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Secretary for Home Affairs
Home Affairs Bureau
(Attn: Miss Florence IP
Executive Assistant)
41/F, Revenue Tower
5 Gloucester Road
Wan Chai
Hong Kong

By Fax (2824 3348) and By Post

27 January 2003

Dear Miss IP,

Ocean Park Bylaw (L.N. 1 of 2003)

At the House Meeting held on 24 January 2003, a Member raised concern on the above matter.

We shall be grateful if you can clarify the following issues:

1. The Ocean Park Corporation: By-laws ("the 1988 Bylaws") were made by order of the Board of the Ocean Park Corporation ("the Corporation") on 28 April 1988 pursuant to and in exercise of the powers conferred by sections 17, 18 and 39 of the Ocean Park Corporation Ordinance ("the Ordinance"). In order to be effective as subsidiary legislation, the 1988 Bylaws have to be gazetted. We note that the Administration is not aware of the 1988 Bylaws being published in the Gazette.

- (a) When did the Administration first become aware that the 1988 Bylaws had been made by the Corporation?
- (b) Was any action taken by the Administration when it became aware of (a) e.g. ensuring that they were gazetted?
- (c) Does the Administration know when did the management of the Corporation first become aware that the 1988 Bylaws have to be gazetted in order to be effective as subsidiary legislation? What did the management do when it was aware of such fact?

- (d) Does the Administration know when did the Board of the Corporation first become aware that the 1988 Bylaws have to be gazetted in order to be effective as subsidiary legislation? What did the Board do when it was aware of such fact?

2. Regarding the Ocean Park Bylaw (L.N. No 1 of 2003) ("the 2002 Bylaw"):

- (a) section 5(3)(g) provides that a person shall not without authority granted by the Corporation, bring any food or drink into the Ocean Park ("the Park"). Does the Park provide sufficient varieties of food or drink for all visitors e.g. baby or persons requiring specific diets due to health reasons?
- (b) section 5(3)(m) provides that a person shall not without authority granted by the Corporation, stray from a path provided for pedestrian use in the Park. What will the Corporation do to bring to the notice of the visitors the paths designated for pedestrian use in the Park?
- (c) section 14(a) provides that if an attendant reasonably suspects that a person in the Park has contravened any provision of the 2002 Bylaw, the attendant may request that person to produce proof of his identity and his true address. Should a provision be incorporated in the 2002 Bylaw requiring the attendant to inform the visitor the section(s) which he reasonably suspects the visitor has contravened?
- (d) section 22 (5) provides that a person shall remain seated in a cable car and shall not, without authority granted by the Corporation, open or interfere with the door of a cable car. The Administration confirms that a visitor should not open the cable car door even in the case of emergency. What should a visitor do if his life is endangered e.g. in case of fire and there is no rescuer or Park's attendant to save him?

It will be appreciated if your reply, in both English and Chinese, could reach us by noon, 4 February 2003.

Yours sincerely

(Monna LAI)
Assistant Legal Adviser