

CONTROLLING OFFICER'S REPLY

DEVB(PL)307

(Question Serial No. 6817)

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: Hon CHAN Tanya (Member Question No. 135)

Reply:

1. In 2016, the Lands Department (Lands D) received 27 complaints relating to the provision and management of public facilities and public open space in private developments. The issues of concern in those cases included blockage of access, misuse of the facilities or open space and other management and maintenance problems, such as defective facilities and overgrown trees. In addition, through its annual inspections of the relevant premises, Lands D identified one case of lease breach and has issued an advisory letter to the owners to request rectification of the breach and will keep monitoring the situation. Lands D also followed up on the complaints 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/advisory letters and conducting follow-up inspections or enquiries to secure rectification of the breaches.

A land lease is a private contract between the lessee and Lands D in its capacity as a landlord. Enforcement actions taken by Lands D in such a capacity do not involve prosecution.

2. In the past two years, Lands D did not receive any request for the Government to take back the management of the facilities and/or open space in private developments required for public use under lease.

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