

LCSD’s Responses to the Improvement Measures Recommended by the Ombudsman on the Booking Arrangements for Recreation and Sports Facilities

Recommendation of the Ombudsman	Initial Response of the LCSD
(a) <u>Touting</u>	
<p>(1) Consider shortening the advance booking period for individuals to, for example, 7, 10 or 14 days. (Please refer to paragraph 10 of the Executive Summary)</p>	<ul style="list-style-type: none"> ● We accept the recommendation for the following reasons: <ul style="list-style-type: none"> (i) At present, individual hirers may book recreation and sports facilities 30 days in advance. It is understood that while some hirers may find it difficult to ascertain whether they can take up the hired session 30 days beforehand, they have to make early bookings in order to secure the availability of the facilities. The 30-day advance booking period, however, has given sufficient time for touts to find “buyers”. (ii) Early this year, the LCSD conducted a questionnaire survey at sports centres with relatively higher usage rates to gauge public views on the booking of fee-charging facilities by individual hirers. A total of 1 430 valid questionnaires were received. About 60% of the respondents agreed to shorten the advance booking period, among which 70% were of the view that the booking period should be shortened from 30 days to 7 or 10 days. ● Taking into account the above information, our initial view is that it is preferable to shorten the advance booking period for individual hirers from 30 days to 10 days. On the one hand, the time for touts to sell or transfer their booked sessions will be greatly shortened. On the other hand, it will be easier for hirers to ascertain whether they can take up the hired facilities, thus reducing the chance of failing to show up for their reserved session. ● The LCSD will revise the existing arrangement after drawing a conclusion based on the views collected

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	<p>from the public on reducing the advance booking period for individuals. Since the recommendation will require the modification of the Leisure Link System (LLS), it is expected that the proposed improvement measure will be finalised and implemented in 2013/14.</p>
<p>(2) Consider reducing the maximum booking hours allowed for individuals (e.g. by limiting the combined total number of hours each day, each week or each month, etc for different facilities and venues).</p> <p>(Please refer to paragraph 13 of the Executive Summary)</p>	<ul style="list-style-type: none"> ● We accept the recommendation. ● At present, individual hirers are allowed to book a maximum of two hours during peak hours and four hours during non-peak hours each day for each type of fee-charging facility at the same venue. For turf football pitches, the quota for booking by individuals is one session per day. ● Our initial proposal is to allow each hirer to book a maximum of two sessions during peak hours each day for the same type of facility. This daily quota is applicable to not only the <u>same facility in the same venue</u>, but also the <u>same type of facility</u> in all venues. Each hirer is allowed to book one session per day for turf football pitches. ● Since the provision of facilities during non-peak hours can normally meet the demand of the public, we propose to maintain the current quota for non-peak hours (i.e. four hours each day for each type of facility at the <u>same venue</u>). ● The LCSD will collect views from the public on reducing the maximum booking hours allowed for individual hirers before making amendments to the existing arrangements. Since the recommendation will require the modification of the LLS, it is expected that the proposed improvement measure will be finalised and implemented in 2013/14.
<p>(3) Consider requiring individuals to use their identity cards only as identity documents for booking of venues (only</p>	<ul style="list-style-type: none"> ● We accept the recommendation to prevent hirers using different identity documents to make bookings in order to circumvent the quota for individuals.

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<p>individuals without identity cards may use their passports).</p> <p>(Please refer to paragraph 15 of the Executive Summary)</p>	<p>However, we need to consider the booking arrangements for individuals without identity cards. For cases such as Hong Kong children without identity cards, it is proposed that the applicants may use their birth certificates or photo-bearing student identity cards/handbooks.</p> <ul style="list-style-type: none"> As stated in paragraph 7(a) of the Consultation Paper, we only accept HKID Cards for LLP registration and no other documents (e.g. travel documents) can be used as identity proof for online registration with effect from 20 August 2012. Furthermore, we are making arrangements to improve the existing LLP registration system and planning to launch a re-registration exercise in the second quarter of 2014 for more than 760,000 existing patrons to use their HKID Cards to re-register with a view to weeding out multiple registrations.
<p>(4) Consider introducing the arrangement for immediate payment for telephone reservations.</p> <p>(Please refer to paragraph 18 of the Executive Summary)</p>	<p>As stated in paragraph 7(b) of the Consultation Paper, we have put in place some interim measures since 29 September 2011, such as making new arrangements for Leisure Link telephone reservation. In the long run, we plan to introduce immediate payment for telephone reservation. The arrangement is expected to be implemented after the completion of the modification of the LLS in 2014/2015.</p>
<p>(5) Consider taking administrative measures to curb the touting activities carried out by touts taking advantage of the priority booking rights enjoyed by limited companies.</p> <p>(Please refer to paragraph 20 of the Executive Summary)</p>	<p>The LCSD will review the existing arrangement for organisations to make priority bookings in the capacity of a limited company and an organisation registered as a society, and the priorities they enjoy. The existing penalty system for breaching the conditions of use by organisations will also be reviewed.</p>
<p>(6) Review the reallocation arrangement for hirers affected by bad weather, including shortening the 60-day advance booking period or cancelling</p>	<ul style="list-style-type: none"> It has come to the notice of the LCSD that some hirers make online bookings of tennis courts under unstable weather conditions in order to obtain the 60-day reallocation opportunity.

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<p>the special arrangement of reallocation. (Please refer to paragraph 23 of the Executive Summary)</p>	<ul style="list-style-type: none"> ● To minimise the abuse, the LCSD proposes to shorten the existing 60-day reallocation period offered to hirers due to the closure of venues in bad weather following the shortening of the advance booking period for individuals. If the advance booking period of leisure facilities for individuals is to be shortened from 30 days to 10 days, the existing reallocation period offered in case of bad weather can be reduced from 60 days to 20 days or less. ● The arrangement is expected to be implemented upon the completion of the modification of the LLS in 2013/14.
<p>(7) Review the “stand-by” mechanism, including considering charging fees on “stand-by” users or abolishing the “stand-by” mechanism on a trial basis at facilities/venues where the problem is serious. (Please refer to paragraph 32 of the Executive Summary)</p>	<ul style="list-style-type: none"> ● We have collected the following information for the review of the “stand-by” arrangement: <ul style="list-style-type: none"> (i) The “stand-by” mechanism is intended to enable the public to fully utilise the facilities and minimise wastage of resources. Under the arrangement, “stand-by” users may use for free the facility that is not taken up by the original hirer 10 minutes after the starting time of a session, provided that there is no other facility available for booking at that time. They are required to surrender the facility upon the arrival of the original hirer. However, it has recently come to our notice that the arrangement could be abused by touts who would book the facilities and transfer the user permits to another person. In such cases, the buyer would be told to wait at the venue and take up the booked session as a “stand-by” user 10 minutes after the starting time. The problem was particularly acute for football pitches. (ii) According to our records, the “no show” rates for the natural and artificial turf football pitches booked by individual hirers for July to September 2011 were 31% and 37% respectively, and of these “no show” sessions,

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	<p>85% and 87% were taken up by “stand-by” users. The number of sessions taken up by “stand-by” users accounted for 27% and 33% of the overall sessions of the natural and artificial turf pitches respectively. As football is a team sport and most venues have only one football pitch, it is uncommon that a group of players would wait at a pitch as “stand-by” users. Nevertheless, available information shows that the number of sessions taken up by “stand-by” users accounts for approximately one-third of the overall booked sessions. The situation is unusual and gives rise to the suspicion that touting activities may be involved and the “stand-by” arrangement may be abused.</p> <p>(iii) Moreover, our records show that the “no show” cases for 59 arenas and 24 venues with tennis courts that had relatively higher usage rates for July to September 2011 accounted for 8% and 17% of the sessions booked by individual hirers respectively. Of these “no show” sessions, 84% and 60% were taken up by “stand-by” users respectively. The number of sessions taken up by “stand-by” users accounted for approximately 6% and 10% of the overall booked sessions. As revealed by the data on the use of venues, the percentages of “no show” and “stand-by” cases for these facilities are relatively lower than those for natural/artificial turf football pitches. Given that the facilities can be taken up by just two users and there are usually more than one court in a sports centre, it is not unlikely that many hirers would take up the facilities on the spot as “stand-by” users. As such, the abuse of “stand-by” arrangement is less obvious when compared to the case of football pitches.</p>

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	<ul style="list-style-type: none"> ● Regarding the recommendation of the Ombudsman to charge the “stand-by” users, our views are as follows: <ul style="list-style-type: none"> (i) Charging the “stand-by” users and offering a <u>refund to the original hirers</u> — The arrangement will not help in reducing touting activities. A tout will transfer the user permit to a “buyer” by charging a service fee. The “buyer” would take up the booked session as a “stand-by” user and pay the hiring charges on the spot. Subsequently, the tout would show up and apply for a refund, without suffering any loss. In a separate case, if the original hirer arrives late for 10 minutes and finds that the booked session has been taken up by a “stand-by” user, there might be argument or dispute among the original hirer, the “stand-by” user and the venue staff. The refund arrangement will also significantly increase the LCSD’s administrative work. (ii) Charging the “stand-by” users <u>without offering a refund to the original hirers</u> - The original hirers will consider that the arrangement seriously prejudices their right to use the venues. They may have arrived late for some unexpected reasons such as traffic congestion, and will be deeply dissatisfied if they are not allowed to use the venues for being late for just 10 minutes. Furthermore, the proposed arrangement is unprecedented in the management of public facilities in Hong Kong. (iii) Most of the hirers may enjoy sports activities with their family or friends by booking two consecutive sessions, such as booking a badminton court for two hours. If an original hirer is not allowed to use the first booked sessions for being late for 10 odd minutes and the session is taken up by other users, the original hirer and his/her companions will

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	<p>have to wait for about 50 minutes before they can use the second booked session. In such cases, the recommendation will cause difficulties in implementation and will not be acceptable to the public.</p> <p>(iv) At present, many football pitches are not provided with shroff counters. The recommendation requires the provision of additional manpower and ancillary facilities at the venues to receive on the spot payment from “stand-by” users. The proposed arrangement is not cost-effective.</p> <ul style="list-style-type: none"> ● The fact that about one-third of the total number of booked sessions for football pitches are taken up by “stand-by” users indicates an unusual situation and gives rise to the suspicion that touting activities may be involved and the “stand-by” arrangement may be abused. It is indeed dubious that more than ten players would gather outside a pitch to wait as “stand-by” users. Abolishing the “stand-by” arrangement for football pitches will substantially reduce the abuse. Therefore, the LCSD suggests that the “stand-by” arrangement for football pitches should be cancelled on a trial basis. The LCSD will assess the effectiveness of the measure after its trial implementation and then consider whether the measure should be further extended to other facilities.

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(8)	Consider imposing penalties on individuals who fail to show up for their reserved sessions. (Please refer to paragraph 32 of the Executive Summary)	<ul style="list-style-type: none"> ● To reduce the abuse of the “stand-by” mechanism or minimise wastage caused by hirers who neither take up their booked sessions nor notify the department in advance to facilitate the release of the sessions for booking by other users, and to increase the penalties for other booking irregularities, it is proposed that the offenders should be suspended from booking leisure facilities in the following circumstances: <ul style="list-style-type: none"> (i) <u>Hirers repeatedly fail to take up their booked sessions and make prior cancellation for a period of time</u> Our initial proposal is that the hirer who, on two occasions in 30 days, fails to take up the booked session or notify the department of the cancellation of booking at least one day in advance will be suspended from booking land-based fee-charging facilities for 90 days. (ii) <u>Hirers are engaged in unauthorised transfer of user permits</u> Since unauthorised transfer of user permits involves touting activities, we propose to increase the administrative penalties imposed on hirers who are found to be engaged in unauthorised transfer of user permits. These hirers should be immediately suspended from booking leisure facilities for 180 days. (iii) <u>Hirers abuse the concessionary rates in making bookings</u> It is proposed that hirers who are found to have abused the concessionary rates in making bookings should be immediately suspended from booking leisure facilities for 90 days.
(9)	Impose administrative penalties, such as suspending the eligibility to make bookings for a certain period of time, on individual hirers who are engaged in unauthorised transfer of user permits. (Please refer to paragraph 35 of the Executive Summary)	
(10)	Consider actively stepping up efforts to investigate suspected cases and imposing appropriate administrative penalties when touting activities are blatant. (Please refer to paragraph 36 of the Executive Summary)	
(b) <u>Booking by individuals</u>		
(11)	Review the arrangement for block	The LCSD will review the existing arrangements for

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<p>booking quotas in order to enhance transparency and improve the availability of venues for booking by individuals, including the following:</p> <ul style="list-style-type: none"> ● setting quotas for the most popular time slots; and ● increasing the transparency of the bookings made by the HAB and LCSD (for example, setting separate quotas or including them in the quotas for booking by organisations). <p>(Please refer to paragraph 41 of the Executive Summary)</p>	<p>block booking quotas (including those of the HAB and LCSD) for peak hour sessions. The measures under consideration include the following:</p> <ul style="list-style-type: none"> ● setting a prime time booking quota for facilities with a relatively higher usage rate, such as the arenas of sports centres and artificial turf football pitches. According to the usage patterns of the two types of facilities, the prime times for the arenas in sports centres and artificial turf football pitches are 7 p.m. – 10 p.m. and 6:30 p.m. – 11 p.m. respectively. ● expediting the review of the detailed arrangements, the setting of a prime time booking quota, and the enhancement of transparency. ● studying the detailed arrangements for block booking quotas of the HAB and LCSD in order to enhance the transparency.
<p>(12) Consider providing a computerised system for the booking of non-fee charging facilities.</p> <p>(Please refer to paragraph 46 of the Executive Summary)</p>	<p>It is agreed in principle that computerised services should be provided for the booking of non-fee charging facilities. The LCSD will conduct a feasibility study, which is expected to be completed in 2013/14, and draw up an implementation plan for the provision of booking service for non-fee charging facilities through the LLS on the recommendations of the study report.</p>
<p>(13) Consider making the signing in arrangement more flexible, such as allowing a hirer to authorise at the time of booking another user to sign in.</p> <p>(Please refer to paragraph 48 of the Executive Summary)</p>	<ul style="list-style-type: none"> ● It is agreed that a better balance should be struck between curbing touting activities and allowing genuine users to sign in under special circumstances. ● It is initially projected that the number of hirers failing to sign in personally will decline significantly after the advance booking period for individuals is shortened in 2013/14 as the hirers will be more certain whether they can use the booked venues. ● The LCSD will assess the effectiveness of shortening the advance booking period for individuals, and examine whether the arrangement of allowing more than one user to sign in may lead to abuse or touting activities.
<p>(c) <u>Booking by organisations</u></p>	

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(14)	<p>Consider shortening the notice period for cancellation of booking by organisations.</p> <p>(Please refer to paragraph 55 of the Executive Summary)</p>	<p>At present, organisations that intend to cancel their booked sessions must notify the LCSD 40 days before the date of use to facilitate the release of the sessions for booking by individuals 30 days in advance. Those who fail to do so will receive an advisory letter or warning letter under a penalty system. It is agreed that after the shortening of the advance booking period for individuals, the notice period for cancellation of booking by organisations should be shortened accordingly to suit the operation of organisations. The proposed improvement measure is expected to be finalised in 2013/14.</p>
(d) <u>The use of venues</u>		
(15)	<p>Consider simplifying the procedure for cancelling individual bookings, including making arrangements for online cancellation, cancellation by telephone and refund after cancellation.</p> <p>(Please refer to paragraph 58 of the Executive Summary)</p>	<p>At present, hirers who want to cancel their bookings are required to submit applications to the venues in person or by post. Improvement works for the LLS are underway to allow patrons to cancel their bookings online using their personal passwords. The proposed improvement measure is expected to be finalised in 2013/14.</p>
(16)	<p>Review the penalty for organisations failing to use the booked venues.</p> <p>(Please refer to paragraph 60 of the Executive Summary)</p>	<p>The LCSD will shorten the notice period for cancellation of booking by organisations after the advance booking period for individuals is shortened. By that time, the penalty for organisations failing to use the booked venues will also be reviewed with a view to minimising the wastage of venue resources arising from organisations' failure to use the booked venue without giving timely notice of cancellation.</p>
(17)	<p>Adjust the opening hours of venues to increase supply, including opening artificial turf football pitches earlier in the morning or adjusting slightly the time reserved for nurturing natural turf pitches.</p> <p>(Please refer to paragraph 61 of the Executive Summary)</p>	<ul style="list-style-type: none"> It is necessary for the LCSD to consider whether advancing the opening hours of artificial turf football pitches to 7 a.m. will cause noise nuisance to the residents in the neighbourhood. We have planned to provide more artificial turf football pitches to meet public demand. The LCSD will closely monitor the public demand for artificial turf football pitches and will consult the respective District Councils on the arrangements for advancing the opening hours to 7 a.m. after taking into account the usage pattern of

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	<p>and demand for individual venues.</p> <ul style="list-style-type: none"> • As to natural turf pitches, the staff at different venues will adjust and increase the numbers of sessions available according to the weather conditions, growth of grass, and the maintenance arrangements for their respective venues.