

立法會
Legislative Council

LC Paper No. CB(3) 233/08-09

Ref : CB(3)/M/MM
Tel : 2869 9205
Date : 12 December 2008
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 17 December 2008

**Proposed amendments to motion on
“Buying back the shares of The Link”**

Further to LC Paper No. CB(3) 207/08-09 issued on 4 December 2008, four Members (Hon CHAN Kam-lam, Hon Alan LEONG Kah-kit, Hon Vincent FANG Kang and Hon LEUNG Kwok-hung) have respectively given notice of their intention to move separate amendments to Dr Hon LEUNG Ka-lau’s motion on “Buying back the shares of The Link” scheduled for the Council meeting of 17 December 2008. As directed by the President, the respective proposed amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. To assist Members in debating the above motion and amendments, I set out below the procedure to be followed during the debate:

- (a) Dr Hon LEUNG Ka-lau moves his motion;
- (b) the President proposes the question on Dr Hon LEUNG Ka-lau’s motion, and orders a joint debate;
- (c) the President calls on the four Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon CHAN Kam-lam;
 - (ii) Hon Alan LEONG Kah-kit;

- (iii) Hon Vincent FANG Kang; and
- (iv) Hon LEUNG Kwok-hung;
- (d) the President calls upon the designated public officer(s) to speak;
- (e) joint debate on the motion and the amendments follows thereafter;
- (f) the President gives leave to Dr Hon LEUNG Ka-lau to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the four Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon CHAN Kam-lam to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon CHAN Kam-lam's amendment;
- (i) after Hon CHAN Kam-lam's amendment has been voted upon, the President deals with the other three amendments; and
- (j) after all amendments have been dealt with, the President calls upon Dr Hon LEUNG Ka-lau to reply. Thereafter, the President puts to vote the question on Dr Hon LEUNG Ka-lau's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Buying back the shares of The Link”
to be held at the Legislative Council meeting
of Wednesday, 17 December 2008**

1. Dr Hon LEUNG Ka-lau’s original motion

“That, The Link Real Estate Investment Trust (“The Link”), being the largest landlord of retail shops in Hong Kong, has a total of 11 000 tenants providing services of daily necessities to three million residents in public housing estates, yet since its listing, The Link has deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent; hence this Council urges the Government to balance the community interests at large in handling the issue of rental of public housing shopping arcades, and consider various possible means to buy back sufficient shares of The Link to become the major shareholder, so as to influence the management of The Link Management Limited to take into consideration its corporate social responsibility.”

2. Motion as amended by Hon CHAN Kam-lam

“That, The Link Real Estate Investment Trust (“The Link”), *listed in 2005 and* being the largest landlord of retail shops in Hong Kong, has a total of 11 000 tenants providing services of daily necessities to ~~three million residents in public housing estates~~ *all people in Hong Kong*, yet since its listing, The Link has ~~deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent;~~ *been increasing its rents, adding burden to shop tenants; and despite the impact of the financial tsunami on the economy of Hong Kong recently, The Link has not immediately lowered the rents in response to the market downturn, thereby making the operation of shop tenants more difficult,* hence this Council urges the Government to balance the community interests at large in handling the issue of rental of public housing shopping arcades, and consider various possible means to ~~buy back sufficient shares of The Link to become the major shareholder, so as to influence,~~ *such as proactively putting up specific requests to the management of The Link Management Limited or providing policy incentives, etc, to urge* the management of The Link Management Limited to ~~take into consideration~~ *respond to the demands of the community, which include:*

(a) *lowering the rents of shops and car parks, as well as safeguarding the rights of*

tenancy renewal of existing tenants, so as to tide over the difficult time with the shop tenants and the public;

- (b) establishing an effective communication channel for shop tenants to give their views, so as to improve the relationship between shop tenants and the management of The Link Management Limited;*
- (c) accelerating the improvement to the facilities of shopping arcades and stepping up publicity and promotion work to boost customer flows; and*
- (d) providing concessionary rents to more service organizations for renting shops in the shopping arcades of The Link,*

so as to fulfil its corporate social responsibility.”

Note: Hon CHAN Kam-lam’s amendment is marked in *bold and italic* type or with deletion line.

3. Motion as amended by Hon Alan LEONG Kah-kit

“That, *as* The Link Real Estate Investment Trust (“The Link”), being the largest landlord of retail shops in Hong Kong, has a total of 11 000 tenants providing services of daily necessities to three million residents in public housing estates, yet since its listing, The Link has *completely failed to discharge its corporate social responsibility and its operation has even* deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent; hence this Council urges the Government to ~~balance~~ *properly protect* the community interests at large in handling the issue of rental of public housing shopping arcades, and consider various possible means ~~to buy back sufficient~~, *including buying back all* shares of The Link to become the ~~major~~ *sole* shareholder, so as to ~~influence the management of The Link Management Limited to take into consideration its corporate social responsibility~~ *discharge the responsibilities stipulated in section 4 of the Housing Ordinance.”*

Note: Hon Alan LEONG Kah-kit’s amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Vincent FANG Kang

“That, *being listed by the authority in November 2005*, The Link Real Estate Investment Trust (“The Link”), ~~being~~ *has become* the largest landlord of retail shops

in Hong Kong, ~~has a total of~~ **with over** 11 000 tenants providing services of daily necessities to **almost** three million residents in public housing estates, yet since its listing, The Link has deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent; hence this Council urges the Government to balance the community interests at large in handling the issue of rental of public housing shopping arcades, and consider various possible means ~~to~~, **which include, in response to the substantial rental reduction and continual increase in vacancy rate of shops in the market resulting from the worsening business environment, as well as the current situation under which local consumption has been seriously struck by the financial tsunami and business turnover of shops has dropped drastically, proactively negotiating with The Link Management Limited about various rental reduction and rental freeze options, providing better ancillary facilities for existing shop tenants, and stepping up promotion to attract customer flows, with a view to helping shop tenants tide over the economic recession; and if so warranted, may even** buy back sufficient shares of The Link to become the major shareholder, so as to influence the management of The Link Management Limited to take into consideration its corporate social responsibility. ”

Note: Hon Vincent FANG Kang’s amendment is marked in **bold and italic** type or with deletion line.

5. Motion as amended by Hon LEUNG Kwok-hung

“That, The Link Real Estate Investment Trust (“The Link”), being the largest landlord of retail shops in Hong Kong, has a total of 11 000 tenants providing services of daily necessities to three million residents in public housing estates, yet since its listing, The Link has deviated from its original principle and philosophy and increased rents every year, causing great burden to the lower class and small shop tenants, and despite the increase in shop rentals by almost 30% in 2007 and the recent economic downturn in Hong Kong, The Link still increases rents against the market trend, thereby reducing room for survival of the grassroots and causing social discontent; **this Council expresses deep regret at the Government’s disregard for the interests of public housing residents, shop tenants and the general public at that time;** hence this Council urges the Government to balance the community interests at large in handling the issue of rental of public housing shopping arcades, and consider various possible means to buy back ~~sufficient~~ **no less than 25% of the** shares of The Link to become the major **or sole** shareholder, so as to influence the management of The Link Management Limited to take into consideration its corporate social responsibility.”

Note: Hon LEUNG Kwok-hung’s amendment is marked in **bold and italic** type or with deletion line.