

**For discussion
13 January 2012**

Legislative Council Panel on Home Affairs

**Use of Public Open Space Managed by the
Leisure and Cultural Services Department**

Purpose

This paper briefs Members on the use and management of public open space under the Leisure and Cultural Services Department (LCSD).

Background

2. LCSD develops and manages a wide range of recreational and sports facilities throughout Hong Kong for the enjoyment of members of the public and for the purposes of promoting a healthy lifestyle and sport for all. As far as public open space is concerned, the department manages over 1 500 parks and playgrounds of varying sizes providing leisure and recreational facilities such as gardens, walking and jogging trails, children's playgrounds, sitting-out areas, football pitches, basketball courts and fitness equipment. The outdoor areas at the performing arts venues managed by LCSD are also open and accessible to all.

Management of Public Open Space

Leisure Venues

(a) Designated uses

3. The Public Health and Municipal Services Ordinance (Cap.132) and the Public Pleasure Grounds Regulation made thereunder provide LCSD with the statutory authority to manage public pleasure grounds. Under this legal framework, we seek to meet the diverse leisure and recreational needs of the public by ensuring that activities in our pleasure grounds are conducted in a safe and orderly manner. The Regulation prohibits activities which may cause physical harm or danger to other park users or damage public property (e.g., lighting a fire other than in an area set aside for cooking, erecting unauthorised

structures, tampering with hot wax and defacing or damaging any wall or fences in the parks). There are also provisions seeking to ensure that activities conducted in the pleasure grounds will not cause unacceptable nuisance to other users, e.g., making noise to the annoyance of others. The guiding principle is to facilitate users' enjoyment of the public open space in different ways as long as they do not cause safety or hygiene problems, or create unacceptable nuisance to other users.

4. When managing public pleasure grounds, LCSD exercises flexibility where possible and justified, with a view to striking a balance between the sometimes conflicting needs of the users. For example, whilst some people enjoy cycling, skateboarding or walking their dogs in the parks, other users may be concerned about the potential risks of bicycles and skateboards to other park users especially the elderly and children, or they may find dogs a nuisance or even a threat. LCSD tries to balance the needs and concerns of different users, for instance, by designating specific areas in the parks for cycling (e.g. cycling tracks) and as pet corners after consultation with the local community. In recent years, we have developed more pet gardens to address the needs of the rising number of dog owners. To cater for those who enjoy singing and playing musical instruments for leisure purposes, we have also designated areas in major parks for people to sing and dance to minimise the impact they may cause to other park users.

(b) Non-designated Uses

5. Apart from using the public pleasure grounds for leisure and recreational purposes (i.e., designated use), LCSD also makes available its leisure venues for other uses such as community activities, public gatherings, carnivals, performances and arts and cultural activities. As such activities usually involve large number of participants and the erection of temporary structures (e.g., stages), LCSD has formulated guidelines for handling bookings of leisure venues for non-designated use. An application-and-approval process is required as the successful applicant will be provided with the exclusive use of the venue (or part thereof) during the event period. In processing the applications, LCSD consults relevant government departments, including the Police and the Environmental Protection, Social Welfare (SWD), Fire Services and Architectural Services Departments, to see if they have any objection on public safety and public order grounds. For popular sports venues such as football pitches, which are always in great demand, LCSD takes into account the impact that the proposed non-designated use may have on ordinary users. Even if an application is approved, suitable conditions will be included in the approval for safeguarding public safety or controlling noise nuisance. For example, where temporary structures are to be erected for an event, certification

of their structural safety by an Authorised Person is required and the organiser may have to take out public liability insurance depending on the level of risk of the activity. The organiser is also responsible for obtaining necessary approval or licences from relevant departments for the event or the activities concerned. Examples include a Public Subscription Permit from SWD for general charitable fund-raising activities, or a Temporary Food Factory Licence from the Food and Environmental Hygiene Department for stalls or kiosks of a temporary nature.

Cultural Venues

6. Management of the outdoor areas of the performing arts venues is governed by the Civic Centres Regulation made under the Public Health and Municipal Services Ordinance (Cap.132). Under the Regulation, singing, dancing or other self-entertainment activities are not prohibited. However, users should refrain from causing nuisance, annoyance or obstruction to other users and putting up objectionable performances of an indecent, obscene, revolting or offensive nature.

7. Apart from leisure and self-entertainment activities, we have designated certain areas at the outdoor areas of four performing arts venues, namely, Hong Kong Cultural Centre (HKCC), Shatin Town Hall (STTH), Tsuen Wan Town Hall and Kwai Tsing Theatre (KTT), for hire by registered organisations for hosting performances, exhibitions, public entertainment and community events. Similar to our leisure venues, the organiser has to apply to LCSD for use of the venue in advance. In handling the applications, we would remind hirers to obtain necessary licences / permits and approval from other government departments if applicable.

Use of Public Open Space for Arts and Cultural Activities

8. One of LCSD's missions is to promote arts and culture in Hong Kong through nurturing local artists and building audience. Apart from organising a wide range of cultural programmes in our arts venues, we have also injected an arts and culture dimension into our pleasure grounds in recent years. Indeed, a total of 447 arts and cultural activities, including concerts, Cantonese opera, dance performances were held in LCSD's pleasure grounds in 2011. Some of these events were held at the amphitheatres in our pleasure grounds (currently 19 venues are provided with amphitheatres) which are open to booking by the public. In addition, LCSD has launched the following initiatives in recent years to make public parks more interesting and vibrant:

- (i) Park Déco – LCSD partners with local artists and designers in drawing up new design for public parks and park furniture. The first Park Déco pilot scheme was launched in Quarry Bay Park in May 2011 where three sets of innovative and creative park furniture as well as a new signage system were installed. The second pilot scheme, to be completed in the second half of 2012, will be launched in Cornwall Street Park. A set of design parameters will be drawn up for reference in building new parks and renovating the existing parks.
- (ii) ArtAlive@Park – LCSD partners with local tertiary institutions to bring arts to the community through the installation of artworks in major parks (e.g. Kowloon Park, Sha Tin Park, Tuen Mun Park). Through displaying the public artworks of university student artists in highly patronised LCSD parks, the scheme also helps nurture the creativity of a new generation of young artistic talents.
- (iii) Other public art projects in parks – Jointly presented with the Sai Kung District Council, LCSD launched the “Sai Kung District Council Public Art Project 2009” to incorporate artworks in the open space of parks for public enjoyment. The installation of four artworks by local artists was completed in mid-2011 at Man Yee Playground in Sai Kung, Po Tsui Park and Po Hong Park in Tseung Kwan O. Besides, to coincide with the construction of the new Town Park and Indoor Velodrome-cum-Sports Centre in Area 45, Tseung Kwan O which will open in 2013, LCSD is organising a public art project there in partnership with the Architectural Services Department. Artists and art groups will be commissioned for artwork installation at the site to enhance the environment and to provide the public with the opportunity to appreciate arts while using leisure and recreational facilities.
- (iv) Open Stage – LCSD launched the "Open Stage" pilot scheme at the piazzas of HKCC, STTH and KTT in July 2010 to provide opportunities for performers to showcase their talents and enable the public to appreciate the arts at leisure. In line with similar practices in some other overseas countries, auditioned and qualified performers may register for performance sessions at specified times on a first-come, first-served basis, and at no charge. No stringent criteria are adopted for the auditions which are meant only to ensure that performances are commensurate with the image of these prime cultural piazzas. However, following a review of the pilot scheme, and in view of the low level of patronage at HKCC and KTT, we have

decided that "Open Stage" will only continue at the STTH on a long term basis.

9. For ongoing activities, LCSD organises the "Arts and Crafts Fair" at the Piazza of the HKCC, providing a platform for creative talents to display their works and share their creativity with visitors. With a variety of live photography, painting, calligraphy, and other arts and crafts stalls operated at the Piazza, it livens up the waterfront of the Victoria Harbour and enhances the arts atmosphere of the outdoor area of the Cultural Centre. Apart from the Arts and Crafts Fair and Open Stage currently implemented in Shatin Town Hall on an ongoing basis, a total of 182 cultural and community activities were held at the outdoor areas of the four performing arts venues in 2011.

Way Forward

10. Given the high population density of the city and the heavy usage of our pleasure grounds, competing uses of our venues are inevitable. It is therefore important to have an open and fair system in place to handle bookings for use of the open space, while balancing the needs of individual users and between designated and non-designated uses. LCSD will continue to manage the public open spaces under its purview under the guiding principles of maximising public access to and enjoyment of the venues, and striking a balance between the competing demands of different users. We will continue to develop new initiatives, and keep an open mind towards ideas put forward by stakeholders, so as to optimise the use of public open space for the benefit of the community and for specific groups where justified.

**Leisure and Cultural Services Department
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