

立法會
Legislative Council

Ref : CB2/BC/5/19

LC Paper No. CB(2)1402/19-20

(These minutes have been seen
by the Administration)

Subcommittee on Pleasure Grounds (Amendment) Regulation 2020

**Minutes of the first meeting
held on Tuesday, 9 June 2020, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Vincent CHENG Wing-shun, MH, JP (Chairman)
Hon Holden CHOW Ho-ding
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP

Public Officers attending : Ms Zorina WAN Hiu-yan
Principal Assistant Secretary (Recreation and Sport)2
Home Affairs Bureau

Ms Ida LEE Bik-sai, JP
Deputy Director of Leisure & Cultural Services (Leisure Services)

Mrs Doris FOK LEE Sheung-ling
Assistant Director (Leisure Services)1
Leisure and Cultural Services Department

Mr CHEUNG Wan-ching
Chief Leisure Manager (Land-based Venues)
Leisure and Cultural Services Department

Mr Michael CHOI Tin-yau
Government Counsel
Department of Justice

Clerk in attendance : Ms Joanne MAK
Chief Council Secretary (2) 3

Action

Staff in attendance : Ms Clara TAM
Assistant Legal Adviser 9

Mr Dennis HO
Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

Action

I. Election of Chairman

Mr Vincent CHENG was elected Chairman of the Subcommittee. Members agreed that election of a Deputy Chairman was not necessary.

II. Meeting with the Administration

[L.N. 88 of 2020, and LC Paper Nos. LS83/19-20, CB(2)1155/19-20(01), CB(2)1156/19-20(01) and (02)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. Members considered it not necessary for the Subcommittee to receive views from deputations on the Pleasure Grounds (Amendment) Regulation 2020 (L.N. 88 of 2020) ("the Amendment Regulation").
4. The Subcommittee completed examination of the provisions of the Amendment Regulation. Members considered it not necessary to extend the scrutiny period of the Amendment Regulation. As such, the expiry date of the scrutiny period for the Amendment Regulation was 24 June 2020 and the deadline for giving notice of amendment to the Amendment Regulation was 17 June 2020. The Chairman said that he would make a verbal report on the deliberations of the Subcommittee to the House Committee on 12 June 2020.

(Post-meeting note: The written report of the Subcommittee was issued on 17 June 2020 vide LC Paper No. CB(2)1217/19-20.)

Action

III. Any other business

5. There being no other business, the meeting ended at 3:34 pm.

Council Business Division 2
Legislative Council Secretariat
27 July 2020

**Proceedings of the first meeting of the
Subcommittee on Pleasure Grounds (Amendment) Regulation 2020
on Tuesday, 9 June 2020, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000405 - 000524	Mr Holden CHOW Mr Wilson OR Ms YUNG Hoi-yan Mr Vincent CHENG	Election of Chairman	
000525 - 001009	Chairman Administration	Opening remarks Briefing by the Administration on the Pleasure Grounds (Amendment) Regulation 2020 (L.N. 88 of 2020) ("the Amendment Regulation") [LC Paper No. CB(2)1156/19-20(01)].	
001010 - 001648	Chairman Mr Holden CHOW Administration	<p>Mr Holden CHOW expressed support for the Amendment Regulation and considered that it would help tackle the noise nuisance problems in public pleasure grounds ("PPGs"). He sought details of the relevant enforcement approach and enquired whether the Leisure and Cultural Services Department ("LCSD") had sufficient manpower to undertake the enforcement work effectively in PPGs with serious noise problems.</p> <p>The Administration advised that with the new section 25 under the Amendment Regulation, venue users, LCSD venue staff and any other persons who were annoyed by the noise nuisance arising from a music activity in PPGs might act as prosecution witnesses in LCSD's enforcement action. To ensure effective enforcement, LCSD would step up staff training and strengthen guidelines to facilitate enforcement work. Where necessary, additional staff would also be deployed to take enforcement actions in PPGs with noise problems and joint operations would be carried out with the Police for combating violation of the Amendment Regulation.</p> <p>Mr CHOW asked whether the Administration would consider drawing up a "blacklist" of persons who had received warnings before for causing noise nuisance and disallow such persons to enter the PPG concerned. The Administration advised that the suggestion had to be</p>	

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		<p>considered carefully as it might lead to unnecessary confrontation between LCSD venue staff and performers or other persons concerned. As PPGs were open to the public, it would be inappropriate to prohibit persons who had not contravened the Pleasure Grounds Regulation (Cap. 132BC) ("the Regulation") yet from entering PPGs. Moreover, section 32 of the Regulation already empowered LCSD staff to remove persons who had contravened the Regulation from PPGs.</p>	
001649 - 002251	Chairman Ms YUNG Hoi-yan Administration	<p>In response to Ms YUNG Hoi-yan's enquiry, the Administration explained why it was not proposed that giving rewards for music activities or related activities in PPGs was an offence under the Amendment Regulation or any other legislation. The Administration explained that the Amendment Regulation should focus on combating those people who received reward in PPGs for music activities or related activities carried out there.</p>	
002252 - 002813	Chairman Administration	<p>While expressing support for the Amendment Regulation, the Chairman pointed out that the noise nuisance problems were particularly serious in certain PPGs such as Tuen Mun Park and Hoi Sham Park. He stressed that adequate manpower had to be deployed in these PPGs to take enforcement actions.</p> <p>The Administration said that it was preparing for the implementation of the Amendment Regulation and reviewing the existing manpower situations in PPGs so as to ensure effective enforcement of the Amendment Regulation. The Administration added that while only authorized officers of LCSD would take enforcement action in PPGs under the Regulation, security guards had been hired to assist in maintaining order.</p> <p>The Chairman requested the Administration to publicize the provisions of the Amendment Regulation. The Administration advised that it would step up publicity of the new measures introduced by the Amendment Regulation.</p>	
002814 - 004854	Chairman Ms YUNG Hoi-yan Mr Holden CHOW Administration	<p>Ms YUNG Hoi-yan asked whether the relevant amendment could be implemented effectively if the relevant reward payments were made by electronic means (e.g. through scanning the QR codes on mobile devices). The Administration advised that electronic payments were also covered in the provisions in the new section 25. The Administration explained that the effect of these provisions, when taken together, was that</p>	

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		<p>they covered rewards (e.g. payment) given by, e.g., electronic means. The Administration further pointed out that the definition of "reward", as presently drafted, in the new section 25(6) would cover rewards in different forms (pecuniary or non-pecuniary).</p> <p>Ms YUNG, Mr Holden CHOW and the Chairman shared the view that the Administration should consider conducting undercover operations to enable more effective enforcement work in tackling the acceptance of reward for music activities or related activities carried out in PPGs. The Administration advised that it would evaluate the effectiveness of enforcement after the Amendment Regulation came into operation and seek legal advice as appropriate.</p> <p>The Chairman expressed concern about whether measures were in place to prevent persons from bringing bulky amplifiers into PPGs, so as to avoid the use of such amplifiers by singing groups in PPGs and generating excessive noise. The Administration advised that under the Amendment Regulation, the Director of Leisure and Cultural Services ("the Director") was empowered to display notices in a PPG with noise problems and specify requirements in relation to the carrying out of any music activity there. A person was prohibited from carrying out in a PPG a music activity that did not comply with any requirement specified in the notice displayed in the PPG unless the person had obtained the Director's written permission to do so. To address the Chairman's concerns, the Administration advised that where necessary, notice might be displayed in a PPG to restrict persons from bringing large bulky amplifier there for use. Non-compliance with this specified requirement would be an offence and subject to enforcement action.</p> <p>Ms YUNG enquired how the noise level of a music activity in a PPG was monitored and would be deemed high enough to have caused nuisance to other people. The Administration advised that for parks with frequent singing activities by members of the public, venue staff were equipped with devices for measuring decibel level to measure the sound level of the activities from time to time. Advice would be given by staff immediately when the sound level from singing activities was found to be exceeding a certain level of decibel above the background noise level. In general, LCSO officers would firstly issue verbal warnings to the persons in the</p>	

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		singing groups concerned, requesting them to bring down sound volume level. If the warnings were unheeded, enforcement actions would follow.	
004855 - 005156	Chairman Mr Holden CHOW Administration	Mr Holden CHOW suggested that the requirements specified in notices by the Director should be prominently displayed in the entrance areas of PPGs. In his view, relevant criteria relating to noise nuisance (e.g. the noise level limits) should be set out clearly to facilitate PPG users' understanding and LCSD's enforcement actions.	
<u>Examination of the provisions of the Amendment Regulation</u>			
005157 - 010646	Chairman Mr Holden CHOW Assistant Legal Adviser ("ALA") Administration	<p><u>L.N. 88 of 2020</u></p> <p>ALA enquired about the legislative intent for the inclusion of the expression "any dancing, or any other similar act, that accompanies the music activity" in the definition of a "related activity" in the new section 25(6) and the kinds of acts that would be regarded as "any other similar act" in the provision.</p> <p>The Administration explained that the root of noise nuisance problems in some PPGs lied in the fact that persons who carried out music activities there were often given reward for such activities, and it was noted that such music activities often involved not only singing but also dancing as well. The Administration explained that to avoid creating a loophole such that enforcement action could not be taken in the situation where it was the dancer, not the singer, who had accepted reward for the music activity, "related activity" was defined to include "any dancing, or any other similar act, that accompanies the music activity". As it was unable to predict what kinds of acts, apart from dancing, would accompany such music activities in the future, the expression "any other similar act" was included in paragraph (c) of the definition to cover any such acts that could not be foreseen now.</p> <p>In response to ALA's further enquiry, the Administration clarified that audience who took part in dancing that accompanied the music activity in a PPG referred in the new section 25(4) would not commit an offence so long as he/she did not solicit, accept, or agree to accept any reward for the related activity.</p>	

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010647 - 010744	Chairman Members	Legislative timetable and closing remarks	

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