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Highways Department Technical Circular No. 3/99

Design and Maintenance of Private Streets

This circular sets out the guidelines to alleviate future problems connected with private streets, including estate roads within Housing Vesting Order boundary.

2. The design and construction of private streets usually follow the standards given in the Building (Private Streets and Access Roads) Regulations which are fundamentally different from the Highways Department (HyD) Standards and the requirements in the Transport Planning & Design Manual (TPDM). The standards of private street layout/construction are generally lower than that of public roads. Moreover, private streets are often left in a dilapidated condition. If HyD is to take over these streets for maintenance, substantial improvement works will have to be carried out. Details of problems with private streets are appended in Annex A.

3. In order to alleviate future problems connected with private streets, the following shall be followed:

- (a) All internal streets including private elevated access road(s) and estate road(s), if known at the planning/land sale/land grant stage, shall be designed and constructed to HyD and TPDM Standards so that they can be taken over by government for maintenance if required. This could be done through Lands Department when the lease conditions are being processed by the District Lands Conference. Generally, the developer/HD shall be required to submit a master layout plan for the whole development and HyD shall offer the above comment upon the submission of the master layout plan. The bid for recurrent consequences shall have to be submitted to SE/P at least one year before taking over the internal streets for maintenance through Baseline-plus forecast of recurrent expenditures exercise being conducted in April each year.

- (b) When internal streets are built only to Building (Private Streets and Access Roads) Regulations standards, such as internal estate/service roads, emergency vehicular accesses, etc., then these streets shall be regulated by the developer/owner/HD by means of proper manned drop gates/barriers by the developer/owner/HD to deter illegal access and to allow proper management and control by the owner/HD themselves. To achieve this, it is suggested that a standard clause on barrier gates be included in all new lease conditions drafted by the Lands Department, as well as, any lease modifications for re-development sites.

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1. Background

- 1.1 In general, private streets refer to those internal streets within a development, say for example Hong Lok Yuen in Tai Po, serving exclusively the residents of a particular development rather than the general public. The design and construction of the private streets usually follow the standards given in the Building (Private Streets and Access Roads) Regulations which are fundamentally different from the Highways Department (HyD) Standards and the requirements in the Transport Planning & Design Manual (TPDM).
- 1.2 Not only do the standards of private street construction vary, being generally lower than that of public roads, the main problem in trying to take over a private street as a public road lies in its substandard layout and poor maintenance. For example, a private street calls only for a 5.5m wide carriageway while under the TPDM, a local road shall require a 7.3m wide carriageway.
- 1.3 Only for some major developments, such as Tai Koo Shing, a master layout plan is required to be submitted under the lease conditions. In such cases, we might have a chance to impose HyD Standards and TPDM's requirements on the proposed private streets.
- 1.4 Since the area occupied by the private streets are often countable in plot ratio calculations, any request for resumption of streets could lead to a reduction in gross floor area (GFA) and thus may not be acceptable to the owner/developer unless there is a bonus plot ratio granted to them or the status of the streets concerned has already been clearly spelt out and defined under the lease at the land grant stage.
- 1.5 Historically, the problems with private streets are associated with poor maintenance of road surface and underground services. The problem was further aggravated by poor estate management, leading also to illegal structures on and illegal occupation of footways and carriageways. The resulting poor environmental and unhygienic situation generate numerous complaints from residents.
- 1.6 Under delegated authority by the Building Authority (Director of Buildings), HyD and DSD are delegated with the responsibility to oversee the proper maintenance of the road and drainage of private streets and access roads under Sections 28 and 29 of the Buildings Ordinance respectively and to recover costs incurred under Section 33.

- 1.7 However, private streets are usually better maintained if vehicular access is prudently controlled, i.e. if a barrier gate is installed to prevent outsiders from entering the property. For example, the internal roads within Fairview Park in Yuen Long are well maintained while the private access road (belonging to the same developer) outside the barrier gate linking with the public road (Castle Peak Road) is in a dilapidated condition.

2. Problems with Housing Department

- 2.1 As regards estate roads within Housing Vesting Order boundary, they are usually designed and constructed according to the standards which are basically inferior to the HyD Standards and the TPDM's requirements. If HyD is to take over existing estate roads within Housing Vesting Order boundary for future maintenance, substantial improvement works will have to be carried out first by Housing Department (HD) and/or modification to the Housing Vesting Order boundary beforehand. Otherwise, HyD will be taking over sub-standard streets in these cases. In view of this, HyD often requests HD to follow HyD Standards for all estate roads whenever being consulted. In case that a estate road is a through road and is shown on the Town Plan, HyD would even recommend HD to hand over such an estate road to HyD for future maintenance at the land grant stage. If estate roads are to be taken over by HyD, it is important that their layouts are in accordance with TPDM's requirement, and that the demarcation of the area of responsibility is easily and clearly determined (e.g. at the back of footway).

3. Problems with Private Developments

- 3.1 For major private developments, the arrangement and requirement for HyD to take over the private streets would be very similar to that of the roads in HD sites as mentioned in para. 2 above.
- 3.2 Private streets are usually left in a dilapidated state because their status is often fragmental and is not obvious to the owners of the private developments. If a private street is accessible to all vehicles, then the owners concerned are less likely to take an interest in managing and/or maintaining the private street or some owners are even not aware of their maintenance responsibility. It is, therefore, important for all streets, which are to remain private, to be provided with some means of access control, e.g. a gate, a drop barrier, etc.