

LCQ4: Regulating trampoline parks

Following is a question by the Hon Edward Leung and a reply by the Secretary for Home and Youth Affairs, Miss Alice Mak, in the Legislative Council today (June 19):

Question:

It has been reported that in recent years, quite a number of trampoline parks, which are high-risk sports premises, have been operating in the market, and incidents of players in related activities sustaining grave injuries have occurred from time to time. There are views pointing out that the existing regulation imposed by the Government on the premises concerned is ambiguous, and such premises are neither required to apply for any licence for operation nor deploy staff members to be on duty or provide first aid services to injured players. In this connection, will the Government inform this Council:

(1) of the respective numbers of requests for assistance involving injuries caused by playing trampolines in trampoline parks received by the Police and the Hospital Authority in each of the past five years, and the respective numbers of cases in which the injured persons were slightly injured, seriously injured and died;

(2) given that some members of the public have relayed to me that at present various government departments lack coordination and shirk responsibilities over the regulation of trampoline parks, of the current regulatory work carried out by various government departments on the premises concerned, and whether the Government has plans to designate one particular department to act as the primary party held accountable for taking the lead in and coordinating the relevant regulatory work; if so, of the details; if not, the reasons for that; and

(3) given that trampoline parks are not required to apply for any licence for operation, and it has been reported that some operators have even asked players to sign a liability waiver, commonly known as "life and death agreement", whether the Government will establish a licensing regime in respect of such premises?

Reply:

President,

Having consulted the relevant policy bureaux, my reply on behalf of the Government to the question raised by the Hon Edward Leung is as follows:

Since the nature of the sports premises and places of amusement varies, relevant policy bureaux and departments adopt different regulatory approaches corresponding to the nature of each of the sports activities and premises.

For example, the Leisure and Cultural Services Department is responsible for the enforcement of Places of Amusement Regulation (Cap. 132, sub. leg. BA) under the Public Health and Municipal Services Ordinance. The purpose of the Regulation is to ensure the public order of the billiard establishments, public bowling-alleys and public skating rinks as well as to protect young people. Meanwhile, if the operation of the premises involves "entertainment" as defined in the Places of Public Entertainment Ordinance (Cap. 172) such as cinematograph, exhibition and concert performance, etc., and if such place is open to the public (whether a fee is charged or not), its operator must apply to the licensing authority for a Places of Public Entertainment licence in accordance with the Ordinance. The Places of Public Entertainment Ordinance aims to ensure public safety and order at places of entertainment where members of the public congregate, covering a number of aspects such as fire safety, building safety, electrical and mechanical equipment, ventilation, crowd management and hygiene, etc.

The Government's reply to the various parts of the question is as follows:

(1) The service statistics of the Hospital Authority (HA) in relation to the reasons for attendance are mainly based on the symptoms or injuries of the attending patients, and there is no breakdown by causes of injuries of the patients. Therefore, the HA does not maintain statistics on the number of injuries caused by playing trampolines in trampoline parks. Separately, the Hong Kong Police Force does not maintain a breakdown of statistical figures mentioned in the question.

(2) and (3) As stated at the beginning of the reply, the nature of the sports premises and places of amusement varies. Insofar as trampoline is concerned, if the trampoline is used for gymnastic purposes, its operation should be conducted in accordance with the established guidelines of the relevant sports associations. The users should also have received professional training or be guided by recognised coaches. Meanwhile, organisers or operators of trampolining can also make reference to the installation and user guidelines issued by the manufacturers of these facilities, and engage qualified instructors to provide guidance to trampoline users as necessary.

In fact, existing legislation already imposes controls on contracts relating to consumer transactions. Among others, the Control of Exemption Clauses Ordinance (Cap. 71) prohibits traders from evading civil liability by means of contract terms or other means. For instance, section 7 of the Ordinance provides that a person cannot by reference to any contract term or to a notice given to persons generally or to particular persons exclude or restrict his liability for death or personal injury resulting from negligence. If such liability waiver (or commonly known as "life and death agreement") purports to exclude or restrict liability for negligence, the consumer's signing of such agreement terms is not of itself to be taken as indicating his voluntary acceptance of any risk. Depending on the actual terms of the contract, aggrieved consumers may lodge claims under the law of contract and/or the common law according to the actual circumstances (including contract terms) of the case concerned.

The Government will continue to keep in view the situation of different premises and having regard to the nature of such premises as well as their actual mode of operation, consider whether it is necessary to put forward further regulation.