Pleasure Grounds Regulation

(Cap. 132 sub. leg. BC)

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Pleasure Grounds Regulation

(78 of 1999 s.7)

(Cap. 132, section 109)

[11 November 1960] *G.N.A. 132 of 1960*

(Format changes—E.R. 4 of 2020)

1-2. *(Repealed 78 of 1999 s. 7)*

3. Interpretation

In this Regulation, unless the context otherwise requires— *(78 of 1999 s.7)*

Director (署長) means the Director of Leisure and Cultural Services; *(78 of 1999 s. 7)*

keeper (管理人員) means any person appointed under section 111 of the Ordinance to be a keeper of a pleasure ground;

pleasure ground (遊樂場地) means any public pleasure ground specified in the Fourth Schedule to the Ordinance, not being a bathing beach. *(10 of 1986 s. 32(2); 78 of 1999 s. 7)*

(78 of 1999 s. 7)

4. Hours of opening and closing

Every enclosed pleasure ground shall be open to the public except between such hours and on such days as the Director may, from time to time, prescribe and notify by a notice conspicuously posted at each entrance thereto:

Provided that nothing in this section shall be deemed to require any part of a pleasure ground to be opened to the public on any days or

at any times when, in pursuance of any statutory provision in that behalf, the Director closes such pleasure ground or any part thereof to the public.

(78 of 1999 s. 7)

5. Admission charges

(1) Every member of the public on entering any pleasure ground shall pay the appropriate fee determined under section 124K of the Ordinance.

(2) Every member of the public on entering any part of any pleasure ground which is being used by the Director for holding an entertainment shall pay such fee as determined under section 124K of the Ordinance in relation to that entertainment.

(L.N. 168 of 1970; 78 of 1999 s. 7)

6. Persons not to enter closed pleasure grounds

No member of the public shall enter or remain in any pleasure ground during any period when the pleasure ground is closed to the public in the manner provided in section 4, unless duly authorized by the keeper of the pleasure ground or by any other public officer having authority in that behalf.

(78 of 1999 s. 7)

7. General behaviour

No person while in any pleasure ground shall behave otherwise than in an orderly and decent manner or be otherwise than properly clothed.

8. Protection of property

No person shall, in any pleasure ground—

(a) wilfully or negligently deface, injure, soil or defile any wall or any fence in or enclosing the pleasure ground, or any building, barrier, railing, post, seat or boundary stone, or any erection or ornament of any kind whatever;

(b) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post or other erection; *(78 of 1999 s. 7)*

(c) wilfully or negligently remove any implement or equipment provided for use in any pleasure ground; or *(78 of 1999 s. 7)*

(d) light a fire other than in an area set aside by the Director for use by the public for cooking. *(78 of 1999 s. 7)*

9. Protection of grass and flower-beds

No person shall, in any pleasure ground, walk, run, stand, sit or lie upon—

(a) any grass, turf or other place where notice to keep off such grass, turf or other place is exhibited; or

(b) any flower-bed, shrub or plant or any ground in course of preparation as a flower-bed or for the growth of any tree, shrub or plant.

10. Protection of growing plants

No person shall, in any pleasure ground—

(a) remove, cut or displace any soil, turf or plant;

(b) pluck or damage any bud, blossom or leaf of any tree, shrub or plant, or damage any part of any tree, shrub or plant.

11. Protection of artificial lakes, ponds, birds and animals

No person shall, in any pleasure ground—

(a) bathe, wade or wash in any ornamental lake, pond, stream or water;

(b) wilfully or negligently foul or pollute any such water;

(c) take, injure, destroy or release, or attempt to take, injure, destroy or release, any fish in any such water, or wilfully disturb, worry or release any waterfowl;

(d) wilfully displace or disturb, injure, destroy or remove any bird's nest or bird's eggs;

(e) take, injure, destroy or release any bird, or spread or use any net, or set or use any snare or other engine, instrument or means, for the taking, injury, destruction or release of any bird;

(f) wilfully disturb, harry or ill-treat any animal, bird or fish kept in any pleasure ground;

(g) feed or attempt to feed any animal, bird or fish kept or found in any pleasure ground; or *(L.N. 168 of 1976)*

(h) throw or place anything in any cage or in any enclosure not open to the public.

(78 of 1999 s. 7)

12. Dogs

(1) No person shall cause or suffer any dog or other pet animal belonging to him, or in his charge, to enter or remain in any pleasure ground, unless under proper control and effectively restrained from causing annoyance to any person, from worrying or disturbing any animal, bird or waterfowl and from entering any ornamental water.

(2) Where in any pleasure ground there is placed a notice prohibiting dogs or prohibiting dogs except on a lead, no person shall bring any dog into or allow any dog to remain

in such pleasure ground in contravention of the terms of such notice.

13. Cattle, sheep, goats, etc.

(1) A person shall not bring or cause to be brought into a pleasure ground any cattle, equines, sheep, goats, pigs or poultry or any beast of draught or burden, other than under an agreement with the Director or unless he is otherwise authorized to do so.

(2) An animal found in a pleasure ground in contravention of subsection (1) may be seized by the keeper and delivered into the custody of a police officer.

(3) An animal delivered into the custody of a police officer under subsection (2) is taken to have been seized by the police officer under the Pounds Ordinance (Cap. 168).

(78 of 1999 s. 7)

14. Vehicles

(1) No person shall, except in the exercise of any lawful authority or privilege, bring or cause to be brought into, or ride in, any pleasure ground any barrow, truck, vehicle or wheeled bicycle or tricycle or carry any load therein:

Provided that, where the Director sets apart a space in such pleasure ground for the use of any class of vehicle, this section shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to such pleasure ground of any vehicle of the class for which it is set apart.

(2) The provisions of subsection (1) shall not apply to any wheel-chair, perambulator, chaise or sedan which is propelled, drawn or carried by hand and used solely for the conveyance of a child or an invalid, nor to any trolley, handcart or other similar kind of conveyance which is propelled, drawn

or carried by hand and used solely for the conveyance of personal effects.

(3) If any person brings a vehicle into any pleasure ground, he shall not wheel or station it over or upon—

(a) any flower-bed, shrub, plant or any ground in course of preparation as a flower-bed or for the growth of any tree, shrub or plant;

(b) any part of such pleasure ground where the Director, by a notice affixed or set up in some conspicuous position in such pleasure ground, prohibits its being wheeled or stationed.

(78 of 1999 s. 7)

15. Bills and notices

Save with the permission in writing of the Director and subject to such conditions as may be imposed by the Director, no person shall distribute any bill, placard or notice or affix any bill, placard or notice to or upon any tree or plant, or to or upon any part of any building, barrier, railing, seat or any other erection or ornament in the pleasure ground.

(78 of 1999 s. 7)

16. Missiles, guns, catapults, etc.

Subject to the provisions of section 18, no person shall, in any pleasure ground, wilfully or negligently throw or discharge any missile or shoot with any gun, airgun, bow and arrow or catapult or other devices.

(78 of 1999 s. 7)

17. Kites, model aircraft, balloons, etc.

The Director may, by notice conspicuously displayed in any pleasure ground, restrict or prohibit the flying of kites, model

aircraft, balloons or other device.

(78 of 1999 s. 7)

18. Parts of pleasure grounds set aside for specified games

(1) Where the Director has set aside any part of any pleasure ground, and described the part so set aside in a notice affixed or set up in some conspicuous position in such pleasure ground, for the purpose of any game specified in the notice, which, by reason of the rules or manner of playing thereof, or for the prevention of damage, danger or discomfort to any person in the pleasure ground, may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the pleasure ground, no person shall in any space elsewhere in the pleasure ground play or take part in any game specified in such notice in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

(2) No person resorting to any pleasure ground and playing or taking part in any game for which the exclusive use of any part of any pleasure ground has been set aside under this section shall, without the permission of the Director— *(E.R. 4 of 2020)*

(a) play on such part any game other than the game for which it is set aside;

(b) in preparing for playing and in playing, wilfully or negligently interfere with the proper use of the pleasure ground by other persons;

(c) when the part is already occupied by other players, play thereon without their permission:

Provided that, where the Director has allocated the part for a particular period of time to such other players, no

person shall play thereon without the permission of such other players within such period. *(E.R. 4 of 2020)*

(d)-(e) *(Repealed 78 of 1999 s. 7)*

(2A) *(Repealed 78 of 1999 s. 7)*

(3)-(5) *(Repealed 78 of 1999 s. 7)*

(6) *(Repealed L.N. 316 of 1977)*

(7) *(Repealed 78 of 1999 s. 7)*

(78 of 1999 s. 7)

19. Prohibition of games being played when the condition of the ground is unfit

No person shall, in any part of any pleasure ground which may have been set aside by the Director for any game, play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice or signal is set up in some conspicuous position prohibiting play in that part of such pleasure ground.

(78 of 1999 s. 7)

20. Erection of structures, trading and camping

(1) No person shall, in any pleasure ground—

(a) erect any post, rail, fence, pole, tent, booth, stand, building or other structure, or bring or allow to remain any materials for such a building or structure, without the permission in writing of the Director;

(b) hand, spread or deposit any linen or fabric for drying or bleaching;

(c) sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Director or otherwise in exercise of any lawful right or privilege,

such person is authorized to sell or let to hire in such pleasure ground such commodity or article; or

(d) save with the permission in writing of the Director, camp out.

(2) Any post, rail, fence, pole, tent, booth, stand, building or other structure or any building material for such booth, stand, building or other structure which is brought onto or remains on any pleasure ground without the permission in writing of the Director or contrary to any conditions therein, may be removed by the Director and, if unclaimed after a period of 7 days, may be sold. The owner of such materials shall be liable for the cost of repairing damages (if any) to facilities and the removal and sale of the materials referred to in subsection (1)(a), (b) and (c).

(3) When any building materials are sold by the Director under subsection (2) the proceeds shall be forwarded to the owner, less the costs of repairing damages (if any) to facilities and the removal and sale of the materials referred to in subsection (1)(a), (b) and (c).

(L.N. 89 of 1971; 78 of 1999 s. 7)

21. Obstructions to visitors and keepers

A person shall not, in any pleasure ground—

(a) obstruct, disturb or annoy any other person in the proper use of the playground;

(b) obstruct, disturb or interrupt a keeper or other public officer in the execution of his duties or a person or an employee of any person lawfully employed or engaged by a keeper or public officer for the execution of any work in connection with the laying out or maintenance of the pleasure ground;

(c) without the permission of a keeper, enter or remain in or in any other way trespass on any part which is maintained by the Director for storage, offices or other administrative purpose or as a workplace.

(78 of 1999 s. 7)

22. Prohibition of use of obscene language

No person shall, in any pleasure ground, use any obscene language to the annoyance of any person.

23. Prohibition of spitting, litter, improper use of seats, etc., sorting rubbish

No person shall, in any pleasure ground—

(a) spit;

(b) throw any litter, paper or rubbish, save into the bins or containers provided for such purpose;

(c) put his feet on any seat;

(d) lie upon any seat or lie down in any building therein; or

(e) sort rags, bones, refuse or matter of like nature.

23A. Prohibition of tampering with hot wax

(1) No person shall, in any pleasure ground—

(a) melt or burn any wax; or

(b) sprinkle or pour any liquid onto any hot wax,

in such a manner as to cause or as to be likely to cause a risk of injury to any person or damage to any property.

(2) It shall be a defence to a charge under subsection (1) for a keeper or other public officer if he has acted with reasonable care and in the course of his duties. *(78 of 1999 s. 7)*

(L.N. 403 of 1997)

24. Children's playgrounds

Where the Director has specified that any pleasure ground or any part of any pleasure ground is to be used as a children's playground, the Director, may, by notice conspicuously displayed in such playground, restrict the use thereof to such persons and to such purposes as may be specified in such notice.

(78 of 1999 s. 7)

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.

(L.N. 88 of 2020)

26. Unclean persons

No person in a verminous or filthy condition shall enter or remain in any pleasure ground.

27. No begging etc.

(E.R. 4 of 2020)

No person shall beg or gather alms or, for the purpose of gathering alms, expose or exhibit any sores, wounds or bodily ailments or deformity.

28. *(Repealed 78 of 1999 s. 7)*

29. The Cenotaph

(1) No unauthorized person shall go upon or across the grass within the Cenotaph site.

(2) No person shall sit or lie down upon the steps of the Cenotaph or upon any kerb in or surrounding the Cenotaph site.

(3) No person shall loiter upon the Cenotaph site.

30. Offences and penalties

(1) Any person who— *(L.N. 88 of 2020)*

(a) contravenes any of the provisions of section 6, 7, 8, 9, 10, 11, 12, 13, 14(1) or (3), 15, 16, 18(1) or (2), 19, 20, 21, 22, 23, 23A, 26, 27 or 29; *(L.N. 158 of 1975; L.N. 56 of 1977; L.N. 403 of 1997; L.N. 88 of 2020)*

(b) when driving any vehicle in a pleasure ground, refuses or wilfully fails to stop when called upon to do so, by signal or otherwise, by any keeper or other public officer acting in the execution of his duty; or

(c) fails to comply with any of the requirements of any notice displayed under the provisions of section 17 or 24,

shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 14 days. *(L.N. 302 of 1992; L.N. 177 of 1996; 78 of 1999 s. 7; L.N. 88 of 2020)*

(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. *(L.N. 88 of 2020)*

31. Name in which proceedings for offences may be brought

Without prejudice to the provisions of any other enactment relating to the prosecution of criminal offences and without prejudice to the

powers of the Secretary for Justice in relation to the prosecution of such offences, prosecutions for an offence under any of the provisions of this Regulation may be brought in the name of the Director.

(L.N. 362 of 1997; 78 of 1999 s. 7)

32. Power to remove persons contravening this Regulation etc.

(E.R. 4 of 2020)

Any person who, in any pleasure ground, contravenes any of the provisions of this Regulation or of any rule made under the provisions of section 110 of the Ordinance or the requirements of any notice displayed under the provisions of section 17 or 24 may be removed therefrom by any keeper, or by any other public officer authorized in that behalf by the Director, in any of the following cases— *(78 of 1999 s. 7)*

(a) where the contravention is committed within the view of such keeper or public officer, and the name and residence of such person are unknown to, or cannot readily be ascertained by, such keeper or public officers; and

(b) where the contravention is committed within the view of such keeper or public officer and, from the nature of the contravention or from any other fact of which such keeper or public officer may have knowledge or of which he may be credibly informed, such keeper or public officer has reasonable ground for believing that the continuance in the pleasure ground of such person may result in another such contravention or that the removal of such person from the pleasure ground is otherwise necessary for the proper regulation thereof.

Schedule

(Repealed 78 of 1999 s. 7)