

LCQ7: Resumption and maintenance of private streets

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (July 4):

Question:

In 1986, the Government launched a programme for the resumption and maintenance of private streets (the Resumption Programme) with a view to improving environmental hygiene. Between 1986 and 1995, 166 private streets were selected and included in the Resumption Programme. As at the end of last year, among such streets, 70 were resumed by the authorities, nine were pending assessment by the Buildings Department and the remaining had been deleted from the Resumption Programme for a number of different reasons (including issues relating to compensation claims). Some members of the public have relayed that a number of private streets (e.g. some private streets in Kowloon West which have never been included in the Resumption Programme) have serious environmental hygiene problems, and some of such streets have become the hotbed for activities such as retail operations occupying street space, vehicle parking and dumping of construction waste and refuse. In this connection, will the Government inform this Council:

- (1) of the number of private streets that have been resumed to date by the authorities under the Resumption Programme, and the assessment results and follow-up work in respect of the aforesaid nine private streets;
- (2) of the respective numbers of complaints received by various government departments in the past three years concerning environmental hygiene problems of private streets; the major contents of the complaints received by the Highways Department and the Transport Department and the ways by which such complaints were handled respectively;
- (3) as the Food and Environmental Hygiene Department (FEHD) will, where resources permit, respond to the requests of the District Councils (DC) to provide routine street-cleaning service for private streets and related rear lanes with persistently poor hygiene conditions, of the number of private streets for which FEHD provided such cleaning service in each of the past three years (with a breakdown by DC district);
- (4) as the authorities will conduct urgent repair works for private streets to ensure public safety, of the number of occasions on which such works were carried out by the authorities in each of the past three years (with a breakdown by DC district); the party who mainly bore the relevant costs;
- (5) whether the authorities will review the work on improving the environmental hygiene of private streets; if so, of the details;

(6) whether the authorities will conduct a detailed survey on the environmental hygiene conditions of all private streets in Hong Kong; if not, of the reasons for that; if so, the details including whether targeted follow-up measures will be taken; and

(7) as quite a number of private streets currently have cave-ins or are in a state of dilapidation, etc., whether the authorities will review comprehensively the management of private streets (especially those open for public use) and study the provision of incentives to encourage the owners concerned to surrender the title of the streets to the Government; whether the authorities will strengthen communication with the owners' corporations concerned so as to improve the management of private streets?

Reply:

President,

In 1986, the Government launched a Private Street Resumption Programme (the Programme) to co-ordinate departmental efforts in resuming private streets which were under multiple ownerships and with serious environmental problems caused by the lack of management and maintenance. The aim of the Programme is to improve the conditions of private streets with environmental hygiene problems.

This Programme has a policy principle, i.e. resumption of private streets should not involve compensation payments by the Government, as compensation claims often involve legal processes that are long and costly and whose outcomes are uncertain. It is therefore more worthwhile to give priority to other areas of work.

Upon the launch of this Programme, a Private Street Resumption Committee (the Committee), chaired by representative of Home Affairs Department (HAD), was set up to co-ordinate the efforts of nine government departments in resuming the private streets. These nine departments are the Transport and Housing Bureau, the Buildings Department (BD), the Drainage Services Department (DSD), the Fire Services Department (FSD), the Food and Environmental Hygiene Department (FEHD), the Highways Department (HyD), the Housing Department, the Lands Department (LandsD) and the Transport Department (TD). The Government resumed and improved the private streets included in the Programme under the provisions of the Roads (Works, Use and Compensation) Ordinance (Cap 370).

Based on the information provided by District Offices from 1986 to 1995, the Committee has considered 166 private streets under the Programme. Of the 166 private streets, 70 of them had been resumed and repaired, and 79 of them had been deleted from the Programme. The deletion of the 79 streets was based on various considerations, including the street conditions having improved, or resumption of these streets would involve compensation claims issue which could not meet the policy principle of the Programme. Of the remaining 17 streets, six have been assessed and it is confirmed that compensation claims might be involved. Resumption need for another two streets no longer exists as the streets have been redeveloped. For the remaining nine streets, they

are pending the assessment results of possible compensation claims and other matters by the BD.

After consulting the BD, DSD, FEHD, HyD, LandsD, TD and the Hong Kong Police Force (HKPF), our reply to the seven parts of the question raised by Hon Vincent Cheng is as follows:

(1) 70 private streets have been resumed to date by the authorities under the Programme. For the remaining nine private streets in the Programme, the assessment of possible compensation claims is still underway.

(2) The BD, DSD, FEHD, LandsD and HKPF do not compile statistics on the number of complaints concerning environmental hygiene problems of private streets. The TD has also advised if it receives complaints about environmental hygiene of private streets, the complaints will be referred to relevant departments which are responsible for environmental hygiene for follow-up.

So far as the HyD is concerned, the number of complaints received regarding road maintenance of private streets for the past three years is set out below:

2015	2016	2017	2018 (Jan to May)
5	8	13	23

If the location in question is confirmed to be related to repairs in private streets, the relevant departments will inform the land owners to do the repair works. If owners of private streets cannot organise themselves to carry out urgent environmental improvement works, the relevant departments will, depending on the situation, conduct urgent remedial works to ensure public safety.

(3) In the past 3 years, the number of private streets with cleansing services provided by the FEHD, breakdown by district, are tabulated below:

District	Number of private streets with cleansing services provided by the FEHD			
	2015	2016	2017	2018 (Jan to May)
Central & Western	7	7	7	7
Wan Chai	9	9	9	9
Eastern	13	13	20	20
Yau Tsim Mong	6	6	6	6
Sham Shui Po	1	1	1	1
Kowloon City	12	12	15	15

(4) The HyD has not carried out any urgent repair works in private streets for the past three years. The BD and DSD, on the other hand, do not compile such statistics.

(5) and (6) The management, cleansing and repair of common areas of private premises (including private streets and private rear lanes) are the responsibilities of the owners concerned. Given the complex ownership of private streets and rear lanes, and the prerequisite of protecting public health, if the hygiene conditions remain poor and if resources permit, the FEHD will address the requests of the District Councils and consider providing routine street-cleansing service for private streets and private rear lanes with environmental hygiene problems. At present, the FEHD provides routine street cleansing service for 58 private streets in the territory to maintain environmental hygiene.

(7) Private streets are private properties. The management and maintenance responsibilities of private streets rest with the land owners. Under normal circumstances, the Government will not be involved in the management of private properties, including private streets. The Government will only provide assistance to property owners under exceptional circumstances and where significant public interest is involved.

Resumption of private streets is not the only way to improve the environmental hygiene of the streets. The owners are in the best position to manage the private streets. In this light, the Government will assist the owners and residents to form owners' corporations or mutual aid committees. The District Offices of HAD will continue with their co-ordinating role to assist the residents and government departments to follow up the issues and, depending on the situation, make improvement.