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Panel on Home Affairs

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for the meeting on 13 January 2012**

**Use of public open space by
members of the public to conduct leisure and recreational activities**

Purpose

This note provides background information on the regulations and policy relating to the use of public open space managed by the Leisure and Cultural Services Department ("LCSD"), and summarizes the concerns and views of members of the Panel on Home Affairs ("the Panel") and relevant subcommittees on the subject.

Background

Definition of open space

2. According to the "Hong Kong Planning Standards and Guidelines" ("HKPSG"), "open space" is defined as a "statutory land use zone for the provision of open space and recreation facilities for the enjoyment of the general public". In HKPSG, "open space" is used interchangeably with "recreation open space" which is outdoor open-air space principally used for recreation use and developed either by the public or private sector. Open space may serve a passive or active function. "Passive open space" refers to recreation open space providing landscaped facilities (such as parks, gardens, sitting-out areas, children's playgrounds, and jogging and fitness circuits). "Active open space" refers to recreation open space containing outdoor recreation facilities (such as games courts and pitches).

Relevant regulation

3. The use of public open space under LCSD is governed by the Pleasure Grounds Regulation ("PGR") under the Public Health and Municipal Services Ordinance (Cap. 132). Public pleasure grounds, such as parks, playground, sitting-out areas and barbecue sites,¹ are subject to PGR, and all users of public pleasure grounds should comply with PGR.

4. PGR contains provisions relating to the use of public open space for conducting leisure and recreational activities by members of the public. In particular, PGR provides that in any pleasure ground –

- (a) no person shall walk, run, stand, sit or lie on any grass, turf or other places where notice to keep off such grass, turf or other places is exhibited (section 9(a));
- (b) flying of kites, model aircraft, balloons or other device may be restricted or prohibited by the Director of Leisure and Cultural Services ("DLCS") by notice conspicuously displayed (section 17);
- (c) melting or burning wax or sprinkling or pouring liquid onto hot wax in such a manner as to cause or be likely to cause a risk of injury to any person or damage to any property is prohibited (section 23A); and
- (d) no person shall play any musical instrument, operate any radio or gramophone, or sing to the annoyance of any other person, unless the playing of the instrument, the operation of the radio or gramophone, or the singing of any song is in accordance with a written permission granted by DLCS (section 25).

Public arts

5. In 2001, the Art Promotion Office ("APO") was established under LCSD to promote community and public arts and provide a range of visual arts activities and services for the public. APO has launched a number of public art programmes to make use of open space to display works of art in collaboration with different partners, including artists, non-governmental organizations, non-profit-making bodies and private organizations. Examples of these initiatives are in **Appendix I**.

¹ Public pleasure grounds refer to those specified in the Fourth Schedule to Cap 132.

6. Additionally, more than 40 pieces of art works created by 30 local artists have been displayed on a permanent basis in various open spaces managed by LCSD, including the Kowloon Park, the Hong Kong Cultural Centre Piazza, the Hong Kong Science Museum Piazza, the Urban Council Centenary Garden, the Tsim Sha Tsui East Promenade and the garden of the Hong Kong City Hall. LCSD has also collaborated with a private organization to set up the "City Art Square" in the vicinity of the Shatin Town Hall where 19 pieces of artworks are displayed to increase public access to and participation in activities relating to culture and the arts.

Street performance

7. According to the Home Affairs Bureau ("HAB"), there are no restrictions on street arts performances as long as they are conducted in accordance with the law. In order to bring the arts to the public and encourage public participation in cultural activities, HAB launched the Open Stage Trial Scheme between July 2010 and June 2011. Under the Scheme, specific zones in three locations, namely the Hong Kong Cultural piazza, the Shatin Town Hall plaza and the Kwai Tsing Theatre plaza, were designated as places for public performances by individuals or organizations. Any auditioned and qualified performers might register for a two-hour performance session between 10 am and 10 pm on weekends and public holidays at any of the three zones without having to pay a hiring charge.

Members' views and concerns

8. Issues about the use of public open space by members of the public to conduct leisure and recreational activities were discussed at meetings of the Panel, the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("the Joint Subcommittee") and the Subcommittee to Follow Up the Outstanding Leisure and Cultural Projects of the Former Municipal Councils formed under the Panel in the third Legislative Council ("LegCo"). Members' views and concerns are highlighted below.

Regulations relating to the use of public open space

9. At the Panel meeting on 13 October 2011, there was a view that the use of public open space (such as public parks and gardens) managed by LCSD were subject to various regulations, which were not conducive to the promotion of arts and cultural activities. It was suggested that in order to tie in with the development of the West Kowloon Cultural District ("WKCD") and facilitate the arts and cultural development in Hong Kong, the Panel should discuss with the Administration the feasibility of reviewing the existing legislation, regulations and policy on the use of public open space. At the Panel meeting on 19 October 2009, a similar suggestion was also raised.

Public arts and street performance

10. At the Panel meeting on 14 December 2007, there was a view that in order to promote an appreciation of the visual arts, the Administration should make full use of public space (such as foyers and open space at MTR stations and the airport) to showcase the artistic creations. According to the Executive Director of the Hong Kong Arts Development Council, to enhance public access to the arts, the Council had worked with the public transport corporations to make use of the open space at MTR stations and ferry piers for display of creative works. At the Joint Subcommittee meeting on 11 July 2011, concern was also raised about the inadequacy of public space available for street performances in Hong Kong.

Provision of open space

11. At the meetings of the Subcommittee to Follow Up the Outstanding Leisure and Cultural Projects of the Former Municipal Councils in October 2005 and March 2006, members expressed concern about the shortfall of open space in various districts such as Sha Tin, Yuen Long and Tsuen Wan, and the long lead time required for the implementation of open space projects. According to the Administration, with the open space provided by LCSD and the Housing Department being taken into account, the open space provision in the 18 districts was adequate to meet HKPSG except in two districts, namely Yau Tsim Mong and Yuen Long. As regards the Yau Tsim Mong district, it was envisaged that the open space to be provided within WKCD would be able to relieve the shortfall in open space to a large extent in future. For the Yuen Long district, a number of open space projects in Tin Shui Wai had been under active planning. The Administration had also taken measures to rationalize and expedite the procedures for the implementation of leisure and cultural services projects including open space projects, after taking into consideration the views of professional bodies in the construction sector.

Relevant papers

12. A list of relevant papers with their hyperlinks at the website of the Legislative Council is in **Appendix II**.

Public art programmes conducted by the Art Promotion Office in public open space

Listed below are some of the public art initiatives conducted by the Art Promotion Office under the Leisure and Cultural Services Department ("LCSD"):

- (a) "Artist in the Neighbourhood Scheme", which has been launched since 2000 with an aim to bring art into the communities by displaying the latest works of talented artists in different districts through partnerships with various organizations, such as the MTR Corporation and shopping malls;
- (b) "Park Deco", which was initiated by LCSD in 2010 to present art works in public space, such as parks, to allow the public to enjoy the surrounding environment in a leisurely manner. The project is divided into two phases, with two existing leisure venues being selected, namely Quarry Bay Park (Phase 1) and Cornwall Street Park (Phase 2). Phase 1 has been completed in May 2011 and Phase 2 is expected to be completed by August 2012;
- (c) "Public Art Project – Tamar", which is an open competition inviting proposals for installation of public artworks at the Tamar Park. The call for proposal was issued in April 2010 and closed in June 2010. At present, the adjudication process for this competition has entered the final stage, and installation of the winning artworks will be carried out upon completion of the assessment; and
- (d) "Sai Kung District Council Public Art Project 2009", under which four selected works of public art were installed at three venues managed by LCSD in the Sai Kung District through an open call for proposals launched in May 2009, including Man Yee Playground in Sai Kung and Po Tsui Park and Po Hong Park in Tseung Kwan O, so as to adorn and enliven these sites.

- Sources:
- (a) Art Promotion Office Website.
 - (b) Press Release of the Government of the Hong Kong Special Administrative Region on "Exhibition to introduce Sai Kung District Council Public Art Project 2009".
 - (c) Press Release of the Government of the Hong Kong Special Administrative Region on "Artwork proposals invited for Tamar open space".

Appendix II

Relevant papers on Use of public open space by members of the public to conduct leisure and recreational activities

Meeting	Date of meeting	Paper
Panel on Home Affairs – Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils	31.10.2005 (Item II)	Agenda Minutes
Panel on Home Affairs – Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils	30.03.2006 (Item I)	Agenda Minutes
Panel on Home Affairs	14.12.2007 (Item IV)	Agenda Minutes
Panel on Home Affairs	19.10.2009	Minutes
Panel on Home Affairs	11.02.2011 (Item III)	Agenda Minutes
Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	11.07.2011	Agenda Minutes
Panel on Home Affairs	13.10.2011	Minutes