve amusements with prizes which draw crowds; the operators concerned also have the right to control the public admission to such places. Generally speaking, these places are caught by the licensing requirement under PPEO and therefore the relevant operators have all along been applying for PPELs from the Food and Environmental Hygiene Department (FEHD). The relevant policy and licensing requirement have been effective and will continue to apply to all places of public entertainment. The FEHD will continue its enforcement actions against unlicensed places of public entertainment to ensure public safety and order in these places.

As regards the judgment that the operation of two claw machine venues does not require a PPEL as recently handed down by the Kowloon City Magistrates' Courts, the Department of Justice is reviewing the grounds for verdict and the prosecutor's report and will consider the appropriate follow-up actions (including filing an appeal).