

## **Executive Summary**

### **Direct Investigation into Transport Department's Handling of a Road Section Enclosed and Left Idle for Prolonged Period**

#### **Background**

In early 2016, this Office noticed a media report alleging that a section of Hing Wah Street (“the Section”), located between Cheung Sha Wan Road and Lai Chi Kok Road in Sham Shui Po, had been partially enclosed for more than a decade. Apart from being a waste of scarce road resources, it also caused frequent traffic accidents and the problem of illegal fly-tipping. This Office, therefore, initiated a direct investigation to examine why the Section had been enclosed and left idle for such a long period with a view to making recommendations for improvement to the Government.

#### **Our Findings**

2. Our investigation revealed that the Government had planned to widen Hing Wah Street as early as in the early 1970s, so that the street could be converted into a multi-lane two-way carriageway in the future to cater for development the district. The specific expansion works commenced in the late 1980s and were carried out in phases. In the first phase completed in the early 1990s, the road surface of Hing Wah Street between Cheung Sha Wan Road and Hang Cheung Street was expanded. The expanded part, with a width roughly equivalent to a three-lane carriageway, was soon enclosed upon completion of road works. However, the Transport Department (“TD”) has no record about which department at that time took the lead in deciding to enclose this section of the widened road surface.

3. In the late 1990s, the Housing Department (“HD”) vacated a plot of land in Hing Wah Street (with a width roughly equivalent to a three-lane carriageway) between Hang Cheung Street and Fortune Street during the construction of Hang Chun Court and Fortune Estate. When construction was completed in 1999, the vacated road surface was immediately enclosed. TD indicated that it had agreed to HD’s proposal of enclosing the relevant road surface to reduce safety hazards to motorists and pedestrians, as an overly wide carriageway would attract rampant illegal parking, loading/unloading activities and the problem of fly-tipping.

4. The aforementioned enclosed road sections remained enclosed and idle since then and were closed to public use. It was not until late 2017 that road improvement works were carried out in Hing Wah Street and the road sections were fully opened afterwards. The entire period lasted for more than 20 years.

5. TD explained that the development of Hing Wah Street had been disrupted because the Cheung Sha Wan Temporary Wholesale Poultry Market (“the Poultry Market”) had not been relocated as scheduled. Consequently, the Government’s planned housing development projects (“the Long-term Plan”) at the original site after relocation of the Poultry Market could not be followed through, resulting in reduced urgency to develop Hing Wah Street into a multi-lane two-way carriageway (“the Long-term Proposal”).

6. We understand that the Government plan in the 1970s was based on the prevailing social conditions and community needs at the time. It is difficult to trace now whether there was any misjudgement involved. Nevertheless, being the department chiefly responsible for road traffic management, TD should be held accountable for following up the transport development of Hing Wah Street and the prolonged idling of the Section. This direct investigation has identified the following three major inadequacies on the part of TD in the incident.

***(1) Passive Attitude in Playing the Coordinator Role***

7. TD initially told us that it was not the coordinating department in respect of the expansion works in Hing Wah Street. While TD subsequently clarified that it did have a leading role in the transport planning and management of Hing Wah Street, it had no record about which department, in the early 1990s, actually made the decision to enclose the widened road surface of Hing Wah Street between Cheung Sha Wan Road and Hang Cheung Street after completion of construction works (see **para. 2**). As for the widened road surface of Hing Wah Street between Hang Cheung Street and Fortune Street after completion of works in 1999, TD confirmed that it had agreed to HD’s enclosure of the relevant road surface after taking into account the local traffic conditions at the time. In other words, although the enclosure was carried out by HD and the role of TD appeared to be passive, TD did play a decisive part in the enclosure of the Section. However, there is no information to show that TD subsequently took any action to regularly review whether the Section should remain enclosed. It was not until a local District Council member made a request to open the northbound traffic lanes of Hing Wah Street in 2005 and 2006 that TD started to study proposals for opening the Section.

8. We consider that all along TD had not regarded the enclosure and idling of the Section as a matter requiring follow-up action under its purview. Hence, it did not take any action to regularly review what could be done to tackle the problems caused by enclosure of the Section, and how to make better use of the idle space (such as converting it into temporary pedestrian walkways or a green belt for the benefit of local residents). In sum, while TD actually had the responsibility to coordinate and take the lead in the transport planning and management of Hing Wah Street, it failed to perceive this responsibility, resulting in the Section remaining enclosed and idle for years with no one paying any heed.

## ***(2) “Long-term Proposal” Lacking Justifications and Wasting Eight Years’ Time***

9. The Long-term Proposal originated in 2005 and 2006, when the local residents made their requests via a local District Council member to open the northbound traffic lanes of Hing Wah Street. At that time, the plan to relocate the Poultry Market was still yet to materialise and the three-lane carriageway of Hing Wah Street was considered sufficient in meeting the traffic needs till 2031. Hence, there was no urgency to convert Hing Wah Street into a multi-lane two-way carriageway. Notwithstanding this, in 2006, TD made the Long-term Proposal based on the Government’s earlier Long-term Plan. After eight years’ engineering preparation work and the related environmental impact assessment, however, the Long-term Proposal was eventually shelved in view of strong objections raised by the Transport Affairs Committee of the Sham Shui Po District Council because an acoustic shield had to be constructed. The Long-term Proposal was subsequently replaced by an alternative plan that did not require an acoustic shield.

10. How the roads should be used involves TD’s professional judgement. Nevertheless, despite being fully aware that the relocation plan of the Poultry Market was yet to materialise, the Department still chose to put forward the Long-term Proposal based on the Government’s earlier Long-term Plan (i.e. developing housing projects at the original site after relocation of the Poultry Market). This decision was obviously not well-justified and TD’s action hard to understand.

11. Preparation work for the Long-term Proposal and the environmental impact assessment took as long as eight years. We appreciate that when traffic needs arise, spending time on making preparations is justifiable, that environmental impact assessment will take time, and that unforeseeable delay caused by litigations is also understandable. Yet, according to TD’s own assessments at that time, the original three-lane carriageway of Hing Wah Street could already meet the traffic needs up till 2031. Consequently, there should be no urgency to implement the Long-term Proposal. So why did TD still insist on pushing it ahead? It is questionable whether TD had made prudent assessment and given careful consideration when it put forward the Long-Term Proposal in 2006. The purpose behind submitting the Long-term Proposal at that time was also puzzling. In fact, the Government eventually substituted the Proposal with an alternative plan that required neither extra traffic lanes nor an acoustic shield. That alternative plan proved to be an adequate response to the residents’ requests to open the northbound traffic lanes of Hing Wah Street. In hindsight, TD’s pushing ahead of the Long-term Proposal that lacked justifications wasted eight years spent on the preparation work.

## ***(3) Effectiveness of Enclosing the Section Questionable***

12. TD explained that part of the widened road surface of Hing Wah Street between Hang Cheung Street and Fortune Street was enclosed lest an overly wide carriageway would attract rampant illegal parking, loading/unloading activities and the problem of fly-tipping, which could jeopardise the safety of motorists and pedestrians.

13. However, site inspections by our investigators found that there were no crossing facilities at the enclosed Section, so some pedestrians just jaywalked along the side of the concrete parapet fronting the traffic. Clearly, enclosing the Section in fact posed potential threats to the safety of pedestrians trying to cross the road.

14. On TD's claim that enclosing the road surface could prevent illegal fly-tipping, it was just common sense that enclosing road surface of such a large area and then leaving it idle for so many years would more likely achieve the opposite. Statistical information provided by the Highways Department confirmed that fly-tipping activities had indeed been found there.

15. Overall, TD's agreement to HD's enclosure of the Section failed to achieve the expected result. On the contrary, the safety of crossing pedestrians was jeopardised and fly-tipping activities were still found. TD also failed to proactively review the situation at the Section enclosed and consider how best to utilise the carriageway that had been constructed. From the perspective of transport planning and road use, TD's handling of the situation had been unsatisfactory.

## **Recommendations**

16. In the light of the above, The Ombudsman urges TD to:

- (1) closely monitor the development in the vicinity of Hing Wah Street, in particular the progress of implementing the Long-term Plan. It should also review regularly the need to implement the Long-term Proposal and make necessary adjustments to the local transport planning and road use arrangements where appropriate.
- (2) proactively exercise its role as the leading department in handling road development projects, and set its objectives for the long, medium and short terms with timetables for the long-term planning of related roads to facilitate regular monitoring of their progress.

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