

Leisure and Cultural Services Department's handling of street sleepers gathered at a park Investigation Report

On 15 September 2022, the complainant lodged a complaint with this Office against the Leisure and Cultural Services Department ("LSCD").

The Complaint

2. Allegedly, a considerable area of a park under LCSD was being occupied by street sleepers, affecting the use of the park facilities by the public. The hygiene condition of the park was poor with urine, faeces, syringes and rodents spotted. The complainant alleged that LCSD failed to properly manage the park over the years and the problem persisted as a result.

Our Findings

3. Upon receipt of this complainant, The Ombudsman decided to launch a full investigation. On 27 September, we informed the Director of Leisure and Cultural Services as well as the complainant of the decision pursuant to Section 12(1) of The Ombudsman Ordinance and asked LCSD to provide information. Having considered its response of 2 November, we completed the investigation report. Our findings are as follows.

LCSD's Explanation

4. The park in question is a pleasure ground under LCSD's management. LCSD staff can invoke the Pleasure Grounds Regulation to prosecute, and evict, any user who causes nuisance to others. In fact, the street sleeper problem at the park went back many years. Recent observations by LCSD staff found that each night, about 60 street sleepers would sleep in the park, mostly around the octagonal pavilion near the pond. Some street sleepers would display their belongings in the park or even put up temporary structures, causing environmental hygiene problems and obstruction to passageways. Some street sleepers were suspected of drug abuse and would leave behind syringes.

5. LCSD had been tackling the street sleeper problem at the park on three fronts, namely environmental hygiene, order management and support services to the street sleepers. In addition to the two routine cleansing sessions every day and extra cleansing on Tuesdays and Saturdays, LCSD would arrange a special cleansing operation once every four months at the street sleepers' gathering spots. During the operation, the workers would cleanse the park's facilities, dispose of discarded syringes and collect unclaimed items of street sleepers. The LCSD cleansing

contractor would also conduct an anti-rodent exercise every week, and post notices and posters inside the park to remind users to keep the park clean.

6. As regards order management, LCSD has arranged for on-site staff at the park to inspect its facilities from time to time. Twelve security guards, two of whom had experience in law enforcement, had also been deployed to take turns to patrol around the park at least 20 times a day to strengthen management at the park. Should they find any one causing nuisance to other users, obstructing passageways or affecting environmental hygiene, the on-site staff would advise against the behaviour. Furthermore, LCSD may request the Police to step up patrol at the park where necessary; likewise, it would cooperate with the Police in anti-crime operations.

7. In respect of support services to street sleepers, LCSD had been in liaison with the local District Office, the Social Welfare Department, and local concern and care groups. They would advise the street sleepers to abide by the law and provide accommodation and financial support to the street sleepers so that they would be encouraged to stop street sleeping as soon as possible. Posters in different languages on counselling and drug treatment services had also been displayed in the park.

8. LCSD explained that street sleepers are a very complex and sensitive social issue which involves the powers and functions of various government bureaux and departments. The problem cannot be resolved by forced eviction executed by individual departments. If LCSD rashly evicts or prosecutes them, it may result in confrontation with the street sleepers and public disgust. In fact, while the Department had received a slew of complaints about street sleepers in the park causing problems relating to environmental hygiene and law and order, it had also received from various concern groups requests that LCSD refrain from evicting the street sleepers or removing their belongings by force. In this light, the Department had to consider and balance prudently the very different opinions of the community before taking any action.

Result of Our Site Inspections

9. On 17 November 2022, our officers conducted a site inspection at the park in question and found about 20 street sleepers gathered around the octagonal pavilion near the pond. The passageways of the pavilion were lined with their bedding, mattresses and miscellaneous articles such as stools and tables, but were not obstructed and the hygiene condition was acceptable. Later that day, LCSD staff conducted a cleansing operation at the gathering spots of the street sleepers, who were advised to move away their belongings before the operation. The staff also collected and made record of articles not looked after so that the owners could reclaim them later. Cleansing workers subsequently cleared away the rubbish thrown away by the street sleepers and washed the ground and facilities of the park.

Our Comments

10. We understand that the street sleeper problem in the park had sparked concerns about environmental hygiene and law and order (see **para. 4**), but we do agree that street sleepers are a complex social issue involving the powers and functions of various government bureaux and departments. Enforcement and removal actions by a single department cannot effectively resolve social issues. Opinions of different sectors of the society diverge on how the Government should treat street sleepers (see **para. 8**). In fact, every one has the right to use public parks. LCSD as the management department of parks has the role of maintaining order and environmental hygiene at the parks but not acting against street sleepers in particular.

11. Having scrutinised the relevant records, we are of the view that LCSD had discharged its duty according to its powers and functions in handling the issue of street sleepers gathered at the park, including providing them with assistance as far as possible and stepping up cleansing and inspection at the park, in a bid to minimise the impact on other users of the venue. The Department had endeavoured to discharge its management duties in a caring and reasonable manner. We, therefore, see no impropriety. We urge LCSD to continually review the effectiveness of the various measures and adjust the arrangements where needed.

Conclusion

12. Overall, The Ombudsman considers the complaint against LCSD **unsubstantiated**.

Office of The Ombudsman
December 2022

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