



Research Office
Legislative Council Secretariat

Information Note

Single-operator markets under the Hong Kong Housing Authority

IN14/16-17

1. Introduction

1.1 The Hong Kong Housing Authority ("the Housing Authority") has adopted a single-operator letting arrangement for its markets since late 1980s. Under this arrangement, a single tenancy is awarded to an operator who will let parts of the leased area to individual stall operators, and will be responsible for the day-to-day management of the whole market. According to the Housing Authority, such practice enables it to leverage on the expertise and experience of the private sector, with a view to providing better shopping choices and service environment for residents.

1.2 The comprehensive review carried out in 2002 suggested that the performance of the single-operator model was as good or better than direct management both operationally and financially. The Housing Authority has recently completed a new review on the current letting arrangement, and has introduced various enhancements to improve the effectiveness of the operation. According to the Government, the single-operator model will continue to be adopted in the Housing Authority's 12 new markets to be completed in the coming five years. There have been concerns that individual stallholders might face higher rentals under the single-operator letting arrangement, and as a result of higher rentals, the product choice in these markets might not meet the daily needs of residents.

1.3 The Panel on Housing will discuss at its meeting on 5 June 2017 issues relating to the letting of markets under the Housing Authority. At the request of the Panel, the Research Office has prepared this information note aiming to (a) provide information on the policy of the Housing Authority's commercial lettings, the past and current developments of the single-operator letting arrangement, and major concerns over this mode of management and operation; and (b) make reference to the models of Taipei City and Singapore in the management and operation of public markets and their recent developments.

2. The Housing Authority's markets

2.1 The Housing Authority operates markets and commercial premises as part of a range of ancillary facilities to provide essential services to residents on public housing estates. As a general principle, commercial facilities are operated on a commercial basis. The Housing Authority normally offers leases of commercial properties by tender. Apart from commercial lettings, the Housing Authority also makes available welfare lettings to non-government organizations.

2.2 For markets managed directly by the Housing Authority, market stalls are mainly let out to individual stall operators through open tender for a fixed period of three years. Renewal of tenancy is normally based on the market rental value. Assessments of market rental value are made by in-house estate surveyors of the Housing Department, with consideration given to factors such as comparable rental statistics and physical characteristics of the premises.¹ The Housing Department is responsible for the day-to-day management of the markets.

Introduction of the single-operator concept

2.3 As early as in the 1980s, the Housing Authority introduced a number of contracting-out schemes on the management of housing estate facilities by the private sector to take advantage of their expertise while containing staff growth of the Housing Department. At that time, services contracted out included the management of car parks, shopping centres and Home Ownership Scheme estates.²

2.4 The above contracting-out schemes were considered successful. For example, on carpark management, greater operational efficiency had been obtained through flexibility in staff deployment, wider use of electronic equipment, and expert knowledge in marketing.³ In view of the positive experience, the Housing Authority started a trial scheme in 1988 to let out a market in Ma On Shan to a single operator. According to the Government, the scheme was successful, with the operator investing substantially in capital

¹ See Housing Department (2001) and GovHK (2009).

² See Housing Department (1997).

³ See Chiu, R.L.H. (2006).

works and achieving significant management improvements.⁴ As such, the trial scheme was extended to more markets, with the expectation that these operators could provide an efficient service while at the same time containing staff growth.

2.5 A study conducted in 1994 on four single-operator markets showed that overall, the income from single-operator markets was almost 15% higher than that anticipated from traditional operation, attributable to the greater flexibility which single operators could exercise and to the greater economy in management of the market.⁵ Since 1997, all Housing Authority's new markets have adopted this single-operator letting arrangement. In the early 2000s, a total of about 24 markets were run by single operators out of 130 public markets under the Housing Authority.⁶

2.6 Divestment of the retail facilities to Link Real Estate Investment Trust (formerly known as The Link Real Estate Investment Trust) in 2005 has reduced the number of public markets under the Housing Authority. At present, there are a total of 22 markets under the Housing Authority, six of which are single-operator markets, while the remaining 16 markets are directly leased to individual stall operators by the Housing Authority. These six single-operator markets are Ching Long Market, Hung Fuk Market, Kwai Chung Market, Lei Muk Shue Market, Shui Chuen O Market and Tin Yan Market. As indicated by the Government, there will be 12 new markets completed in the coming five years and the single-operator model will continue to be adopted.⁷

Operation

2.7 Under the single-operator letting arrangement, a single tenancy is awarded to an operator to manage the whole market. The operator's responsibilities include: (a) **subletting individual stalls**; (b) **setting rentals of individual stalls**; (c) **overall day-to-day management of the market**; and (d) **carrying out regular promotional activities**. The single operator is required to ensure that the premise will be operated as a traditional market and provide a certain proportion of food and miscellaneous trades. Normally, a market is let to a single-operator tenant for a fixed term of six years.

⁴ See Housing Department (1997) and Hong Kong Housing Authority (2002).

⁵ See Government Secretariat Housing Branch (1997) and Minutes of meeting of the Panel on Housing of the Legislative Council (1997).

⁶ For the markets which are still directly managed by the Housing Authority, most of them are located in aged public housing estates with smaller scale and limited market potential.

⁷ See GovHK (2017).

2.8 As regards selection of market-operator tenant, interested persons shall apply for registration in the Housing Authority's Client List and meet the eligibility criteria with regard to the experience and expertise in market management. The Housing Authority would normally invite bidding for the market in a new public housing estate about six months before completion. In assessing applications, separate scores will be allotted on the basis of the bidders' past performance in market management and the rentals proposed for the leasing proposals. These two aspects carry equal weight so that selection is not merely based on the highest rentals proposed.⁸

2.9 For individual market stalls, rentals are determined through negotiations among the single-operator tenants and stallholders themselves based on commercial principles. In terms of monitoring, frontline staff of the Housing Department will carry out regular inspections on markets. The Housing Department will assess the performance of the single operators every two months, and will arrange meetings with those who fall short of expected standard and issue warnings to them. If poor performance persists despite the warnings, the Housing Authority has the right to terminate their contracts before expiry of tenancies and not to invite them for bidding other single-operator market contracts for a specified period of time.

[Comprehensive review in 2002](#)

2.10 In 2002, the Housing Authority conducted a comprehensive review on the single-operator letting arrangement. The review found that net income receivable by the Housing Authority from such lettings generally matched that obtainable under the operation of the Housing Department, and in some cases was even higher. In other words, from the perspective of the Housing Authority, there were benefits gained under the single-operator model.

2.11 Markets operated under this model were found to have enjoyed greater management flexibility and lower vacancy⁹ than the direct-managed markets. For instance, when a stall becomes vacant at a market under direct management, the Housing Authority has to go through the whole process of tender and bidding before the stall could be let to a tenant. On the contrary,

⁸ Ibid.

⁹ According to Housing Department (2002), the vacancy rate for the direct-managed markets and single-operator markets at that time was 11.3% and 6.4% respectively.

a single operator is able to find a suitable tenant in a more flexible and quicker way, so that the stall could be open to serve residents again as soon as possible.¹⁰ Overall, it was considered that operationally and financially, the performance was as good or better than direct management.¹¹

2.12 Notwithstanding the above benefits, the review also identified inadequacies with respect to protection to individual stallholders, services standards, monitoring, etc. Subsequent to the review, the Housing Authority introduced a number of measures to address the inadequacies, including:

- (a) requiring the markets to be operated as a traditional market with "essential" trades and setting a limit on the area for operation of "optional" trades;
- (b) prohibiting from charging individual stall operators additional fees apart from rent, air-conditioning charges, rates and management fees; limiting the increase of management fee to once a year only and the rise should be in line with specified wage index;
- (c) requiring the single operators to report to the Housing Authority every month the types and amount of charges collected from individual stallholders; and
- (d) refining the performance appraisal system with stallholders' comments which constitute 15% of the appraisal scores, and prescribing a minimum average score for consideration of contract renewal.

2.13 While a number of measures were put in place to address the deficiencies, there have been issues arising out of the management model. According to the Housing Authority, the tenancies of the operators for Ching Long Market and Hung Fuk Markets were terminated in 2016 respectively due to their default in rent payment and early surrender; there were complaints from stall operators of Shui Chuen O Market against low patronage and unsatisfactory business operation of the market; and direct operation of market stalls by the single operators was criticized as

¹⁰ See Hong Kong Housing Authority (2016).

¹¹ See Hong Kong Housing Authority (2002).

monopolizing individual trades. As such, the Housing Authority has recently reviewed the letting arrangement and implemented a series of enhancements, for example:

- (a) setting restrictions to bar single operators from bidding again for the premises in question after early surrender of tenancy;
- (b) limiting the scale of direct operation by single operators to an area of not more than 20% of the total internal floor areas of the market stalls;
- (c) requiring the single operators, upon new letting or tenancy renewal, to set aside a minimum sum of 2% of their annual rentals payable to the Housing Authority for promoting the markets;
- (d) capping the level of management fee to be charged to individual stallholders upon initial letting; and
- (e) prescribing a minimum performance appraisal score as a basis for consideration of applications for bids for new lettings.

2.14 According to the Government, the measures implemented recently will enable more effective implementation of the single-operator letting arrangement. Nevertheless, some people have expressed concerns on stall rentals. There have been claims that as a result of high stall rentals, some individual stall operators had to sell high-price goods and those stallholders who could not afford high rentals were forced to leave the trade. Some have alleged that due to high prices of goods and lack of market attractiveness, many residents had to patronize the markets in the neighbouring markets and other districts.¹²

2.15 There have been views that certain government control should be imposed on determination of rentals for individual stalls. However, from the Government's point of view, rentals are determined and agreed between the single operators and individual stallholders based on commercial principles. As such, the Housing Authority does not set any ceiling for the rentals or rate

¹² See Hong Kong Housing Authority (2016) and 《團體抗議房署外判屋邨街市》,《東方日報》(2016).

of rental increase. The Government also states that it is not appropriate for the Housing Authority to intervene/participate in the negotiation or agreement between the operators and individual stallholders.¹³

2.16 Some people have commented that the Government should discontinue the single-operator letting arrangement and go back to the direct management mode, whereas some have suggested that the Government should establish a dedicated authority, or a dedicated committee with representatives of stallholders to manage the markets on their own.¹⁴

3. Management of public markets in selected places

3.1 Similar to Hong Kong, in Taiwan and Singapore, there are public markets selling fresh produce and essential goods, but the ways they are operated and managed vary. In Taipei City, the largest city in Taiwan, the local authority is primarily responsible for the letting of market stalls to individual stallholders. As to the day-to-day management, it has dedicated the function to the self-governance organizations (自治組織) formed by individual stall tenants. In Singapore, a majority of its markets and hawker centres¹⁵ ("hawker centres") are directly managed by the government. Yet it is trying out an alternative model by outsourcing the management and subletting functions to the private sector.

Public markets in Taipei City

Letting of stalls directly by the local government

3.2 In Taipei City, public markets are administered by the Taipei City Market Administration Office ("TCMA") under the Department of Economic Development. TCMA is tasked to let out market stalls to individual stall tenants. Vacant stalls are mainly let out by open tender for a maximum period of three years with an option of renewal. Apart from open tender,

¹³ See GovHK (2017).

¹⁴ See 《外判街市商戶苦不堪言 要求房署自行管理》,《香港經濟日報》(2016).

¹⁵ In Singapore, many hawker centres are market-cum-hawker centres, comprising a combination of cooked food stalls and market produce stalls.

TCMA also makes available part of the stalls for certain groups of people. For instance, in a newly developed or re-developed market, affected traders or nearby temporary hawkers are given priority for a stall allocation; and people with mental or physical disability may also apply to TCMA for a stall allocation for operation.¹⁶

3.3 TCMA charges stallholders monthly rentals and the amount is determined based on stall size and land value. However, due to stagnant economy, it was reported that the rental level of market stalls in Taipei City had been frozen since 2000 without any adjustment. The Taipei City government has recently indicated a plan to revise upward the rental levels on a progressive basis in the coming few years.¹⁷

Daily management function dedicated to market tenants

3.4 In Taipei City, individual stall tenants in every public market are required to form a self-governance organization to take up the daily management responsibility under the supervision of TCMA, including maintaining the market's public safety and order, and keeping proper environment and hygiene.¹⁸ The operational expenditures are shared among the individual stallholders. Dedicating the management function to stall tenants is considered helpful to enhance their self-discipline and increase the sense of ownership.

3.5 However, self-governance organizations have been criticized as poorly-organized, with the lack of skills and expertise necessary to effectively run the markets. As such, TCMA has in recent years provided training to these organizations to strengthen their management capability. Indeed, over the years, public markets in Taipei City and other parts of Taiwan have seen losing attractiveness. To improve the competitiveness, Taiwan has introduced various campaigns and initiatives with some of them implemented by the local governments.

¹⁶ See 台北市政府法務局：《台北市公有零售市場攤(鋪)位配標租原則》(2013) and 台北市政府法務局：《台北市零售市場攤(鋪)位設置管理辦法》(2016).

¹⁷ See 《〈台北都會〉台北公有市場調租金 東門 4 年漲 4.3 倍》·《自由時報》(2017).

¹⁸ See 台北市政府法務局：《台北市公有零售市場自治組織設置管理辦法》(2010).

Recent government efforts to revitalize public markets

3.6 In Taipei City, TCMA has sought to revitalize the public markets by, for example: (a) upgrading the market facilities and improving the environmental hygiene; (b) introducing an award scheme to appraise public markets with good management practices; (c) strengthening publicity with the organization of different market festivals; (d) allowing the self-governance organizations to take up unpopular vacant stalls for operation and subletting; and (e) providing training to stallholders to improve their selling skills.¹⁹ While these measures are considered to be conducive to improving the image of public markets, in recent years, the Taipei City government has also explored the public-private partnership for its markets to leverage the experience of the private sector. Two markets recently undergone re-development are based on the build-operate-transfer model. Yet its effectiveness remains to be seen.

Hawker centres in Singapore

Direct management by the National Environment Agency

3.7 In Singapore, hawker centres provide Singaporeans with affordable meals and goods. These centres are typically managed by the statutory board, National Environment Agency ("NEA"), which is responsible for the management of tenancies, licensing and public health aspects of the centres. Hawker centres comprise subsidized stalls and non-subsidized stalls. Subsidized stalls are rented to those who were relocated from the streets in the 1970s or those who were allocated stalls under the former hardship scheme. These stallholders pay a subsidized rental. For non-subsidized stalls, the rentals are determined by tender exercise or professional valuations. Every month, NEA carries out a tender exercise for vacant stalls.

3.8 There are 107 hawker centres managed by NEA. In 2011, the government released its plan to build additional hawker centres to increase the provision of affordable food. To bring fresh perspectives in terms of food diversity, branding, operation and productivity, the Singapore government has explored the possibility of tapping the expertise in the private sector. Hawker

¹⁹ See 台北市議會：《台北市議會公報第 104 卷第 09 期：市場改建(第一果菜／成功)進度及公私市場管理規劃》(2015).

centres are social infrastructures and maintaining rental stability is a key consideration. As such, it has adopted the not-for-profit management model on the recommendation of the Public Consultation Panel on Hawker Centres.²⁰ This alternative model was first adopted in 2014 on a pilot basis, and there are presently four hawker centres²¹ operated under this arrangement.

Adoption of not-for-profit management model for new hawker centres

3.9 Under this management model, social enterprises or co-operatives with experience in food and beverage operations and lease management are appointed to take up the daily operations and management of individual stall tenancies. They are allowed to decide on a stall allocation method and individual stall rentals. However, NEA will, in selecting market operators, evaluate their method for stall allocation and rentals.²² For example, according to NEA, it has appointed an operator which had proposed to reserve part of the stalls for priority allocation to specified groups of people, such as the underprivileged, nearby residents and people who have received relevant hawker training. Another operator appointed by NEA has let out the individual stalls in a centre by tender, and evaluation was based on 40% rental and 60% quality factors such as variety, selling price and concept.²³

3.10 The appointed operators are expected to have the flexibility to innovate and customize solutions for each centre. According to the Singapore government, some operators have put in place new productivity initiatives such as introducing centralized dish-washing, bulk purchase of ingredients and 24-hour operation of a section of stalls.

Extension of the new model to existing hawker centres

3.11 The Singapore government has indicated that the feedback from both hawkers and patrons of these centres had been largely positive. Hence, it has recently decided to extend this management model to other hawker

²⁰ The Panel, comprising 18 representatives from different social enterprises and industries, was formed to provide new ideas on the management, infrastructure and design for the new hawker centres.

²¹ Among the four hawker centres, three hawker centres are new and one is an existing centre.

²² Information is based on the email reply from the National Environment Agency at the request of the Research Office.

²³ See Foodfare (2015) and National Environment Agency (2016).

centres including five existing centres.²⁴ The Singapore government has further announced that there will be no change to the way rentals are determined for the existing centres, meaning that subsidized stallholders will continue to pay subsidized rentals and non-subsidized stallholders will continue to pay the prevailing market rentals as assessed by professional valuers under the direct management approach.²⁵ As to how future vacant stalls in these centres are going to be filled, the Singapore government has not specifically indicated.

4. Concluding remarks

4.1 The Housing Authority has adopted a single-operator letting arrangement for all its new markets since 1997. This arrangement aimed to provide better shopping choices and service environment for residents by leveraging on the expertise and experience of the private sector. The comprehensive review conducted in 2002 indicated that net income receivable by the Housing Authority from such lettings generally matched that obtainable under the operation of the Housing Department, and in some cases was even higher. According to the Government, under the Housing Authority, there will be 12 new markets completed in the coming five years, and the same model will continue to be adopted.

4.2 Over the years, the Housing Authority has put in place a series of measures and enhancements to increase the protection to stallholders, improve the operating environment, and strengthen the monitoring of the single operators. Nevertheless, since stall rentals are negotiated between the single operators and individual stallholders, there have been concerns that individual stallholders might face higher rentals and as a result of higher rentals, the product choice in these markets might not meet the daily needs of residents.

4.3 In Taipei City, the government is responsible for letting of stalls while the daily management function rests with stall tenants through the formation of self-governance organizations. However, there have been concerns about the management capability of the self-governance organizations. Indeed,

²⁴ According to the Singapore government, the five existing and two other new hawker centres will be managed by the same operator.

²⁵ See Ministry of the Environment and Water Resources (2017).

public markets in Taipei City have seen losing popularity so its government has put in place a series of measures to improve the image of the markets, including upgrading the facilities, strengthening promotion and awarding markets with good management practices.

4.4 In Singapore, hawker centres are typically managed by NEA. These centres comprise subsidized stalls and non-subsidized stalls. To introduce innovations and management flexibility, the Singapore government is increasingly making use of the private sector to run the centres on a not-for-profit basis. Since socially-conscious operators are not driven by profits, it is believed that they will have an incentive to keep rental low and hence food prices down. Although the operators are responsible for the management of individual stall tenancies, NEA will, in selecting market operators, evaluate their method for stall allocation and rentals.

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1 June 2017
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