

*Provision of public open space in private developments*

---

---

The Audit Commission ("Audit") conducted a review of the provision of public open space in private developments ("POSPDs"). The policy of incorporating public open spaces (and other public facilities) into a private development has been in force since 1980. The Development Bureau ("DEVB") is responsible for setting and reviewing policies on the provision of public open spaces, while the Lands Department and the Buildings Department are responsible for monitoring compliance with relevant land lease conditions and conditions under some Deeds of Dedication, including the provision and maintenance of public open spaces by pertinent developers or building owners. As of August 2014, there was a total of 62 POSPDs as uploaded onto the websites of Lands Department and the Buildings Department.

2. The Committee noted the following findings from the Director of Audit's Report:

- 10 of the 36 POSPDs covered in Audit Survey recorded extremely low patronage, each of which on average recorded less than 10 visitors during a two-hour period;
- many of the POSPDs were located on sites which were not easily accessible. Three POSPDs were located on podiums high above the ground level where visitors needed to walk up long staircases or take passenger lifts before reaching the sites; gates at the entrance to another two POSPDs were very often closed and locked up;
- the daily opening hours of six POSPDs ranged from 6 to 12 hours which were shorter than the "not less than 13 hours" requirement stated in the POSPD Guidelines issued by DEVB;
- some POSPDs were not properly maintained or provided with essential facilities. One POSPD was covered with long grass and fallen tree branches and another one was used for storing construction materials and equipment items. A number of POSPDs were not provided with sheltered seating, rubbish bins, barrier-free-access facilities and sign board/notice board at the entrances;
- Audit Survey revealed that over half of the visitors to most of the parks and gardens located close to POSPDs were not aware of the existence of the POSPDs, and majority of POSPD owners were not aware of the POSPD Guidelines issued by DEVB; and

- the planning conditions of the Town Planning Board relating to the provision of POSPDs in some developments could not be fulfilled or was not legally enforceable, because the planning conditions had not been incorporated into the related land leases.

3. The Committee did not hold any public hearing on this subject. Instead, it asked for written responses regarding efforts taken by the Administration to promote patronage of POSPDs, engagement of local communities in the design of POSPDs before the approval of development plans, issues of management and maintenance of POSPDs by property/building owners, dissemination of POSPDs information and the Administration's plan and timetable in implementing Audit's recommendations highlighted in the Audit Report. The replies from **Secretary for Development** are in *Appendix 38*.

4. The Committee wishes to be kept informed of the progress made in implementing the various recommendations made by Audit.