

立法會
Legislative Council

LC Paper No. CB(2)282/19-20
(These minutes have been
seen by the Administration)

Ref : CB2/SS/12/18

**Subcommittee on
Public Health and Municipal Services Ordinance (Public Pleasure
Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2019**

**Minutes of the second meeting
held on Tuesday, 5 November 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon LAU Kwok-fan, MH (Chairman)
Hon LEUNG Che-cheung, SBS, MH, JP
Hon CHU Hoi-dick
Hon Junius HO Kwan-yiu, JP
Hon Tanya CHAN
Hon Vincent CHENG Wing-shun, MH, JP

Member absent : Hon AU Nok-hin

Public Officers attending : Mrs Doris FOK
Assistant Director (Leisure Services)1
Leisure and Cultural Services Department

Mr Horman CHAN
Chief Leisure Manager (Aquatic Venues)
Leisure and Cultural Services Department

Clerk in attendance : Ms Wendy JAN
Chief Council Secretary (2) 4

Staff in attendance : Mr Mark LAM
Assistant Legal Adviser 7

Ms Catherina YU
Senior Council Secretary (2) 4

Miss Alison HUI
Legislative Assistant (2) 4

Action

I. Meeting with the Administration

[L.N. 91 of 2019, Legislative Council Brief issued by the Leisure and Cultural Services Department on 12 July 2019, LC Paper Nos. LS82/18-19, CB(2)109/19-20(01) and (02)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

II. Any other business

Extension of scrutiny period

2. Members noted that as agreed at the meeting on 25 October 2019, the Chairman would move a resolution at the Council meeting of 6 November 2019 to extend the scrutiny period of the Order to the Council meeting of 4 December 2019. Subject to the extension of the scrutiny period, the deadline for giving notice of amendments, if any, to the Order would be 27 November 2019. Members also noted that the Subcommittee would submit its report to the House Committee before 27 November 2019.

(Post meeting note: As the proposed resolution to extend the scrutiny period of the Order could not be dealt with at the Council meetings of 6 and 13 November 2019, the scrutiny period of the Order had expired at the Council meeting of 13 November 2019.)

3. There being no other business, the meeting ended at 11:18 am.

**Proceedings of the second meeting of the
Subcommittee on Public Health and Municipal Services Ordinance
(Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2019
on Tuesday, 5 November 2019, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

| Time marker | Speaker(s) | Subject(s) | Action required |
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| <i>Agenda item I – Meeting with the Administration</i> | | | |
| 104630-105104 | Chairman Administration | Briefing by the Administration on its paper setting out the background of the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2019 ("the Order"), principles for naming public pleasure grounds ("PPGs") and gazettal arrangements of the addition, deletion and amendment of PPGs (LC Paper No. CB(2)109/19-20(02)). | |
| 105105-110555 | Chairman Ms Tanya CHAN Administration | <p>Ms Tanya CHAN's concern that the English text of the definition of PPG provided for in section 2 of the Public Health and Municipal Services Ordinance (Cap. 132) ("the Ordinance") did not require that plans of PPGs had to be deposited in the Land Registry ("LR"), while the Chinese text of the definition of PPG stipulated that the plans had to be so deposited. Ms CHAN's enquiry about whether the Administration would adopt administrative measures or amend the wording of the English text of the definition of PPG in order to remove the ambiguities as to whether or not the plans of PPGs must be deposited in LR.</p> <p>The Administration's advice that section 10B of the Interpretation and General Clauses Ordinance (Cap. 1) had specified "The English language text and the Chinese language text of an Ordinance shall be equally authentic". Despite this, the Administration had taken administrative measures by adopting a more restrictive approach (i.e. mandatory deposit of the plans in LR) to ensure the plans of PPGs were deposited in LR before the PPGs were opened for public use. The Administration did not have plan to amend the wording of the English text of the definition of PPG.</p> <p>The Administration's response to the following enquiries from Ms CHAN:</p> <p>(a) why the Lands Department ("LandsD") would be the authority of preparation of plans of PPGs under section 106(3) of the</p> | |

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| | | <p>Ordinance but not the Leisure and Cultural Services Department ("LCSD");</p> <p>(b) whether the Administration would provide the Legislative Council ("LegCo") with the plans of the PPGs concerned when it submitted its proposals to amend the Fourth Schedule to the Ordinance to LegCo in future; and</p> <p>(c) the procedures for setting the boundaries of PPGs, preparing and depositing the plans of PPGs in LR according to section 106 of the Ordinance.</p> <p>The Administration's advice that LandsD would allocate land to LCSD for construction of PPGs. LCSD as the management authority of PPGs would work closely with LandsD as the authority under section 106(3) of the Ordinance on preparation of plan. The plan prepared by LandsD would be based on the actual alignment after the PPG was substantially constructed, which might be different from the land firstly allocated to LCSD for construction works. The finalized plan would be deposited to LR.</p> | |
| 110556-111109 | Chairman Mr Junius HO Administration | In response to Mr Junius HO's enquiry, the Administration advised that the land allocation plans of PPGs were not required to be gazetted under the Ordinance. | |
| 111110-111514 | Chairman Ms Tanya CHAN Administration | <p>Ms Tanya CHAN's enquiry regarding the arrangements of taking over the Kennedy Town Swimming Pool Sitting-out Area and the Oil Street Sitting-out Area from the Mass Transit Railway Corporation Limited ("MTRCL") and private developer respectively for management by LCSD and whether LCSD had to bear the management costs of such PPGs after taking over their management.</p> <p>Ms CHAN's view that PPGs should be conveniently accessed by the public and LCSD should adopt a user-friendly approach in managing PPGs.</p> <p>The Administration's advice that LCSD took over the management of the Kennedy Town Swimming Pool Sitting-out Area constructed by MTRCL after completion of the West Island Line by the latter while the Town Planning Board required the private land development under the land clause to construct public open space up to the standard of the Government. The public</p> | |

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| | | open space would be open to the general public and LCSD would bear the management costs. | |
| 111515-111718 | Chairman Administration | Briefing by the Administration on the Order. Examination of the Order. Members raised no question on the Order. Completion of scrutiny. | |
| 111719-111737 | Chairman Assistant Legal Adviser 7 ("ALA7") | ALA7's confirmation to the Chairman's enquiry that there was no discrepancy between the Chinese and English versions of the Order. | |
| <i>Agenda item II - Any other business</i> | | | |
| 111738-111846 | Chairman | Extension of scrutiny period. | |