

For information

**LEGISLATIVE COUNCIL PANEL ON
PLANNING, LANDS AND WORKS**

**Processing of application for using
Government land for organizing activities**

Purpose

This note sets out, for Members' information, the Lands Department's procedures for processing applications for the temporary use of Government land under its control for organizing activities. It also explains the processing of the application for the use of a site for organizing the "Wild Day Out" concert.

Background

2. At the meeting of the Panel on Home Affairs held on 14 February 2003, a Member of the Panel expressed concern that the Government had rejected the application for holding a large-scale outdoor concert ("Wild Day Out") at the former Kai Tak airport site. He was concerned that the refusal of this application was against the Government's initiatives to enrich Hong Kong people with a rich culture and to facilitate the promotion of major arts and cultural events and festivals in Hong Kong. The Chairman of the Home Affairs Panel directed that the subject should be referred to the Panel on Planning, Lands and Works for follow-up action.

3. The Chairman of the Planning, Lands and Works Panel has requested the Administration to provide information on the application procedures, approval criteria and time for processing applications for the use of Government land for organizing activities; and details relating to the processing of the application for the use of a site for organizing the "Wild Day Out" concert.

The application procedures

4. The Lands Department (through its District Lands Offices) is the approving authority for application for the use of any Government land

under its management. Applicant who wishes to use vacant Government land for organising activities must obtain approval from the relevant District Lands Office (DLO). Depending on the nature of the activity, the applicant is also required to obtain other necessary licence or permit e.g. the Places of Public Entertainment Licence, the Temporary Liquor Licence, Food Licence etc.

5. On receipt of an application for the temporary use of vacant Government land, the relevant DLO will check whether the land is available for the proposed dates. If the land is available, DLO will consult relevant departments on the suitability of the site for the proposed event. The DLO normally seeks advice from the relevant departments on matters such as the safety aspects, possible environmental impacts, pedestrian and vehicular arrangements, and local views. Approval will normally be granted if no adverse comments are received from the relevant departments, subject to the terms and conditions of the tenancy and the payment of the relevant rental/fee and deposit. If objections or concerns are raised by other government departments, the applicant needs to address them and consider suitable measures to overcome such concerns before the DLO is to consider giving its approval to the application.

6. As appropriate, the departments consulted by DLO will give their views on the following main aspects :

- (a) the Hong Kong Police Force : on public safety and other applicable policing issues;
- (b) the Environmental Protection Department : on pollution control under various pollution control legislation such as noise control;
- (c) the District Office : on local views;
- (d) the Fire Services Department : on fire safety and provision of emergency vehicular access; and
- (e) the Transport Department : on the transport and traffic impacts caused by the proposed activity.

7. The DLO will consult, as appropriate, other departments

concerned on such other aspects relating to the use proposed in the applications. The Home Affairs Bureau (HAB) will only be consulted if there are specific issues falling within its policy purview. Normally, consultation with the relevant District Office (DO) will suffice. If the DO considers appropriate, it will consult its departmental HQ (i.e. HAD) or its bureau (i.e. HAB). Consultation with the Leisure and Cultural Department (LCSD) is not necessary if the land concerned is under the management of the Lands Department. The LCSD has its own approval procedures for applications relating to the use of sites under its control for organizing activities.

8. The time required to process each application depends on the specific use proposed and the time required by the applicant to resolve any identified problems relating to such use. Generally, for a straightforward case, a substantial reply can normally be issued by DLO within two to four weeks. Problematic or complex cases will obviously take longer.

The “Wild Day Out” concert

9. As regards the “Wild Day Out” concert, it was an application for temporary occupation of a site at the former Kai Tak Airport (see site plan at *Annex A*). The application was processed by DLO (Kowloon East). The Hong Kong Police Force (Police), Environmental Protection Department (EPD), Kwun Tong District Office (DO/KT), Transport Department (TD) and Fire Services Department (FSD) were consulted on the suitability of the site for holding the proposed outdoor concert. As DO/KT was one of the departments being consulted, its policy bureau (i.e. the Home Affairs Bureau) was therefore not approached separately on this application. The LCSD was also not consulted on this application as the site was not under its control.

10. On the application by the organizer of the “Wild Day out” concert, the Police, EPD, TD and DO/KT expressed a number of concerns. The main concerns were :

- (a) the proposed entry/exit point for vehicles and pedestrians were not considered suitable in view of the scale of the concert and its location;
- (b) the proposed site was on an isolated spot with very limited

means of access by foot or by public transport. The locals were also concerned that the concert would have an adverse effects on the traffic conditions in Kowloon Bay;

- (c) there was no arrangement for evacuation from the site in the event of an emergency; and
- (d) the locals were concerned with the possible noise nuisance. There are a number of residential buildings in the nearby areas i.e. Kowloon Bay, To Kwa Wan and Ma Tau Wai. They would be affected by the noise generated by the concert.

11. As a number of concerns were raised by various departments, about five weeks were taken to conclude the case. A chronology of events in the processing of this case is at **Annex B**. The application was finally rejected as the applicant had not been able to resolve the various issues raised by the relevant departments in a timely manner in accordance with established procedures.

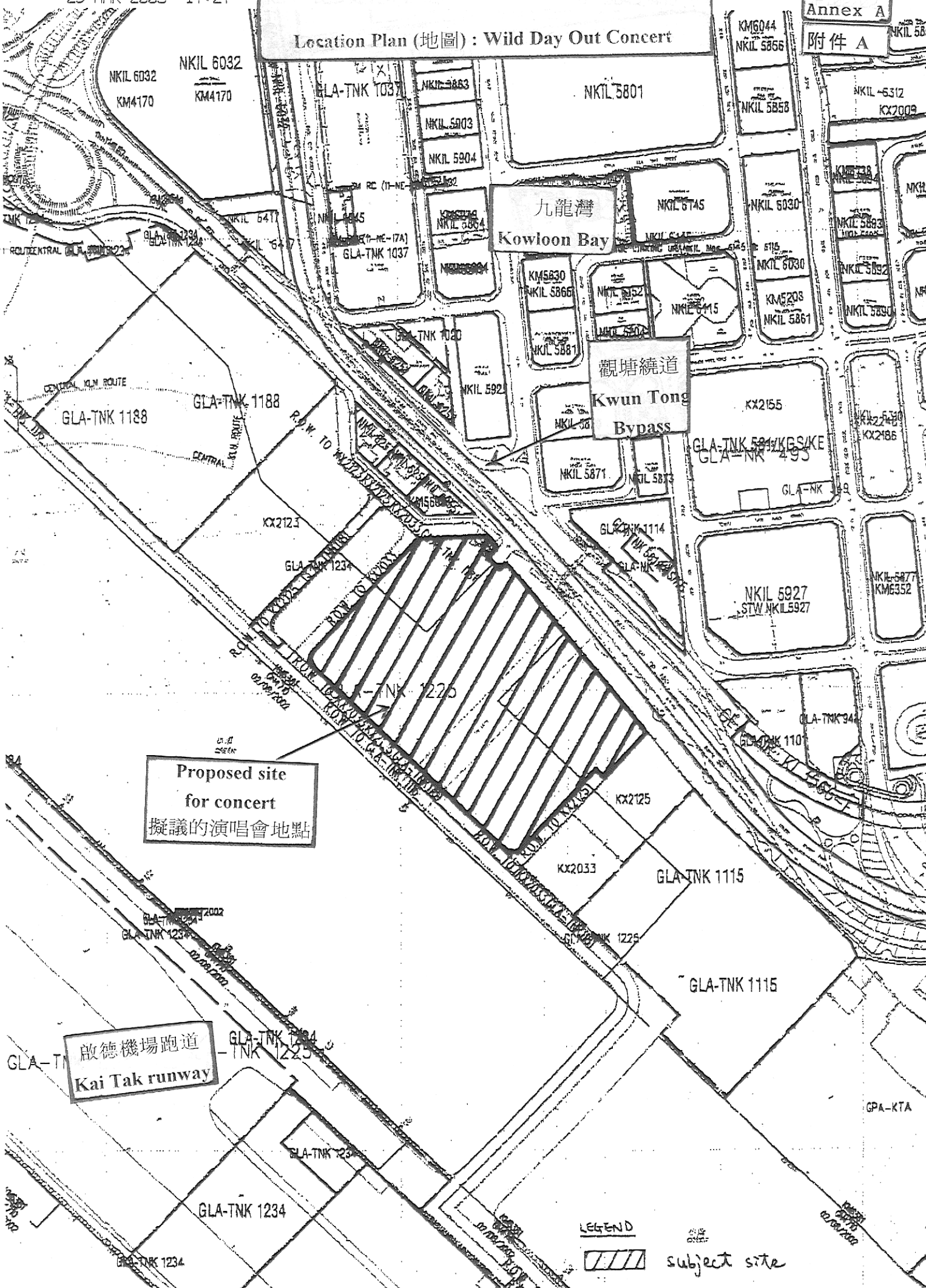
12. In preparing this information note, views of relevant bureaux/departments were also sought. The Home Affairs Bureau was of the view that the proposed “Wild Day Out” concert was a commercial, public entertainment activity proposed by a private organization. As such, it should be regarded as a commercial activity.

Housing, Planning and Lands Bureau
March 2003

Location Plan (地圖) : Wild Day Out Concert

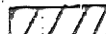
Annex A

附件 A



Proposed site
for concert
擬議的演唱會地點

啟德機場跑道
Kai Tak runway

LEGEND
 subject site

Chronology of events in the processing of the application for holding the “Wild Day Out” concert at the former Kai Tak Airport site

Date	Event
3.12.2002	The applicant submitted to the District Lands Office/Kowloon East (DLO/KE) two alternative sets of suggested dates for organizing the concert : 16-18 January 2003 or 23-25 January 2003.
5.12.2002	The applicant revised the suggested dates to 16-19 January 2003 or 23-26 January 2003.
10.12.2002	The application was circulated to departments for comments.
18.12.2002 & 31.12.2002	Two letters were sent by DLO/KE to the applicant conveying the concerns raised by departments on noise, crowd control, pedestrian and vehicular traffic arrangements. The applicant was asked to resolve the concerns raised by Government departments.
23.12.2002	DLO/KE noticed that the Applicant had advertised the proposed concert on TV. A letter was sent to the applicant drawing their attention that the application was still being processed and the Government should not be committed that the application would be approved.
6.1.2003	DLO/KE wrote to the applicant again advising that unless the concerns could be resolved by 8.1.2003, the application could not be processed in time for the event.
10.1.2003	As no further information was received from the applicant, DLO/KE rejected the application.