

LCQ18: Management of streets

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 26):

Question:

In early years, the Government signed, with the owners of the land adjoining a number of streets in Causeway Bay such as Great George Street, Paterson Street, East Point Road, Kingston Street and Cleveland Street, agreements under which the land owners would replace the facilities on the streets concerned at their own cost and be responsible for the future repair and maintenance of such facilities (but excluding street management). At present, some of such streets are full-time or part-time pedestrian streets. Some members of the public have complained that there are often busking and commercial promotion stalls on those streets, and that some groups occupy the road space for holding activities, which have caused serious nuisance to the residents in the vicinity and pedestrians. In this connection, will the Government inform this Council:

(1) of the total number of complaints received by the various government departments in the past three years about the noise nuisance, road obstruction, environmental hygiene problems, etc. which were caused by hawking, busking and other activities on the aforesaid streets, and the follow-up actions taken;

(2) if it has gained an understanding about whether the aforesaid land owners have made profits from the commercial activities conducted on the pedestrian streets; if it has, of the details;

(3) whether, apart from the aforesaid streets in Causeway Bay, the Government signed in the past three years/will sign in the coming three years similar agreements with other land owners and, thereafter, designated/designate the streets concerned as pedestrian streets; if so, of the details; and

(4) of the existing channels and procedure through which individuals and groups who intend to organise commercial, political or performing activities on pedestrian streets may make applications for such activities?

Reply:

President,

The lot owners of the developments adjacent to Paterson Street, Kingston Street and Cleveland Street in Causeway Bay had earlier proposed to the Government to replace the road facilities including paving blocks, pedestrian railings and bollards on the public footpaths of the above-mentioned streets at their own cost in order to enhance street ambience. After consulting the relevant government departments and stakeholders, the lot owners signed a deed of undertaking in August 2013, pledging to the Highways Department (HyD)

to carry out the replacement works of the above-mentioned road facilities, as well as the proper maintenance and repair of these replaced facilities. Replacement works were then carried out and completed in March 2016. Matters other than the replacement, maintenance and repair works of the above road facilities (such as street management of the road concerned) are taken care by relevant government departments, in the same way as other public roads.

As regards the Causeway Bay Pedestrian Zone covering the whole or parts of Lockhart Road, East Point Road, Paterson Street, Great George Street, Pak Sha Road and Lee Garden Road, etc., relevant government departments regulate the activities and conditions therein in accordance with the statutory power vested with them. For instance, the Food and Environmental Hygiene Department (FEHD) handles matters relating to environmental hygiene, street hygiene and hawking; and the Hong Kong Police Force (HKPF) is responsible for maintaining public safety and order. Upon receipt of noise complaints regarding pedestrian zones, HKPF deploys officers to handle the complaints in accordance with the Noise Control Ordinance (Cap. 400) (the Ordinance); the Environmental Protection Department (EPD) provides professional advice and suggestions to the Police with respect to the requirements of the Ordinance where necessary; the Transport Department (TD) is responsible for formulating traffic management measures having regard to the pedestrian and vehicular traffic of the relevant streets; and the District Offices coordinate among relevant government departments for cooperative efforts on district issues and reflect the views of local residents and district councils where necessary. Government departments have been working closely together to manage, regulate and monitor the pedestrian zones.

Having consulted the Home Affairs Bureau (HAB) / Home Affairs Department, Food and Health Bureau / FEHD, EPD, Security Bureau / HKPF, Development Bureau / Lands Department (LandsD), as well as HyD and TD, our reply to the Hon Paul Tse's question is as follows:

(1) With respect to the five streets mentioned in the question, the complaints received by relevant departments over the past three years regarding the noise nuisance, street obstruction, environmental hygiene problems, etc. caused by sales activities, performances, and other activities are as follows:

The Wan Chai District Office (WCDO) received a total of 4 complaints in relation to environmental hygiene and street obstruction, including 2 cases concerning street obstruction at Great George Street, 1 case concerning street obstruction at East Point Road, and 1 case concerning environmental hygiene and street obstruction at Kingston Street. WCDO already referred the complaints to FEHD, HKPF and EPD for follow-up.

FEHD received 784, 293, 15 and 404 complaints against environmental hygiene, unlicensed hawking, street obstruction by food premises, and street obstruction caused by publicity materials respectively. FEHD's enforcement actions include:

(i) instituted 161 prosecutions for littering and 5 prosecutions for unlicensed hawking, and made 74 seizures of hawker goods;

(ii) instituted 20 prosecutions against persons causing street obstruction by setting up promotional booths at public places;

(iii) instituted a total of 9 prosecutions against irregularities such as street obstruction by food premises or unauthorised extension of business; and

(iv) issued 314 fixed penalty notices to persons illegally displaying commercial publicity material, and seized a total of 672 pieces of publicity materials, including commercial easy-mount frames.

EPD received 1 complaint in respect of Paterson Street, 1 complaint relating to East Point Road and 2 complaints relating to Great George Street. Upon receipt of a public complaint, the Police will immediately deploy officers to the scene to conduct investigations. If it is confirmed that the noise concerned causes annoyance, the Police will take enforcement action against the offender. EPD will also provide professional advice to the Police to facilitate the Police's enforcement.

The Police does not have the breakdown of the number of complaints received in respect of the five streets mentioned in the question.

Apart from handling complaints and taking enforcement actions by relevant departments, the District Management Committee (DMC) of WCDO has been concerned about the noise nuisances, street obstruction and environmental hygiene problems in Causeway Bay Pedestrian Zone. These issues have been included under the agenda of DMC meetings for regular follow-up.

(2) and (4) Any organisation who wishes to set up street counters on Government land for holding non-profit making activities may submit an application to LandsD. LandsD considers and approves each application in accordance with established mechanism. Generally speaking, LandsD will not approve applications for setting up street counters on Government land for commercial activities. LandsD has not received any complaint regarding the conduct of profit-making commercial activities by relevant lot owners on relevant streets.

According to HAB, the Government and residents are in general taking a tolerant attitude towards street performances which are not causing complaints over noise, environmental hygiene, street obstruction, or public order. As long as there is no contravention of the law, there is no regulation of the content and artistic level of the performances. Matters relating to street performances are subjected to the prevailing laws in Hong Kong such as the Summary Offences Ordinance (Cap. 228), the Crimes Ordinance (Cap. 200) and the Ordinance as mentioned in the preceding paragraph. Should any street performance breach any statutory provisions, relevant enforcement departments may give advice or take appropriate actions in accordance with the relevant ordinances, having regard to the specific circumstances of each case.

(3) The Hong Kong Jockey Club also signed an undertaking in 2018, pledging to HyD that it would be responsible for the replacement, maintenance and repair of paving blocks on the public footpath at Wong Nai Chung Road near Happy Valley Racecourse. The Government has no plans to designate the footpath at

Wong Nai Chung Road near the Happy Valley Racecourse as pedestrian zone. The Government is not aware that other lot owners have any plan to undertake to replace, maintain and repair road facilities on public footpaths at their own costs.