

Guidance Notes for Applying for Exemption of Licence for Amusement Game Centre in Clubhouses of Private Residential Estates

Part A: General Guidance

I. General Requirements

1. If the facilities in clubhouses of private residential estates are provided exclusively for use by the residents and their relatives and friends¹, and are not open to the public or for commercial purposes, and the amusement game facilities in the clubhouses are provided for use free of charge, and are ancillary facilities occupying a very limited area of the clubhouses, then the owners' corporation or owners' committee of the residential estate may apply to the Secretary for Home Affairs for a licence exemption for the concerned premises. The Secretary for Home Affairs has the right to make a final decision on the approval for the application. If the residential estate concerned does not have an owners' corporation or an owners' committee, the management company concerned may also apply. Exemption will not be granted to clubhouses which are not open to all residents and/or running on a paid membership basis.
2. In considering the application, the Government would ensure that the provision of amusement game machines/devices in the clubhouses of the residential estates concerned would not cause nuisance or public safety problems. If the application is approved, the applicant is required to take appropriate measures to ensure that the concerned amusement game facilities comply with the conditions of exemption, including that the concerned facilities do not cause nuisance or public safety problems, and that only those games approved by the Television and Entertainment Licensing Authority (TELA) for persons under the age of 16 years are installed.
3. In case the exemption application is made by the management company of the residential estate pending the formation of the owners' corporation or an owners' committee, the owners' corporation or owners' committee should, within 3 months after its formation, notify in writing the Home Affairs Bureau and TELA authorizing a representative to replace the management company as the applicant for the licence exemption.
4. Under Section 3 of the Amusement Game Centres Ordinance (Cap. 435), the Secretary

¹ Friends and relatives must be accompanied by residents of the residential estate, and the quota is 5 persons at most for each household.

for Home Affairs may have discretion as to the issuance of an exemption order, which may however be terminated with one-week notice from the Secretary for Home Affairs on an individual basis.

5. The exemption order takes effect from the date when it is published on the Gazette until its termination by the Secretary for Home Affairs.

II. Premises Requirements

1. The premises in which amusement game machines/devices are placed should comply with one of the following requirements:
 - (a) A Certificate of Compliance in respect of the premises² has been issued by the Office of Licensing Authority of the Home Affairs Department pursuant to the Clubs (Safety of Premises) Ordinance (Cap. 376), and the details of the amusement game centre (AGC) (including the number and location of the amusement game machines) are set out on the registered layout plan of the premises concerned; or
 - (b) An authorized person registered under the Buildings Ordinance (Cap. 123) (authorized person) has issued a certificate to the effect that:
 - i. the premises² are legal structure;
 - ii. the premises² are structurally suitable for use as an AGC;
 - iii. the premises² are being provided with the required means of escape;
 - iv. the premises² have been issued with an Occupation Permit;
 - v. the use of the premises² as an AGC does not contravene the Government lease conditions; and
 - vi. the premises² in which the centre is located are, according to the layout plan approved by the Buildings Department, for recreational use.

The premises, in which amusement game machines/devices are placed, should be operated in accordance with “Standard Exemption Conditions (Fire Safety) for Amusement Game Centre in Clubhouses of Private Residential Estates” (please refer to the Annex).

² It refers to the area used as the AGC in the clubhouse of the residential estate.

2. Should the concerned clubhouses of the private residential estates wish to carry out any improvement or alteration works to the amusement game centres (including changing the number and location of the amusement game machines/devices) after being granted the licence exemption, the applicant should certify that the improvement works or changes comply with the “Standard Exemption Conditions (Fire Safety) for Amusement Game Centre in Clubhouses of Private Residential Estates”; and:
 - (a) If the premises belong to 1(a) above, prior approval from the Office of Licensing Authority of the Home Affairs Department should be sought; or
 - (b) If the premises belong to 1(b) above, a certificate issued by an authorized person that the improvement works or changes concerned will comply with the requirements set out in item 1 (b) above should be issued.

The applicant shall submit to TELA the relevant Certificate of Compliance or the layout plan certified by the authorized person and the Certificate of Fire Service Installations and Equipment (FS251). Commencement of the improvement works or changes shall only be allowed after approval is granted by TELA.

3. A notice, in both English and Chinese, should be displayed at a conspicuous place at the entrance(s) of the AGC, clearly stating that the AGC has been granted exemption. The exempted area should also be clearly defined in the aforesaid bilingual notice. The size of the English letters should be not less than 10 mm (H) x 5 mm (W) and the size of the Chinese characters not less than 10 mm (H) x 10 mm (W).
4. The AGC must be brightly lit (not less than 50 lux measured at one metre above floor level and at any point at least one metre from walls).

III. Requirements for the Games and Amusement Game Machines/Devices

1. Only those games approved by TELA as suitable for persons under the age of 16 years are allowed in the AGC. The names of the games being played should be readily ascertainable for inspection from the screens or the outer parts of the machines or devices which are in operation.
2. No bet shall be wagered or paid in the AGC, nor shall any person offer or receive any advantage to be determined by the result of any game played on a machine or device.
3. No prizes or cash refund shall be offered or given to any person in consequence of the result of any game on a machine or device.

IV. Other Requirements

1. Proper management should be maintained at all times when the clubhouse is in operation, and the AGC should be kept in peace and good order at all times.
2. The layout plan of the amusement game machines/devices installed shall be kept inside the AGC and be made available to officers of the TELA, Police, Fire Services Department, Buildings Department or other authorized public officers for inspection upon demand.
3. Officers of the TELA, Police, Fire Services Department, Buildings Department or other authorized public officers shall be permitted to enter and inspect the AGC for the purpose of enforcing the conditions for the licence exemption, as well as ensuring that the conditions for the licence exemption are complied with.
4. The Secretary for Home Affairs may impose from time to time any other additional exemption requirements.

Part B: Application Procedures

I. Applicant

1. The application for licence exemption may be made by the owners' corporation or owners' committee of the residential estate. If the residential estate concerned does not have an owners' corporation or an owners' committee, the management company concerned may also apply.
2. The owners' corporation/owners' committee/management company should authorize a representative to submit the application on their behalf. The applicant shall submit a formal documentation to substantiate the authorization.

II. Application Form

Application for licence exemption should be made on a standard application form (Form ET3) obtainable from:

- (a) the Licensing Section, Television and Entertainment Licensing Authority, Room

- 915, 9/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong either in person or in writing; or
- (b) Homepage of TELA at (www.tela.gov.hk).

III. How to Apply

The application form (in triplicate) should be completed by the applicant and returned to the Licensing Section under TELA together with the following:

1. A document of authorization issued by the owners' corporation/owners' committee/management company.
2. A photocopy of the Business Registration Certificate (if applicable).
3. A Certificate of Compliance in respect of the residential clubhouse issued by the Office of Licensing Authority of the Home Affairs Department pursuant to the Clubs (Safety of Premises) Ordinance (Cap. 376), with details of the AGC concerned specified in the registered layout plan;
OR
A layout plan of the amusement game machines of the premises³ concerned certified by an authorized person registered in accordance with the Buildings Ordinance (Cap. 123) to the effect that:
 - i. the premises³ are legal structure;
 - ii. the premises³ are structurally suitable for use as an AGC;
 - iii. the premises³ are being provided with the required means of escape;
 - iv. the premises³ have been issued with an Occupation Permit;
 - v. the use of the premises³ as an AGC does not contravene the Government lease conditions; and
 - vi. The floor area in which the premises³ are located in is approved by the Buildings Department for recreational use.
4. Certificate of Fire Service Installations and Equipment (FS251) (refer to "Standard Exemption Conditions (Fire Safety) for Amusement Game Centre in Clubhouses of Private Residential Estates").

³ It means the area used as the AGC in the clubhouse of the residential estate.

5. Layout plan in respect of the whole clubhouse of the residential estate.
6. A written statement (Annex A of the application form) signed by the authorized representative of the owners' corporation/owners' committee/management company, giving permission to officers of the Home Affairs Bureau, TELA, Police, Fire Services Department, Buildings Department and other concerned departments to enter and inspect the proposed premises.
7. A written statement (Annex B of the application form) signed by the authorized representative of the owners' corporation/owners' committee/management company, declaring that the owners' corporation/owners' committee/management company fully understands and will observe all the criteria, conditions and undertakings in connection with the licence exemption, and that it fully understands that the exemption order issued by the Secretary for Home Affairs may be terminated with at least one week's notice from the Secretary for Home Affairs or may be lapsed under the conditions of the exemption .
8. A written statement (Annex C of the application form) signed by the authorized representative of the owners' corporation/owners' committee/management company, giving consent to the Home Affairs Bureau and TELA to make available the information (including personal data) relating to the application for public inspection.

Home Affairs Bureau
December 2008

**Standard Exemption Conditions (Fire Safety) for
Amusement Game Centres in Clubhouses of Private Residential Estates**

1. Fire Service Installations and Equipment

1.1 The following fire service installations and equipment shall be provided and maintained in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment published by the Fire Services Department–

1.1.1 Portable fire extinguishers at the following scale:

- (a) a 9-litre water type fire extinguisher for every 200 square metres of the premises (except where a sprinkler/hose reel system is provided); and
- (b) a 4.5 kg carbon dioxide (CO₂) fire extinguisher to be provided near the service counter/entrance of the area accommodating the game machines.

1.1.2 Emergency lighting for the entire premises.

1.2 All fire service installations and equipment provided in the premises shall be –

1.2.1 kept free from any obstruction;

1.2.2 retained and maintained in an efficient working order. All maintenance, alterations and additions shall be carried out by a Registered Fire Service Installation Contractor who shall issue Certificate(s) of Fire Service Installations and Equipment (FS 251) with copies forwarded to the Director of Fire Services within 14 days after completion of the work; and

1.2.3 inspected at least once every twelve months by a Registered Fire Service Installation Contractor of the appropriate class.

2. Means of Escape

2.1 All means of escape shall be kept free from obstruction and unlocked. In particular –

2.1.1 no article or thing may be left in the means of escape at any time; and

2.1.2 all exit doors including those leading to the roof shall be kept openable from the inside without the use of a key and all metal gates/shutters, where installed in exits or passageways, shall be kept in open position at any time when the clubhouse is occupied.

2.2 All exits doors shall remain unlocked during the opening hours of the premises. If it is necessary to secure any alternative exit door, then that exit door shall be fitted with panic bolts of the type accepted by the Director of Fire Services. The words “PUSH BAR TO OPEN 推門開門” in 100mm English and Chinese character should be painted on the inside face of the door immediately above the bar.

- 2.3 All exits shall be indicated by illuminated signs, bearing the word and characters “EXIT 出口”, installed in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment. Adequate directional signs indicating the route to an exit shall be provided at locations where exit signs are not readily visible.

3. **Mechanical Ventilating System**

- 3.1 All ventilating systems installed under the Building (Ventilating Systems) Regulations, Cap. 123J shall be maintained in an efficient working order at all times. Every damper, filter and precipitator in the ventilating system shall be inspected at intervals of not exceeding 12 months by a Registered Specialist Contractor (Ventilation Works).
- 3.2 If the ducting or trunking of any mechanical ventilating system installed in the premises passes through any fire compartment (wall, floor or ceiling), the following requirements shall be complied with:
- 3.2.1 the detailed as-fitted drawings of the mechanical ventilating system shall be submitted to the Ventilation Division of the Fire Services Department for reference. Upon completion of the ventilation work, the Ventilation Division of the Fire Services Department should be notified in writing by prescribed form ‘Vent/425’ such that compliance inspection could be arranged; and
- 3.2.2 the mechanical ventilating system installed in the premises shall comply with the Building (Ventilating Systems) Regulations, Cap. 123J and the fire safety requirements for mechanical ventilating system as stipulated in the Fire Services Department Circular Letter No. 4/96 Part XI (Appendix I).

4. **Decoration and Furniture**

- 4.1 All combustible materials used as false ceilings, partitions or wall furnishing shall conform to British Standard 476: Part 7 Class 1 or 2 Rate of Surface Spread of Flame or to another standard acceptable to the Director of Fire Services, or shall be brought up to any of those standards by treating with a fire retardant paint or solution acceptable to the Director of Fire Services. If the combustible materials are to be treated with a fire retardant paint or solution, the treatment work shall be carried out by a Class 2 Registered Fire Service Installation Contractor. A Certificate of Fire Service Installations and Equipment (FS 251) to this effect shall be issued from the Contractor with copies forwarded to the Director of Fire Services within 14 days after completion of the treatment work. A copy of the Certificate shall be kept by the management office / inside the centre and be made readily available for inspection by officers of the Fire Services Department upon demand.
- 4.2 All draperies and curtains, if installed, shall comply with the following requirements:
- 4.2.1 they shall be made of fire resistant material and conform to British Standard 5867: Part 2 fabric type B when tested in accordance with British Standard 5438 or to another standard acceptable to the Director

of Fire Services or shall be brought up to any of those standards by treating with a fire retardant solution acceptable to the Director of Fire Services. If the draperies/curtains are to be treated with a fire retardant solution, the treatment work shall be carried out by a Class 2 Registered Fire Service Installation Contractor. A Certificate of Fire Service Installations and Equipment (FS 251) to this effect shall be issued by the Contractor with copies forwarded to the Director of Fire Services within 14 days after completion of the treatment work. A copy of the Certificate shall be kept by the management office / inside the area accommodating the game machines and be made readily available for inspection by officers of the Fire Services Department upon demand; and

4.2.2 when hanging across exit routes, they shall be parted in the centre and raised so as to clear the floor by not less than 75mm.

4.3 Any polyurethane (PU) foam filled mattresses and upholstered furniture in the premises shall meet the following flammability standards:

4.3.1 Mattresses – British Standard 7177: 1996 Specification for resistance to ignition of mattresses, divans and bed bases (for the use in medium hazard premises/building) or a standard acceptable to the Director of Fire Services.

4.3.2 Upholstered furniture – British Standard 7176: 1995 Specification for resistance to ignition of upholstered furniture for non-domestic seating by testing composites (for the use in medium hazard premises/building) or a standard acceptable to the Director of Fire Services.

5. **Electrical Installations**

5.1 All fixed electrical installations in the premises shall be installed, inspected, tested and certificated by an electrical worker and contractor registered with the Director of Electrical & Mechanical Services. A copy of the certificate, as proof of compliance with the provisions in the Electricity Ordinance, Cap. 406, shall be kept by the management office / inside the area accommodating the game machines and be made readily available for inspection by officers of the Television and Entertainment Licensing Authority, the Fire Services Department or other duly authorized public officers upon demand.

Fire Services Department

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