

本局檔號 OUR REF : (16) in HAB/CS/CR 6/1/48 Pt. 2

來函檔號 YOUR REF :

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1 April 2003

Miss Monna LAI
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong
(Fax No: 2877 5029)

Dear Miss LAI,

Ocean Park Bylaw

Thank you for your letter of 24 March 2003.

_____ For your questions, Ocean Park Corporation's replies are reproduced at the **Annex**.

Please feel free to call me in case of enquiries.

Yours sincerely,

(WONG Kwok-wing)
for Secretary for Home Affairs

c.c. Department of Justice (Miss Leonora IP & Mr John WONG)
Ocean Park Corporation (Mr Matthias LI)

Ocean Park Corporation's replies**Section 5(7)(m)**

Our understanding of the difference between “prayer assembly” and “public prayer” is that:

- the phrase “prayer assembly” denotes a congregation or a sizeable gathering for religious worship or religious ceremony; whereas
- the phrase “public prayer” is less specific, and could either mean praying (such as saying grace) in the public, or a “gathering” of people who pray and practise a religion in the public place.

Since an assembly which involves a sizeable gathering and/or religious ceremony is likely to interfere with the activities in the Park, OPC's policy intent is to ban such assembly so as to avoid potential disruption to the normal operations of the Park and/or nuisance to visitors.

Taking into consideration the Legislative Council Secretariat's apparent concern, however, we are prepared to further amend s5(7)(m) to the effect that it will only be unlawful to conduct a “religious assembly” in the Park if (i) the religious assembly may interfere with the normal operation of the Park and (ii) there is no authority granted in writing by the Corporation. We propose the amended section should read as follows:-

“without the prior written approval of the Corporation, deliver a public speech, public lecture or public sermon or conduct a religious assembly that may interfere with the operation of Ocean Park.”

A more general term “religious assembly” is proposed to reflect the policy intent.

Section 14(5)

If the Chinese word “某” is added, the language flow of the phrase would be affected. We consider that it is not necessary to render the article “an” every time it appears in a phrase. Moreover, the legal effect of the phrase would not be affected by not adding the Chinese word. Accordingly, we are of the view that no change to the Chinese text of the section is required.

Section 19(2)

We note the words “以移走” in the Chinese text do correspond to the meaning of “to remove” in the English text. If the words “可以移走” are adopted, however, it would change the meaning to “may remove”, and would be inconsistent with

the English text. Accordingly, we are of the view that no change to the Chinese text of the section is required.