



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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(Translation)

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Clerk to Subcommittee on Issues Relating to Public Markets under
the Panel on Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Mr Richard WONG)
[Fax: 2509 9055]

Dear Mr Wong,

**LegCo Panel on Food Safety and Environmental Hygiene
Subcommittee on Issues Relating to Public Markets**

Follow-up to the motions passed at the meeting on 18 November 2014

Thank you for your letter dated 20 November 2014 to our Bureau requesting a written response to the two motions passed at the captioned meeting. I am authorised to reply as follows:

(Translation)

Motion 1: “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.”

Following the existing practice, a request for installation of air-conditioning system at a public market will first be discussed at the meeting of the relevant Market Management Consultative Committee (MMCC). Where there is a consensus among members of the MMCC that the request should be further explored, the Food and Environmental Hygiene Department (FEHD) will conduct a questionnaire survey to gauge the extent of support from market tenants for the request. If 85% or more of the tenants support the proposal, the Administration will conduct a detailed technical feasibility study. Taking into consideration the findings of the study, the extent of works required, cost effectiveness, length of business disruption and tenants’ views, the Administration will decide whether there is a case for bidding resources for the installation of air-conditioning systems.

When the air-conditioning system is being installed, a public market would have to be enclosed. After installation, the system has to be turned on all year round for adequate ventilation. All tenants will have to pay for the recurrent expenses, including the electricity charges and general maintenance costs for the entire year, not just during the summer months. Tenants who refuse to pay these charges will have to move out of the public market. The additional operating cost related to the air-conditioning system is a factor that existing tenants had not taken into account when they bid for their public market stalls.

Apart from the above, the provision of air-conditioning systems often involves partial or complete closure of the public market for as long as several months depending on circumstances. This will not only disrupt business, but may also affect the livelihood of tenants. In one case, for example, all the stalls of a market-cum-cooked food centre had to cease business for around six months for the installation of air-conditioning system. The business cessation period may even be longer in more complicated cases. Tenants who do not support the installation of air-conditioning system will also be affected. The threshold that must be met in order to support a decision in favour of the installation of air-conditioning system should therefore not be too low, or disputes are likely to arise.

We note that there is concern about the propriety of the existing threshold pertaining to the provision of air-conditioning system. Regardless of where we pitch the threshold, it could hardly please everybody. When considering whether to adjust the existing arrangement, apart from technical feasibility and resource implications, we have to take into account the demand of tenants who would like to install air-conditioning system, as well as the

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interests of those who do not support the installation but have been running business in the public market concerned for many years. In the formulation and review of public policies, we have to strike a proper balance among the interests of various stakeholders in a responsible manner.

Motion 2: “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.”

At present, the FEHD manages 101 public markets, including 76 public markets which mainly sell fresh provisions and other dry and wet goods, as well as 25 free-standing cooked food markets. The Link Real Estate Investment Trust (Link REIT) and the Housing Authority each manages 90 and 20 market venues respectively. Other than these, there exist a good number of private markets, supermarkets and fresh provision shops run by private operators. In addition to the some 2 600 stalls in public markets selling fresh provisions such as fish, meat and poultry, there are currently around 2 700 licensed fresh provision shops (including those in supermarkets) which offer choices to consumers.

According to the Hong Kong Planning Standards and Guidelines, apart from the population of the area in question, the Administration would take into consideration other relevant factors. These include the demographic mix, community needs, the provision of public and private market facilities nearby, the number of fresh provision retail outlets in the vicinity, and the public sentiment towards the preservation of hawker areas. The Planning Department will consult the relevant policy bureaux and government departments, including the FEHD, when preparing or reviewing town plans to ascertain whether there is a need to reserve land for public markets.

Building a new public market involves both land and public money. Before determining whether a market should be built, the Government would have to duly assess the demand for the market and the cost effectiveness, so as to ensure that public resources are put to proper use. Specifically, factors that are taken into account include the population of the area in question, the demographic mix, community needs, the provision of public and private market facilities nearby, and the number of fresh provision retail outlets in the vicinity.

We have looked at the situation in Tin Shui Wai and Tung Chung. At present, Tin Shui Wai has six markets managed by the Link REIT or the Hong Kong Housing Authority. There are also 13 shopping malls, 11 supermarkets and about 70 fresh provision shops in the district. As for Tung Chung, there are one Link REIT-managed market each in the two major public housing estates in

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the district, namely Yat Tung Estate and Fu Tung Estate. There are also four shopping malls, five supermarkets and 31 fresh provision shops to meet the daily needs of the residents. In addition, the Housing Department is planning to include a market with some 40 stalls, as well as other retail facilities in the public housing development at Tung Chung Area 39. According to experience, the stall vacancy rate of a new market will be relatively high if the products and services provided are similar to those of existing traders who have been operating in the district for a long time.

The above requirements in the Hong Kong Planning Standards and Guidelines pertaining to the planning of public markets have been in use since they were last updated in 2009. As to the requests for providing new public markets in individual districts, we will continue to closely monitor the local situation as well as listen to the views of stakeholders and assess the need to review the planning guidelines for public markets as and when appropriate. We will carefully consider various relevant factors before deciding on the provision of any new public market in a certain district.

Yours sincerely,

[signed]

(Vinci CHAN)

for Secretary for Food and Health

c.c.: Director of Food and Environmental Hygiene
(Attn.: Mr LAM Wing-hong) [Fax: 2530 1368]