

政府總部
民政事務局

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28 May 2019

Ms Joanne MAK
Clerk to the Panel on Home Affairs
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Mak,

**Panel on Home Affairs
Letter from Hon SHIU Ka-chun
Follow-up questions regarding agenda item
“Use and management of public open space managed
by the Leisure and Cultural Services Department”**

Thank you for your letter dated 6 May 2019. On the follow-up questions regarding the above-mentioned agenda item raised by the Hon SHIU Ka-chun attached thereto, our response is set out below.

1. Members of the public are not prohibited from tipping others in the form of “lai see” in parks by the Pleasure Ground Regulation (Cap. 132BC) (the Regulation) or other legislation at present. Hence, performers who accept “lai see” from members of the public in parks are not in breach of the legislation. However, it is up to the court to adjudicate each prosecution case with regard to the circumstances of the case and evidence found. The Leisure and Cultural Services Department (LCSD) will continue to seek legal advice regarding pecuniary reward (including in form of electronic means of payment) given in appreciation of singing activities.

2 & 3. At present, if enforcement action is taken by LCSD under section 25 of the Regulation, it has to be established that a “venue user” had been annoyed, and the venue user has to be willing and able to serve as a prosecution witness. Otherwise, LCSD cannot take enforcement action solely based on staff observation or complaints received. To address public demand for proper and effective regulation of noise nuisance in parks, we propose a legislative amendment to the Regulation by replacing “user thereof” with “person”. Under the proposed amendment, venue users, LCSD venue staff and any other persons (including nearby residents) who are annoyed by the noise may act as prosecution witnesses in LCSD’s enforcement action, making the prosecution action more proactive. LCSD has established guidelines on work relating to enforcement. Only authorised officers are allowed to take enforcement action in pleasure grounds under the Regulation. The grades/ranks of the public officers concerned are as follows:

- Amenities Assistant grade;
- Amenities Officer grade;
- Leisure Services Manager grade; and
- Assistant Recreation and Sport Officer II

LCSD will arrange for management staff to be stationed at its venues depending on operational need. For venues without management staff (normally venues of smaller area or provided with fewer facilities), LCSD will arrange for staff to conduct routine inspection and hire outsourced contractors to provide security and cleaning services according to the actual needs. LCSD will, upon receipt of complaint about noise nuisance in these venues, deploy staff to the scene to handle the complaint and consider instituting prosecution against violators in light of the situation.

Yours sincerely,



(Ms Elania Luk)

for Secretary for Home Affairs

c.c.:

Director of Leisure & Cultural Services

[Attn: Sr Staff Offr(HQ) (Fax no: 2602 1480)]