

**Legislative Council Panel on Home Affairs
Management and Resumption of Private Streets**

Purpose

This paper briefs Members on the progress of the Private Street Resumption Programme and the measures taken to help alleviate environmental problems of some private streets with maintenance problems.

Background

2. Private streets are private properties. Management and maintenance of private streets fall within the responsibilities of the land owners. The majority of private streets in Hong Kong are located in large-scale private housing estates. Most of them are well managed. Those private streets with environmental problems are often in multiple ownership and are located in older districts such as Eastern and Kowloon City.

3. Under normal circumstances, Government would not be involved in the management of private properties, including private streets. Government would only provide assistance to property owners under exceptional circumstances and when significant public interest is involved.

4. In 1986, Government launched a Private Street Resumption Programme (the Programme) to coordinate departmental efforts in resuming those private streets under multiple ownership and with serious environmental problems caused by a lack of management and maintenance. The aim of the Programme is to improve those private streets posing environmental hazards.

5. The policy behind this Programme is that resumption of private streets should not involve compensation payments by Government. Compensation claims often involve long and protracted legal processes. If such claims are successful, Government would incur more expenditure and time on top of the costs for improving the conditions of the streets.

6. Upon the launch of this Programme, a Private Street Resumption Committee (the Committee) was set up under Home Affairs Department (HAD)'s chairmanship. The Committee coordinates the efforts of nine government departments in resuming the targeted streets and monitors progress. The Roads (Works, Use and Compensation) Ordinance, Cap. 370 is used to resume and improve the targeted streets. Based on the information provided by District Offices (DOs) from 1986 to 1995, the Committee has considered 166 private streets under the Programme.

7. In February 2000, Panel Members were briefed on the progress of the Programme and the problems encountered. We informed Members that of the 166 private streets, 70 had been resumed and repaired. 17 were pending resumption and 79 had been deleted from the Programme. The deletion of the 79 streets was based on various considerations. Some of them were deleted as their conditions had improved. Some streets were deleted because their resumption would involve compensation claims and this would go against Government's policy for this Programme as explained in paragraph 5 above.

Progress of Resumption

8. Of the 17 streets pending resumption, three streets have been included in redevelopment proposals by private developers. Conditions of these streets will be improved upon redevelopment and we will consider deleting them from the Programme. We have also identified that one of the private streets may involve compensation claims and hence, it may be deleted from the Programme. The Administration will continue to consider resumption of the remaining 13 streets.

Improving Environmental Hygiene of Private Streets

9. As explained above, Government's focus in the Programme is to remove health hazards and to improve the environmental hygiene of those private streets under multiple ownership and with serious environmental problems.

10. To effectively tackle the environmental hygiene problems of the targeted private streets, a new modality was established in late 2003 by Team Clean. The new modality covers six aspects, namely : 'zero tolerance';

streamlining enforcement procedures; cutting red tape; breaking traditional boundaries; enhancing cost recovery mechanism; and strengthening co-ordination among departments.

11. Under the new modality, HAD and DOs play a co-ordinating role in the liaison with residents and relevant departments and in the implementation of environmental hygiene improvement projects. The responsibilities of different departments are clearly defined in such projects.

12. If owners of private streets could not organize themselves to carry out urgent environmental improvement works such as to repair blocked drains and sewers, the Administration would take up the improvement works on their behalf. In this respect, the Administration adopts the “act first, recover costs later” principle. Relevant departments take swift action to eradicate public health hazards and Government’s expenses are recovered from the concerned owners/occupiers after the completion of works.

13. Since 2003, we have adopted this new modality on eight private streets under the Programme to improve their environmental and hygiene conditions. These are the eight ‘Wan’ Streets in Kowloon City which have experienced serious environmental hygiene problems. Four phases of improvement works have been carried out for the eight ‘Wan’ Streets under the new modality. Their environmental hygiene conditions have been improved.

14. The eight ‘Wan’ Streets improvement projects have shown that environmental hygiene problems could be resolved more promptly by the new modality instead of resumption. The ‘Wan’ Streets Phase I improvement work was completed by Government contractors in four months under the ‘act first, recover costs later’ arrangement. In the past, such works could have taken over a year to complete. Details of the improvement works to the eight ‘Wan’ Streets and the latest progress are at Annex.

15. The eight ‘Wan’ Streets improvement programme provides good experience for Government to deal with similar problems in other cases. However, the above new modality for improving environmental problems and the private street resumption approach are not the only solutions to improving the environment of private streets. Owners are in the best position to manage their properties and, in fact, they have responsibilities to manage and maintain their private streets. Government will, therefore, continue to attach importance

to public education about property owners' responsibilities and assist owners and residents to form Owners' Corporations and Mutual Aid Committees.

Conclusion

16. Government departments, under the above modality, stand ready to assist property owners where appropriate. We promote, on an on-going basis, the importance of proper management and maintenance of private streets. DOs also assist residents in the formation of Owners' Corporations or Mutual Aid Committees which facilitate better management of their properties. District Councils, Area Committees, District Offices, and relevant departments all play a positive role in helping residents in improving their living environment particularly those in the private streets.

Home Affairs Department
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Improvement Works to the Eight ‘Wan’ Streets, Kowloon City

	Improvement Works	Progress	Cost Recovery
Phase I (May 2003)	Repair of six lightwells inside Wan Tat Building	Works completed.	<ul style="list-style-type: none"> - 120 demand notes issued. 118 have been settled. - Awards for the two remaining cases have been given by the Small Claims Tribunal in Government’s favour.
Phase II (December 2003)	Repair of vertical pipes at the lightwells of Wan Tat Building	Works completed.	Buildings Department is taking cost recovery action.
Phase III (January 2005)	Repair of six problematic lightwells at Wan Fat Street, Wan Lok Street and Wan Shun Street	<ul style="list-style-type: none"> - The trial for the new method of “pipe rehabilitation” completed. - Repair works for five of the lightwells completed. - Repair works for the remaining lightwell also commenced in April 2006. 	Cost will be recovered from the owners after completion of the works.
Phase IV (October 2005)	<u>Stage I</u> Repair of defective underground drains at Wan Fat Street; and repaving of the private street	<ul style="list-style-type: none"> - Drainage Services Department completed the replacement of trunk sewers and stormwater drains in April 2006. 	Cost will be recovered from owners after completion of the works.

	Improvement Works	Progress	Cost Recovery
	<p><u>Stage II</u> Repair of defective underground drains at Wan Lok Street and Wan Shun Street; and repaving of the two private streets</p>	<ul style="list-style-type: none">- Water Supplies Department will repair the underground water pipes after the completion of the drainage work.- Highways Department will repave the street after completion of all other works. <p>Repair works at Wan Shun Street and Wan Lok Street scheduled to commence in June 2006 and March 2007 respectively.</p>	