

**立法會**  
**Legislative Council**

LC Paper No. CB(1)910/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB1/HS/2/16/1

**Subcommittee on Issues Relating to Bazaars**

**Minutes of the tenth meeting on  
Tuesday, 4 July 2017, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon LAU Siu-lai (Chairman)  
Dr Hon KWOK Ka-ki (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Hon LEUNG Kwok-hung  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Dr Hon YIU Chung-yim

**Members absent** : Hon WONG Ting-kwong, GBS, JP  
Hon Claudia MO  
Hon HO Kai-ming  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Hon Nathan LAW Kwun-chung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public officers attending** : Mr Daniel CHENG, JP  
Deputy Secretary for Food and Health (Food)1

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

Mr LAM Wing Hong  
Assistant Director (Operations)2  
Food and Environmental Hygiene Department

Ms Rebecca KU  
Senior Superintendent (Operations)2  
Food and Environmental Hygiene Department

Mr WONG Wing-hung, Stephen  
Chief Manager / Management (Tuen Mun and Yuen Long)  
Housing Department

Ms SHU So-wah, Josephine  
Chief Estate Surveyor / Commercial Properties  
Housing Department

**Clerk in attendance** : Ms Connie SZETO  
Chief Council Secretary (1)4

**Staff in attendance :** Miss Sharon LO  
Senior Council Secretary (1)9

Ms Sharon CHAN  
Legislative Assistant (1)4

---

Action

**I Proposed overseas duty visit**

(LC Paper No. CB(1)1153/16-17(01) — Letter from Dr Hon KWOK Ka-ki dated 14 June 2017 requesting the Subcommittee to add an agenda item on overseas duty visit (Chinese version only))

At the invitation of the Chairman, Dr KWOK Ka-ki briefed members on his views for the Subcommittee to conduct an overseas duty visit.

2. The Chairman drew members' attention on the following arrangements if the Subcommittee was to undertake a duty visit outside Hong Kong:

- (a) each Member was provided with an overseas duty visit account of \$55,000 in a four-year term for the purpose of duty visits outside Hong Kong organized by committees of the Council;
- (b) the Subcommittee had to determine the place(s), timing and programme (e.g. organizations to be met) of the proposed visit, and then seek the permission of the House Committee ("HC") for the visit;
- (c) sufficient time must be allowed for the Legislative Council Secretariat to undertake the preparatory work; and
- (d) the Subcommittee had to complete its work by 6 December 2017. Given the short lead time, it would be unfeasible for the Subcommittee to conduct an overseas duty visit before 6 December 2017. It would be necessary for the Subcommittee to seek HC's approval to extend its work period for the purpose of conducting the visit.

Action

3. Mr Jeremy TAM, Mr LEUNG Yiu-chung and Mr Andrew WAN supported the proposal for the Subcommittee to conduct an overseas duty visit if it could extend its work period.
4. Mr Steven HO and Ms Alice MAK were of the view that the Subcommittee should consider whether it should conduct an overseas duty visit if HC granted approval for the Subcommittee to extend its work period.
5. As regards the places for the duty visit, Mr Jeremy TAM and Mr YIU Si-wing suggested visiting places with newly established bazaars so that members could study the experience of the places and gain a better understanding on the factors contributing to their success. Mr LEUNG Yiu-chung remarked that the visit should focus on policies on bazaars formulated by overseas governments, the difficulties encountered by operators in establishing bazaars and the measures taken by the overseas governments in tackling the problems.
6. The Chairman concluded that the Subcommittee would re-visit the issue on whether it should conduct an overseas duty visit if approval from HC was given for the Subcommittee to extend its work period.

**II Relationship among bazaars, public markets and similar facilities in private property**

(LC Paper No. CB(1)1242/16-17(01) — Paper provided by the Administration)

Follow-up to the meeting on 13 June 2017

(LC Paper No. CB(1)1242/16-17(02) — List of follow-up actions arising from the discussion at the meeting on 13 June 2017)

LC Paper No. CB(1)1242/16-17(03) — Administration's response to issues raised at the meeting on 13 June 2017)

Action

Other papers

(LC Paper No. CB(1)1242/16-17(04) — Letter dated 15 June 2017 issued by Dr Hon LAU Siu-lai to the Food and Health Bureau (Chinese version only)

LC Paper No. CB(1)1242/16-17(05) — Letter dated 15 June 2017 issued by Dr Hon LAU Siu-lai to the Housing Department (Chinese version only))

Discussion

7. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

8. Members noted that the Housing Department ("HD") would need to seek consent from other private owners for the establishment of bazaars at the common areas of public rental housing ("PRH") estates that were jointly-owned by the Housing Authority and other private owners (e.g. Link Real Estate Investment Trust ("Link REIT")). Moreover, some PRH estates were located on land lots subject to land leases or deed of mutual covenants. Subject to the terms and conditions of the land leases or deed of mutual covenants, approval from the Lands Department ("LandsD") might also be required for a temporary waiver or lease modification permitting the use of the land for the purpose of establishing bazaars. The Administration was requested to provide the following information:

- (a) legal advice on whether HD, being the major owner of PRH estates with the majority of shares in the property, had the legal power to approve a bazaar proposal even there was objection from other private owners;
- (b) legal advice on the role and power of LandsD in vetting applications for change in the use of land in PRH estates for setting up bazaars, in particular when residents welcomed the bazaar proposal but consent from some of the private owners could not be obtained;

Action

- (c) the mechanism adopted by HD in handling bazaar proposals (including procedures for obtaining consent from other private owners and communication with bazaar organizers during the process), using the recent proposal of setting up a bazaar in Lai Kok Estate as an example; and
- (d) a copy of the new application form developed by HD for setting up bazaars in PRH estates (i.e. 慈善團體／機構在屋邨內進行臨時墟市活動申請書) which the Subcommittee had already requested at the meeting on 13 June 2017.

9. The Administration was requested to respond to Subcommittee members' suggestions as follows:

- (a) using vacant stalls of public markets to develop community kitchens with a view to assisting bazaar operators to prepare cooked food for sale;
- (b) to work out a list of vacant market stalls suitable for setting up community kitchens; and
- (c) identifying and liaising with potential non-governmental organizations for setting up community kitchens in vacant market stalls.

*(Post meeting note: The Chinese and English versions of the Administration's written response were issued vide LC Paper Nos. CB(1)1457/16-17 and CB(1)1461/16-17 on 6 October and 9 October 2017 respectively.)*

**III Any other business**

10. There being no other business, the meeting ended at 12:19 pm.

**Proceedings of the tenth meeting of the  
Subcommittee on Issues Relating to Bazaars  
on Tuesday, 4 July 2017, at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
<b>Agenda item I — Proposed overseas duty visit</b>			
000735 – 002312	Chairman Deputy Chairman Mr Jeremy TAM Mr Steven HO Ms Alice MAK Mr Andrew WAN Mr LEUNG Yiu-chung Mr YIU Si-wing Clerk	Discussion on proposed overseas duty visit  [LC Paper No. CB(1)1153/16-17(01)]	
<b>Agenda item II — Relationship among bazaars, public markets and similar facilities in private property</b>			
002313 – 002844	Chairman Administration	Briefing by the Administration on relationship among bazaars, public markets and similar facilities in private property  [LC Paper No. CB(1)1242/16-17(01)]	
002845 – 003505	Chairman Mr LEUNG Che-cheung Administration	Mr LEUNG pointed out that bazaars of different nature (e.g. Tin Sau Bazaar and the holiday bazaar at Tin Yiu Estate) might have different impacts on local residents and nearby shops. He asked how the Administration would address the concerns of different stakeholders, in particular if opposing views were received from them (e.g. shop owners in the vicinity).  The Government said that under the existing bottom-up approach, District Councils ("DCs") would discuss bazaar proposals in the respective districts, so as to address concerns of different stakeholders and achieve local consensus on the proposals. The fees for setting up bazaars in different venues might vary and the Government would be mindful of the need to maintain a level playing field for both the bazaar operators and the nearby shop owners.	

Time Marker	Speaker	Subject(s)	Action Required
003506 – 004218	Chairman Mr SHIU Ka-chun Administration	<p>Mr SHIU was concerned that the Administration had not provided a definition of the term "bazaar". He sought the Administration's view on possible competition among bazaars, public markets and retailing facilities in private property, including whether and how the Administration would promote healthy competition among such facilities.</p> <p>The Government responded that there was no exact definition of the term "bazaar". Bazaars might take different forms and the nature and positioning of bazaars could be very different, e.g. some were festival celebrative events, some for providing business opportunities to the grassroots, etc. The commodities sold or services provided in bazaars might complement or overlap with those in public markets and retailing facilities in private property, and hence bazaars might play a complementary role and might give rise to competition.</p>	
004219 – 004657	Chairman Mr YIU Si-wing Administration	<p>Mr YIU suggested that the Administration should formulate guiding principles to facilitate interested parties in making applications for establishing bazaars so that organizers could prepare their proposals and transparency of the vetting mechanism could be enhanced.</p> <p>The Government responded that it would consider developing guidelines for setting up bazaars (including the consultation mechanism) to facilitate the public in complying with various requirements of the departments.</p>	
004658 – 005632	Chairman Mr LEUNG Yiu-chung Administration	<p>Mr LEUNG urged the Administration to facilitate the development of bazaars in public rental housing ("PRH") estates so as to counter the monopoly of the Link Real Estate Investment Trust ("Link REIT"). He requested the Administration to provide advice on –</p> <p>(a) whether the Housing Department ("HD"), being the major owner of PRH estates with the majority of shares in the property, had the legal power to approve a bazaar proposal even there was objection from</p>	The Administration to take action as paragraph 8(a) and 8(b) of the minutes



Time Marker	Speaker	Subject(s)	Action Required
		<p>other private owners, such as Link REIT; and</p> <p>(b) the role and power of the Lands Department ("LandsD") in vetting applications for changing the land use in PRH estates for setting up bazaars, in particular when a bazaar proposal was welcomed by residents but failed to obtain the consent from some of the private owners.</p> <p>The Government advised that –</p> <p>(a) some PRH estates involved other private owners and were located on lots subject to land leases and deeds of mutual covenant;</p> <p>(b) given the restrictions on land use, approval from LandsD and consent from other owners would be required for the implementation of the bazaar proposals; and</p> <p>(c) HD would facilitate bazaar organizers to liaise with other private owners of PRH estates if the latter had opposing views on the proposals.</p>	
005633 – 010118	Chairman Administration	<p>The Chairman enquired about HD's mechanism in handling bazaar proposals (including the procedures for obtaining consent from other private owners and communication with bazaar organizers during the process), using the recent proposal of setting up a bazaar in Lai Kok Estate as an example. She also requested HD to provide a copy of its new application form developed for setting up bazaars in PRH estates (i.e. 慈善團體／機構在屋邨內進行臨時墟市活動申請書). She expressed concern that estate offices and frontline staff were not aware of the new application form and still did not allow activities with cash transactions at the bazaar venues.</p> <p>The Government said that HD had established mechanism for handling bazaar proposals and had informed estate offices and frontline staff</p>	The Administration to take action as paragraph 8(c) and 8(d) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>that bazaar-related applications could be accepted. HD agreed to provide a copy of the new application form after the meeting.</p>	
010119 – 010725	Chairman Mr SHIU Ka-chun Administration	<p>Mr SHIU referred to the Chief Executive's suggestion of developing multi-function sites (i.e. housing different facilities within the same site) and public markets to counter the monopoly of Link REIT and enquired if the Administration would promote the development of bazaars with a view to promoting healthy competition.</p> <p>The Government advised that –</p> <ul style="list-style-type: none"> <li>(a) it welcomed healthy competition among bazaars, public markets and retail facilities in private property;</li> <li>(b) the current bottom-up approach would allow more room and flexibility for the organizers to develop different types of bazaars;</li> <li>(c) departments concerned would facilitate the development of bazaars and public markets in complement with the new-term Government's policy initiatives; and</li> <li>(d) HD would provide the application form to the Food and Health Bureau ("FHB") for submission to the Subcommittee together with other information requested at the meeting.</li> </ul>	
010726 – 011344	Chairman Mr HUI Chi-fung Administration	<p>Mr HUI sought clarification on whether HD was legally required to obtain other private owners' consent for establishing bazaars in PRH estates. He enquired how HD would improve its policy to promote the development of bazaars in PRH estates.</p> <p>The Government advised that –</p> <ul style="list-style-type: none"> <li>(a) open spaces in PRH estates were often public passageways, sitting-out areas or common spaces for use of residents;</li> </ul>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(b) for PRH estates located on lots subject to land leases and deeds of mutual covenant, the Government had to observe the relevant conditions when considering proposals for setting up bazaars;</p> <p>(c) HD would assist the organizers to consult residents and other stakeholders through the Estate Management Advisory Committee concerned with a view to reaching a consensus among various stakeholders;</p> <p>(d) government departments and non-governmental organizations would hold various types of community activities in PRH estates from time to time which usually had a simple structure and of short duration; and</p> <p>(e) Link REIT did not oppose to the proposal of setting up a bazaar in Tin Yiu Estate.</p>	
011343 – 011804	Chairman Administration	<p>The Chairman enquired if HD would consider developing clear and transparent mechanism in addressing opposing views against bazaar proposals in PRH estates, and setting the maximum duration allowed for a bazaar to avoid possible monopoly by operators.</p> <p>The Government responded that HD would consider bazaar proposals on a case-by-case basis. The duration of a bazaar might vary depending on the needs and circumstances of individual estates (e.g. the bazaar in Tin Yiu Estate would last for 15 weeks).</p>	
011805 – 012713	Chairman Dr KWOK Ka-ki Administration	<p>The Chairman suggested the Administration to consider using vacant stalls in public markets to develop cooked food bazaars or community kitchens for use by operators to prepare cooked food for sale in bazaars.</p> <p>Dr KWOK suggested the Administration to work out a list of vacant market stalls suitable for setting up community kitchens, and to identify and liaise with potential</p>	The Administration to take action as paragraph 9 of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>non-governmental organizations for setting up community kitchens in vacant market stalls.</p> <p>The Government advised that it would conduct a comprehensive review to revitalize and modernize existing public markets which would cover upgrading their hardware and reviewing the operation and management.</p>	
012714 – 013739	Chairman Administration	<p>The Chairman asked –</p> <ul style="list-style-type: none"> <li>(a) whether HD could approve a bazaar proposal even there was objection from other private owners, in particular when residents welcomed the bazaar proposal but consent from Link REIT could not be obtained; and</li> <li>(b) if HD would consider studying the feasibility of developing different types of bazaars in the 78 PRH estates which did not have other private owners.</li> </ul> <p>The Government responded that –</p> <ul style="list-style-type: none"> <li>(a) since some PRH estates involved other owners, and were located on land lots subject to land leases with restrictions on land use and floor areas and deeds of mutual covenant, approval from LandsD and consent from other owners would be required for implementing a bazaar proposal;</li> <li>(b) the views of residents and other stakeholders would need to be taken into account in considering a bazaar proposal;</li> <li>(c) HD would facilitate bazaar organizers to liaise with and address the concerns of other private owners of PRH estates; and</li> <li>(d) HD would examine the feasibility and consider the impact of individual proposal, in light of the needs and actual circumstances of the estate concerned.</li> </ul>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
<b>Agenda item III — Any other business</b>			
013740 – 013751	Chairman	Closing remarks	

Council Business Division 1  
Legislative Council Secretariat  
4 May 2018