

Guidance Note
on Application for Exemption of Electronic Sports Venues
from Licence Requirement
under the Amusement Game Centres Ordinance (Cap. 435)

Introduction

1. Under the Amusement Game Centres Ordinance (AGCO) (Cap. 435), an operator of an amusement game centre at a particular premises is required to obtain an amusement game centre licence issued by the public officer appointed by the Secretary for Home Affairs (SHA). While the setting and operation of electronic sports (e-sports) venues may be different from that of conventional amusement game centres, some e-sports venues may be caught by the provisions in the AGCO if the use or operation of the machinery or devices in the premises are in whole or in part for the purpose of amusement, recreation or entertainment on payment directly or indirectly of any consideration in money or money's worth.
2. Having regard to the specific nature and operation mode of the e-sports industry in Hong Kong, this Guidance Note sets out the general requirements and application procedures for e-sports venue operators to apply for SHA's exemption order under section 3 of the AGCO.
3. In accordance with paragraph 2 in Section I of Part A in this Guidance Note and depending on the operation mode of individual premises, if the facilities or part of them in the premises are provided mainly for conducting e-sports gaming competitions as its primary activities, and that the requirements set out in this Guidance Note are met, the operator of the e-sports venue may submit an application to the Office of the Licensing Authority (OLA) under the Home Affairs Department to apply for an exemption under section 3 of the AGCO.
4. The applications for exemption will be referred to relevant bureaux/ government departments for comments and for conducting site inspections.
5. Depending on the operation/services to be provided, the e-sports venue operator may also be required to obtain other licences and/or permits before

commencement of operation. For example, depending on the actual mode of operation, the nature of business and whether members of the public are admitted, operators of e-sports venues may be required to obtain a Places of Public Entertainment Licence issued by the Food and Environmental Hygiene Department. If e-sports venues include catering or retail elements, operators are also required to obtain corresponding food business licences / permits as appropriate. Granting an exemption under the AGCO should not be taken as also satisfying the requirements under other ordinances (where applicable).

6. This is not a document for legal advice. Information contained in this Guidance Note is for general reference only. E-sports venue operators are advised to refer to the provisions of the AGCO and consult their own legal advisers in case of any doubt.

Part A: General Guidance

I. Definition of E-sports and E-sports Venues

1. For the purpose of this Guidance Note, e-sports –
 - (a) involve organised competitions, for a score or for victory between human players normally in teams, amateur or professional, by using information and communications technologies and connected network, including but not limited to a personal computer, electronic gaming device, gaming software, electronic display equipment, audio equipment, specialised gaming gears and equipment for live broadcast and livestreaming; and
 - (b) similar to professional competitions such as sports games, are organised games commonly involving gaming leagues, players and coaches, livestreaming and commentating, event planning and corporate sponsorship.
2. For the purpose of this Guidance Note, venues for e-sports (“e-sports venues”) are premises caught by the AGCO (see paragraph 1 of

“Introduction” of this Guidance Note) primarily used for conducting e-sports competitions with players on-spot. Depending on the relative scale of these activities, other ancillary activities, such as e-sports training, demonstration of e-sports equipment and products, marketing of e-sports events, equipment and products etc. may be conducted.

II. General Considerations

1. In determining whether a particular venue is an e-sports venue eligible for an exemption under the AGCO, all the relevant facts and circumstances of each particular case, including but not limited to those set out below, will be taken into account –
 - (A) whether the venues are equipped with the following equipment/facilities –
 - (a) Equipment and facilities for e-sports competitions/games
 - (i) E-sports gaming software for combating online between human players normally in teams and associated with organised tournaments;
 - (ii) computers mainly for playing e-sports games or proprietary gaming computers or consoles in a team competition setting, typically in teams of five players;
 - (iii) computers with graphics processing units or devices capable of producing high quality, low latency graphics during the game;
 - (iv) specialised e-sports gears such as, ergonomic gaming chairs, desks, high-performance tools and accessories including communication headsets, gaming mouse and keyboards and/or controllers;
 - (v) low-latency high-bandwidth internet connectivity for conducting online e-sports games;
 - (vi) adequate seating capacity for public audience which in general should outnumber the player capacity;
 - (vii) the use of the gaming facilities on the premises must not be used

- for purposes other than e-sports; and
- (viii) other facilities necessary for spectators to view the game on-spot, such as large-scale monitors and audio system, etc.

On the above IT hardware and software, reference will be made to the technical standards and requirements in major global e-sports competitions.

- (b) Equipment and facilities for e-sports live broadcasting/livestreaming
 - (i) control panel and the necessary equipment/facilities for directing stage visual and audio;
 - (ii) audio-visual facilities, such as facilities attaining recognised audio-visual systems standard, or facilities with high resolution, high refresh rate, high frame rate, and fast response time;
 - (iii) live broadcast system, which generally includes video producer capable of video broadcasting in a high quality with low latency manner, cameras for players and the venue, devices for commentator input, controller for replay system, etc.;
 - (iv) livestreaming system and other necessary facilities for supporting broadcasting of competition online;
 - (v) lighting system such that disturbance to players, like the light reflection from the screen, should be minimised; and
 - (vi) commentator stage and the necessary equipment/facilities to support live commentary during competitions;
- (B) the mode of operation of the e-sports venues, including but not limited to the types and frequency of e-sports competitions as well as whether they are associated with any e-sports tournament, the types and frequency of related activities to be organised or conducted on the premises, a list of e-sports games to be played, the types, amount of fees to be charged and on-site support arrangement for the e-sports games facilities, if any; and
- (C) the layout of the premises with reference to the location, specification and name of machinery/gaming devices and facilities for players, spectators and other participants.

III. Safety Requirements for the Premises

1. The premises, proposed as an e-sports venue, should also comply with the requirements on building structure and occupation, government lease conditions and fire safety as appropriate and as advised by relevant government bureaux/departments. Upon receipt of the applications for exemption, applications will be referred to relevant bureaux/ government departments for comments and for conducting site inspections. A list of contextualised requirements will be tailor-made for each premises having regard to the scale and mode of operation of the premises.

IV. Other Requirements

1. The venue exempted should be prepared to organise e-sports competition on a regular basis and with sufficient space to accommodate an audience size commensurate with the scale of the competition concerned.
2. No betting / bookmaking shall be wagered in the e-sports venue.
3. Use of the e-sports gaming facilities on the premises must not be charged based on the number / rounds of games played.
4. Proper management should be maintained at all times when the e-sports venue is in operation, and the e-sports venue should be kept in peace and good order at all times. The operator (or the manager(s) appointed by the operator) should be present at the exempted e-sports venue at all times when the venue is in operation.
5. The layout plan of the venue shall be kept inside the e-sports venue and be made available to officers of the OLA, Hong Kong Police Force, Fire Services Department, Buildings Department or other authorised public officers for inspection upon demand.
6. A notice, in both English and Chinese, should be displayed at a conspicuous place at the entrance(s) of the e-sports venue, clearly stating that the e-sports

venue 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).

7. Officers of the OLA, the Hong Kong Police Force, the Fire Services Department, the Buildings Department or other authorised public officers shall be permitted to enter and inspect the e-sports venue for the purpose of enforcing the conditions for the exemption order, as well as ensuring that such conditions are complied with.
8. The operator of the e-sports venue is required to take appropriate measures to ensure that the concerned e-sports venue complies with the conditions of the exemption order.
9. The SHA may impose from time to time any other additional conditions on the exemption order as he sees fit.

V. Important Notes for Exemption Order

1. After taking into account all relevant considerations, the SHA will decide whether to exercise his discretion to issue an exemption order under section 3 of AGCO on a case-by-case basis.
2. The exemption order takes effect from the date on which it is published in the Gazette until its termination by the SHA or the date specified in the exemption order, if any.
3. The exemption order may be terminated with one week's notice in the event that the operator of an exempted venue does not comply with the exemption conditions imposed.
4. The operator of an exempted venue must inform the OLA of any subsequent changes to the mode of operation (see Section II of Part A) or the operator of the venue within 14 calendar days. If the change involves modification of the layout plan, prior approval from the OLA must be obtained.

5. Exemption of an e-sports venue from the requirements in the AGCO does not in any way exempt the applicant from the requirements under any other enactments, or indemnify him against the consequences of any breach of, any other regulations or laws of Hong Kong.

Part B: Application Procedures

I. Applicant

1. The applicant may either be an individual, a partnership or an unincorporated body of persons, or a body corporate (e.g. a limited company).
2. In case the applicant is a body corporate, an authorised representative should be appointed to represent the corporation in application. The authorisation should be made by resolution of the Board of Directors.

II. How to Apply

1. The application form (Form E-1) can be obtained from the OLA or downloaded from the website of the OLA at (<https://www.hadla.gov.hk/el/en/forms/index.html>) or from the electronic submission channel at (<https://eform.one.gov.hk/form/had055/en/>). For applications submitted via electronic submission channel, applicants have to submit the signed application form and the supporting documents with the transaction reference number quoted to the OLA within 7 working days after making the electronic submission, by hand or by mail.
2. The applicant should submit the completed application form to the OLA with the following supporting documents (can be supplemented at processing stage) -
 - (a) a photocopy of the Business Registration Certificate;
 - (b) a photocopy of the Hong Kong Identity Card / Passport of the applicant / authorised representative;

- (c) in case the applicant is a body corporate:
 - (i) a copy of Certificate of Incorporation under the Companies Ordinance (Cap. 622) certified as true copy by the Registrar of Companies; or any other document to establish the legal entity of the corporation;
 - (ii) documentary proof of appointment of the authorised representative to represent the corporation in application (with information of the official position of the authorised representative in the corporation), such as certified true copy of Board Resolution or the governing body for authorisation;
 - (iii) a Notice of Acceptance of the Authorisation signed by the authorised representative;
- (d) photocopies of other licences/certificates of the premises concerned/or applications for other licences/certificates in respect of the premises concerned with reference to paragraph 4 of “Introduction” , if available;
- (e) details of the operation of the premises concerned with reference to paragraph 1 in Section II of Part A, including but not limited to:
 - (i) the list of e-sports games to be supported;
 - (ii) the mode of operation of the e-sports venue;
 - (iii) the facilities for players and spectators/other participants;
 - (iv) three copies of the layout plan, which should be certified by an Authorised Person, showing the location, specification and name of machinery/gaming devices and facilities for players, spectators and other participants;
 - (v) three copies of the latest building plan of the premises approved by the Building Authority, which should be certified by an Authorised Person; and
 - (vi) the relevant fire safety certificates, e.g. Certificate of Fire Service Installations and Equipment (F.S.251), for fire service installations and equipment in the premises;
- (f) a written statement (Annex A of the application form) signed by the registered owner(s) of the premises concerned, giving permission to officers of the OLA, the Hong Kong Police Force, the Fire Services

Department, the Buildings Department and other concerned departments to enter and inspect the proposed premises;

- (g) a written statement (Annex B of the application form) signed by the applicant, or by the authorised representative with the company chop in case the applicant is a body corporate, declaring that the applicant fully understands and will observe all the criteria, conditions and undertakings in connection with the licence exemption, and that the exemption order issued by the SHA may be terminated with at least one week's notice from the SHA or on breach of any of the conditions of the exemption; and
- (h) a written statement (Annex C of the application form) signed by the applicant, or by the authorised representative with the company chop in case the applicant is a body corporate, giving consent to the OLA to make available the information (including personal data) relating to the application for public inspection.

Part C: Enquiries

1. For assistance regarding the application for exemption of e-sports venues from the licensing requirement under the AGCO, please contact the OLA at -

Address : Units 2503-05, 25th Floor, AIA Tower, 183 Electric Road,
North Point, Hong Kong
Telephone no. : 2116 5230
Fax no. : 2511 3860
Email address : hadlaenq@had.gov.hk

2. Depending on the actual mode of operation and the nature of business, the operation of an e-sports venue may require other licences. Please consult the OLA for more information. You may also refer to the contact information at Annex and contact the responsible department(s) direct.

Home Affairs Department
October 2019

Relevant Contact Information

Food and Environmental Hygiene Department (website: www.fehd.gov.hk)
For enquiries on application for Places of Public Entertainment Licence, food business licence and/or liquor licence, please visit the Department's website or contact the following licensing office for information –

Licensing Office - Hong Kong and Islands

Address : 8th floor, Lockhart Road Municipal Services Building, 225
Hennessy Road, Hong Kong
Telephone no. : 2879 5720 /
2879 5728 (liquor licence) / 2879 5779 (liquor licence)
Fax no. : 2507 2964
Email address : hkis_lo@fehd.gov.hk

Licensing Office - Kowloon

Address : 4th floor, Pei Ho Street Municipal Services Building, 333
Ki Lung Street, Kowloon
Telephone no. : 2729 1298 /
2729 1293 (liquor licence) / 2729 1237 (liquor licence)
Fax no. : 3146 5319
Email address : kln_lo@fehd.gov.hk

Licensing Office - New Territories

Address : 4th floor, Tai Po Complex, 8 Heung Sze Wui Street, Tai Po,
New Territories
Telephone no. : 3183 9225 /
3183 9220 (liquor licence) / 3183 9255 (liquor licence)
Fax no. : 2606 3350
Email address : nt_lo@fehd.gov.hk