

L.N. 88 of 2020

Pleasure Grounds (Amendment) Regulation 2020

(Made by the Secretary for Home Affairs under section 109 of the Public Health and Municipal Services Ordinance (Cap. 132))

1. Commencement

This Regulation comes into operation on 24 July 2020.

2. Pleasure Grounds Regulation amended

The Pleasure Grounds Regulation (Cap. 132 sub. leg. BC) is amended as set out in sections 3 and 4.

3. Section 25 substituted

Section 25—

Repeal the section

Substitute

“25. Music activities etc.

- (1) The Director may, by notice conspicuously displayed in a pleasure ground, specify any requirement in relation to the carrying out of any music activity there.
- (2) A person must not carry out in a pleasure ground a music activity that does not comply with a requirement specified under subsection (1) unless the person has obtained the Director’s written permission to do so.

- (3) A person must not carry out in a pleasure ground a music activity to the annoyance of any other person unless the first-mentioned person has obtained the Director's written permission to carry out the activity there.
- (4) A person must not solicit or accept, or agree to receive, in a pleasure ground any reward for any music activity or related activity carried out there unless the person has obtained the Director's written permission to do so.
- (5) For subsection (4), it does not matter—
- (a) to whom and in what way the reward is or is to be given; and
- (b) by whom the music activity or related activity is carried out.
- (6) In this section—

music activity (音樂活動) means—

- (a) the operation or playing of, or the making of any sounds by means of, any musical or other instrument (including a gramophone, radio apparatus, amplifier or loudspeaker); or
- (b) the singing of any song;

related activity (相關活動), in relation to a music activity, means any activity to prepare for, facilitate or accompany the music activity, and includes—

- (a) the setting up of any musical or other instrument used in the music activity;
- (b) the acting as a host for the music activity; or
- (c) any dancing, or any other similar act, that accompanies the music activity;

reward (酬賞) includes any gift, payment, service, favour, benefit or advantage.”.

4. Section 30 amended (offences and penalties)

(1) Section 30—

Renumber the section as section 30(1).

(2) Section 30(1)(a)—

Repeal

“25.”.

(3) After section 30(1)—

Add

“(2) A person who contravenes section 25(2), (3) or (4) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 14 days.”.

Caspar TSUI Ying-wai
Secretary for Home Affairs

15 May 2020

Explanatory Note

This Regulation amends the Pleasure Grounds Regulation (Cap. 132 sub. leg. BC) (*principal Regulation*) to enhance the regulation of music or singing activities (*music activities*) and other related acts carried out in pleasure grounds so as to tackle noise nuisance problems caused by such music activities.

2. In particular, section 3 replaces section 25 of the principal Regulation to prohibit the following acts done without the written permission of the Director of Leisure and Cultural Services—
 - (a) carrying out in a pleasure ground a music activity that does not comply with a requirement specified in a notice conspicuously displayed there (new section 25(2));
 - (b) carrying out in a pleasure ground a music activity to the annoyance of “any other person” (as opposed to “any other user thereof” as provided under the existing section 25 of the principal Regulation) (new section 25(3)); and
 - (c) soliciting or accepting, or agreeing to receive, in a pleasure ground any reward for any music activity or related activity carried out there (new section 25(4)).
3. Section 4 amends section 30 of the principal Regulation to increase the maximum fine for the offence of contravening section 25 of the principal Regulation from level 1 (i.e. \$2,000) to level 3 (i.e. \$10,000).