

立法會
Legislative Council

LC Paper No. CB(2)394/14-15
(These minutes have been seen
by the Administration)

Ref : CB2/PS/6/12

Panel on Food Safety and Environmental Hygiene

Subcommittee on Issues Relating to Public Markets

Minutes of meeting
held on Tuesday, 18 November 2014, at 10:45 am
in Conference Room 2B of the Legislative Council Complex

Members present : Hon Alan LEONG Kah-kit, SC (Deputy Chairman)
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin
Hon CHAN Chi-chuen
Hon Alice MAK Mei-kuen, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Members absent : Hon Vincent FANG Kang, SBS, JP (Chairman)
Hon CHAN Han-pan, JP

Public Officers attending : Items II and III

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food) 1

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health (Food) 2

Miss Vinci CHAN
Assistant Secretary for Food and Health (Food) 7

Ms Ava CHIU Wai-fan, JP
Deputy Director of Food and Environmental
Hygiene (Administration and Development)

Mr LAM Wing-hong
Assistant Director of Food and Environmental
Hygiene (Operations) 2

Clerk in attendance : Ms Alice LEUNG
Chief Council Secretary (2) 2

Staff in attendance : Mr Richard WONG
Council Secretary (2) 2

Ms Camy YOONG
Clerical Assistant (2) 2

Action

I. Election of Chairman and Deputy Chairman (if required)

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Deputy Chairman took over as the Chair in the absence of the Chairman.

3. Members agreed that there was no need to elect a new Chairman and Deputy Chairman of the Subcommittee for the 2014-2015 session. Members noted that Mr Vincent FANG and Mr Alan LEONG agreed to continue to serve as the Chairman and Deputy Chairman respectively.

II. Provision of air-conditioning facilities in public markets
(LC Paper Nos. CB(2)266/14-15(01) and (02))

Motion moved by members

4. Mr WONG Kwok-hing moved a motion, seconded by Mr Steven HO, as follows -

"本小組委員會促請政府當局取消85%門檻作為街市安裝空調的標準，並全面檢討安裝空調的準則。"

(Translation)

"That this Subcommittee urges the Administration to remove the threshold of tenants' support at 85% as the requirement for the retrofitting of air-conditioning systems in public markets, and to comprehensively review the criteria adopted in the retrofitting of air-conditioning systems."

5. The Deputy Chairman decided that the motion was directly related to the agenda item, and members agreed to deal with the motion. The Deputy Chairman put the motion to vote. All members present voted in favour of the motion. The Deputy Chairman declared that the motion was carried.

III. Issues relating to establishing new markets (LC Paper Nos. CB(2)266/14-15(03) and (04))

Motion moved by members

6. Miss Alice MAK moved a motion, seconded by Mr Steven HO, as follows -

"本小組委員會促請政府當局盡快展開在天水圍、東涌興建新街市的規劃，以回應社區需要；並全面檢討在新發展區興建新街市的政策。"

(Translation)

"That this Subcommittee urges the Administration to expeditiously take forward the planning for building new markets in Tin Shui Wai and Tung Chung, so as to respond to the needs of the community; and to comprehensively review its policy in regard to the provision of new markets in newly developed districts."

7. The Deputy Chairman decided that the motion was directly related to the agenda item, and members agreed to deal with the motion. The Deputy Chairman put the motion to vote. All members present voted in favour of the motion. The Deputy Chairman declared that the motion was carried.

Action

IV. Any other business

Schedule of meetings and items for discussions

8. Noting that there were two remaining discussion items in the Subcommittee work plan, namely "Consultancy report on and the Administration's proposed measures for improving the operating environment of public markets" and "Rental adjustment mechanism", the Deputy Chairman enquired the Administration's schedule for briefing the Subcommittee on the two items.

9. In response, Deputy Secretary for Food and Health (Food) (1) indicated that it was the Administration's plan to submit the Consultancy Report on Improving the Operating Environment of Public Markets to the Subcommittee by the end of 2014, and consult the Subcommittee on the rental adjustment mechanism before March 2015.

Clerk

10. The Deputy Chairman requested the Clerk to liaise with the Administration after the meeting and consult the Chairman regarding the schedule of meetings and items for discussions in the 2014-2015 session.

11. There being no other business, the meeting ended at 12:44 pm.

Council Business Division 2
Legislative Council Secretariat
3 December 2014

**Proceedings of the meeting of the
Subcommittee on Issues Relating to Public Markets
on Tuesday, 18 November 2014, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
<i>Agenda Item I - Election of Deputy Chairman and Deputy Chairman (if required)</i>			
000639 - 000705	Deputy Chairman	<p>The Deputy Chairman's opening remarks.</p> <p>Members' agreement that there was no need to elect a new Chairman and Deputy Chairman of the Subcommittee on Issues Relating to Public Markets ("the Subcommittee") for the 2014-2015 session.</p>	
<i>Agenda Item II - Provision of air-conditioning facilities in public markets</i>			
000706 - 001248	Deputy Chairman Admin	Briefing by the Administration on the discussion paper entitled "Provision of Air-Conditioning in Public Markets" (LC Paper No. CB(2)266/14-15(01)).	
001249 - 003209	Deputy Chairman Mr WONG Kwok-hing Mr Steven HO Admin	<p>Mr WONG Kwok-hing's views that -</p> <ul style="list-style-type: none"> (a) it was unreasonable that the Administration set the threshold of tenants' support at 85% as the requirement for the retrofitting of air-conditioning systems in public markets ("the 85% threshold"); (b) the Subcommittee should urge the Administration to review and remove the 85% threshold; and (c) the Administration should make reference to the Former Municipal Councils which approved proposals of retrofitting of air-conditioning systems in public markets based on budget availability and community needs. <p>Mr Steven HO's remarks that -</p> <ul style="list-style-type: none"> (a) he shared Mr WONG Kwok-hing's view that the Administration should review and revise the 85% threshold; and (b) the Administration should make sure that recommendations made by the Consultancy Report on Improving the Operating Environment of Public Markets ("the Consultancy Report") would be consistent with views agreed by members on issues 	

Time marker	Speaker	Subject(s)	Action Required
		<p>relating to public markets, including the provision of air-conditioning facilities in public markets.</p> <p>The Administration's responses that -</p> <ul style="list-style-type: none"> (a) the Administration had been maintaining the 85% threshold for good reasons (detailed in Paragraphs 4 to 6 in Administration's paper), one of which was that the Administration also needed to take into account the views of tenants who disagreed to install air-conditioning facilities; (b) the Administration noted the suggestion of reviewing the 85% threshold; and (c) the Consultancy Report would address many issues relating to improving the operating environment of public markets including the need for air-conditioning facilities. 	
003210 - 004102	Deputy Chairman Mr CHAN Chi-chuen Admin	<p>The Deputy Chairman's remarks that -</p> <ul style="list-style-type: none"> (a) a motion was passed by the Subcommittee to Follow Up the Outstanding Capital Works Projects of the Former Municipal Councils at its meeting on 14 November 2002, urging the Administration to lower the 85% threshold to 70%; and (b) the Administration should make sure that members' views would be considered by the consultant in preparing the Consultancy Report. <p>Mr CHAN Chi-chuen's enquiries regarding -</p> <ul style="list-style-type: none"> (a) whether the Administration would consider lowering the 85% threshold; (b) whether the Administration would take any measures to facilitate stall operators to reach a consensus on proposals for retrofitting air-conditioning systems in public markets; and (c) the details of the existing arrangement of air-conditioning charges. 	

Time marker	Speaker	Subject(s)	Action Required
		<p>The Administration's responses that -</p> <p>(a) the Administration would take into account the recommendations made in the Consultancy Report (including those relating to the provision of air-conditioning facilities in public markets); and</p> <p>(b) at present, different air-conditioning charging arrangements were in place, depending on whether the public markets were previously managed by the former Urban Council or Regional Council, the year in which the public markets came into operation and the year in which the tenants entered into tenancy, as detailed in Paragraphs 8 to 12 in the Administration's paper.</p>	
004103 - 005023	Deputy Chairman Admin	<p>The Deputy Chairman's view that the Administration should regard providing air-conditioning facilities as a way to improve the operating environment of public markets.</p> <p>The Administration's response that it would take into account recommendations made in the Consultancy Report when considering measures on improving the operating environment of public markets.</p>	
005024 - 010752	Deputy Chairman Mr WONG Kwok-hing Mr Steven HO Mr Christopher CHUNG Admin	<p>Mr WONG Kwok-hing's view that the Administration did not have strong justifications for maintaining the 85% threshold.</p> <p>Mr Steven HO's view that the Administration should regard providing air-conditioning facilities in public markets as a way to fulfill community needs.</p> <p>Mr Christopher CHUNG's views that -</p> <p>(a) the Administration should not maintain the 85% threshold, as the provision of air-conditioning facilities was a basic requirement of today's shoppers in Hong Kong; and</p> <p>(b) the provision of air-conditioning facilities in public markets could improve public hygiene and food safety, particularly for shops selling fresh meat.</p>	

Time marker	Speaker	Subject(s)	Action Required
		The Administration's responses that any proposals for retrofitting air-conditioning systems in existing markets had to be considered carefully given the difficulties detailed in Paragraph 3 of the Administration's paper.	
010753 - 011438	Deputy Chairman Mr Michael TIEN Admin	<p>Mr Michael TIEN's views that the Administration should -</p> <p>(a) revise the air-conditioning charging arrangement with reference to common practices of shopping centres managed by the private sector, such as setting the air-conditioning charges for stall operators at a certain percentage of their rentals; and</p> <p>(b) take appropriate actions against inactive tenants so as to ensure that all tenants were bona-fide stall operators who would be keen to operate the stalls and willing to cooperate to improve the operating environment and patronage of public markets.</p> <p>The Administration's responses that -</p> <p>(a) the Administration would take Mr TIEN's views into consideration; and</p> <p>(b) differential rentals were applicable to tenants from resiting exercise and auction exercise. In considering the option of air-conditioning charges calculated on the basis of a one-size-fits-all percentage of the respective rentals, the Administration needed to consider how to overcome possible concerns about the disparity in treatment between the two categories of tenants in terms of recovering the costs from them.</p>	
011439 - 011523	Deputy Chairman Mr WONG Kwok-hing	Moving of motion by Mr WONG Kwok-hing.	
<i>Agenda Item III - Issues relating to establishing new markets</i>			
011524 - 011931	Deputy Chairman Admin	Briefing by the Administration on the discussion paper entitled "Issues Relating to Establishing New Markets" (LC Paper No. CB(2)266/14-15(03)).	

Time marker	Speaker	Subject(s)	Action Required
011932 - 014049	Deputy Chairman Miss Alice MAK Mr WONG Kwok-hing Mr Steven HO Admin	<p>Miss Alice Mak's views that -</p> <ul style="list-style-type: none"> (a) it was disappointing that the Administration had not established an adequate number of new markets in recent years; and (b) there were strong community needs for public markets in newly developed districts such as Tin Shui Wai and Tung Chung, as the retail outlets there were either controlled by the Link Management Limited ("the Link") or large-scale chain stores and the prices of goods sold in these retail outlets were generally very high. <p>Mr WONG Kwok-hing's views that -</p> <ul style="list-style-type: none"> (a) there were community needs for new public markets, particularly in newly developed districts like Tin Shui Wai; (b) it was disappointing that not much efforts and progress had been made by the Administration in establishing new markets following the dissolution of the two Former Municipal Councils; and (c) he could not subscribe to the Administration's explanation that it had refrained from establishing new markets because the function of public market serving as a measure to resite on-street hawkers had diminished since the late 1990s. <p>Mr Steven Ho's views that the Administration should -</p> <ul style="list-style-type: none"> (a) expeditiously establish new markets in newly developed districts such as Tin Shui Wai, as residents there had limited choice of fresh produce; and (b) regard establishing new markets as a way to promote healthy competition in the retail sector. <p>The Administration's responses that -</p> <ul style="list-style-type: none"> (a) in considering proposals for establishing markets, the Administration would take into account a number of factors, as detailed in 	

Time marker	Speaker	Subject(s)	Action Required
		<p>Paragraphs 5 to 8 in the Administration's paper; and</p> <p>(b) community needs for market facilities were not served solely by markets managed by the Food and Environmental Hygiene Department. The Link and the Housing Authority currently managed 90 and 20 markets respectively, and their market facilities were often located in or near public housing estates. In addition, there were private markets, supermarkets and fresh provision shops run by private operators.</p>	
014050 - 014739	Deputy Chairman Admin	<p>The Deputy Chairman's remarks that -</p> <p>(a) he agreed with members' views that the Administration should not refrain from establishing new markets because the function of public market serving as a measure to resite on-street hawkers had diminished since the late 1990s;</p> <p>(b) the increase in the number of supermarkets over the past few decades should not be taken as a factor of consideration when deciding whether or not to establish new public markets; and</p> <p>(c) the Administration should regard establishing new markets as a way to promote healthy competition among various types of retail outlets as well as to increase consumers' choice.</p> <p>The Administration's responses that -</p> <p>(a) the Consultant would tender views on the updated positioning and functions of public markets, in addition to formulating proposals to improve the operating environment of public markets; and</p> <p>(b) insofar as the prices of the goods sold in public markets were concerned, tenants of public markets were free to determine and adjust the prices of their goods with regard to such market forces as supply and demand, as well as their operating costs. The Government was not in a position to guarantee that the goods sold in public</p>	

Time marker	Speaker	Subject(s)	Action Required
		markets would be cheaper than those in other shops.	
014740 - 015539	Deputy Chairman Mr Michael TIEN Miss Alice MAK Admin	<p>Mr Michael TIEN's remarks that -</p> <ul style="list-style-type: none"> (a) it had come to his attention that fresh produce and daily necessities were sold in Tin Shui Wai at much higher prices, as compared to other districts; (b) there was strong consumer demand for public markets in Tin Shui Wai; and (c) the Administration should commission a consultant to conduct a study that comprehensively compared Tin Shui Wai and other districts regarding the price levels of fresh produce and daily necessities. <p>Ms Alice MAK's views that -</p> <ul style="list-style-type: none"> (a) in addition to Tin Shui Wai, there was strong community need for public markets in Tung Chung; and (b) while the "Hong Kong Planning Standards and Guidelines" listed a set of factors pertaining to the provision of public markets, community needs should be an overriding factor in deciding whether a new market should be established. <p>The Administration's responses that the Housing Authority was going to provide a market at the Tung Chung Area 39 public housing development.</p>	
015540 - 015620	Deputy Chairman Miss Alice MAK	Moving of motion by Miss Alice MAK.	
015621 - 020013	Deputy Chairman Mr CHAN Chi-chuen Admin	The Deputy Chairman's closing remarks.	