

CONTROLLING OFFICER'S REPLY

DEVB(PL)247

(Question Serial No. 6082)

Head: (82) Buildings Department
Subhead (No. & title): (000) Operational expenses
Programme: (1) Buildings and Building Works
Controlling Officer: Director of Buildings (HUI Siu-wai)
Director of Bureau: Secretary for Development

Question:

- (1) The Audit Commission published an audit report on “provision of public open space in private developments” in October 2014, making a number of criticisms about the work of the Buildings Department (BD). Has the BD followed up accordingly? What are the specific actions taken? If no follow-up actions have been taken, what are the reasons for that?
- (2) As regards the dedication of land within private developments for the provision of public facilities under a “deed of dedication”, did the Department receive any complaint about the related policy and its implementation, or discover any contravention of the requirements of the deed concerned during inspections initiated by the Department last year? Please provide the respective numbers of such cases, details of the complaints and contraventions, and the follow-up actions taken by the Department. If prosecutions were instigated, please provide the relevant details.

Asked by: Hon CHAN Ka-lok, Kenneth (Member Question No. 371)

Reply:

- (1) The Government's consolidated response to the Director of Audit's report on provision of public open space in private developments (POSPDs) published in October 2014, including the follow-up actions taken/to be taken by the Buildings Department (BD), has been provided to the Public Accounts Committee of the Legislative Council in a letter dated 13 January 2015. Since then, the BD issued an internal instruction in February 2015 to ensure that the deed of dedication for new POSPDs under its purview will include the relevant POSPD Design Guidelines and Management Guidelines to improve the administration and management of POSPDs. In addition, the BD will continue to arrange regular inspections to prevent POSPDs under its purview from being occupied for private use.
- (2) The BD will take enforcement action against misuse of public facilities under a deed of dedication. Apart from proactively inspecting the some 330 deed of dedication areas (DD Areas) on a quarterly basis, the BD also responds to reports from members of the

general public and other government departments. In 2014, the quarterly inspections revealed irregularities in 27 DD Areas, namely floating obstructions in 23 DD Areas and unauthorised building works in four DD Areas. Separately, the BD received 14 reports in 2014, none of which was found substantiated. The details of the enforcement actions in respect of BD's proactive inspections are tabulated as follows -

Cases with Irregularities found in Proactive Inspections in 2014 (Position as of March 2015)	No. of cases
A. Floating obstructions	
(1) Obstruction removed voluntarily	2
(2) Obstruction removed after issue of warning letter	4
(3) Warning letter issued and removal action by BD contractor being arranged	8
(4) Warning letter to be issued	9
Total	23
B. Unauthorised building works	
(1) Removal order issued and prosecution instigated for non-compliance with the order	1
(2) Removal order issued and prosecution to be instigated	2
(3) Removal order issued and compliance inspection to be carried out	1
Total	4

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