

立法會
Legislative Council

LC Paper No. LS86/11-12

**Paper for the House Committee Meeting
on 6 July 2012**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 June 2012**

Date of tabling in LegCo : 4 July 2012

Amendment to be made by : Second meeting of LegCo in the next session
(or the first meeting after 21 days from the
second meeting of the next session if extended
by resolution)

Public Health and Municipal Services Ordinance (Cap. 132)

**Public Health and Municipal Services Ordinance (Public Swimming Pools)
(Amendment of Fourteenth Schedule) Order 2012 (L.N. 107)**

**Public Health and Municipal Services Ordinance (Public Pleasure Grounds)
(Amendment of Fourth Schedule) Order 2012 (L.N. 108)**

L.N. 107 and L.N. 108 are made by the Director of Leisure and Cultural Services (the Director) under sections 42A and 106 of the Public Health and Municipal Services Ordinance (Cap. 132) (the Ordinance) respectively.

L.N. 107

2. L.N. 107 designates Lam Tin Swimming Pool as a public swimming pool and adds this swimming pool to the Fourteenth Schedule to the Ordinance to reflect the designation. The effect of L.N. 107 is to vest the management and control of Lam Tin Swimming Pool in the Director.

L.N. 108

3. L.N. 108 sets aside the following 11 venues for use as public pleasure grounds and adds these venues to the list of public pleasure grounds in the Fourth Schedule to the Ordinance (the Fourth Schedule) for updating purpose -

- (a) Siu Sai Wan Road Sitting-out Area;
- (b) Ka Wing Street Sitting-out Area;
- (c) Lee On Road Sitting-out Area;
- (d) New Clear Water Bay Road Sitting-out Area;
- (e) Sau Ming Road Sitting-out Area;
- (f) Ha Mei Tsuen Sitting-out Area;
- (g) Kai Leng Sitting-out Area;
- (h) Ma On Shan Sai Sha Road Garden;
- (i) Ma On Shan Sai Sha Road Sitting-out Area;
- (j) Po Lam Sitting-out Area; and
- (k) Shui Tsiu San Tsuen Road Sitting-out Area.

4. According to the Administration, Po Lam Sitting-out Area in paragraph 3(j) above is a new venue that is already open for public use by the Leisure and Cultural Services Department (LCSD). The rest are venues that are already taken over or will be taken over from the Home Affairs Department by LCSD. The effect of setting aside and including the venues in the Fourth Schedule is to vest the general management and control of them in the Director.

5. L.N. 108 also provides that Sam Ka Lane Children's Playground ceases to be set aside for use as a public pleasure ground and deletes the venue from the Fourth Schedule. The site, according to the Administration, has been used for the development of the Pak Tze Lane Park.

6. L.N. 108 further renames two public pleasure grounds in the Fourth Schedule in order to better reflect their respective locations as follows -

- (a) "Tin Tze Garden" is renamed as "Tin Tsz Garden" to tally with the road "Tin Tsz Road" nearby; and
- (b) the Chinese name of Pik Uk Garden is renamed as "壁屋花園" instead of "碧屋花園" to reflect the geographical place in the vicinity.

7. According to the two LegCo Briefs (with the same File Ref: L/M(1) in LCS 19/HQ 813/00 (18)) issued by LCSD dated 18 June 2012, the Administration has consulted the relevant District Councils and has their support for the proposals. The Panel on Home Affairs has not been consulted on these two Orders.

8. L.N. 107 and L.N. 108 came into operation on the date of publication in the Gazette, i.e. 29 June 2012.

9. No difficulties have been identified in the legal or drafting aspects of the Orders.

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