

COMMUNITY SPORTS COMMITTEE

Proposed Public Coaching Areas at Public Swimming Pools

PURPOSE

This paper seeks Members' views on the proposed arrangement for designating a "Public Coaching Area" for coaching activities carried out at public swimming pools.

BACKGROUND

2. We have received suggestions from time to time against coaching activities at public swimming pools because they cause nuisance to other swimmers and that some of these coaching activities involve a trading element whereby tuition fees are charged by the coaches.

3. Under section 4(c) of the Public Swimming Pools Regulation (Cap. 132) (hereinafter called the Regulation), no person shall do any act which is likely to endanger, obstruct, inconvenience or annoy any person. Under section 5, no person within the precincts of a swimming pool, except with the written permission of the Director of LCSD, shall sell or let to hire or offer or expose for sale or letting to hire any article or thing or any personal service or shall beg for alms or solicit gifts or contributions to charity. The main purpose of section 5 is to regulate any selling, letting or hawking activities within the precincts of a swimming pool. However, coaching with payment of tuition fee will also be caught as a kind of personal service irrespective of whether the payment is made inside or outside the precincts of the swimming pool.

4. It is quite common for users of the swimming pools to teach their children or friends swimming in the pools, or for coaches to teach learners swimming in our pools with payment of tuition fees. We consider that there is a practical need for beginners to learn swimming and to receive coaching service

at the swimming pools. We therefore consider that the strict application of section 5 of the Regulation to prohibit paid coaching activities would not be consistent with LCSD's basic objective of promoting swimming as a sport activity and the practical needs of the members of the public. Our view is that we should allow these coaching activities in public swimming pools (whether tuition fees are paid or not) as a means of promoting swimming as a sport but such activities should be carried out in an orderly manner and should not cause disturbance or nuisance to other swimmers.

5. We consider that we should continue with this arrangement by giving permission under section 5 of the Regulation to such coaching/training activities to take place within the swimming lanes set aside for group training purpose provided such activities are carried out in an orderly manner without causing nuisance to other swimmers.

THE PROPOSAL

6. However, for other coaching activities which do not involve booking of swimming lanes, in order to enhance the management of swimming pools, we propose to designate a "public coaching area" in the pool and confine such coaching activities within the designated area under section 5 of the Regulation. We have conducted a pilot scheme (hereinafter called the Scheme) to stream different types of swimming activities at the Morrison Hill Swimming Pool. Under this Scheme, the number of swimming lanes provided at the main pool (50 metres (L) x 21 metres (W)) has been increased from 8 to 10 by reducing the width of each lane from 2.6 metres to 2.1 metres after consultation with the Hong Kong Amateur Swimming Association (HKASA). The whole swimming pool is divided into four zones, namely the public coaching area, group hiring area, public lap swimming area and public swimming area in order to cater for the interest of those who need to receive coaching service, group booking of swimming lanes for training, individual swimmers who prefer to swim in the pool on lap basis without obstruction, and other individual swimmers. A schematic presentation of the arrangement is at the Annex. To implement the Scheme, we have sought comments from the HKASA, Hong Kong Swimming Coaches Association and three scholars (one from each Prince of Wales Hospital, Chinese University of Hong Kong and Baptist University of Hong Kong) who have been our advisors on swimming pool management. According to our observation, the Scheme has resolved

the coaching activity problem to a great extent. Opinion survey was conducted and the results indicated that the Scheme had minimized the inconvenience caused to different types of swimmers. A total of 168 swimmers were interviewed. 70% of them considered that the Scheme could regulate coaching activities in an orderly manner without causing disturbance to other swimmers. The arrangement was also endorsed by the Wan Chai District Council. The Scheme can thus balance the needs and interest of individual swimmers, swimming clubs as well as learners.

LEGAL ADVICE SOUGHT

7. We have sought legal advice on the proposed arrangement. We have been advised that the Director of LCSD can give approval under section 5 of the Regulation for coaching activities to be carried out at designated areas irrespective of whether these are paid services or not. It is necessary to inform the swimmers of the arrangement by displaying notices at the pool entrance and pool deck. The notice will indicate that all the coaching activities should be confined within the designated swimming area and could not be carried out in other public swimming areas. For any coaching activities detected outside the designated areas, we will take action under section 4 of the Regulation if nuisance is caused to other swimmers and under section 5 of the Regulation to check whether this involves a trading element and the charge of a tuition fee. We will provide detailed guidelines for our staff to carry out enforcement action. We consider this a balanced approach which takes into account the interest of the individual swimmers who want to swim freely in the pool as well as those who wish to learn swimming in the public swimming pool through coaching service.

RECOMMENDATION

8. In view of the success of the trial Scheme, we plan to extend the Scheme to other public swimming pools which have similar management problems where appropriate by designating a specific swimming area for coaching activities.

9. For a 50-metre main pool, there is sufficient space to be partitioned off for use as a designated area for public coaching. Or alternatively, a public coaching area can be designated at the

secondary/training/teaching pool.

ADVICE SOUGHT

10. Members are invited to give their views on the proposed arrangement for coaching activities to be carried out in an orderly manner in public swimming pools.

Leisure and Cultural Services Department
March 2005