

CONTROLLING OFFICER'S REPLY

DEVB(PL)362

(Question Serial No. 3545)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (1) Land Administration
Controlling Officer: Director of Lands (Ms Bernadette LINN)
Director of Bureau: Secretary for Development

Question:

- (1) Regarding the lease requirement to provide facilities and/or open space in private developments for public use, did the Lands Department (Lands D) receive any complaint about the relevant policy and its implementation or identify any breach of this lease requirement during inspections initiated last year? Please provide the number of the relevant cases, complaint details, the breaches confirmed after investigation and follow-up actions taken by Lands D. If prosecution was instituted, please provide the relevant details.
- (2) Did Lands D receive any requests for the Government to take back the management of the facilities and/or open space in private developments required for public use under lease in the past two years? If yes, please provide details of the relevant cases, the follow-up actions taken by Lands D and the progress of the actions.

Asked by: Dr Hon Kenneth CHAN Ka-lok (Member Question No. 276)

Reply:

- (1) In 2015, the Lands Department (Lands D) received 26 complaints relating to the provision and management of public facilities and public open space in private developments. In addition, it identified one case of breach through its annual inspections of the relevant premises. For these cases, the issues of concern included blockage of access, misuse of the facilities or open space and other management and maintenance problems. Lands D followed up on the complaints and the identified lease breach by conducting site inspections, seeking clarifications from the owners and/or management companies, explaining the requirements to the relevant owners and/or management companies, issuing warning letters and conducting follow-up inspections or enquiries to secure rectification of the breaches.

- (2) In 2014, Lands D received three requests for the Government to take back the management of the facilities or open space made available for public use under lease. Among the three cases, two related to non-exclusive rights-of-way. After consulting the relevant departments, the requests were rejected as the relevant departments had no plan or programme to take over the facilities for management and maintenance. The third request was made in respect of public open space on government land. The management company of the development was advised of the general criteria to be fulfilled under the refined arrangements promulgated by the Government in January 2010, including the need for all owners' consent and the support of or no objection from the relevant District Council and Area Committee. Lands D will further consider the case when the applicant reverts. No new request was received in 2015.

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