

**立法會**  
**Legislative Council**

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**Panel on Food Safety and Environmental Hygiene**

**Information note prepared by the Legislative Council Secretariat  
for the special meeting on 18 December 2008**

**Hawker licence fee and public market stall rental waiver**

The issue of hawker licence fee and public market stall rental waiver has not been discussed by the Panel on Food Safety and Environmental Hygiene. However, the issue has been/is being discussed at meetings of the Council and by the Public Accounts Committee as follows -

- (a) an oral question on "hawker licence fee and market stall rental concession" was raised by Hon Vincent FANG Kang at the Council meeting on 26 November 2008. The wordings of the question and the Administration's replies are in **Appendix I**;
  - (b) a motion on "Formulating new policies on public and public housing estates markets" moved by Hon Tommy CHEUNG Yu-yan, as amended by Hon Fred LI Wah-ming, Hon WONG Yung-kan and Hon Alan LEONG Kah-kit, was carried at the Council meeting on 3 December 2008. The wordings of the motion and the Administration's replies (Chinese version only) are in **Appendix II**; and
  - (c) paragraphs 3.1 - 3.21 of Chapter 6 of Report No. 51 of the Director of Audit on the results of value for money audits on "Management of public markets" relating to market stall rentals and charges in **Appendix III**. The Public Accounts Committee of the Legislative Council is currently considering the Director of Audit's Report tabled at the Council meeting on 26 November 2008.
2. Members are also invited to note the press reports on rent concessions for commercial tenants of Housing Authority in **Appendix IV**.

**Replies to LegCo questions**

**LCQ4: Hawker licence fee and market stall rental concession**

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Following is a question by the Hon Vincent Fang Kang and a reply by the Secretary for Food and Health, Dr York Chow, in the Legislative Council today (November 26):

**Question:**

Being struck by the financial tsunami, the economy is in a downturn and the confidence of consumers is declining, coupled with an increasing number of unlicensed hawkers, small shop tenants and licensed hawkers are operating with greater difficulties. Will the Government inform this Council, in order to assist them in reducing operating difficulties:

(a) whether the Government will, by following the measure of waiving business registration fee for this year as announced in the 2008-09 Budget, immediately waive the hawker licence fee for fixed-pitch hawkers and itinerant hawkers for one year, so as to alleviate their burden; and

(b) as the rentals for Cheung Sha Wan and Western Wholesale Food Markets under the Agriculture, Fisheries and Conservation Department this year have risen, whether it will waive the rentals for one quarter for wholesale food markets under the Department and those for public markets and shopping malls under the Government, or lower such rentals immediately, and in respect of wholesale food markets which are required to pay commission according to their sales turnover, cease to collect commission for one quarter, so as to reduce the operating costs of small shop tenants and lower food prices, as well as take the lead in lowering shop rentals; if it will not, of the reasons for that?

**Reply:**

President,

(a) The main purposes of business registration are to provide the Inland Revenue Department with information on businesses for it to create tax files and to enable the public to obtain information on businesses for reference. It is applicable to all businesses and does not aim at regulating individual types of business. Nevertheless, the purpose of hawker licensing is to regulate hawking activities. The nature of a hawker licence is similar to that of a licence or permit for certain types of business, such as karaoke establishment permit, restaurant licence and amusement game centre licence.

As such, the hawker licence fee should not be compared to the business registration fee.

On the other hand, the hawker licence fee falls under the category of fees charged under the "user pays" principle, i.e. the Government recovers full costs from users for the provision of goods and services or implementation of regulatory schemes. There has been no adjustment to the hawker licence fee since 1998 and the Government is currently unable to achieve full-cost recovery for licensing. Further licence fee concessions, if any, will mean more subsidy by the Government, which is in contrary to the "user pays" principle. Hence, the Government has currently no plan to waive hawker licence fee.

(b) The rentals for government wholesale food markets have all along been determined on a cost recovery basis. The costing review completed in 2008 shows an increase in the overall costs for both the Cheung Sha Wan and Western Wholesale Food Markets. Hence,

starting from June 2008, the rentals for both markets have been adjusted upward by 11.4% under the established mechanism. However, taking into account the operating environment of the trade, the Government has announced earlier in July a two-month waiver of rentals for government wholesale food markets. In fact, the rentals for both the Cheung Sha Wan and Western Wholesale Food Markets have dropped by about 35% since 1999. As such, even after an increase of 11.4%, the rental level is still slightly lower than the level in 2002-03.

Currently, the overall rental policy for public markets, shopping malls and shops owned by the Government is to charge tenants according to the open market rental (OMR). The rentals of public markets are normally set according to the open auction prices. The upset auction prices of market stalls are determined with reference to the OMR as assessed by the Rating and Valuation Department (RVD). In assessing the rental value of market stalls, the RVD takes into full account the general economic situation of Hong Kong, the actual conditions of individual markets and other relevant factors. In fact, the rentals of public market stalls under the FEHD have been frozen since the rental reduction of 30% in 1998. Earlier in May this year, the Government has announced the extension of the rental freeze to June 30, 2009. Besides, as a result of the past resiting exercises of hawkers or displaced market stallholders, many tenants are paying rentals far lower than the OMR. Generally speaking, the current market stall rentals are prevalently lower than open market level.

For the above reasons, the Government has no plan to waive the rentals of wholesale and public market.

As for the wholesale food markets which are required to pay commission according to the sales turnover, there are the vegetable and fish wholesale markets under the Vegetable Marketing Organisation (VMO) and the Fish Market Organisation (FMO). Both the VMO and FMO are independent and non-profit making statutory organisations operating on commercial and self-financing basis without government subsidies. At present, the VMO collects no more than 10% of the total turnover from wholesalers as fees for the services provided, and no fees are required from purchasers. The FMO also collects 7% of the purchase prices of marine fish or \$5 per 15 catties of marine fish from wholesalers as fees.

Such fees are the main source of funding for the VMO and FMO. Any surplus generated will be allocated for the purpose of facilitating the sustainable development of local agriculture and fisheries trade, including establishment of loan funds and scholarship schemes, to provide the trade with low-interest loans, training subsidies and scholarships. They have to balance their books and must not operate on a loss-making basis. If the business of individual wholesalers is affected by external factors, resulting in a drop of wholesale price, the percentage-based fees actually collected by the VMO and FMO will also decrease correspondingly. Therefore, the existing commission system has taken into adequate account any possible volatility of business in the trade. The commission waiver, if introduced, will severely affect the finance and operation of the VMO and FMO, as well as the quality of support services provided for the trade. Given the above considerations, the Government has currently no plan to waive the commission for one quarter.

The Government will keep in view the business environment and economic development.

Thank you, Mr. President.

Ends/Wednesday, November 26, 2008

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(Translation)

**Motion on  
“Formulating new policies on public and public housing estate markets”  
moved by Hon Tommy CHEUNG Yu-yan  
at the Legislative Council meeting  
of Wednesday, 3 December 2008**

**Motion as amended by Hon Fred LI Wah-ming, Hon WONG Yung-kan and  
Hon Alan LEONG Kah-kit**

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“That public markets perform the major function of supplying daily necessities to the public, yet the Administration’s approach in planning and managing public and public housing estate markets is very outdated, hence all along it is unable to boost customer flows effectively, and has even resulted in serious vacancy situation in some public and public housing estate markets, this Council urges the Administration to immediately formulate policies on public and public housing estate markets which meet the needs of a modern society, and particularly in view of the recent economic downturn and the worsening trend of the unemployment rate, it is necessary for the Administration to expeditiously enhance the competitiveness of public and public housing estate markets, and assist small traders in these markets in countering monopolization by supermarkets, so as to benefit the grassroots; the measures include:

- (a) prior to the building of new public markets in the future, having to take into account the factor of whether the lack of public markets in the districts concerned may lead to monopolization by supermarkets;
- (b) actively allocating resources to improve the business environment of markets, such as installing additional air-conditioning systems and escalators, improving the drainage design, etc, thereby facilitating the business operation of stall tenants and boosting customer flows to bring about long-term return;
- (c) analyzing in depth, from a market perspective, the needs of the districts to which the markets belong, and planning afresh the sizes of individual markets and installs, and types of commodities sold, layout of stalls and ancillary measures of individual markets;

- (d) adopting proactive letting policies, such as offering short-term rent concessions to improve the situation of low occupancy and striving to assist traders in the markets in introducing new types of commodities or services, so as to inject new elements into the markets and bring into play their characteristics of trade mix; and
- (e) appropriately relaxing the tenancy conditions of market stalls so as to facilitate business operations as far as possible and enable traders to provide unique value-added services, thereby enhancing the attractiveness of the markets; and
- (f) during times of economic downturn, reducing the rents of public and public housing estate markets by half for a period of one year, so as to relieve the operating difficulties of small traders;
- (g) according priority to small shop operators who are affected by the rent increases of The Link Management Limited and are unable to continue their business to rent public and public housing estate markets at concessionary rent; and
- (h) developing public and public housing estate markets into markets for organic agricultural produce, thereby providing room for the marketing of organic farm products.”

## 新聞公報

簡體版 | 寄給朋友 | 政府新聞網

立法會：食物及衛生局局長就「制訂公眾及公屋街市新政策」動議辯論總結發言全文（只有中文）

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以下為食物及衛生局局長周一嶽今日（十二月三日）在立法會就「制訂公眾及公屋街市新政策」動議辯論的總結發言全文（只有中文）：

主席：

首先，我要感謝所有參與討論的議員，對公營街市政策和管理的關注，以及他們提出各項改善街市設施和管理的建議。政府食物及衛生局和運輸及房屋局，連同食環署和房屋署，會積極研究和跟進各項建議。

街市是市民購買新鮮糧食的主要途徑之一。街市出售的鮮活食物，最常見的水果、菜蔬、鮮肉和海鮮等，種類繁多、價廉物美，並且由於街市存貨量不多、貨品流轉迅速，所以出售的貨品特別新鮮。很多市民特別鍾愛逛街市，因為不少檔主與他們多年來建立了「街坊鄰里」的感情。此外，街市亦有售賣一些在超級市場和大型連鎖店所沒有的貨品，特別是傳統貨品，好像海味雜貨、衣服、布匹和一些家居用品，甚至有元寶蠟燭，為市民提供更多有特色的選擇。在自由市場的原則下，街市、小販、不同類型的新鮮糧食店，以及超市都各自競爭、各有不同的定位，照顧市民不同購物的需要。

前市政局在一九五〇年代開始興建公眾街市，其目的是滿足社區需要，並用以遷置小販，避免他們在街上擺賣而造成滋擾，阻礙行人及交通，或引起環境衛生的問題。食環署在二〇〇〇年成立後，接管了管理公眾街市的職責。現時，食環署管理共80個公眾街市。至於房屋委員會（房委會）方面，房委會興建屋邨街市的目的是滿足屋邨內居民購物的需要。他們現時管轄共19個屋邨街市。

政府的街市政策主要有兩方面。第一，我們會留意公營街市的供應是否足夠，而盡量滿足市民的整體需求。第二，我們會在合理運用公共資源的前提下，致力改善街市設施，為街市商戶締造良好和清潔衛生的營商環境。

配合香港人生活習慣的改變和市場的發展，我們認為有需要檢討公眾街市供應的政策。上個月，食衛局和食環署就向立法會食物安全及環境衛生事務委員會匯報公眾街市供應政策檢討的結果。檢討更新了過去多年一直沿用依據區內人口總數和檔位比例，以及需要遷置的小販數目，作為興建公眾街市的規劃標準及準則。新準則將會更具彈性，包括除了人口和小販數目外的其他因素，例如：人口組合、社區需要、附近公營及私營街市設施的供應、新鮮糧食零售點的數目和分布，以及區內居民對於保留小販區的意願等，以決定是否興建公眾街市，確保更妥善運用資源。同時，檢討亦就有經營困難的公眾街市訂出評估準則，又就四個有經營困難的街市作深入研究，探討改善空置率和關閉的可行性。

在改善公營街市環境方面，正如我剛才所說，政府樂意在合理運用公共資源的前提下，進行街市改善工程。過去三年，食環署平均每年投放在公眾街市改善工程的開支超過一億五千萬元。在這個財政年度，會有17個

公眾街市繼續或將會開展工程，涉及二億五千萬元。這些街市改善工程一般包括提升消防設備、更換牆／地磚、改善排水、通風系統及照明設備、翻新天花和廁所等。這些改善工程，改善了街市商戶的營商環境，增強了街市的吸引力，亦有助提升街市的出租率。

我們亦需要合理和妥善運用公帑。否則，政府便要繼續加大補貼街市的營運。有些議員提議為公營街市增加裝置空調系統。在過去的經驗和評估顯示，為公眾街市加裝空調是非常昂貴的工程，視乎街市大小和建築上的限制，每一項街市加裝工程可能涉及數以千萬元計，而為已落成的公眾或屋邨街市安裝空調系統的工程費用是由政府或房委會支付，亦涉及公帑運用。此外，電費及維修費等經常費用須由租戶承擔；在施工期間也需要租戶充分合作，例如或要分批暫停營業以配合工程，因此，公眾或屋邨街市能夠安裝空調系統，除了是因為技術上可行之外，亦是因為得到街市大部分租戶支持，並同意支付經常開支。事實上，各界對公眾街市應否加裝空調系統，亦有不同意見。有意見認為加裝空調系統能提高街市的吸引力；但亦有商戶認為這會增加他們經營的成本。以往立法會在考慮是否撥款為公眾街市及熟食中心加裝空調系統時，也有不同的意見，未有共識。剛才劉秀成議員提出一個建築街市的新概念，是值得我們考慮的。

運輸及房屋局表示，為配合屋邨居民購物習慣的改變，房委會近年已積極重新規劃部分舊街市，以確保在規模、行業組合及配套設施各方面均能配合居民的需要。一般而言，房委會在徵詢現有檔戶的意見後，會把分散出租的檔位重新編排，集中經營，以增加購物氣氛，加強屋邨街市的競爭力。食環署亦已為各公眾街市成立了公眾街市管理諮詢委員會，成員包括街市檔戶代表、區議員、街市潔淨承辦商和食環署職員，就街市管理涉及的問題定期交流意見，也共同探討街市的營運和改善建議。由於每個公眾街市都有其獨特的歷史背景，而個別地區對公眾街市的需求也不盡相同，公眾街市的空置檔位如何更好利用，貨物類別和空間設計也應盡量符合地區需要。因此，食環署會在明年初進行顧客意見調查，針對個別街市，了解市民需要，從而共建更切合地區需要的公共街市設施。我們亦會與區議會密切聯繫，聽取議員的意見和鼓勵他們參與這些改善計劃。

議員的發言中亦不乏具創意的建議，好像王國興議員提出的兒童託管服務及協助檔位安裝八達通，梁家傑議員提出設立有機農產品專區，以及陳鑑林議員提出一些管理的新猷等。我們相信除了這些建議外，不同社區對於如何加強街市的生命力，亦有多種看法，食環署計劃於明年舉辦集思會，邀請各區議會轄下的相關委員會和分區委員會，集中資源，就改善街市營運，共策良方。

張宇人議員提出，以短期租金優惠方式出租街市檔位。房委會亦已引入了彈性的檔位租賃方式，有1至12個月不等的租用期，以配合有興趣創業人士的需要。事實上，食環署亦正積極研究短期租約，以及利用空置檔位引進其他行業如麵包舖、傳統小食、糖水和甜品店等的可行性，並正物色適合的街市推行試驗計劃。我們希望透過擴展公眾街市的大眾化和多元化服務，能提升街市出租率之餘，亦能提供創業機會。但在推出前，我們亦需要得到該街市的現有租戶的支持，也要配合街市的整體營運。

事實上，為吸引有興趣人士競投部分空置的檔位，食環署在二〇〇四年在九個街市試驗以低於市值租金出租一些長期空置的檔位。截至二〇〇八年十月，有584個檔位成功在這計劃下租出。明年二月開始，食環署會擴大這計劃至全港80個公眾街市，以「先八後六」的折扣方式出租空置檔位。如檔位持續空置半年，會先以市值租金八折作底價推出競投；如檔位持續空置八個月或以上，會以市值租金六折作底價推出競投。另外，食環署會繼續把選定的空置小型攤檔合併為較大的檔位，以吸引租戶租用。



至於租用條件，食環署會不時檢討，並作適當的放寬，以方便營商。例如：隨着市民對冰鮮及冷藏肉類的需求增加，食環署已容許鮮肉租戶申請轉售冰鮮或冷藏肉類。在屋邨街市方面，房委會歡迎投標者在投標前提出經營行業建議，或在續約時，申請擴闊業務範圍，以配合檔戶的營商策略。食環署和房委會會繼續在街市的租賃上，提供具彈性、簡單而清晰的條件，為商販提供良好的營商環境。

主席，王國興議員在修訂案中提出的兩項措施和食環署街市的租金有關。黃容根議員亦建議寬減公營街市的租金。上星期，在回應方剛議員的口頭質詢時，我已說過食環署公眾街市釐訂租金的機制。今天，請容許我再解釋一次。

現時，政府對公眾街市及政府轄下出租商場或商舖的整體政策是向租戶收取市值租金。公眾街市的租金，一般是根據公開競投的成交價格而釐定。街市攤檔的競投底價參照差餉物業估價署評估的市值租金。差餉物業估價署在評估街市攤檔的租值時，會依據香港的整體情況、及個別街市的實際環境、與相關因素作出充分考慮。事實上，由於以往興建公眾街市的主要目的之一，在於遷置街上的小販。當局因此提供特惠租金安排，吸引小販遷入街市，即在搬入街市的首三年小販遷置戶只繳交與小販牌費相若的租金，即每月約100元左右，而非市值租金；受遷置街市計劃影響的檔戶在競投檔位時，以市值租金的75%作底價競投。再加上公眾街市攤檔的租金於一九九八年被兩個前臨時市政局下調30%後，一直被凍結至今，已有十年之久。政府早前於五月宣布延長租金凍結期至二〇〇九年六月三十日。故此，有不少租戶所繳付的租金遠低於市值租金。審計署署長上星期發表的報告指出，約85%的公眾街市檔戶繳付的租金為市值租金以下；48%的檔位租戶繳付的租金為市值租金的60%或以下。由於租金是低於市值租金，因此政府需要作出一定的補貼。在二〇〇七至〇八財政年度，食環署在營運街市便補貼了1.6億元。雖然署方已採取不同的措施節省成本，但要是租金不加反減，利用公帑補貼公眾街市的情況將會更加嚴重。審計署署長指出，租金低於市值，亦間接製造誘因給一些檔戶違規分租檔位給他人圖利。他也建議當局在切實可行的情況下，盡快提出適當和劃一的租金調整機制，以供立法會事務委員會考慮。

我們亦要清楚明白，收回市值租金對減少政府補貼有直接的關係。問題的核心是我們收回市值租金的步伐應走得快，這個問題亦需要有社會的共識。自二〇〇〇年以來，在每次凍租期差不多完結前，政府當局先後收到不下30次社會各界要求減租、凍租或豁免租金的意見。二〇〇一年，我們曾向立法會事務委員會，提出一套租金調整機制，建議逐步提升公眾街市租金至市值租金水平。鑑於當時的經濟環境，立法會認為並非增加檔位租金的適當時候；並認為當局應考慮調低檔位租金。明白到當前經濟情況，任何調整方案，對商戶均有一定的影響，加租亦可能導致部分檔戶退租，令空置率甚至虧蝕上升。現時香港的經濟情況，亦會與當年相似，我們會考慮不同的租金調整方案，平衡利弊，和對不同類型檔戶的影響，與立法會和其他相關持份者討論。

王國興議員的另一項建議措施，是針對同一公眾街市內，相若檔位租金的差異。王議員所提出的應該是由於以往兩個市政局的特惠租金政策和減租方案以及多年來的公眾街市凍租，令有部分舊租戶所繳付的租金比一些現時經過商業考慮以市值租金租賃公眾街市檔位的商販為低的情況。他建議減低貴租租戶的租金以解決「租金懸殊」的情況。正如我剛才所說，政府已長期補貼公眾街市的營運，王議員的方案是否符合大眾的利益，值得商榷。



審計署和議員亦關注到公眾街市檔位分租的情況，我要強調，按照食環署與租戶訂定的租約條款，是不容許分租情況，一旦被證實違反條款者，署方會終止其租約。在過去三年，署方曾就82宗懷疑分租攤檔作出調查，成功舉證五宗個案，並終止攤檔租約。食環署現正積極跟進懷疑個案，並會加強行動，採取措施防止分租，包括利用約滿而要重新訂立新租約的機會，核實租戶是否自行經營檔位以及檢討現行內部守則和租約，以堵塞漏洞。

主席，公營街市服務普羅市民，亦是不少小商販賴以維生的地方。他們有不少是長者，或者是較為低技術的勞工，所以任何的 policy 或措施重大的轉變，必須要顧及現行租戶的生計、轉行的困難和適應的能力，以及普遍市民的意見。與此同時，公眾街市亦要配合地區的發展，與時並進。而且確，部分公眾街市經營已超過半個世紀，期間，香港社會和市民的生活模式有了明顯的變化。一些街市確實存在結構性問題。對於一些因時代或社區環境的轉變而失去功能的公眾街市，我們認為應予以關閉，以更有效運用公共資源和騰空土地，提升土地的使用效益。至於其他應該繼續經營的公眾街市，政府一定會與社區人士及租戶同心協力，集中資源，使街市繼續發揮功能，服務社區。

我們亦會積極跟進審計署署長報告所作的建議和各議員今日所提的意見。

多謝主席。

完

2008年12月3日（星期三）  
香港時間21時49分

### **PART 3: MARKET STALL RENTALS AND CHARGES**

3.1 This PART examines the FEHD's administration of market stall rentals and charges.

#### **Current market stall rentals**

3.2 In May 2008, the FHB and the FEHD informed the LegCo Panel that:

- (a) according to a recent survey conducted by the Rating and Valuation Department (RVD), about 15% of stall tenants were paying full Open Market Rental (OMR — Note 8); and
- (b) the average rental paid by tenants was about 60% of the OMR.

Audit has analysed the rentals paid by stall tenants and the results are shown in Table 3. An analysis of the rentals paid by stall tenants as compared with the OMR is also provided in Figure 1.

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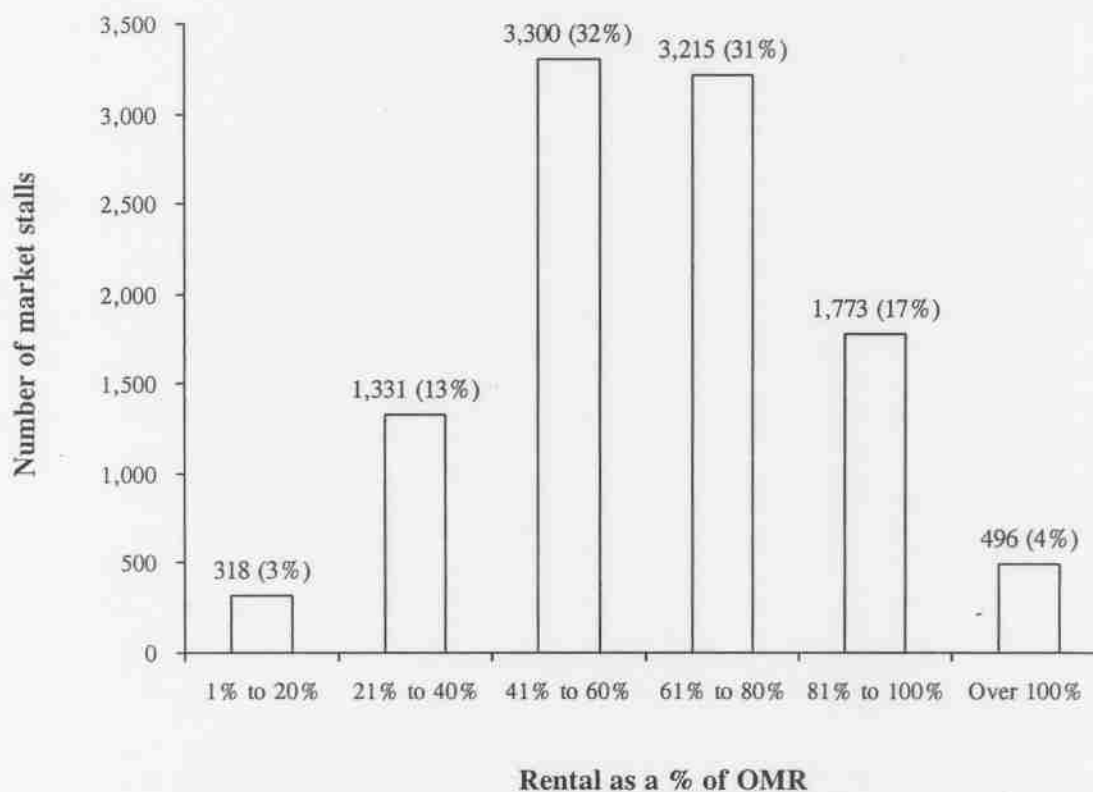
**Note 8:** *OMR is a reference provided by the RVD for use in rental assessment. It is based on various factors, such as the latest bid price for a similar stall in the same market, the different rating factors attributed to the unique features of the stall (such as its proximity to escalators), and customer flow.*

**Table 3**  
**Market stall rentals**  
**(30 June 2008)**

Monthly rentals	Market stalls	
	Number	Percentage
\$500 and below	861	8%
\$501 to \$1,000	1,911	17%
\$1,001 to \$2,000	3,678	32%
\$2,001 to \$3,000	1,848	16%
\$3,001 to \$4,000	944	8%
\$4,001 to \$5,000	709	6%
\$5,001 to \$6,000	522	5%
\$6,001 to \$7,000	336	3%
\$7,001 to \$8,000	183	2%
\$8,001 to \$9,000	117	1%
Over \$9,000	281	2%
<b>Total</b>	<b>11,390</b>	<b>100%</b>

*Source: FEHD records and Audit analysis*

**Figure 1**  
**Comparison of stall rental with OMR**  
**(30 June 2008)**



*Source:* FEHD records and Audit analysis

*Remarks:* A total of 10,433 (92% of 11,390) stalls were analysed. For 957 stalls, the FEHD could not readily provide Audit with their OMR information.

3.3 Figure 1 shows that stall rentals were generally far below the OMR. In particular, 48% (3% + 13% + 32%) of the stall tenants were paying 60% or less of the OMR, including 318 stall tenants (3%) who were paying rentals at 20% or less. Audit found that in some 150 cases, stall tenants were paying rentals at only 1% to 5% of the OMR. Two examples (with rentals at less than 2% of the OMR) are shown below:

### Case 1: Ngau Tau Kok Market (Kwun Tong, Kowloon)

One stall tenant has rented a market stall for sale of wet goods since 1996. As at September 2008, she was paying rentals of \$112 per month, which was **less than 1%** of the OMR of \$11,900.

### Case 2: Tai Shing Street Market (Wong Tai Sin, Kowloon)

One stall tenant has rented a market stall for sale of wet goods since 1998. As at September 2008, she was paying rentals of \$128 per month, which was only **1.4%** of the OMR of \$9,000.

Source: FEHD records

### Reasons for the lower-than-market rentals

3.4 Rentals for most market stalls were below OMR because of the following reasons:

- (a) *Concessionary rentals for ex-licensed itinerant hawkers.* To encourage licensed itinerant hawkers to surrender their licences and move into public markets in line with the resiting objective, the hawkers have been allowed to rent public market stalls at a concessionary price. Under the licence surrender scheme (see para. 2.13(a)), such licensed hawkers who voluntarily surrender their licences may choose to continue their business in public markets. For those who take this option, **the annual rentals for their first tenancies (usually three years) are equivalent to the annual hawker licence fees (which are on average about 6% to 7% of the OMR) for small stalls, and 50% of the OMR for large stalls;**
- (b) *Concessionary rentals for old market ex-tenants and ex-licensed fixed-pitch hawkers.* When stall tenants of an old market or licensed fixed-pitch hawkers are to be resited to a new market, they are allowed to bid for stalls in the new market through a restricted auction at a lower upset price (which is normally set at 75% of the OMR);

- (c) *Different rental adjustment mechanisms upon tenancy renewal.* Although both the former Provisional UC and Provisional RC used OMR as the basis for assessment of renewal rentals, they adopted different rental adjustment mechanisms when renewing stall tenancies with rentals below the OMR. For stalls under the former Provisional UC, rental adjustment was made with reference to the difference between the contractual rental (i.e. the last rental specified in the tenancy agreement) and the prevailing OMR. The increase in renewal rental would be capped by the prevailing increase in consumer price index plus a pre-set percentage. The Provisional RC did not have a similar cap and would increase the renewal rentals gradually by phases to achieve a certain pre-set percentage of the OMR;
- (d) *1998 rental reduction and subsequent rental freezes.* In 1998, owing to the poor economic climate, the rentals of all public market stalls were reduced across-the-board by 30%. Since 1999, market stall rentals have been frozen 9 times at the reduced level, with the current rental freeze period due to expire on 30 June 2009. As a result, stall rentals for former licensed hawkers and market tenants have remained substantially below the OMR. Cases 1 and 2 in paragraph 3.3 are typical examples; and
- (e) *Reduced rentals for long-standing vacant stalls.* To attract potential tenants, since August 2003, the FEHD has also instituted the measure of lowering the upset auction prices of long-standing vacant stalls in selected markets.

### Consequences of lower-than-market rentals

3.5 *Big deficits even for vibrant markets.* The FEHD incurred a deficit of \$160 million for 2007-08 (see para. 2.2). In May 2008, the FHB and the FEHD advised the LegCo Panel that some very vibrant public markets with high patronage also showed big deficits. In response to an enquiry from LegCo Panel Members about this, in July 2008, the Secretary for Food and Health said that:

- (a) these markets had incurred big deficits because of low stall rentals. For example, in four markets (namely the Pei Ho Street Market, the Ap Lei Chau Market, the Sai Ying Pun Market and the Smithfield Market), the percentage of stall tenants paying rentals below 50% of the OMR was 92%, 90%, 85% and 72% respectively; and
- (b) other factors leading to the deficit included the inability to fully recover the air-conditioning cost from stall tenants (see para. 3.19), and the actual number of vacant stalls in some of the bigger markets.



3.6 *Disparity in rentals for similar stalls.* Some stall tenants were paying extremely low rentals whereas others renting similar stalls through open auctions were paying higher rentals (see examples in Table 4). This arrangement might have discouraged traders to rent market stalls for business. The low rentals of some stalls might also increase the risk of stall subletting for financial gains (see para. 4.7(a)). The example at Appendix F is a case in point.

**Table 4**  
**Examples of disparity in rentals for similar market stalls**  
**(30 June 2008)**

Public market	Stall	Trading commodity	Rental (Note)
Ngau Tau Kok Market	Stall 1	Dry goods	\$3,900
	Stall 2		\$128
Sai Wan Ho Market	Stall 3	Dry goods	\$1,202
	Stall 4		\$119
Smithfield Market	Stall 5	Food-related wet goods	\$2,000
	Stall 6		\$112
Tai Shing Street Market	Stall 7	Food-related dry goods	\$3,500
	Stall 8		\$128
To Kwa Wan Market	Stall 9	Fish	\$11,000
	Stall 10		\$2,961
Yan Oi Market	Stall 11	Fish	\$15,000
	Stall 12		\$4,812

Source: FEHD records

Note: The OMRs for individual stalls in each pair were about the same.

3.7 *Stalls not in active business.* The low rentals might also be a reason for some stall tenants renting the stalls for purposes other than running an active retail business. Some might have used the stalls for storage and carried on business in places outside the markets (e.g. the Shau Kei Wan Market — see Appendix B). Others might have used the stalls mainly for bulk sale (e.g. the Kwun Chung Market).

## **Audit observations and recommendation**

### *Need to devise Government's market rental adjustment mechanism*

3.8 In January 2000 when the FEHD was established, the Administration undertook to review and align the different market rental adjustment mechanisms of the Provisional UC and Provisional RC (see para. 3.4(c)) within two years. In July 2000, the FEHD set up an inter-departmental working group to conduct the review. In May 2001, the Administration reported to the LegCo Panel that the letting and operation of market stalls were basically commercial activities and, as a general principle, rental should be set at the OMR. However, since stall rental was at that time significantly below the OMR, the working group considered it desirable to raise the rental to the OMR gradually by phases to minimise the impact on stall tenants.

3.9 The rental adjustment mechanism proposed by the working group was not put into operation as LegCo Panel Members' discussion held in October 2001 concluded that:

- (a) it was not opportune to increase stall rental in view of the then economic downturn and the poor business after the 11 September incident;
- (b) the Administration should consider reducing the stall rental to help stall tenants tide over difficult times; and
- (c) the Administration should take active steps to enhance the business environment of the existing markets to improve their competitiveness, such as providing air-conditioning for market stalls.

3.10 Since 2001, market stall rentals have continued to be frozen with the rental freeze period due to expire on 30 June 2009. However, up to September 2008, the Administration had not brought up any rental adjustment mechanism for the LegCo Panel's consideration. There is a need to devise a suitable and aligned rental adjustment mechanism to deal with stall tenancy renewal cases when they fall due on or after 30 June 2009 (the expiry date of the rental freeze period).

*Audit recommendation*

3.11 Audit has *recommended* that the Secretary for Food and Health and the Director of Food and Environmental Hygiene should put up for the LegCo Panel's consideration as soon as practicable a suitable and aligned rental adjustment mechanism.

**Response from the Administration**

3.12 The Secretary for Food and Health and the Director of Food and Environmental Hygiene agree with the audit recommendation. They have said that the FHB and the FEHD are reviewing the existing market rental adjustment mechanism and will present findings to the LegCo Panel once ready.

**Rates paid on behalf of stall tenants**

3.13 The stall tenancy agreements stipulate that stall tenants are responsible for payment of rates in respect of the stalls. Since 2000, the FEHD has paid rates on behalf of the stall tenants of public markets to the RVD (Note 9). However, the FEHD had not recovered from the stall tenants the rates paid on their behalf.

**Audit observations and recommendation**

3.14 Audit understood that the FEHD adopted the same practice as the Provisional UC and Provisional RC of not recovering rates from the stall tenants. However, such practice is not in accordance with the provisions of the stall tenancy agreements.

*Audit recommendation*

3.15 Audit has *recommended* that the Director of Food and Environmental Hygiene should consult the Secretary for Food and Health and the Secretary for Financial Services and the Treasury on the recovery or the waiver of rates paid for stall tenants in the past years and the future arrangements for rates payment by the stall tenants.

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**Note 9:** For the three years 2005-06 to 2007-08, the FEHD had made rates payments of \$67.8 million, with an average of \$22.6 million a year. According to the FEHD:

- (a) such rates payments covered both market stalls as well as market offices and other common areas (such as passageways and loading bay); and
- (b) the rates for the stalls should be borne by the tenants whereas those for the market offices and common areas should be borne by the FEHD.

## Response from the Administration

3.16 The **Director of Food and Environmental Hygiene** agrees with the audit recommendation and will seek advice from the Department of Justice, the Financial Services and the Treasury Bureau (FSTB) and the RVD on its implementation.

## Recovery of air-conditioning cost

3.17 As at June 2008, 31 (30% of the total of 104) public markets were air-conditioned. In 2000, the Administration informed a LegCo Subcommittee (Note 10) that whilst the Government was responsible for the capital costs for installing the air-conditioning system in public markets, the recurrent costs would be borne by stall tenants.

3.18 Based on the result of a review of air-conditioning charges for public markets conducted in June 2008 by the FEHD, Audit noted that of the estimated air-conditioning cost of about \$53 million a year, only \$34 million had been recovered from stall tenants. Taking into account \$8 million being the apportioned air-conditioning cost for vacant stalls, which should be borne by the FEHD, there was a balance of some \$11 (53 – 34 – 8) million a year which had not been recovered.

## Audit observations and recommendations

3.19 Audit found that air-conditioning cost of some \$11 million a year had not been recovered due to the following reasons:

- (a) *No revision of the air-conditioning charges during rental freeze period (\$8 million).* For 16 air-conditioned markets with the air-conditioning charges subsumed under the stall rentals, the air-conditioning charges have not been revised throughout the rental freeze period since 1999 (see para. 3.4(d)). For another 11 air-conditioned markets with separate charging of air-conditioning charges, the FEHD's practice is to revise the air-conditioning charges upon tenancy renewal. However, most of the tenancy agreements were extended instead of renewed during the rental freeze period (see para. 4.8(c)). As a result, the air-conditioning charges for most of the tenancies had not been revised; and

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**Note 10:** *The Subcommittee was set up under the House Committee of LegCo to follow up on the outstanding capital works projects of the former Provisional UC and Provisional RC.*

- (b) *Exemption from paying air-conditioning charges for three retrofitted markets (\$3 million).* In 2000, three public markets (namely the Sha Tin Market, the Yan Oi Market and the Tai Kiu Market) had their air-conditioning retrofitting works completed. In line with the Provisional RC's decision of exempting tenants from paying air-conditioning charges until tenancy renewal and given that there had not been any tenancy renewal since 2000, the FEHD had hitherto not levied on existing stall tenants (except new tenants) any air-conditioning charges.

#### *Audit recommendations*

3.20 Audit has *recommended* that the Director of Food and Environmental Hygiene should, in consultation with the Secretary for Food and Health and the Secretary for Financial Services and the Treasury, work out an appropriate arrangement for the recovery of air-conditioning cost from stall tenants in the long term. This may include:

- (a) separating the air-conditioning charges from the stall rentals (if not yet separated); and
- (b) revising the tenancy conditions to allow for annual revision of the air-conditioning charges (instead of allowing revisions only on tenancy renewal).

#### **Response from the Administration**

3.21 The Director of Food and Environmental Hygiene agrees with the audit recommendations. He has said that:

- (a) air-conditioning charges, separated from stall rentals, have been worked out and levied on all tenants of new markets and new tenants since 2002 and 2005 respectively. For sitting tenants, the FEHD will work out an appropriate arrangement for the recovery of air-conditioning cost from them in the long term after consultation with the stakeholders; and
- (b) a new tenancy clause has been imposed on new tenants and tenants of new markets since July 2008 to provide for annual revision of air-conditioning charges during a tenancy term. The same tenancy clause will be added to tenancy agreements in respect of stalls in air-conditioned markets upon tenancy renewal.

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成報 | 2008-11-26 | A01 | 要聞 | 頭條  
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## 帶頭體現共渡時艱 房會商戶廠戶免租一月

爲了與小租戶共渡時艱，房屋委員會帶頭減租。房委會轄下商戶及工廠廠戶，於明年 1 月及 2 月分別寬免一半租金，受惠約 6000 個租戶，因此少收租金涉及 3500 萬元，減租措施可望及時幫助中小型租戶，面對金融海嘯的嚴峻難關。此外，112 個房委會停車場的租金亦會凍結一年。商戶及公屋聯會促請，管理本港大多數屋邨商場的領匯，以及私人商場跟隨減租，領匯表明不會一刀切減租。

記者程泰祖、劉國潔報道

房委會商業樓宇小組昨日下午召開會議，通過上述措施。小組主席廖勝昌會後表示，減租措施惠及房委會屬下商業樓宇，包括約 2400 個商場商戶和 3600 工廠租戶，預計房委會將少收租金 3500 萬元。他表示，目前市場情況嚴峻，有需要向中小企商戶提供協助，認為措施適當，而房委會今年盈餘超過 5 億元，相信少收租金，對房委會的財政影響不大。但減租優惠不包括房委會商場內的超級市場和銀行租戶，以及領匯商場的租戶。

不過，有房委會委員認為，兩個月半租期太短，又不滿討論時間太倉卒；房委會商業樓宇小組委員李華明認為，減租一個月只能收短期效果，建議延長措施至半年，期間每個月減租一半。

六千租戶受惠 少收 3500 萬

全港公屋商戶總會主席陳永成期望，此次房委會減租可起到帶頭作用，更希望領匯能夠跟隨減租。而公屋聯會主席王坤亦認為，房委會減租起了帶頭的作用，相信措施會為領匯帶來壓力，房委會現有現金結餘近 600 億元，實施減租只用了幾千萬元，在金融海嘯下，已能短暫紓緩商戶在經營上遇到的困難，相信措施是「百利而無一害」他表示，為免流失租戶，領匯應考慮減租或免收管理費用，以免得不償失，促請領匯和私人商場跟隨減租，與商戶共渡時艱。

對來自多方的呼籲與壓力，管理百多個屋邨商場的領匯，其發言人回應本報查詢時表示，並未打算採取減租形式對商戶紓壓，是因為「帶旺商場、吸引人流、刺激消費」是領匯目前的首要任務。在未來數個月特別投資達 3000 萬元，進行宣傳推廣，吸引顧客並鼓勵消費，同時繼續旗下的工程項目，於未來三年投資 11 億元，進行 19 項資產提升計劃，發揮物業的潛力，並為顧客提供更佳購物體驗。而有關計劃更會為建造及顧問服務行業合共提供約 4600 個職位。

領匯資產管理總監藍列群日前出席「赤柱藝墟」啟動禮活動時說：「對於減租，我哋唔會採取『一刀切』嘅形式，而會睇返各商戶嘅具體情況決定，目前我哋已經開展冲好多吸引商場人流嘅活動，相信會為旗下商戶帶來可觀嘅生意額。」



領匯：不會「一刀切」減租

現時，全港有 19 個商場由房委會管理，事實上，房委會在 2003 年沙士期間，亦曾寬免五成租金，為期三個月，相當於免租一個半月。

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## 房委會 19 商場兩月租金減半

金融海嘯開始影響本港營商環境，房委會迅速回應決定為轄下十九個屋邨街市商場、二千四百個租戶，以及三千六百個工廠商戶提供短期紓緩措施，明年一月及二月每月寬免一半租金，但超市及銀行不包括在內，預料房委會因而少收近三千五百萬元。房委會帶頭減租，房屋協會昨亦表示會檢討商戶租金，但預料不會一刀切減租。領匯及食環署則暫時未有減租計畫。為協助屋邨商戶抗衡金融海嘯，房委會商業樓宇小組昨日討論紓緩租戶措施，轄下十九個商場的二千四百個商戶及街市租戶，於明年一月及二月將分別免租半個月，但超市及銀行不包括在受惠行列。租金寬免措施，同樣適用於三千六百個工廠商戶，預料房委會將合共少收三千四百八十萬元租金。

### 明年一二月實施

小組主席廖勝昌表示，目前市場情況嚴峻，有需要向中小企商戶提供協助。他說，房委會今年盈餘超過五億，平衡租戶情況及使用公帑後，相信少收租金，對房委會的財政影響不大，但可幫助大部分中小企。另外，房委會昨日亦決定，轄下一百一十二個非拆售停車場車位，明年收費維持不變，涉及車位約二萬七千多個。

全港公屋商戶總會主席陳永成歡迎建議，期望可起到帶頭作用，由領匯接管的逾個屋邨商場亦能跟隨減租。公屋聯會主席王坤亦歡迎有關措施，認為房委會資金結餘近六百億元，實施減租只用了幾千萬元，能短暫紓緩商戶的經營困難，是「百利而無一害」。

不過，商業樓宇小組委員李華明認為，合共減租一個月只會收短期效果，建議措施可延長至半年，期間每個月減租一半，並且協助特別困難商戶，提供分期繳租。有商戶亦表示，近期生意減少一半，期望寬免措施可增至半年。房協發言人表示，會慢慢檢討旗下商戶的租金水平，目前未有時間表，但就表示，房委會做法有參考作用。

### 領匯：不會 一刀切減租

食環署發言人表示，轄下公眾街市攤檔的租金於九八年下調三成後，一直被凍結至今；政府於今年五月宣布延長租金凍結限期至明年六月三十日，會繼續留意各界營商環境及經濟的發展。管理逾百個屋邨商場的領匯則表示，會充分考慮經濟及社會環境，與商戶合作改善經營，不會一刀切減租。該公司表示，已特別投資三千萬元，在未來數個月進行宣傳推廣，吸引顧客並鼓勵消費。記者歐志軍

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## 房委商戶免租 1 月 不涉超市銀行

經濟不景氣衝擊零售業，房委會的商業樓宇小組昨日通過，明年 1 月及 2 月轄下約 2,500 個商戶，及 3,600 個廠廈租戶可免租半個月，即共免租 1 個月，超市及銀行不適用，免租令房委會少收 3,500 多萬元。有學者認為，若獲免租的商戶不減價，消費者不能受惠。

助過年關 少收 3500 萬

領匯、房協及食環署昨未有跟隨免租，消息指港府今次推出免租，是協助商戶過年關，屬一次性措施，未必再有第二輪的免租，現時亦沒有減租計劃。

房委會商業樓宇小組主席廖勝昌昨表示，小組通過轄下 19 個商場及街市的商戶(約 2,500 個商戶及 3,600 個廠廈租戶)，明年 1 月及 2 月各免租半個月，但不包括超市及銀行，安排已平衡商戶及使用公帑；但並無正面回應日後會否擴大免租。

一次性措施 涉 6100 租戶

廖又指出，今次免租令房委會少收 3,500 多萬元，但目前市道嚴峻，有需要向中小企商戶提供協助，房委會今年盈餘約有 5 億元，相信免租對財政影響不大。

房委會旗下商戶對今次減租意見不一，有商戶認為有幫助，但亦有商戶指不足夠，由於來貨價未有減幅，故減租後貨品亦未必有減價空間。

中大經濟系副教授關焯照認為，免租變相是補貼商戶，短期可減低其經營成本，受外圍經濟拖累，貨物的來貨價理應下調，若免租後商戶不減價，利益只歸商戶，消費者根本不能受惠。

旗下有 80 個街市及 25 個熟食市場的食環署表示，旗下街市檔攤 98 年減租 3 成後，凍租期已延至明年 6 月底，會繼續留意各界營商環境及經濟發展，亦未有透露旗下商戶數量及每月租金收入。

約有 1 萬個租戶及 140 個零售設施的領匯，過去半年每月租金收入約 2.64 億元；領匯回應指，現時是收取市值租金，現有的資產提升計劃，會為建造及顧問服務業提供約 4,600 個職位。

03 年沙氏期間，房協曾按個別商戶情況推短期減租，房協表示未必直接跟隨房委會免租的做法，會因應旗下不同商戶經營情況，採取相應措施。

公屋聯會主席王坤及房委會委員李華明均指，房委會免租有帶頭作用，相信會為領匯帶來壓力；王坤建議，港府應仿效沙氏期間向商戶減租 3 至 5 成。

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## 房署商戶廠戶明年首兩月租金減半

為減輕中小商戶的經營壓力，房委會昨日通過，旗下商場 6000 多個屋邨商戶和廠戶明年 1 月及 2 月可享有免租半個月優惠，合共免租額 1 個月，但銀行和超市則不會獲免租。全港公屋商戶總會表示歡迎，希望在政府帶頭下，領匯亦可免租甚至減租。

房委會商業樓宇小組決定，明年 1 月及 2 月寬免轄下約 6000 個屋邨商戶和廠戶每月一半租金，但超市及銀行不包括在內，原本當局預計少收約 4300 多萬元，但因寬免不包括超市及銀行，最終少收約 3400 萬元。

不包括超市銀行料少收 3400 萬小組主席廖勝昌在會後表示，目前市場情況嚴峻，有需要向中小企商戶提供協助。他強調，房委會今年盈餘超過 5 億元，相信少收租金對房委會財政影響不大。小組委員李華明和陳鑑林皆認為，有關措施可為中小商戶暫紓解一點經營壓力，但李華明表示，原本他建議把計劃放寬到 4 至 6 個月，但在會上被否決。

另外，小組委員會昨日亦通過維持房委會轄下 112 個停車場內約 27,400 個停車位的收費不變。委員會認為，由於經濟和市場前景不明朗，現時不宜調高停車場收費。

房委會推出寬免租金，管理百多個屋邨商場的領匯則表示，「會充分考慮經濟和社會環境，與商戶合作改善經營，吸引顧客並鼓勵消費」，強調不會一刀切減租。領匯繼續旗下的工程項目，於未來 3 年投資 11 億港元，展開 19 項資產提升計劃，至今已為零售服務業額外製造大約 800 個職位，並會為建造和顧問服務行業合共提供約 4600 個職位。

全港公屋商戶總會主席陳永成歡迎房委會免租措施，希望可起帶頭示範作用，一旦措施落實，便可向領匯和私人商場施壓，要求對方跟隨，因為房委會只管理 19 個商場，大部分屋邨商戶暫未能受惠，故要求領匯亦推出減租措施。

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## 房委會商戶免租一個月

【本報訊】房屋委員會商業樓宇小組昨通過轄下 19 個商場及街市大部份商戶，明年 1 月及 2 月獲減一半租金，轄下工廠大廈的廠戶也同樣受惠，房委會因而少收 3,500 萬元租金。不過，持有大部份屋邨商場的領匯表明不會跟隨。

### 領匯稱拒絕跟隨

該小組主席廖勝昌表示，目前市場情況嚴峻，有需要向中小企商戶提供協助，房委會今年盈餘超過 5 億元，減租對其財政影響不大。受惠商戶有 2,400 個，但超市及銀行租戶不獲減租，而獲減租的工廠大廈租戶則有 3,600 個。黃大仙區議員蔡六乘在房委會轄下的龍蟠苑商場經營藥房，月租 1.2 萬元，近月生意下跌三成，「減租都有幫助，但唔夠，起碼要六個月免租或一年半租，先可以度過難關。」公屋聯會主席王坤認為，減租能短暫紓緩商戶的經營困難，促請領匯跟隨。不過領匯擺明拒絕，發言人表示，在未來數月將投資 3,000 萬元進行宣傳推廣，吸引顧客到來消費，招數包括送出 300 萬元的現金獎及購物禮券。未來三年又會投資 11 億元進行 19 項資產提升計劃，可提供約 4,600 個職位。在領匯轄下黃大仙中心經營鐘錶店的黃先生表示，租金去年加了一倍，現時月租 2 萬元，已要求領匯減租三分之一，但不被接納，「領匯搞宣傳都有用，增加唔到人流，再係咁捱唔住，下年可能執笠。」

### 公眾街市續凍租

此外，食物環境衛生署轄下公眾街市租金一直凍租至明年 6 月底，政府指會繼續留意營商情況。房屋協會發言人稱，會留意市場不同安排及做法。

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## **Housing Authority to halve rent at 6,000 shops for two months**

About 6,000 shops will pay only half their normal rent in January and February, courtesy of their landlord the Housing Authority.

The authority's Commercial Properties Committee decided on the temporary measure yesterday to help tenants in its shopping malls cope with the economic downturn.

The Link Management, meanwhile, which in recent weeks had resisted pressure to cut rents, reiterated that its top priority was to attract more shoppers to its malls and to persuade them to spend more.

The relief measure is expected to cost the authority about HK\$30 million in rental income.

During the Sars crisis in 2003, the authority cut tenants' rent by half for three months.

Chairman of the committee Liu Sing-cheong said most members believed it was necessary to do something to help tenants of small and medium-sized shops.

Committee member and legislator Tommy Cheung Yu-yan hoped the authority's rent cut would press private mall owners to follow suit.

Hopefully, this will put pressure on not only The Link but also other landlords, Mr Cheung said.

A spokeswoman for The Link, which runs shopping centres on Housing Authority estates that were privatised through The Link Reit in 2005, said it believed boosting consumer spending was the way to help tenants of small shops.

She said the company would invest HK\$10 million in promotional programmes over the next few months to stimulate business at its malls.

It would also invest HK\$1.1 billion in asset-enhancing projects over the next three years that would create several thousand construction jobs, she said.

Tenants of The Link have recently protested against hefty rent increases, while activist shareholders have criticised it for charging low rents, which they say is not in the best interests of its stakeholders.

The Link Reit reported distributable income of HK\$884 million for the six months ending September 30, up 13.9 per cent from HK\$776 million last year.