

(Translation)

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

運輸及房屋局

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Transport and Housing Bureau

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4 March 2016

Clerk to Legislative Council Panel on Housing
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Mr Derek LO)
(Fax: 2869 6794 and email: dywlo@legco.gov.hk)

Dear Mr LO,

**Hawker Issue in Leung King Estate of Tuen Mun, and
Market Management Issue in Cheung Fat Estate of Tsing Yi**

Thank you for your letter dated 17 February 2016 inviting the Government to respond to Dr Hon KWOK Ka-ki's letter to the Chairman of the Legislative Council (LegCo) Panel on Housing (the Housing Panel) on the captioned subject. Our reply is as follows:

Leung King Estate is a Tenants Purchase Scheme (TPS) estate. Upon the formation of the Incorporated Owners (IO), as in the case of private properties, the estate management is undertaken by the Property Management Agent (PMA) appointed by the IO. The Hong Kong Housing Authority (HA) as one of the owners, will attend the IO's general meetings and the Management Committee meetings and advise the IO on the management and maintenance of the estate. It is the established HA's policy that HA takes a liberal view

towards the daily management in TPS estates so as to honour and maintain the independence of the IO, which shall carry out estate management work on their own in accordance with the terms and conditions of the lease and the Deed of Mutual Covenant as well as relevant statutory provisions.

As for the case in Leung King Estate, we are given to understand that the IO has all along been expressing concerns on the environment and hygiene problems arising from the operations of hawkers within the estate management boundary of the lease and has been proactively taking action to tackle the hawker problem. Such estate management issue is an issue of local concerns of Tuen Mun District, and it was put up for discussion at the Commerce, Industry and Housing Committee (CIHC) of Tuen Mun District Council (TMDC) on 15 February 2016. In response to the request of the CIHC, the matter was then followed up at the Tuen Mun District Management Committee meeting on 25 February 2016. The relevant issue was also discussed at TMDC on 1 March 2016. Given local concerns, the IO and the PMA appointed by the IO will further step up the handling of hawking activities within the estate management boundary of the lease to improve the situation. The departments concerned will keep a close watch on the hawker issue. Depending on the effectiveness of the IO's management operations, departments will discuss and provide appropriate assistance. The Police is now investigating whether triad activities or other unlawful matters were involved, and has been taking relevant enforcement actions.

The commercial and carparking facilities of both Leung King Estate and Cheung Fat Estate are properties of Link Real Estate Investment Trust (Link). As previously pointed out by the Government at different LegCo meetings (including the recent meeting of the Housing Panel on 7 December 2015), Link, as a private entity, is entitled to rights over its properties and governed by relevant laws, conditions of land leases and other contractual terms, just like other private property owners. The Government and HA cannot and will not interfere in Link's day-to-day operation and commercial decisions (including outsourcing of management, rent adjustment for its markets, renovation and conversion works on its properties), as long as Link is in compliance with the requirements of the laws and land leases as well as the contractual terms it made with other companies, organisations or individuals.

Regarding the case of Cheung Fat Estate, we are given to understand that Link and market stall operators are dealing with their leasing matters. The Government and HA will not take part in the process.

Yours sincerely,

[signed on the original]

(Jerry CHEUNG)
for Secretary for Transport and Housing

c.c.

Food and Environmental Hygiene Department

Home Affairs Department (Tuen Mun District Office)

Hong Kong Police Force (Tuen Mun Magistracy of New Territories North
Regional Headquarters)