

LEGISLATIVE COUNCIL BRIEF

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE SETTING ASIDE PLACES FOR USE AS PUBLIC PLEASURE GROUNDS

INTRODUCTION

The Director of Leisure and Cultural Services, in her capacity as the Authority (“Authority”) under the Public Health and Municipal Services Ordinance, Cap.132 (“the Ordinance”), manages the public pleasure grounds listed in the Fourth Schedule to the Ordinance. Under Section 106 of the Ordinance, the Authority may, from time to time, by order set aside places for use as public pleasure grounds, and may by order amend the Fourth Schedule.

2. We propose to introduce amendments through the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 3) Order 2016 (the Amendment Order) to set aside the place specified in Schedule 1 of the Amendment Order for use as public pleasure ground and to cease to set aside places specified in Schedule 2 of the Amendment Order for use as public pleasure grounds. The Amendment Order is at Annex to this Brief.

JUSTIFICATIONS

3. The proposal to set aside one venue as public pleasure ground will enable the Authority to enforce the Pleasure Grounds Regulation in the venue. We also propose to delete two venues from the Fourth Schedule as they cease to be used as public pleasure grounds.

PLACE TO BE SET ASIDE FOR USE AS PUBLIC PLEASURE GROUNDS

4. Tuen Fu Road Community Garden will be designated as public pleasure ground, which will be included in the Fourth Schedule and opened for public use by the Leisure and Cultural Services Department.

PLACES CEASING TO BE SET ASIDE FOR USE AS PUBLIC PLEASURE GROUNDS

5. The following two venues will be deleted from the Fourth Schedule as they have ceased to be public pleasure grounds:

- (i) King Lam Street Sitting-out Area will be returned to the Lands Department for land sale purpose.
- (ii) Battery Street Sitting-out Area has been handed over to Home Affairs Department for facilitating the Signature Project Scheme (Yau Tsim Mong District).

AMENDMENT OF FOURTH SCHEDULE

6. The Amendment Order at Annex amends the Fourth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132) to give effect to the changes set out in paragraphs 4 and 5 above.

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows –

Publication in the Gazette	2 December 2016
Tabling at the Legislative Council	7 December 2016

PUBLIC CONSULTATION AND PUBLICITY

8. We have consulted the respective District Councils which supported the proposals. The amendments to the Fourth Schedule of the Ordinance will be published in the Gazette.

ENQUIRY

9. Please contact Mrs Doris FOK, Assistant Director (Leisure Services)1, at 2601 8966 for enquiries on this subject.

Leisure and Cultural Services Department
28 November 2016

**Public Health and Municipal Services Ordinance
(Public Pleasure Grounds) (Amendment of Fourth
Schedule) (No. 3) Order 2016**

Schedule 1

[s. 1]

(Made by the Director of Leisure and Cultural Services under section 106
of the Public Health and Municipal Services Ordinance (Cap. 132))

Place Set Aside for Use as Public Pleasure Ground

The New Territories

Tuen Fu Road Community Garden

1. **Place set aside for use as public pleasure ground**
The place specified in Schedule 1 is set aside for use as a public pleasure ground.
2. **Places ceasing to be set aside for use as public pleasure grounds**
The places specified in Schedule 2 cease to be set aside for use as public pleasure grounds.
3. **Public Health and Municipal Services Ordinance amended**
The Public Health and Municipal Services Ordinance (Cap. 132) is amended as set out in Schedule 3.

Schedule 2

[s. 2]

Places Ceasing to be Set Aside for Use as Public Pleasure Grounds

Kowloon

Battery Street Sitting-out Area
King Lam Street Sitting-out Area

Schedule 3

[s. 3]


Amendments to Public Health and Municipal Services Ordinance

1. Fourth Schedule amended (public pleasure grounds)

- (1) Fourth Schedule, list of public pleasure grounds (other than bathing beaches), under heading “Kowloon”—
 - (a) **Repeal**
“Battery Street Sitting-out Area”;
 - (b) **Repeal**
“King Lam Street Sitting-out Area”.
- (2) Fourth Schedule, list of public pleasure grounds (other than bathing beaches), under heading “The New Territories”—

Add in alphabetical order

“Tuen Fu Road Community Garden”.



(Ms Michelle LI)
Director of Leisure and Cultural
Services

28 November 2016

Explanatory Note

- This Order sets aside 1 place for use as a public pleasure ground and provides that 2 places cease to be set aside for such use.
2. The Order also amends the Fourth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132) to add the 1 place and remove the 2 places mentioned in paragraph 1.