

For information on
24 October 2012

Legislative Council
**Subcommittee on Public Health and Municipal Services Ordinance (Public
Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2012**

Purpose

This paper briefs Members on the background of the captioned subsidiary legislation, and the mode of management of the West Kowloon Waterfront Promenade (the Promenade) upon handover to the West Kowloon Cultural District Authority (WKCDA).

Background

The Promenade as a Public Pleasure Ground under the Public Health and Municipal Services Ordinance (Cap. 132)

2. To make good use of the land prior to the implementation of permanent works at the West Kowloon Cultural District (WKCD) site, the then Housing, Planning and Lands Bureau constructed a temporary promenade at the site in 2005. The venue was developed in two phases. The first phase (southern portion) was completed and handed over to the Leisure and Cultural Services Department (the Department) for management and use by the public in September 2005. The second phase (northern portion) was completed and handed over to the Department for public use in February 2007. For proper management of the venue and in accordance with Section 106 of the Public Health and Municipal Services Ordinance (Cap.132) (the Ordinance), the Department set aside the southern portion of the venue as a Public Pleasure Ground in 2005 and included the northern portion into the management boundary of the Promenade in 2007.

3. The Promenade occupied an area of 3.4 hectares. Its main facilities included a boardwalk, a cycling track, a cycling ground, pergolas, children-play areas, toilets and landscape areas.

Reason for WKCDA to take over the Promenade

4. To dovetail with the commissioning of the arts and cultural facilities in WKCD, WKCDA strives to build audiences and to nurture local arts talents in the interim. A major initiative is to utilize the WKCD site to bring people to WKCD and to bring arts to the public. The Legislative Council Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project discussed and indicated support for WKCDA's plans on temporary uses of the site at its meetings on 11 July 2011 and 13 February 2012.

5. WKCDA has entered into a short term tenancy (STT) with the Lands Department in respect of the headland area of the WKCD site for temporary uses and advance works. Meanwhile, WKCDA has been drawing up programme proposals and working with collaborators and event organizers to animate the STT site. The latest schedule of major public events in that area is as follows: –

Date	Programme	Organiser
1 – 4 November 2012	Hong Kong Wine & Dine Festival 2012	External party
24 – 25 November 2012	Renaissance 2012	External party
1 – 2 December 2012	Clockenflap Music & Arts Festival	External party
15 – 16 December 2012	Freespace Fest	WKCDA
23 March – 2 June 2013	Mobile M+: INFLATION!	WKCDA

6. Some of the planned programmes require the temporary occupation of the Promenade. To ensure the coordinated management of the area concerned and the adjoining land, WKCDA has been liaising with relevant Government departments on its takeover of the Promenade originally set aside for use as a public pleasure ground under the Ordinance. The Yau Tsim Mong District Council has also been consulted and is in support of the proposal.

Present subsidiary legislation

7. The Director of Leisure and Cultural Services, in her capacity as the

Authority under the Ordinance manages the public pleasure grounds listed in the Fourth Schedule to the Ordinance. Under section 106 of the Ordinance, the Authority may by order set aside places for use as public pleasure grounds, and may by order amend, or add to, or delete from the Fourth Schedule. In the exercise of this power, a gazette notice was issued on 6 July 2012 to cease to set aside the Promenade for use as a public pleasure ground and the Amendment Order was tabled at the Legislative Council for negative vetting on 11 July 2012.

Management of the Promenade

8. As reported to the Legislative Council Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project, WKCDA has engaged a contractor to manage the STT site, including site improvement, security and maintenance. WKCDA intends to continue facilitating public enjoyment of the Promenade as far as practicable before active construction works for permanent development commence in phases starting from 2013. The Promenade will be open to the public daily, unless there are construction works or events requiring temporary closure for safety reasons.

9. As an interim arrangement, the Promenade will be managed with a set of temporary rules, which are to be executed and enforced by WKCDA. WKCDA will soon proceed with the park design process, during which the rules for managing the public open space in WKCD in the longer run will be developed. Comments received in previous public engagement exercises and from other communication channels will be taken into account. Experience gained from running the STT site will also provide useful references.

**Home Affairs Bureau
Leisure and Cultural Services Department
West Kowloon Cultural District Authority
October 2012**