

G.N. 5378

AMUSEMENT GAME CENTRES (EXEMPTION) ORDER

(made under section 3 of Chapter 435)

The electronic sports ('e-sports') venue at CyberArena, The Arcade, 100 Cyberport Road, Cyberport is hereby exempted from the operation of the Amusement Game Centres Ordinance ('AGCO') (Chapter 435) subject to compliance with a set of operational requirements applicable to such venue annexed to this exemption order.

The public officer appointed by the Secretary for Home and Youth Affairs ('appointed public officer'), any police officers and public officers authorised in writing by the appointed public officer may enter and inspect the e-sports venue for the purpose of checking and ensuring compliance with the operational requirements annexed to this exemption order.

This exemption granted under the AGCO does not act as a waiver of any terms in any lease, tenancy agreement or licence granted by the Government, nor does it affect or change the provisions of the deed of mutual covenant or other covenants relating to the building in which the venue is situated, nor does it imply an immunity from any consequence and liability of any breach of other Hong Kong laws.

The Secretary for Home and Youth Affairs shall have full discretion to terminate this exemption in respect of the e-sports venue by serving advance notice of not less than one week to the person-in-charge.

30 September 2022

Alice MAK Secretary for Home and Youth Affairs

Annex

**Operational requirements applicable to the electronic sports
("e-sports") venue at
CyberArena, The Arcade, 100 Cyberport Road, Cyberport
Exempted from the operation of the Amusement Game Centres
Ordinance ("AGCO") (Chapter 435)**

1. The person-in-charge of the exempted e-sports venue ("the venue") or persons appointed to manage the venue as operator(s) / manager(s) shall be present at the premises at all times when the venue is in operation.
2. The person-in-charge of the venue must inform the public officer appointed by the Secretary for Home and Youth Affairs ("appointed public officer") of any changes to the mode of operation or the person-in-charge / operator(s) / manager(s) of the venue within 14 calendar days.
3. The venue shall be under proper management during the opening hours of the venue, and peace and good order shall be maintained in the venue.
4. A notice in Chinese and English in the form prescribed by the appointed public officer at **Appendix A** shall be displayed at the entrance(s) of the venue indicating clearly and prominently that the venue is exempted from the AGCO.
5. The letter of the exemption, copies of this set of operational requirements and the layout plan of the venue approved by the appointed public officer ("the approved layout plan") shall be kept inside the venue and be made available for inspection any time by the appointed public officer, any police officer and any public officer authorised in writing by the appointed public officer upon demand.
6. Use of the e-sports gaming facilities in the venue must not be charged based on the number / rounds of games played.
7. The person-in-charge shall ensure that the condition, layout, fittings, extent and operation of the venue remain the same as the approved layout plan certified by an Authorised Person ("AP") registered under the Buildings Ordinance (Chapter 123) to the effect that –

- (a) the premises in which the venue is located are a legal structure;
 - (b) the premises are structurally suitable for use as an e-sports venue;
 - (c) the proposed structures (including temporary structures for e-sports activities) for the e-sports venue are structurally safe and stable with adequate structural strength and have no adverse effect on the integrity to the existing approved structures of the premises;
 - (d) the premises are being provided with the required means of fire escape;
 - (e) the venue is located in a building which has been issued with an Occupation Permit, if applicable;
 - (f) the arrangement of e-sports venue and activities does not adversely affect the building fire safety of the existing building, in which the venue is located, according to the Buildings Authority or accepted by the Buildings Department; and
 - (g) the use of the premises for e-sports activities does not contravene the Government lease conditions.
8. Prior approval of the appointed public officer will be required for any future improvement or alteration works to the venue or any change in the number or location of e-sports gaming facilities or the boundary of the venue. For seeking approval by the appointed public officer, the applicant shall submit to the appointed public officer –
- (a) revised layout plans;
 - (b) a certificate from an AP that the venue will, after the completion of the proposed improvement or alteration work, comply with the conditions set out in paragraph 7; and
 - (c) any other necessary documents as requested by the appointed public officer.
9. The venue shall be operated in accordance with other operational requirements as stipulated at the appendices, which may be revised from time to time –
- (a) requirements relevant to fire safety at **Appendix B**;
 - (b) requirements relevant to building safety **Appendix C**;
 - (c) requirements relevant to ventilation and hygiene at **Appendix D**;

and

- (d) requirements relevant to the operation of amusement ride and laser equipment at **Appendix E**.

**Exemption of Electronic Sports Venue from
Licence Requirement under
the Amusement Game Centres Ordinance (Cap. 435)**

Standard Requirements for Notice

A notice indicating that the electronic sports venue has been exempted in both English and Chinese, shall be displayed at a conspicuous place at the entrance(s) of the premises. The size of the English letters shall 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). The suggested wordings are as follows –

“This electronic sports venue has been exempted from the licence requirement under the Amusement Game Centres Ordinance (Chapter 435) by the Secretary for Home and Youth Affairs with effect from (date).”

「此電子競技場地已於(日期)獲民政及青年事務局局長豁免受《遊戲機中心條例》(第 435 章)的領牌規定所規限。」

Requirements relevant to Fire Safety

A. Restrictions on Location

The premises shall not be located :-

- (a) at level 4 of basement or below;
- (b) in areas designated for emergency use, such as buffer or refuge floor;
- (c) in any industrial building;
- (d) in industrial portion of an industrial/office building.

B. Standard Requirements

1. All fire service installations and equipment (FSI) provided for the premises shall be retained and maintained in efficient working order. For all maintenance, alteration and addition, such works shall be carried out by a Registered FSI Contractor who shall issue Certificate(s) of Fire Service Installations and Equipment (FS 251) to the owner with copies forwarded to the Director of Fire Services within 14 days after completion of the works. A certificate of compliance (FSI/314A, FSI/314B or FSI/314C as appropriate) shall also be submitted by the responsible Registered FSI Contractor to the Director of Fire Services for the alteration and addition works.
2. A sprinkler system in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment shall be provided if the premises:-
 - (a) is located in a curtain-walled building or a basement floor occupying an area exceeding 126m²; or
 - (b) is located in other types of building occupying an area exceeding 230 m².
3. Portable fire-fighting equipment of the approved type shall be provided as follows:
 - 3.1 5 x 9 L water type fire extinguisher(s) at the premises ;
and
 - 3.2 5 x 4.5 kg CO₂ type fire extinguisher(s) at the premises.

4. A manual fire alarm system with visual alarm signals in accordance with the Code of Practice for Minimum Fire Service Installations and Equipment with fire alarm call point at each of the following locations shall be provided:-
 - 4.1 near each exit;
 - 4.2 the main entrance;
 - 4.3 competition / gaming area(s);
 - 4.4 seating area(s) / spectator stand(s);
 - 4.5 broadcasting area(s);
 - 4.6 commentator stage;
 - 4.7 reception area (if any);
5. Alarm bells and visual fire alarm signals in individual rooms intended to be used by the customers shall be provided.
6. All exits shall be suitably indicated by illuminated signs bearing the words and characters “EXIT 出口” in block letters and characters of not less than 125mm high with 15mm strokes. The colour of the letters/characters and contrasting colour on the background shall comply with the Code of Practice for Minimum Fire Service Installations and Equipment.
7. If the exit signs are out of sight to any location within the premises, suitable direction signs in same dimensions as the exit signs shall be provided to assist the occupant to identify the exits in the event of an emergency.
8. All panic exit devices fitted on the exit doors shall be of the types accepted by the Director of Fire Services. The words “PUSH BAR TO OPEN 推門開門” in 100mm English and Chinese characters should be painted on the inside face of the door immediately above the bar.
9. All fixed electrical installations shall, after completion (including any work completed after repair, alteration or addition) and before they are energized for use, be inspected, tested and certified with Work Completion Certificate (Form WR1) by a registered electrical contractor (REC) and his registered electrical worker (REW). Existing fixed electrical installations shall be inspected, tested and certified at least once a year with Periodic Test Certificate (Form WR2) by REC and his REW, and endorsed by Electrical and Mechanical Services Department. A copy of duly completed Form WR1 or WR2 shall be submitted to the public officer

appointed by the Secretary of Home and Youth Affairs at the time of application for issue of Exemption of Electronic Sports Venues from Licence Requirement under the Amusement Game Centres Ordinance (Chapter 435) or for variation of order particulars as appropriate.

10. Emergency Lighting shall be provided to the premises and the **attached** requirements for Self-contained Luminaries Emergency Lighting System (PPA/104(A)) shall be complied with.
11. All staircases connected to the premises shall be adequately illuminated during the hours of business.
12. The electrical main switch gears shall be clearly indicated as to its purpose in English and Chinese characters. The door giving into any room, cabinet or locker containing the electrical main switch gear shall be provided with an indication label with both 25mm English and Chinese characters on the exterior.
13. All electric wiring shall be arranged in such a way that it shall not impede any passageway. Any electric wiring laying across passageway shall be properly protected by cable ramp.
14. A ventilation/air-conditioning control system shall be provided to the premises if applicable and the attached Requirements for Ventilation/Air-conditioning Control Systems for Licensed Premises shall be complied with.
15. Adequate clear passageways shall be maintained. All exits and staircases shall be kept free from obstructions at all times.
16. All combustible materials used for false ceilings, partitions or wall furnishings shall conform to British Standard 476 : Part 7 Class 1 or 2 Rate of Surface Spread of Flame or to any 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 Director of Fire Services. In the latter case, the work shall be carried out by a Class 2 Registered Fire Service Installation Contractor and a certificate (FS251) to this effect from the Contractor shall be forwarded to Fire Services Department (“FSD”) as documentary proof of compliance.
17. All draperies and curtains, if installed, shall be made of fire resistant material and conform to British Standard BS 5867: Part 2 (Type B performance requirements) when tested in accordance with BS EN ISO

15025:2002 or to any other 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 Director of Fire Services. In the latter case, the work shall be carried out by a Class 2 Registered Fire Service Installation Contractor and a certificate (FS251) to this effect from the Contractor shall be forwarded to FSD as documentary proof of compliance.

18.

PU Foam

- 18.1 All polyurethane (PU) foam filled mattresses and covering material used for fabrication of the mattresses shall conform to British Standard 7177 (for use in medium hazard premises/building); or Flammability Test Procedure for Mattresses for Use in High Risk Occupancies (Technical Bulletin Number 121) or Flammability Test Procedure for Use for Mattresses for Use in Public Buildings (Technical Bulletin Number 129) as issued by the Bureau of Home Furnishings and Thermal Insulation, Department of Consumer Affairs, State of California; or to other standard acceptable to the Director of Fire Services.
- 18.2 All PU foam filled upholstered furniture and covering material used for fabrication of the furniture shall conform to British Standard 7176 (for use in medium hazard premises/building); or Flammability Test Procedure for Seating Furniture for Use in Public Occupancies (Technical Bulletin Number 133) as issued by the Bureau of Home Furnishings and Thermal Insulation, Department of Consumer Affairs, State of California; or to other standard acceptable to the Director of Fire Services.
- 18.3 Each PU foam filled mattresses and upholstered furniture conforming to British Standard 7177 (for use in medium hazard premises/building) and British Standard 7176 (for use in medium hazard premises/building) respectively shall bear an appropriate label (Appendix).
- 18.4 Invoices from manufactures/suppliers and test certificates from testing laboratories indicating that the PU foam filled mattresses and/or furniture items have complied with the specified standards shall be produced for verification. Test certificate shall be issued by a testing laboratory accredited to conduct test according to the specified standard, and be authenticated by the company's stamp of manufacturer/supplier.

19. No naked flame is allowed within the premises.
20. No cooking activities shall be conducted on the premises other than in a kitchen.
21. An emergency evacuation plan shall be prepared and all staff should be conversant with such plan so that they can assist players, spectators and patrons in evacuation in case of emergency.
22. An exit route plan drawn to a ratio of not less than 1 : 200 showing the floor layout of the premises and the directions of egress to escape staircases and means of escape shall be displayed prominently on wall of each room intended to be used by customers. The size of the exit plan shall not be less than 250mm x 250mm and shall be affixed at a height of 1500mm above the floor level.
23. The layout plan of the premises with reference to the location, specification and name of machinery/gaming devices and facilities for players, spectators and other participants shall be provided.
24. No storage of any dangerous goods exceeding the exempt quantity in accordance with the Dangerous Goods (General) Regulations, Chapter 295B, Laws of Hong Kong, shall be allowed.
- C. **For E-sports involving the use of Virtual Reality (VR) Games/Machines with head mounted device (Items 25 to 27)**
25. The person-in-charge or his/her operator(s) / manager(s) shall be present at the premises at all times when the premises is in operation to facilitate the evacuation of the patrons therein to place of safety in case of fire or other calamity.
26. An emergency alert system which can stop the music or the sound and visual images/effects produced by the VR games system and at the same time produce visible and audible warning signals in case of a fire shall be provided. Such system shall be actuated by the person-in-charge or his/her operator(s) / manager(s) and/or by any other approved means.
27. Safety instructions (such as short film or written guide) shall be provided to brief patrons before they start to play the VR game/machine. The content shall include but not limited to the following:

- (a) Actions to be taken in case of fire;
- (b) Introduction of exit route of the premises; and
- (c) Introduction of the Fire Alarm System provided inside the premises.

28. Additional Requirements (if any) : -

Additional Fire Safety Requirements under the Fire Engineering Approach

- (a) The premises shall be continuously manned by trained personnel/promptly attended by trained personnel in case of emergency.
- (b) The trained personnel shall perform his/her duties as stipulated in the Fire Engineering Report for the sake of safety of staff and the public.

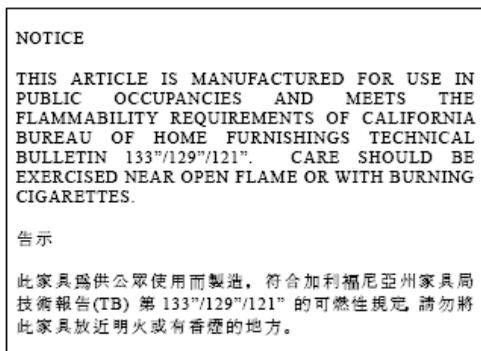
Remarks

Should the persons-in-charge have insurmountable difficulties in complying with the prescribed requirements, they can submit alternative proposals for FSD's consideration. For example, persons-in-charge can adopt the Fire Engineering approach, or submit a study report to explain how they will tackle problems of fire suppression, smoke control, evacuation and access of fire services etc.

Sample of Label (標籤樣本)

APPENDIX 附件

Sample I (樣本 I)



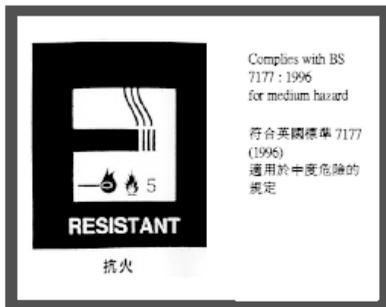
*Delete wherever inapplicable/請刪去不適用者

Note : The minimum size of the label shall be 5 x 7.5 cm and the minimum size of the type shall be 3 mm in height.

註 : 標籤面積最小須為 5 x 7.5 厘米，字體高度最小須為 3 毫米。
(英文版告示的所有字體必須為大楷)

Sample II (樣本 II)

Sample III (樣本 III)



Appendix C

Requirements relevant to Building Safety

1. The person-in-charge/ operator(s) should ensure the safety of all temporary structure(s) erected and properly maintained.
2. The person-in-charge/ operator(s) should appoint an Authorized Person/ Registered Structural Engineer, which are those registered under Section 3 of the Buildings Ordinance, to ensure the structural stability and safety of the suspended proprietary truss frame(s) & hanging system with curtain, indoor LED walls and stage as shown on the layout plan of the e-sports venue approved by the public officer appointed by the Secretary for Home and Youth Affairs (“the approved layout plan”).
3. The maximum capacity (including staff and patrons) within the e-sports venue (CyberArena) should not exceed 320 persons at any time during the event.
4. Two exit tunnels with a clear width of not less than 1950mm each should be provided for the e-sports venue as required under the endorsed Fire Safety Assessment Report on Metal Lighting Truss in Cyberport Arcade (Issue 8) under ref.: BD 2-3/2042/99 ST5/4.
5. All exit routes within the e-sports venue should have a minimum clear width of 1050mm. Every part of the exit route should have a clear headroom of not less than 2000mm.
6. All existing passageway, exit routes and designated exits should be free from any obstruction at all times.
7. The stage should be restricted to staff and/or performers only and the public should not be allowed on the stage at all times. Each step on the stage should have a riser not more than 175mm high and tread less than 225mm wide.
8. The existing approved static smoke vent should not be obstructed by the temporary structures/furniture/fixture/fabric screens cover.

9. The setting and arrangement of the e-sports venue should strictly conform to the approved layout plans according to the endorsed Fire Safety Assessment Report on Metal Lighting Truss in Cyberport Arcade (Issue 8).
10. The person-in-charge/ operator(s)'s attention should be drawn to the importance of control against overcrowding and fire safety management plan and procedures in case of fire/emergency according to the endorsed Fire Safety Assessment Report.
11. The Fire Safety Management Plan and Bounding Conditions stipulated in the endorsed Fire Safety Assessment Report on Metal Lighting Truss in Cyberport Arcade (Issue 8) should be fulfilled and strictly maintained at all times.

Appendix D

Requirements relevant to Ventilation and Hygiene

1. Plans

In respect of any change to the ventilation system, three copies of plan, drawn as nearly as possible to scale and in metric units to show the layout of the ventilating system to be installed in the premises, shall be submitted to the public officer appointed by the Secretary for Home and Youth Affairs, together with the certificate for the system unless the ventilating system has already been included in the overall layout plan of the premises submitted.

2. Ceilings and Walls

All ceilings and internal walls which are not paneled, tiled or impervious surfaced, must be limewashed or painted.

3. Mechanical Ventilation

A ventilation system must be provided to give not less than 17 cubic metres of outside air per hour for each person that the premises are designed to accommodate.

4. Design of Ventilation System

The ventilation system shall be installed in such a way that –

- (a) all moving parts thereof shall be securely fenced;
- (b) every part thereof shall be accessible for the purposes of inspection, and, in particular—
 - (i) the spindle of every fan shall be so sited that its guard may be removed and a tachometer applied thereto; and
 - (ii) every air intake and exhaust shall be accessible for the purposes of measurement;
- (c) no air intake for the ventilating system shall be sited in any place —
 - (i) which constitutes a fire hazard in the opinion of the Director of Fire Services;
 - (ii) where waste or rubbish is likely to accumulate; or
 - (iii) where the air is for any reason impure or likely to become impure;

- (d) the opening of every air intake shall be fitted with a screen constructed of corrosion-resistant material having a mesh not greater than 12 mm;
- (e) an air intake damper shall be—
 - (i) adjusted to a setting approved by the Director of Food and Environmental Hygiene;
 - (ii) marked indelibly to indicate the approved setting; and
 - (iii) secured against interference;
- (f) no exhaust from the ventilating system shall be sited in any place where it causes, or is likely to cause, annoyance or inconvenience to the public;
- (g) every duct shall—
 - (i) be wholly constructed of non-combustible material having a strength and durability similar to that of galvanized sheet iron or steel;
 - (ii) be accessible for the purposes of cleaning throughout its entire length;
 - (iii) where its size is sufficient to allow any person to enter therein, be fitted with access openings to allow a person to enter the same for the purpose of cleaning, and shall be constructed to bear the weight of any person who has so entered;
 - (iv) be provided with a smooth and impervious internal surface;
 - (v) where it passes through any floor, wall or ceiling, be fitted with a damper which shall be operated by fusible links of a type approved by the Director of Fire Services, and designed to operate up to a temperature of 69 degrees Celsius, and be so constructed or protected as to resist the action of fire for a period not less than the period for which the floor, wall or ceiling through which it passes is designed to resist the action of fire;
- (h) no duct shall serve more than one building;
- (i) an air filter shall be—
 - (i) constructed wholly of non-combustible material, other than steel wool;
 - (ii) of a design approved by the Director of Food and Environmental Hygiene; and
 - (iii) installed in such manner that all incoming air passes through it before being distributed within the premises;

- (j) every electrostatic filter or precipitator shall be of a type approved by the Director of Fire Services;
 - (k) every blower fan shall be fitted with a fused running hour meter connected to the load side of the fan contractor with a device for recording time in minutes and hours or tenths or lesser fractions of an hour;
 - (l) each fused running hour meter shall be sited in an easily accessible and conspicuous place to facilitate inspection;
 - (m) each set of filters in a ventilating system shall be indicated by a filter gauge, filter flag indicator or differential pressure switch;
 - (n) filters shall be cleaned or replaced when the filter gauge, filter flag indicator or differential pressure switch shows an increase of 50 pascals over the designed air filter pressure drop; and
 - (o) a filter flag indicator shall indicate “dirty” when there is an increase of 50 pascals over the designed air filter pressure drop.
5. All extraction fans installed on the premises must be discharged into the open air at a height of at least 2.5 metres above the ground or street level and in such a manner as not to be a nuisance.
6. A fresh air inlet sited in the open air and at a height of not less than 2.5m from the ground level shall be provided to the ventilating system.
7. Any emission of air either above or below the temperature of the external air from a ventilating system shall be arranged to discharge into the open air at a height of not less than 2.5 m above ground level and in such a manner as not to be a nuisance. Exhaust duct(s) shall be connected thereto if required by the Director of Food and Environmental Hygiene.
8. All air-ducts shall be rendered rat-proof.
9. For any change of ventilation system installed, a certificate must be obtained from the supplier and delivered to the Director of Food and Environmental Hygiene, giving the following particulars :-
- (a) the capacity of the fan in cubic metres per minute;
 - (b) the outlet velocity of the fan in metres per minute;

- (c) the designed operating static pressure of the fan in pascals;
- (d) the speed of the fan pulley in revolutions per minute;
- (e) the net area of the air intake;
- (f) except where the premises are air-conditioned with positive pressure, the net area of exhaust in square metres; and
- (g) the type of refrigerant (if any) to be used.

10. The ventilating system must, at all times when the premises are open to the public, be kept fully in operation.

Appendix E

Requirements relevant to the operation of Amusement Ride and Laser Equipment

1. If the person-in-charge will install and operate amusement ride / kiddie ride for public use, the person-in-charge shall submit separate application to the Electrical and Mechanical Services Department (“EMSD”).
2. The person-in-charge shall employ a Registered Electrical Contractor (“REC”) or Register Electrical Worker (“REW”) to carry out the electrical work, if any. Upon completion of the said electrical work, the Work Completion Certificate (i.e. WR1) shall be issued by the REC / REW.
3. If the person-in-charge will use laser equipment, the person-in-charge shall inform the EMSD for safety guidelines.