

**LEGISLATIVE COUNCIL BRIEF**

**PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE  
(Chapter 132)**

**PUBLIC HEALTH AND MUNICIPAL SERVICES  
(FEES AND CHARGES) (LEISURE FACILITIES) REGULATION**

**INTRODUCTION**

By virtue of section 124J(1) of the Public Health and Municipal Services Ordinance (Cap. 132) (“PHMSO”) , the Secretary for Home Affairs (“SHA”) may by regulation provide for the admission fees to public swimming pools.

2. In exercise of this power, SHA has made the Public Health and Municipal Services (Fees and Charges) (Leisure Facilities) Regulation (“the Regulation”) at **Annex A** to prescribe the fee levels for the public swimming pool monthly tickets to be introduced in early July 2012.

**A**

**BACKGROUND AND JUSTIFICATIONS**

3. In his 2011-12 Policy Address, the Chief Executive announced the introduction of a Public Swimming Pool Monthly Ticket Scheme (“the Scheme”) to lighten the financial burden of frequent elderly swimmers and to promote swimming among the public. The Leisure and Cultural Services Department (“LCSD”) plans to introduce the public swimming pool monthly tickets in early July 2012, before the peak swimming season commences. With the introduction of the Scheme, frequent swimmers who use a monthly ticket will pay less in total than paying the normal admission fee each time they use a public pool.

4. SHA is empowered under section 124J(1) of the PHMSO to prescribe by regulation the fees and charges payable by an individual as a member of the public in connection with the matters specified in Schedule 16 of the PHMSO (at **Annex B**). Such matters include, among others, the admission fees for public swimming pools. As the Provision of Municipal Services (Re-organization) Ordinance (Cap.552)

**B**

C

(at **Annex C**) only preserved the fees and charges in force before the dissolution of the two former Municipal Councils, a new statutory instrument has to be made by SHA under section 124J(1) of the PHMSO in order to prescribe the fee levels of the public swimming pool monthly tickets.

**OTHER OPTIONS**

5. There is no alternative option as the proposal has to be implemented by legislative means.

**THE PUBLIC HEALTH AND MUNICIPAL SERVICES (FEES AND CHARGES) (LEISURE FACILITIES) REGULATION**

6. We propose to introduce the Regulation to prescribe two fee levels for the new swimming pool monthly tickets –

- (a) a “concessionary rate” applicable to –
  - (i) persons aged 3 or above, but below 14;
  - (ii) persons aged 60 or above;
  - (iii) persons with disabilities;
  - (iv) accompanying carers of persons with disabilities; and
  - (v) full-time students; and
  
- (b) a “normal rate” applicable to any person not falling within the above categories.

Holders of monthly tickets will have access to all swimming pools under LCSD’s management except for the Wan Chai Swimming Pool which is designated for group training. Ticket holders will be entitled to unlimited use of swimming pool facilities within one month from the effective date of the ticket when the pools are open for public use (normally three sessions a day).

7. The proposed “concessionary rate” and “normal rate” of the monthly ticket are \$150 and \$300 respectively. Subject to negative vetting of the Regulation, the Scheme, as well as the first batch of monthly tickets, shall be effective from 5 July 2012.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable will be as follows –
- |                        |             |
|------------------------|-------------|
| Publication in Gazette | 18 May 2012 |
| Tabling at LegCo       | 23 May 2012 |
| Commencement           | 5 July 2012 |

## **IMPLICATIONS OF THE PROPOSAL**

**D**

9. The proposal has financial implication as set out at **Annex D**. It has no civil service, economic, environmental, productivity or sustainability implications. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal will not affect the current binding effect of the PHMSO.

## **PUBLIC CONSULTATION**

10. We have consulted the District Council Chairmen and Vice-Chairmen and Members of the LegCo Panel on Home Affairs on the introduction of the monthly swimming pool tickets and they are generally supportive of the proposal.

## **PUBLICITY**

11. LCSD will issue a press release in mid June 2012 to announce the Scheme and the arrangements for purchasing public swimming pool monthly tickets. It will also publicise the details of the Scheme on its website and display posters and banners at its District Leisure Services Offices, swimming pools and other LCSD venues.

## **ENQUIRY**

12. Any enquiries on this brief may be addressed to Miss Petty LAI, Principal Assistant Secretary (Recreation and Sport), Home Affairs Bureau on 3509 8124 or Miss Margrit LI, Assistant Director (Leisure Services)<sup>1</sup>, Leisure and Cultural Services Department on 2601 8966.

**Home Affairs Bureau  
May 2012**

Public Health and Municipal Services (Fees and Charges) (Leisure Facilities)  
Regulation

Section 1

1

**Public Health and Municipal Services (Fees and  
Charges) (Leisure Facilities) Regulation**

(Made by the Secretary for Home Affairs under section 124J of the Public  
Health and Municipal Services Ordinance (Cap. 132))

**1. Commencement**

This Regulation comes into operation on 5 July 2012.

**2. Interpretation**

In this Regulation—

*accompanying carer* (同行照料者), in relation to a disabled  
person, means a person who accompanies the disabled person  
in the capacity of a carer for the purpose of providing care to  
the disabled person in a public swimming pool.

**3. Fees**

The fees specified in column 3 of the Schedule are payable in  
respect of the matters described in column 2 of the Schedule.

Public Health and Municipal Services (Fees and Charges) (Leisure Facilities)  
Regulation

Schedule

2

**Schedule**

[s. 3]

**Fees for Leisure Facilities**

Item	Matter	Fee \$
1.	Public Swimming Pools	
(a)	A ticket for 1 month for an unlimited number of entries to all public swimming pools (except Wan Chai Swimming Pool) for—	150
	(i) a person aged 3 or above, but below 14;	
	(ii) a person aged 60 or above;	
	(iii) a disabled person;	
	(iv) an accompanying carer of a disabled person; or	
	(v) a full-time student.	
(b)	A ticket for 1 month for an unlimited number of entries to all public swimming pools (except Wan Chai Swimming Pool) for a person other than those mentioned in paragraph (a).	300

**Explanatory Note**

The object of this Regulation is to provide for the fees payable for a monthly ticket for admission to all swimming pools designated as public swimming pools under section 42A of the Public Health and Municipal Services Ordinance (Cap. 132), except Wan Chai Swimming Pool.

*Acting* Secretary for Home Affairs

14 May 2012



## Annex B

Chapter:	132	Title:	PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE	Gazette Number:	L.N. 320 of 1999
Schedule:	16	Heading:	<b>MATTERS FOR WHICH SECRETARY FOR HOME AFFAIRS MAY BY REGULATION PROVIDE FOR FEES AND CHARGES</b>	Version Date:	01/01/2000

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[section 124J]

1. Public swimming pools  
Admission
2. Museums  
Admission
3. Libraries  
Admission
4. Public pleasure grounds
  - (a) Hire of tennis courts
  - (b) Hire of basketball courts
  - (c) Hire of squash courts
  - (d) Hire of football pitches
  - (e) Hire of table tennis tables
  - (f) Hire of badminton courts
5. Holiday camps  
Camp fees

(Schedule 16 added 78 of 1999 s. 7)

## Annex C

Chapter:	552	Title:	PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) ORDINANCE	Gazette Number:	L.N. 320 of 1999
Section:	9	Heading:	<b>Saving of subsidiary legislation, fees, etc.</b>	Version Date:	01/01/2000

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(1) Where this Ordinance operates to-

- (a) transfer the power to make subsidiary legislation on any matter; or
- (b) substitute a new provision for a provision under which subsidiary legislation may be made,

subsidiary legislation (including an enactment replaced under section 7(3)) made or deemed to be made by the former authority in the exercise of that power or under that provision and in force immediately before the commencement date continues to be in force subject to the amendments made by this Ordinance (if a new title is given by this Ordinance to the subsidiary legislation, by that title), and to the extent that it is consistent with this Ordinance, as if made by the new authority in the exercise of the power conferred on the new authority to make subsidiary legislation on that matter or under that new provision, as the case may be, and may be amended, repealed or replaced by the new authority or under that new provision.

(2) Where this Ordinance-

- (a) operates to transfer the power to determine or prescribe fees or charges (by way of subsidiary legislation or otherwise) for any matter; or
- (b) substitutes a new provision for a provision under which the fees or charges in force immediately before the commencement date were determined or prescribed,

the fees or charges in force immediately before that date continue to be in force as if-

- (i) made by the new authority in the exercise of the power conferred on that authority; or
- (ii) made under that new provision,

and may be varied, amended, revoked or replaced by the new authority or under that new provision.

(3) For the avoidance of doubt it is stated that the validity of a fee or charge continued in force under subsection (2) as a prescribed fee is not affected by it not being in the required form, until it is varied, amended or replaced by the new authority or under the new provision referred to in that subsection.

## **Financial Implication of the Proposal**

Based on the current usage pattern of public swimming pools and the Administration's proposal of setting the monthly ticket prices at \$300 (and \$150), it is estimated that the Scheme will encourage members of the public to swim more regularly, thereby generating a 3% additional attendance, i.e. about 216,000 visits per annum. The estimated additional revenue that may arise from the proposal is about \$25,000 per annum.

2. The estimated expenditure to be incurred by the LCSD in 2012-13 is \$3.9 million for modification of turnstile system at 40 existing public swimming pools; provision of additional manpower to strengthen crowd control and check the tickets at the pool entrance; as well as publicity of the Scheme.