

LEGISLATIVE COUNCIL BRIEF

Ocean Park Corporation Ordinance
(Chapter 388)

OCEAN PARK CORPORATION (AMENDMENT) BILL 2021

INTRODUCTION

At the meeting of the Executive Council on 15 June 2021, the Council **ADVISED** and the Chief Executive **ORDERED** that the Ocean Park Corporation (Amendment) Bill 2021 (“the Bill”), at **Annex A**, should be introduced into the Legislative Council (“LegCo”) to amend the Ocean Park Corporation Ordinance (Cap. 388) (“OPCO”) and repeal the Ocean Park Bylaw (Cap. 388B) (“the Bylaw”) to enable the Ocean Park Corporation (“OPC”) to take forward the future strategy for Ocean Park (“OP”).

JUSTIFICATIONS

Future Strategy for OP

2. With intensifying regional competition and the lack of new major attractions since completion of its last major redevelopment in 2012, OP is in need of repositioning. Meanwhile, the Coronavirus Disease 2019 pandemic, which has hit Hong Kong since late January 2020, has given rise to new circumstances which cast doubts on the commercial viability of OP pursuing a conventional development model of theme parks.

3. We have, together with the OPC, drawn up a future strategy for OP comprising a new vision, a number of major new initiatives, and a new mode of operation for OP (details at **Annex B**). To support the implementation of the future strategy, we need to –

- (a) devise a package of financial arrangements and seek funding support from the Finance Committee (“FC”) of LegCo; and

- (b) identify the necessary legislative amendments in order to empower the OPC to take forward the future strategy and introduce an amendment Bill for enactment by LegCo.

4. On paragraph 3(a), we obtained the approval of the FC of LegCo on 19 March 2021 for a non-recurrent funding support of \$1,664 million for the OPC and the restructuring of Government loans provided to the OPC. In addition, the Government would provide the OPC with a time-limited subvention of not more than \$280 million per year for four financial years between 2022-23 and 2025-26.

5. On paragraph 3(b), the provisions in the OPCO have not given the OPC with sufficient power and room to take forward the future strategy. Hence, we need to amend the OPCO so that the OPC could proceed efficiently with the implementation. Once the legislative amendments have been made, the OPC will take forward the various initiatives under the future strategy in accordance with the policy directions underpinning it. While allowing flexibility for the OPC to work out the implementation details taking into account the evolving social, economic and business circumstances, the Government would continue to maintain close oversight of OPC's work.

Legislative Amendment Proposals

Functions of OPC

(A) Role in conservation

6. The OPC is established by section 3 of the OPCO and its functions and powers are defined in sections 17 and 18 respectively. While conservation is an important aspect of OPC's work in providing recreation and education since its establishment in 1987, it is not explicitly provided for in the OPCO. To put beyond doubt that conservation is a major focus of the OPC under the future strategy, we propose to **amend the functions** of the OPC to **include conservation**.

(B) Carrying out functions and activities outside OP or Hong Kong

7. OP is defined in section 2 of the OPCO as the public recreational and educational park called by that name and situate at Brick Hill. Section 17 of the OPCO does not empower the OPC to manage facilities beyond OP's physical boundary. Neither does the OPC have the authority to provide in or outside Hong Kong advisory services which centre around its expertise and experience.

8. Under the future strategy, the OPC is tasked to promote conservation and education to the wider community and provide holistic leisure experiences by going

beyond OP's physical boundary to other places, whether in or outside Hong Kong. For instance, it may host various educational programmes at schools in Hong Kong, and organise conservation-themed study tours to the Guangdong-Hong Kong-Macao Greater Bay Area and other parts of the world. In addition, the OPC may provide advisory services in or outside Hong Kong as an additional income source by harnessing its expertise and experience in the relevant areas, such as animal care, STEAM (i.e. Science, Technology, Engineering, Arts, and Mathematics) education, operation of water attractions, etc.

9. To enable the OPC to evolve toward that direction as envisaged in the future strategy, there is a need to amend the OPCO to empower the OPC to **provide and manage facilities relating to recreation, education and conservation**, as well as **organise programmes or activities** and **provide advisory services** in relation to those three areas, **whether in or outside Hong Kong**.

Outsourcing arrangement

10. As set out in the future strategy, to enable the OPC to focus on conservation and education while ensuring that OP would provide a unique and yet diversified leisure and entertainment experience for its visitors, there is a need for the OPC to adopt a new mode of operation. Specifically, the OPC will outsource the Retail, Dining and Entertainment ("RDE") zone in the lower park to private developer(s) under a long-term concession. The developer(s) would be responsible for the planning, design, construction, management, maintenance, marketing and leasing of the RDE facilities as well as the related facilities therein. Similarly, the OPC may outsource parts of its upper park to outside operator(s) for developing and operating adventure and wellness zones. The OPC may also authorise other educational institutions to run its franchised educational modules or contract out the operation of marine eco-tours to other non-governmental organisations.

11. It is unclear though whether under the OPCO the OPC may engage outside operators to take charge of the operation of certain parts of OP and certain activities of the OPC in relation to the performance of the OPC's functions. There is therefore a need to amend the OPCO to expressly empower the OPC to **enter into a contract or an arrangement with any other person in relation to the performance of its certain statutory functions**.

Application of Ocean Park Trust Fund

12. Under the future strategy, OP should steer away from the conventional development model of theme parks, and the OPC should avoid making significant investment in amusement rides, reduce the scale of OP, cut down on facilities and related expenses which are not cost-effective, and re-orient its development focus

back to conservation and education. With this new positioning, we envisage that the capital expenditure to be incurred by the OPC for development projects will be reduced, and more will be spent on conservation and education initiatives. We also anticipate that the focus on conservation and education will help bring in donations for supporting OPC's work in those two areas.

13. Under the OPCO, all donations received by the OPC should be credited to the Ocean Park Trust Fund ("Trust Fund"). Section 31 of the OPCO stipulates that if the OPC wishes to apply the moneys and assets of the Trust Fund (save for any interest, dividends and income derived from the Trust Fund) for the promotion of certain statutory functions other than for capital expenditure of development projects, approval of the Chief Executive in Council ("CE in C") is required. In view of the strategy set out in paragraph 12 above, it is expected that the occasions where moneys in the Trust Fund are required for purposes other than for capital expenditure of development projects will increase. Coupled with the expected straightforward nature of cases concerned which would not involve any major policy decisions, we propose to **devolve the approving authority for the application of part of the Trust Fund from the CE in C to the Secretary for Commerce and Economic Development** ("SCED"). The proposal will help streamline the approval process while ensuring appropriate Government oversight of the proper use of the moneys and assets of the Trust Fund.

Ocean Park Bylaw

14. Section 39 of the OPCO provides that the OPC may make by-laws to govern the operation, use of facilities, and conduct of persons in OP. Any by-law made under section 39 may provide that its contravention shall be an offence and may prescribe penalties not exceeding a fine of level 1 (i.e. \$2,000) and imprisonment for three months. Prosecutions made under any by-law may be brought in the name of the OPC. According to section 23(2) of the OPCO, the OPC shall not delegate its power to make by-laws under section 39.

15. The Bylaw, which came into operation on 1 August 2003, confers upon the OPC various powers, including the power to take various enforcement actions against suspected contraventions. In the past 18 years since the Bylaw has come into force, the OPC has not taken any prosecution action under it. The OPC has advised that the Bylaw is not essential to its management and control of OP, and it rarely resorts to taking enforcement actions since the vast majority of contraventions or suspected contraventions were dealt with by management means or persuasion undertaken by the OPC instead.

16. Under the new mixed mode of operation as envisaged in the future strategy, the appointed developers or operators of various zones of OP would be responsible for regulating patron conduct in their respective zones or facilities in future. The Bylaw, which was made on the basis that the OPC was the sole operator of OP, would create confusion as to which party (i.e. the OPC or the developers or operators) would have the responsibility and authority for enforcement.

17. Against the above, we envisage that the use of OP and the conduct of visitors etc. in future may also be regulated through non-legislative means. For ticketed areas, conduct of visitors could be regulated through the contractual agreement established by ticket purchase. This arrangement is already adopted by the Hong Kong Disneyland Resort and other seasonal events. For non-ticketed areas, the OPC and any future operator(s), as the owner or tenant(s), are entitled to manage the area under their respective controls, in ways which are compatible with their legal rights. Among others, they may lay down the terms and conditions for compliance by any third parties entering or using the area, and if necessary, take legal action for breach of such terms and conditions.

18. Taking into account the above, we propose to **repeal the Bylaw**. The repeal of the Bylaw would not take effect though until after the future operators have devised and put in place their means of regulating the use of OP.

OTHER OPTIONS

19. In order to take forward the future strategy, it is necessary to amend the OPCO. Without such amendments, the OPC will not have sufficient power to undertake the various initiatives under the future strategy. This will go against our commitment to LegCo and the public when seeking approval for the relevant financial arrangements for supporting the future strategy, and the OPC will not be able to transform OP and achieve financial sustainability as envisaged. As to the Bylaw, if retained, there will be ambiguity and confusion on the enforcement of rules inside OP, creating management and operational problems for the OPC and the commercial partners under the outsourcing arrangements in the future.

THE BILL

20. The Bill contains 9 clauses. The main provisions are set out as follows –

- (a) Clause 4 amends section 2 of the OPCO to expand the definition of *Ocean Park* to include the element of conservation;
- (b) Clause 5 amends section 17 of the OPCO to expand certain functions of the OPC to cover initiatives in or outside Hong Kong;

- (c) Clause 6 amends section 18(b) of the OPCO to vary the powers of the OPC;
- (d) Clause 8 amends section 31 of the OPCO to change the authority to approve the application of certain moneys and assets in the Trust Fund from the CE in C to the SCED; and
- (e) Clause 9 repeals the Bylaw.

21. A marked-up version showing the amendments made to the OPCO is at **Annex C** for easy reference.

LEGISLATIVE TIMETABLE

22. The legislative timetable will be as follows –

Publication in the Gazette	18 June 2021
First Reading and commencement of Second Reading debate	23 June 2021
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

IMPLICATIONS OF THE PROPOSAL

23. As the proposed legislative amendments would enable the OPC to implement the future strategy, it has economic, environmental, sustainability, and family implications as set out at **Annex D**. The proposal is in conformity with the Basic Law, including the provisions concerning human rights, and will not affect the current binding effect of the OPCO. It has no civil service, financial, productivity, or gender implications.

PUBLIC CONSULTATION

24. We consulted the LegCo Panel on Economic Development on 25 January and 22 February 2021 on the future strategy for OP as well as the proposed financial arrangements and legislative amendments for supporting the implementation of the strategy. Members noted the need for the legislative amendments and did not raise objection to our proposals.

PUBLICITY

25. We will issue a press release and arrange a spokesperson to answer media enquiries.

ENQUIRY

26. Enquiries relating to this brief can be directed to Mr Anson LAI, Assistant Commissioner for Tourism, at 2810 2911.

**Tourism Commission
Commerce, Industry and Tourism Branch
Commerce and Economic Development Bureau
16 June 2021**

A BILL

To

Amend the Ocean Park Corporation Ordinance to empower the Ocean Park Corporation to carry out functions relating to recreation, education and conservation in or outside Hong Kong; to repeal the Ocean Park Bylaw; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Ocean Park Corporation (Amendment) Ordinance 2021.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Section 9 comes into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

Part 2

Amendments to Ocean Park Corporation Ordinance

2. Ocean Park Corporation Ordinance amended

The Ocean Park Corporation Ordinance (Cap. 388) is amended as set out in this Part.

3. Long title amended

The long title, after “fund,”—

Add

“to empower that body corporate to carry out functions relating to recreation, education and conservation in or outside Hong Kong.”.

4. Section 2 amended (interpretation)

Section 2, definition of *Ocean Park*—

Repeal

“and educational”

Substitute

“, educational and conservational”.

5. Section 17 amended (functions of the Corporation)

(1) Section 17—

Renumber the section as section 17(1).

(2) Section 17(1)—

Repeal paragraphs (a), (b) and (c)

Substitute

- “(a) to develop, manage and control Ocean Park as a public recreational, educational and conservational park;
- (b) to provide, manage and control specified facilities, or other related facilities as it thinks fit, whether in or outside Hong Kong;
- (c) to organize programmes or activities, or to provide goods or services, whether in or outside Hong Kong—
- (i) for the promotion of Ocean Park; or
- (ii) for the purposes of recreation, education or conservation;
- (ca) to provide, whether in or outside Hong Kong, advisory services relating to—
- (i) recreation, education or conservation; or
- (ii) the development or management of specified facilities; and”.

(3) Section 17(1)(d)—

Repeal

“paragraphs (a), (b) and (c)”

Substitute

“paragraph (a), (b), (c) or (ca)”.

(4) After section 17(1)—

Add

“(2) In subsection (1)—

specified facilities (指明設施) means recreational, educational or conservational facilities.”.

6. Section 18 amended (powers of the Corporation)

Section 18—

Repeal paragraph (b)

Substitute

“(b) either alone or jointly with another person, enter into a contract or an arrangement (however described) with any other person in relation to the performance of its functions specified in section 17(1)(a), (b), (c) or (ca);”.

7. Section 25 amended (power to borrow money)

Section 25—

Repeal

“(a), (b) and (c)”

Substitute

“(1)(a), (b), (c) or (ca)”.

8. Section 31 amended (application of the Fund)

(1) Section 31(a)(ii)—

Repeal

“such other functions specified in section 17(a), (b) or (c) as the Chief Executive in Council”

Substitute

“any other functions specified in section 17(1)(a), (b), (c) or (ca) that the Secretary for Commerce and Economic Development”.

(2) Section 31(b)—

Repeal

“(a), (b) and (c)”

Substitute

“(1)(a), (b), (c) or (ca)”.

Part 3

Repeal of Ocean Park Bylaw

9. Ocean Park Bylaw repealed

The Ocean Park Bylaw (Cap. 388 sub. leg. B) is repealed.

Explanatory Memorandum

The main objects of this Bill are to amend the Ocean Park Corporation Ordinance (Cap. 388) (*Ordinance*) to expand the functions of the Ocean Park Corporation (*Corporation*), and to repeal the Ocean Park Bylaw (Cap. 388 sub. leg. B) (*Bylaw*).

2. The Bill is divided into 3 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Ordinance

4. Clause 3 amends the long title of the Ordinance to cater for the new initiatives of the Corporation.
5. Clause 4 amends section 2 of the Ordinance to expand the definition of *Ocean Park* to include the element of conservation.
6. Clause 5 amends section 17. of the Ordinance to expand certain functions of the Corporation to cover initiatives in or outside Hong Kong.
7. Clause 6 amends section 18(b) of the Ordinance to vary the powers of the Corporation.
8. Clause 7 amends section 25 of the Ordinance in consequence of the amendments in clause 5.
9. Clause 8 amends section 31 of the Ordinance to change the authority to approve the application of certain moneys and assets in the Ocean Park Trust Fund from the Chief Executive in Council to the Secretary for Commerce and Economic Development. Other amendments in that clause are consequential to the amendments in clause 5.

Part 3—Repeal of Bylaw

10. Clause 9 repeals the Bylaw.

FUTURE STRATEGY FOR OCEAN PARK

Background

Ocean Park (“OP”) was established in 1977. Under the Ocean Park Corporation Ordinance (Cap. 388), the Ocean Park Corporation (“OPC”) manages OP as a public recreational and educational park. The OPC is required to apply all its profits towards the promotion of its statutory functions. With intensifying regional competition and the lack of new major attractions since its last major redevelopment completed in 2012, OP is in need of repositioning. The OPC therefore embarked on a repositioning exercise for OP in 2018 which culminated in the Strategic Repositioning Plan (“SRP”) and we have presented the SRP to the public in early 2020.

2. However, the outbreak of the Coronavirus Disease 2019, which has hit Hong Kong and the rest of the world, has given rise to new circumstances which cast doubts on the commercial viability of the SRP. We therefore decided that it would not be prudent to pursue the SRP any longer and that we should embark upon and complete within a year a critical and comprehensive rethink on the future of OP and chart the way forward for its future development. We undertook to chart the way forward for OP along the following directions –

- (a) OP should focus on leveraging its rich and leading experience in conservation and education, capitalising on its innate advantages, and devoting itself to relevant research and public promotion work;
- (b) OP should steer away from the conventional development model of theme parks, avoid making significant investment in amusement rides, reduce the scale of OP, cut down on facilities and related expenses which are not cost-effective, and reorient its development focus back to conservation and education. It should also place greater emphasis on other elements, such as its unique natural setting including its hilly terrain and shoreline, in providing a better and unique experience for both our locals and visitors from afar; and
- (c) OP should develop further into a major resort and leisure destination and drive economic development in Hong Kong and the Southern District through synergising with other attractions in the vicinity of Southern District.

3. Based on the directions above, the Government joined hands with the OPC to embark upon the rethink exercise with the assistance of a business consultant. Working together with the consultant, we undertook comprehensive engagement with various stakeholders through in-depth interviews, focus group sessions, market sounding out exercises, and quantitative survey, etc., to gather more views from various parties and formulate the future development plan.

4. We have completed the rethink exercise on schedule, and arrived at the conclusion that OP does have business potential. It is well-recognised for creating memorable experiences, thrill rides and animal attractions. Its efforts in conservation and animal care, which bring significant social benefits, are however not commonly known or promoted. Indeed, members of the public are rooting for OP to become a home-grown leader in conservation that drives positive impact in society through experiential learning and immersive education opportunities. They also want OP to be known as a revamped destination for leisure activities upon repositioning. Based on these findings, we have mapped out a future strategy for OP as set out in the ensuing paragraphs.

Vision

5. In line with the directions set out in paragraph 2 above, we recommend that OP should transform into a destination which focuses on conservation and education, grounded in nature and complemented by adventure and leisure elements to enhance visitor experience. OP should deliver authentic experiences that are backed by research and science, proactively share its animal stewardship and environmental protection actions, and become an education platform for inspiring a sustainable lifestyle.

6. At the same time, in terms of positioning, OP should continue to provide entertaining experiences that highlight the natural beauty and local culture of Hong Kong featuring its scenic and geographical location. Conservation and education should integrate with entertainment and leisure elements, thereby offering a holistic experience. OP should also achieve synergy with the Southern District and feature Hong Kong's unique elements.

Key Components

7. To realise the above vision, we propose various initiatives. The key components are summarised below.

(a) Conservation and education initiatives

Conservation and education should be the cornerstone of the future strategy of OP. The OPC was relatively low-key when conducting the work in the past, concentrating mainly on schools or classrooms/animal exhibit facilities inside OP, and so the general public may have limited understanding of OPC's work. The OPC will try different models in future, carry out more extensive conservation and education work, and increase public awareness of and participation in conservation matters.

We suggest that the OPC should invest more in conserving local and endangered species in and out of OP. It could fund research and share the scientific discoveries through seminars and conferences. The importance of conservation should also be communicated throughout OP. The OPC may create, broadcast, and share content showcasing conservation and education on social media, television, and other suitable channels. More volunteering opportunities could be offered to engage the public to take part in person and contribute to its conservation efforts. It may also develop a digital platform for children which shares animal information and conservation content such that children can befriend the animals, become their mates, and gain relevant knowledge.

We suggest that the OPC should expand its education programme and relevant collaborations with schools and other organisations to offer the public diversified, fun and differentiated activities or programmes for all ages and levels so as to raise public awareness of conservation.

The OPC may also collaborate with other conservation institutions/sites in Hong Kong, such as the Hong Kong Wetland Park and the Hong Kong UNESCO Global Geopark to provide conservation-themed activities. It may organise conservation and education-themed study tours to other parts of the world learning about different ecosystems and species, for instance tours to Sichuan for participants to see for themselves the giant panda-related conservation efforts therein.

We will ask the OPC to set key performance indicators to monitor the effectiveness of its conservation and education work.

(b) New retail, dining, and entertainment (“RDE”) zone

In addition to being a champion of conservation and education, we suggest that OP should transform into a holistic leisure destination. To achieve this, we propose to create a new non-ticketed, zero charge, RDE zone at the lower park (i.e. the area north of Brick Hill), which will also feature open air event spaces and a children’s play area so as to create a new focal point of leisure and recreation in the Southern District, providing the public with an ideal venue for all to spend time and enjoy themselves together. It will also be a welcoming gateway for OP to enhance its patronage. Currently, a number of attractions in the lower park are coming into the end of their useful life in the next three to five years. We propose to phase out such facilities to free up space for creating an open air RDE destination for all age groups. To allow the public to access this new RDE zone and the proposed pier at Deep Water Bay (paragraph 7(g) below refers) as well as enjoy the zone with zero charge, the existing admission gate will be receded to the Cable Car Station and the Ocean Express Station. Zero charge admission to some of the animal attractions in the lower park can also be considered.

To enhance vibrancy and engage a bigger audience, the RDE zone will consist of low-rise buildings. The zone would be dotted with public spaces creating an airy environment. These spaces can also host open air markets and events to wow the public with a kaleidoscope of colourful and delightful leisure experiences. A sizeable children’s play area featuring playground and water play can be incorporated for children to have fun and families to have a good time. Relevant regulation would be put in place to ensure good conduct within the zone so as to provide a safe, comfortable, and pleasant leisure environment. Meanwhile, the conservation and education-related facilities and attractions, including the Grand Aquarium, the Hong Kong Jockey Club Sichuan Treasures, the Giant Panda Adventure, the Little Meerkat and Giant Tortoise Adventure, and the soon-to-be-opened STEAM¹ Hub, can be

¹ “STEAM” represents “Science, Technology, Engineering, Arts, and Mathematics”.

integrated into the RDE zone harmoniously to continue their important functions of conservation and education.

We recommend a gross floor area of about 42 000 m² for the RDE facilities so as to make the zone commercially viable, taking into account the footprint of the lower park and our objective to maintain a low-rise setting dotted with public spaces. We also recommend the OPC to bring in private developer/operator(s), through outsourcing under a long term concession arrangement, to develop and operate these facilities to relieve OPC's operating financial burden.

(c) Existing core attraction zone

We recommend to retain the existing core attraction zone at the upper park (i.e. the area south of Brick Hill) and undertake refurbishment or introduce new facilities to upgrade and re-theme the zone so as to enhance its relevance to conservation and education. For example showing conservation-related videos when visitors queue up for attractions. Navigational signs could be improved and storytelling elements could be incorporated to bring the zone to life. Furthermore, the Vet Centre can be upgraded to enable the public to observe and witness animal care first hand.

(d) New adventure zone

We recommend phasing out some aged thrill rides early in the upper park, such as Mine Train and Raging Rivers, after they have run out of their useful life to make room for a new and exciting adventure-themed zone. This zone would feature outdoor attractions which can leverage the natural topography and scenic view of the area while involving less capital investment. Xraycer and Zipline are such examples which are trendy and popular. Enjoying these attractions among the mountains and the sea will provide an awesome and unforgettable experience for the thrill-seeking visitors.

(e) New wellness-themed zones

The demolition of ageing rides in the southern tip of the upper park in the coming years and the greenfield site north of Tai Shue Wan will provide space for longer term development and exploration of new elements. Subject to feasibility studies, these areas may provide space for wellness-themed activities such as glamping,

trekking, meditation, and yoga retreats for the public to wind down, get close to nature, and have a relaxing leisure experience, taking full advantage of the natural scenery of OP and its surroundings as well as develop OP's position as a leisure destination.

(f) Water World

Water World would operate as Hong Kong's first year-round, all-weather water park featuring 27 indoor and outdoor water attractions such as a man-made beach, a surf rider, and an eight-lane mat racer. It will also feature a resort-style cabana area where visitors can dine, refresh and relax.

This unique attraction will provide visitors with a memorable experience consolidating OP's position as a major resort and leisure destination and help drive economic development in the Southern District and beyond. We envisage the Water World will open in summer 2021 providing some new entertainment and excitement for the public.

(g) Connectivity

The iconic Cable Car together with the Ocean Express connecting between the lower park and the upper park are still very attractive to the public and should be retained. We also propose to develop a pier in the lower park at Deep Water Bay such that, in future, the public can access the new RDE zone by sea. We also propose to build another pier adjacent to the Water World in Tai Shue Wan to enhance connectivity between the two areas. These piers will help enhance OP's connectivity with other attractions in the Southern District and beyond, and consolidate OP's position as the core in organising marine tourism in and out of OP in the Southern District. As these piers will serve the larger community of the Southern District when built, the Government will develop them as public works projects and entrust them to the OPC who should manage the piers and keep them open for public use.

Operation Mode

8. To enable the OPC to focus on conservation and education, while ensuring OP would provide a unique leisure and entertainment experience for its visitors, we suggest a new mixed mode of operation in future.

9. For the new non-ticketed RDE zone, in order to bring in the required expertise, capacity, and financial resources for developing large-scale RDE facilities which the OPC lacks, we recommend the OPC to tender out its development to private developer/operator(s) under a long term concession. The OPC may receive an upfront payment upon award of contract, and share rental income with the developer/operator(s) throughout the concession period, thereby subsidising its conservation and education initiatives. We expect the developer/operator(s) to bear all the costs for the planning, design, construction, management, maintenance, marketing and leasing of the RDE facilities as well as the related facilities in the zone (including public spaces and children's play area) and be solely responsible for any possible losses which might arise from their operation. This arrangement will allow the OPC to tap into the expertise available in the market, while shouldering limited risks and securing an additional source of income. Due to its strategic location and convenient accessibility, we consider that the RDE zone will have the potential to become a destination and a chill-out place for people who live or work in the Southern District nearby, thereby attracting more repeat visitors to the zone. It can also become a new centre for economic and tourism activities in the Southern District, leveraging its close proximity to the MTR Ocean Park Station, which is merely one stop and a five-minute ride away from the Admiralty Station, as well as Deep Water Bay. For the new adventure and wellness-themed zones, similar to the new RDE zone, we also recommend the OPC to leverage private sector interest and outsource them under a long term concession arrangement.

10. As for conservation and education, OP should capitalise on its experience and expertise accumulated over decades. We therefore recommend the OPC to continue to take charge and operate OP's conservation and education related facilities. This also reflects wishes of many stakeholders during our consultation. We also recommend the OPC to continue to manage and maintain the Cable Car and Ocean Express as the key and integral infrastructure link the lower park and the upper park.

11. For the remaining attractions in the RDE zone as well as the existing core attraction zone, we suggest that the OPC should harness its know-how accumulated over the years to continue to manage and operate them. This will help ensure a more coherent branding and a consistent focus on conservation and education throughout OP. Although under such arrangement the OPC will inevitably have to take up the maintenance and operation of amusement rides, with various ageing attractions to be demolished to make room for new development, such arrangement would not over-burden

the OPC nor distract it from its focus on conservation and education. Alternatively, if private sector interest can be identified for operating individual attractions which are not directly related to conservation and education, provided that such party will collaborate with OPC's overall management of OP, the OPC may also outsource such attractions.

12. As for the Water World, we have considered whether it should be outsourced to minimise the risks to be borne by the OPC. However, taking into account all relevant factors, including the projection that the Water World can achieve financial sustainability in its own right, and that the OPC has already employed a team of professional and experienced personnel to run the Water World, we recommend the OPC to take up its operation at least in the short to medium term. Also, any outsourcing will inevitably delay the launch day. Its timely opening would in contrast bring some income to the OPC and facilitate early public enjoyment of this world-class facility. In the long run, the OPC can further review the pros and cons of outsourcing the Water World.

13. Although different parts or facilities of OP might be operated by different developers/operators at the same time, as the landlord of OP, the OPC will set the future visions and directions for all development projects in OP, which future developers/operators must follow when designing, constructing and operating the zones/facilities, so that new projects would be consistent with the overall theme of OP. The OPC will formulate the framework for this new joint operation model and impose relevant conditions in the commercial contracts. The OPC could also set up a committee comprising different developers/operators for coordination of the daily operation as necessary.

14. The OPC will also introduce a new ticketing regime, changing from the existing pay-one-price model to allowing zero charge admission to certain parts of OP (the lower park) while charging an affordable admission fee for other parts (the upper park), and adopting a pay-as-you-go model for particular attractions and specific zones. In so doing, there would no longer be a need to pay a prohibitive fee upfront for admission, and this would incentivise and attract the public to visit OP more often as and whenever they please while providing them the flexibility to visit whichever parts of OP and attractions which may require additional fees. Such an arrangement is expected to significantly boost OP's attendance and in-park spending.

15. With the opening up of OP as well as the developments in and out of OP, in particular the increased utilisation of the nearby water bodies and the development of marine tourism routes, the implementation of OP's future strategy will be conducive to leisure and recreational development in the southern part of Hong Kong Island, thereby contributing positively to the Invigorating Island South initiative announced in the 2020 Policy Address.

Marked-up Version of Amendments to the Ocean Park Corporation Ordinance

Ocean Park Corporation Ordinance (Cap./Instrument No.: 388) (Version date: 10.9.2020)

To establish a body corporate to manage and control Ocean Park as a public recreational and educational park, and for that purpose to vest in that body corporate the assets of Ocean Park Limited, to provide for the establishment and administration of a trust fund, to empower that body corporate to carry out functions relating to recreation, education and conservation in or outside Hong Kong, and to provide for matters incidental thereto or connected therewith.

[1 July 1987] *L.N. 186 of 1987*
(*Format changes—E.R. 5 of 2020*)

Part I

Preliminary

1. Short title

This Ordinance may be cited as the Ocean Park Corporation Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

auditor (核數師) means a certified public accountant (practising) within the meaning of section 2 of the Professional Accountants Ordinance (Cap. 50); (*Amended 23 of 2004 s. 56*)

Board (董事局) means the Board of the Ocean Park Corporation established by section 7(1);

Chairman (主席) means the Chairman of the Board appointed under section 9 or the Deputy Chairman or any other member when acting under that section as the Chairman;

Chief Executive of the Corporation (行政總裁) means the person appointed under section 19(1) to be the Chief Executive of the Corporation; (*Amended 59 of 2000 s. 3*)

company (公司) means the company incorporated, and registered by the name Ocean Park Limited, under the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date* of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622); (*Amended 28 of 2012 ss. 912 & 920*)

contract of employment (僱傭合約) means a contract of employment or apprenticeship, whether express or implied and, if express, whether oral or in writing;

Corporation (海洋公園公司) means the Ocean Park Corporation established by section 3(1);

employee (僱員) means—

- (a) in relation to the company, a person who works for the company under a contract of employment; and
- (b) in relation to the Corporation, a person who works for the Corporation under a contract of employment and includes a person who was, immediately before the commencement[^] of this Ordinance, a person referred to in paragraph (a);

financial year (財政年度) means the period commencing on 1 July each year and ending on 30 June in the year following and includes the period commencing on 1 July 1986 and ending on 30 June 1987;

Fund (基金) means the Ocean Park Trust Fund established by section 30(1);

member (成員) means a member of the Board referred to in section 8(1);

| ***Ocean Park*** (海洋公園) means the public recreational, ~~and~~ educational and conservational park called by that name and situate at Brick Hill.

Editorial Note:

* Commencement date : 3 March 2014.

^ Commencement date : 1 July 1987.

Part II

Establishment of the Ocean Park Corporation

3. Establishment of the Corporation

- (1) There is hereby established a body corporate to be called the Ocean Park Corporation.
- (2) The Corporation shall have perpetual succession and a common seal and shall be capable of suing and being sued.

4. Fixing of common seal of the Corporation

The fixing of the seal of the Corporation shall be—

- (a) authorized by the Corporation; and
- (b) authenticated by the signatures of any 2 members authorized by the Corporation, either generally or specifically, to act for the purpose.

5. Documents of the Corporation

- (1) The Corporation may make and execute any document in the performance or exercise of its functions or powers or in connection with any matter reasonably incidental to or consequential upon the performance or exercise of its functions or powers.
- (2) Any document purporting to be duly executed under the seal of the Corporation shall be admitted in evidence and shall, unless the contrary is proved, be deemed to have been duly executed.

6. Certain documents not required to be sealed

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Corporation by any person generally or specifically authorized by the Corporation for that purpose.

Part III

Establishment of the Board of the Corporation

7. Establishment of the Board

- (1) There is hereby established a Board to be called the Board of the Ocean Park Corporation.
- (2) The Board shall be the governing and executive body of the Corporation and, as such, shall perform all the functions imposed on the Corporation and may exercise all the powers conferred on the Corporation by this Ordinance.

8. Membership of the Board

- (1) The Board shall consist of not less than 7 members appointed by the Chief Executive.
- (2) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), a member shall hold office for a period of not more than 3 years as the Chief Executive may determine, but may from time to time be re-appointed.
- (3) Any member may at any time by notice in writing to the Chief Executive resign from the Board.

(Amended 59 of 2000 s. 3)

9. Chairman of the Board

- (1) The Chief Executive shall, from among the members, appoint—
 - (a) a Chairman; and
 - (b) a Deputy Chairman, who shall act as the Chairman during the absence or incapacity of the Chairman, or if that office becomes vacant for any reason.
- (2) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), the Chairman or Deputy Chairman shall hold office for a period of not more than 3 years as the Chief Executive may determine, but may from time to time be re-appointed.
- (3) Where for any reason both the Chairman and the Deputy Chairman are absent from Hong Kong or are, for any other reason, unable to perform the functions of their respective offices, the members may appoint one of their number to act as the Chairman during that absence or incapacity of the Chairman and Deputy Chairman.

(Amended 59 of 2000 s. 3)

10. Proceedings of the Board

- (1) At a meeting of the Board a majority of the members for the time being shall form a quorum.
- (2) At a meeting of the Board the Chairman shall preside.
- (3) All questions for determination at a meeting of the Board shall be decided by a majority of votes of the members present and voting thereon and where there is an equality of votes the member presiding shall have a casting vote in addition to his original vote.
- (4) Where a member is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation—
 - (a) he shall disclose the nature of his interest at a meeting of the Board;
 - (b) the disclosure shall be recorded in the minutes of the Board; and
 - (c) the member shall not take any part in any deliberation of the Board with respect to that contract except with the permission of the Chairman and shall not vote on any question concerning it.

- (5) Subject to this Ordinance, arrangements relating to meetings of the Board, and the procedure at and the conduct of its meetings, shall be such as the Board may determine.

11. Validity of proceedings

The validity of any proceedings of the Board shall not be affected by—

- (a) any defect in the appointment of any member;
- (b) the absence of any member from the meeting at which any such proceeding occurred; or
- (c) any vacancy among members.

12. Transaction of business by circulation of papers

The Board may transact any of its business by circulation of papers amongst members (whether any such member is in or outside Hong Kong), and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board.

Part IV

Corporation to Replace the Company and Related Matters

13. Corporation to replace the company

- (1) On and from the commencement* of this Ordinance—
 - (a) all movable or immovable property that, immediately before that commencement, was vested in the company shall vest in the Corporation on the same terms and conditions on which it was so vested in the company;
 - (b) all moneys and liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by the company shall be moneys and liquidated and unliquidated claims payable to or recoverable by the Corporation;
 - (c) all proceedings commenced before that commencement by the company and pending immediately before that commencement shall be deemed to be proceedings pending by the Corporation and all proceedings so commenced by any person against the company and pending immediately before that commencement shall be deemed to be proceedings pending by that person against the Corporation;
 - (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the company and in force immediately before that commencement shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Corporation;
 - (e) the Corporation may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this section and for the prosecution of actions and proceedings so referred to as the company might have done but for this Ordinance;
 - (f) the Corporation may enforce and realize any security or charge existing immediately before that commencement in favour of the company and may exercise any powers thereby conferred on the company as if the security or charge were a security or charge in favour of the Corporation; and
 - (g) all debts, money and claims, liquidated and unliquidated, that, immediately before the commencement, were due or payable by, or recoverable against, the company shall be debts due by, money payable by and claims recoverable against, the Corporation.
- (2) No stamp duty shall be payable in respect of any vesting under this section of movable or immovable property.

Editorial Note:

* Commencement date : 1 July 1987.

14. Saving of employees of the company

Any person who was, immediately before the commencement* of this Ordinance, an employee of the company shall, on and from that commencement, be an employee of the Corporation on the same terms and conditions as he was an employee of the company immediately before that commencement.

Editorial Note:

* Commencement date : 1 July 1987.

15. References in documents to the company

- (1) On and from the commencement* of this Ordinance, a reference in any document to the company or an employee of the company shall be a reference to—

- (a) in the case of the company, the Corporation; and
 - (b) in the case of an employee of the company, an employee of the Corporation.
- (2) For the purposes of this section, **document** (文件) does not include any document which relates to the incorporation of the company. (*Amended E.R. 5 of 2020*)

Editorial Note:

* Commencement date : 1 July 1987.

16. Dissolution of the company

- (1) On the commencement* of this Ordinance, the company shall, notwithstanding any provisions to the contrary in its constitution governing the winding up or dissolution of the company and notwithstanding the provisions of any other Ordinance, be deemed to be dissolved under section 291A(1) of the Companies Ordinance (Cap. 32) as in force at the time of that commencement as if, on that commencement, the Court of First Instance had made an order under that section that the company be struck off the register and dissolved and, accordingly, the Registrar of Companies shall, on that commencement, or so soon thereafter as is possible, strike the company off the register. (*Amended 25 of 1998 s. 2*)
- (2) For the avoidance of doubt, it is hereby declared that—
- (a) section 765(1) of the Companies Ordinance (Cap. 622) shall not apply; and
 - (b) section 757 of the Companies Ordinance (Cap. 622) shall apply, to the company.

(Amended 28 of 2012 ss. 912 & 920)

Editorial Note:

* Commencement date : 1 July 1987.

Part V

Functions and Powers of the Corporation

17. Functions of the Corporation

(1) The functions of the Corporation shall be—

- (a) to ~~develop~~, manage and control Ocean Park as a public recreational, ~~and~~ educational and conservational park;
- (b) to provide, manage and control specified facilities, or at Ocean Park recreational and educational facilities and other related facilities as it thinks fit, whether in or outside Hong Kong;
- (c) ~~to develop Ocean Park for the purposes of recreation or education generally in such manner as it thinks fit; and~~
to organize programmes or activities, or to provide goods or services, whether in or outside Hong Kong—
 - (i) for the promotion of Ocean Park; or
 - (ii) for the purposes of recreation, education or conservation;
- (ca) to provide, whether in or outside Hong Kong, advisory services relating to—
 - (i) recreation, education or conservation; or
 - (ii) the development or management of specified facilities; and
- (d) to apply its profits howsoever derived towards the promotion of its functions specified in paragraphs (a), (b), ~~and~~ (c) or (ca).

(2) In subsection (1)—

specified facilities (指明設施) means recreational, educational or conservational facilities.

18. Powers of the Corporation

Subject to this Ordinance, the Corporation may do all such things as are necessary for, or incidental or conducive to, the better performance of its functions and in particular but without prejudice to the generality of the foregoing, may—

- (a) acquire, take on lease, purchase, hold and enjoy property, movable or immovable, and sell, let or otherwise dispose of or deal with such property; (*Amended E.R. 5 of 2020*)
- (b) either alone or jointly with another person, enter into ~~any~~ contract or an arrangement (however described) with any other person in relation to the performance of its functions specified in section 17(1)(a), (b), (c) or (ca);
- (c) apply for and receive sponsorships, receive gifts, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
- (d) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve and keep in repair its buildings, premises, furniture and equipment;
- (e) fix and collect fees, subscriptions and charges and specify conditions for the use of facilities and services provided by it;
- (f) fix charges to be paid for any trading or advertising in Ocean Park; and
- (g) reduce, waive or refund fees, subscriptions or charges fixed in the exercise of its powers under this section generally or in any particular case or class of case.

Part VI

Staff of the Corporation

19. Appointment of Chief Executive of the Corporation and other employees

- (1) The Corporation shall appoint a Chief Executive of the Corporation, who shall be responsible to the Corporation for the day to day management and administration of Ocean Park. *(Amended 59 of 2000 s. 3)*
- (2) The Corporation may appoint such other employees as it thinks fit.
- (3) All matters relating to the remuneration, the terms and conditions of appointment, and the work and conduct, of employees, and their suspension or dismissal from office, shall be determined by the Corporation.

20. Employment of technical and professional advisers

- (1) The Corporation may engage the services of technical and professional advisers to advise the Corporation in any matter arising out of or in connexion with any of the functions or powers of the Corporation.
- (2) All matters relating to the remuneration and the terms and conditions of engagement of advisers, and the manner of their engagement, under subsection (1) shall be determined by the Corporation.

21. Staff benefits

- (1) The Corporation may—
 - (a) grant, or make provision for the grant of, pensions, gratuities and retirement benefits to employees;
 - (b) provide other benefits for the welfare of employees and their dependants; and
 - (c) make payments, whether or not legally due, to the personal representatives of a deceased employee or to any person who was dependent on such employee at his death.
 - (2) The Corporation may establish, manage and control or enter in an arrangement with any company or association for the establishment, management and control by such company or association either alone or jointly with the Corporation of any fund or scheme for the purpose of providing for the pensions, gratuities, benefits and payments referred to in subsection (1).
 - (3) The Corporation may make contributions to any fund or scheme referred to in subsection (2) and may require employees to make contributions thereto.
 - (4) In this section, *employees* (僱員) includes any class of employee which the Corporation may specify and in subsection (1) includes former employees. *(Amended E.R. 5 of 2020)*
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Part VII

Committees and Delegations

22. Creation and functions of committees

- (1) The Corporation may create, and appoint the members of, such committees for any general or special purposes for the better carrying out of the functions and powers of the Corporation as it thinks fit and any such committee may include persons who are not members of the Board.
- (2) The chairman of a committee created under subsection (1) shall be appointed by the Corporation and the number of members of a committee shall be determined by the Corporation.
- (3) Subject to the directions of the Corporation, a committee created under subsection (1) may determine its own procedure for its meetings.
- (4) The proceedings of any committee created under subsection (1) shall not be invalidated by any defect in the appointment of any member thereof, the absence of any such member from the meeting at which any such proceeding occurred or any vacancy among such members.

23. Power of Corporation to delegate

- (1) Subject to subsection (2), the Corporation may, with or without restrictions or conditions as it thinks fit, delegate in writing any of its functions or powers to—
 - (a) the Chief Executive of the Corporation; or
 - (b) any committee created under section 22(1).
- (2) The Corporation shall not delegate any of its functions or powers under Part IX or the power—
 - (a) to appoint the Chief Executive of the Corporation;
 - (b) to create any committee under section 22(1);
 - (c) to appoint an auditor under section 26(2) or section 33(2); or
 - (d) to make by-laws under section 39.

(Amended 59 of 2000 s. 3)

24. Power of Chief Executive of the Corporation to delegate

- (1) Subject to subsection (2), the Chief Executive of the Corporation may, with or without restrictions or conditions as he thinks fit, delegate in writing to such person, or committee created under section 22(1), as he thinks fit, his functions and powers, including any function or power delegated to him under section 23.
- (2) The power conferred by subsection (1) on the Chief Executive of the Corporation to delegate any function or power of the Corporation delegated to him under section 23 and the exercise by any person, or committee created under section 22(1), of any such function or power delegated by the Chief Executive of the Corporation under subsection (1), shall be subject to any restriction or condition imposed by the Corporation under section 23.

(Amended 59 of 2000 s. 3)

Part VIII

Financial

25. Power to borrow money

The Corporation may, for the promotion of its functions specified in section 17(1)(a), (b), ~~and~~ (c) ~~or (ca)~~, borrow money and charge all or any part of its property as security therefor, and pay interest on any money so borrowed.

26. Accounts and statements

- (1) The Corporation shall cause proper accounts to be kept of all its financial transactions and shall cause to be prepared for each financial year a statement of the accounts of the Corporation, which statement shall—
 - (a) include—
 - (i) an income and expenditure account and balance sheet; and
 - (ii) the number of attendances at Ocean Park for that year; and
 - (b) be signed by the Chairman.
- (2) The accounts of the Corporation and the signed statement of accounts shall be audited by an auditor appointed by the Corporation and the auditor shall certify the statement subject to such report, if any, as he thinks fit.
- (3) There shall be laid on the table of the Legislative Council not later than 31 December next following the end of the period in respect of which a statement is required to be prepared under subsection (1) or so soon thereafter as the Chief Executive may allow— (*Amended 59 of 2000 s. 3*)
 - (a) a copy of the signed and audited statement of accounts together with the auditor's report, if any; and
 - (b) a report by the Corporation on its activities during that period.

27. Investment of surplus funds

All funds of the Corporation that are not immediately required shall be invested in such investments as the Corporation thinks fit.

28. Auditors

Any auditor appointed under section 26(2) shall be entitled at any time—

- (a) to have access to such books of account, vouchers and other records of the Corporation; and
 - (b) to require such information and explanation,
- as he considers necessary to discharge his functions.

29. This Part not to apply to the Fund

This Part shall not apply to the Fund.

Part IX

Establishment of the Ocean Park Trust Fund

30. Establishment of the Fund

- (1) There is hereby established a trust fund to be called the Ocean Park Trust Fund.
- (2) The Corporation shall be the trustee of the Fund and shall administer it in accordance with this Part.
- (3) The Fund shall consist of—
 - (a) such moneys and assets as may be donated, subscribed or bequeathed to, and accepted by, or otherwise acquired by the Corporation for the Fund; and
 - (b) any interest, dividends and income derived from the moneys and other assets of the Fund.

31. Application of the Fund

The Corporation shall apply—

- (a) such of the Fund as consists of the moneys and assets referred to in section 30(3)(a) directly or indirectly in such manner as is necessary for—
 - (i) capital expenditure on development projects for Ocean Park; or
 - (ii) the promotion of ~~such any~~ other functions specified in section 17(1)(a), (b), ~~or~~ (c) or (ca) as that the ~~Chief Executive in Council~~ Secretary for Commerce and Economic Development may approve; and (Amended 59 of 2000 s. 3)
- (b) such of the Fund as consists of any interest, dividends and income referred to in section 30(3)(b) directly or indirectly in such manner as is necessary for the promotion of its functions specified in section 17(1)(a), (b) ~~and~~, (c) or (ca).

32. Investment of moneys

The Corporation may invest any moneys of the Fund in such authorized investment (within the meaning of section 4 of the Trustee Ordinance (Cap. 29)) as the Corporation thinks fit.

33. Accounts and statements

- (1) The Corporation shall cause proper accounts to be kept of all transactions of the Fund and shall cause to be prepared, in respect of the period from the commencement*of this Ordinance to 30 June 1987, and thereafter for each financial year, a statement of the accounts of the Fund, which statement shall—
 - (a) include an income and expenditure account and balance sheet; and
 - (b) be signed by the Chairman.
- (2) The accounts of the Fund and the signed statement of the accounts shall be audited by an auditor appointed by the Corporation and the auditor shall certify the statement subject to such report, if any, as he thinks fit.
- (3) There shall be laid on the table of the Legislative Council not later than 31 December next following the end of each period in respect of which a statement is required to be prepared under subsection (1) or so soon thereafter as the Chief Executive may allow— (Amended 59 of 2000 s. 3)
 - (a) a copy of the signed and audited statement of accounts together with the auditor's report, if any; and
 - (b) a report by the Corporation on the administration of the Fund during that period.

Editorial Note:

* Commencement date : 1 July 1987.

34. Fund not to be used as security

The Fund shall not—

- (a) be used by the Corporation for the purpose of borrowing money; or
- (b) be charged, mortgaged, pledged or used as security for any purpose.

35. Auditors

Any auditor appointed under section 33(2) shall be entitled at any time—

- (a) to have access to such books of account, vouchers and other records of the Fund; and
 - (b) to require such information and explanation,
- as he considers necessary to discharge his functions.
-

Part X

Miscellaneous

36. Corporation not servant or agent of the Government

The Corporation shall not be regarded as a servant or agent of the Government or as enjoying any status, immunity or privilege of the Government.

(Amended 23 of 2002 s. 33)

37. Chief Executive may obtain information

The Corporation shall upon request by the Chief Executive afford to him sufficient facilities for obtaining information with respect to the property and affairs of the Corporation and shall in such manner and at such times as the Chief Executive may require furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished.

(Amended 59 of 2000 s. 3)

38. Chief Executive may give directions

The Chief Executive may, if he considers the public interest so requires, give directions in writing to the Corporation in relation to the performance of its functions or the exercise of its powers and the Corporation shall comply with those directions.

(Amended 59 of 2000 s. 3)

39. By-laws

(1) The Corporation may, under its seal, make by-laws not inconsistent with this Ordinance for all or any of the following purposes—

- (a) the management and control, including the closing or partial closing, of Ocean Park;
- (b) the fixing of the times during which Ocean Park or any part thereof may be open to members of the public;
- (c) the use of any equipment, apparatus, fitting or facility provided for use at Ocean Park;
- (d) the preservation of good order and discipline and prevention of nuisances in Ocean Park;
- (e) the control (including prohibition) of trading, advertising or the erection of structures in or on Ocean Park, the removal, storage and sale of any trading, advertising or advertising or construction materials that are brought into or remain in or on Ocean Park in contravention of any by-law made under this section, the recovery of any costs incurred in respect of such removal, storage and sale, and the forfeiture of the proceeds of such sale; and
- (f) the better carrying out of the functions and powers of the Corporation.

(2) Any by-law made under this section may provide that a contravention of specified provisions thereof shall be an offence and may prescribe penalties therefor not exceeding a fine of level 1 and imprisonment for 3 months. *(Amended E.R. 5 of 2020)*

(3) Without prejudice to any Ordinance relating to the prosecution of criminal offences or to the powers of the Secretary for Justice in relation to the prosecution of criminal offences, prosecutions under any by-law made under this section may be brought in the name of the Corporation. *(Amended L.N. 362 of 1997)*

(4) The Corporation shall cause printed copies of all by-laws made under subsection (1) to be—

- (a) prominently displayed in Ocean Park;
 - (b) kept at its principal office; and
 - (c) available for sale to any person at a reasonable cost.
- (5) In this section, ***Ocean Park*** (海洋公園) means any premises or land of the Corporation.

IMPLICATIONS OF THE PROPOSAL

Economic Implications

The proposed legislative amendments will enable the Ocean Park Corporation to take forward the future strategy for Ocean Park (“OP”); the successful implementation of which will help transform OP into a resort and leisure destination in synergy with other attractions in the Southern District, thereby enhancing OP’s attractiveness to local and overseas visitors, diversifying Hong Kong’s tourism offerings and is conducive to our tourism development.

Environmental Implications

2. The proposed legislative amendments will enable the implementation of the future strategy. During its implementation, subject to the formulation of the implementation details, potential environmental implications due to various developments proposed under the future strategy will be assessed. The identified potential impacts would be avoided, minimised, and mitigated as appropriate in strict compliance with all relevant environmental legislation, standards, and guidelines.

Sustainability Implications

3. The proposed legislative amendments will enable the implementation of the future strategy thereby transforming OP into a major resort and leisure destination in synergy with other attractions in the Southern District, which is conducive to our tourism development. With conservation and education being OP’s cornerstone under the future strategy, the implementation of the future strategy as enabled by the proposed legislative amendments will help promote conservation of natural resources and protection of biodiversity and our youth will have more diverse educational exposure. Additional volunteering opportunities proposed under the future strategy will help promote social cohesion and youth’s sense of belonging to society. The new non-ticketed retail, dining, and entertainment (“RDE”) zone which will feature open air event spaces and a children’s play area will create new recreational space in the district.

Family Implications

4. The implementation of the future strategy as enabled by the proposed legislative amendments will bring about slight positive impacts on families. The various education initiatives of OP will enhance families' ability to provide education for their children. As the proposal is conducive to our tourism development, it may help enhance family members' ability to fulfil their financial responsibility for the families. Furthermore, the implementation of the future strategy will transform OP into a major resort and leisure destination and create a new, non-ticketed RDE zone thereby providing additional recreational opportunities for all families to spend quality time together.
