

Ombudsman probes Leisure and Cultural Services Department's arrangements for depositing layout plans of public pleasure grounds in Land Registry

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, today (August 14) announced a direct investigation to examine the arrangements of the Leisure and Cultural Services Department (LCSD) for depositing layout plans of public pleasure grounds in the Land Registry (LR).

Recently, there were media reports about the LCSD's failure to deposit the layout plans of some of its public pleasure grounds in the LR in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) (PHMSO). As a result, the legal basis of enforcement actions by its staff and the Tobacco and Alcohol Control Office under the Department of Health in those venues was questioned, and the two departments had to suspend their enforcement actions in those venues from February 2019.

The public pleasure grounds listed in Schedule 4 of the PHMSO, which include parks, children's playgrounds, sitting-out areas, sports centres and beaches, are managed by the LCSD, and the layout plans of those venues should be deposited in the LR. Under the PHMSO, the layout plans are prepared and deposited in the LR by the Lands Department (LandsD). However, preliminary inquiry by the Office of The Ombudsman has found that as the department managing public pleasure grounds, the LCSD should initiate the gazetting procedures as required by the PHMSO when the works programme of a public pleasure ground is near completion. In addition, the LCSD should inform the LandsD for preparing and depositing the layout plans of the pleasure ground concerned.

After seeking legal advice, the LCSD had generally finished depositing the layout plans of all public pleasure grounds by June 2019 and resumed enforcement actions in all of those venues in early July. The LCSD also indicated that it would review the relevant workflow. Nevertheless, the Office of The Ombudsman considers it necessary to find out more about the reasons for the delay or omissions so that effective measures can be introduced to prevent similar omissions in future.

In this light, The Ombudsman has decided to initiate a direct investigation against the LCSD. Ms Chiu said, "The statutory procedures for depositing the layout plans of a number of public pleasure grounds have been found to be omitted. That has created serious obstacles for the departments concerned to take enforcement actions and manage the venues. To ensure that the layout plans of all public pleasure grounds will be deposited as required by law in a timely manner, this Office will examine the LCSD's workflow of

preparing and depositing layout plans, which includes its communication and collaboration with the LandsD. Where necessary, we will make recommendations for improvement to the two departments."

The Ombudsman now invites members of the public to give their views on the above topic in writing to the Office of The Ombudsman by September 15, 2019:

Address: 30/F, China Merchants Tower, Shun Tak Centre, 168-200 Connaught Road Central, Hong Kong

Fax: 2882 8149

Email: complaints@ombudsman.hk