

立法會
Legislative Council

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seen by the Administration)

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**Subcommittee on Issues Relating to Shopping Centres, Markets and
Carparks in Public Rental Housing Estates and
Home Ownership Scheme Estates**

**Minutes of the second meeting
held on Monday, 26 February 2018 at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members Present : Hon Jeffrey LAM Kin-fung, GBS, JP (Chairman)
Hon HO Kai-ming (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Claudia MO
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai

Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho

**Members
absent** : Hon Paul TSE Wai-chun, JP
Hon LAU Kwok-fan, MH
Hon KWONG Chun-yu

**Public officers
attending** : Dr Raymond SO, BBS, JP
Under Secretary for Transport and Housing

Miss Rosaline WONG
Deputy Director (Estate Management)
Housing Department

Mr Ricky YEUNG
Assistant Director (Estate Management)2
Housing Department

Mr Rayson CHAN
Acting Assistant Director (Policy Support)
Housing Department

Ms Josephine SHU
Chief Estate Surveyor/Commercial Properties
Housing Department

**Clerk in
attendance** : Ms Angel WONG
Chief Council Secretary (4)4

**Staff in
attendance** : Miss Mandy NG
Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

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I. Policy and enhancement measures on provision of commercial facilities for public housing residents

(LC Paper No. CB(4)634/17-18(01) -- Paper provided by the Administration)

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

Declaration of interest

2. Mrs Regina IP declared that certain District Council ("DC") members of the New People's Party rented the properties owned by Link Real Estate Investment Trust ("Link") for setting up ward offices.

Major views and concerns

Management of divested properties

3. Mrs Regina IP pointed out that she had identified suspected breaches of land lease conditions in 55 divested properties of the Hong Kong Housing Authority ("HA") including retail and carparking facilities, owned by Link and the subsequent owners of the divested properties for HA's reference the year before. However, the Administration's paper had not mentioned a word about the suspected breaches. Sharing similar concerns, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr LEUNG Yiu-chung, Mr CHU Hoi-dick and Mr Andrew WAN enquired about the follow-up actions taken by HA to tackle the suspected breaches.

4. Under Secretary for Transport and Housing ("USTH") advised that as with other private properties, the Administration and HA would not interfere with the rights of Link and other owners of the divested properties to use their properties and their commercial decisions, as long as the relevant legal requirements and land lease conditions were complied with. However, if breaches of any laws, land lease conditions or covenants with HA were confirmed, the relevant government departments and HA would pursue the matter seriously and take appropriate actions. In fact, the Lands Department ("LandsD") had acted on Mrs Regina IP's referrals about suspected lease breaches and no breaches of the lease conditions were established. However, improvement areas had been identified and the owners concerned had been informed to make rectification accordingly.

5. Deputy Director (Estate Management), Housing Department ("DD(EM)") supplemented that land uses of the lots, including requirements that certain floor areas should be used for the provision of designated facilities and the number of parking spaces to be provided, were generally specified in the lease conditions. Owners who wished to change the relevant land uses must obtain the prior

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consent of other owners of the lot as well as the approval of LandsD. As regards carparking facilities, parking spaces were generally restricted to the parking of vehicles by the residents and visitors of the lot concerned, but individual land leases might contain provisions stipulating that some of the parking spaces might be provided for use by the residents or visitors of the nearby housing developments. Restrictions of use of parking spaces in the relevant lease would remain effective despite the transfer of ownership of the car parks/parking spaces. In other words, owners of the divested properties, including Link and the subsequent buyers, were obliged to comply with the lease conditions. Any suspected breaches of the leases would be inspected and followed up by LandsD according to the existing procedures.

6. Mr LEUNG Yiu-chung sought further explanation about LandsD's lease enforcement actions taken against breaches of the leases. Dr KWOK Ka-ki, Dr Fernando CHEUNG, Ms Claudia MO and the Deputy Chairman urged HA to proactively take effective monitoring measures, such as setting up an inter-departmental taskforce to conduct regular inspections in the divested properties, to ensure the compliance with land lease conditions by Link and the subsequent buyers.

7. USTH advised that LandsD mainly acted on complaints, referrals or enquiries about suspected breaches of the land leases regarding divested properties. Appropriate follow-up actions would be taken in case the breaches were confirmed. Given that a regulatory mechanism had already been in place, the Administration had no plan to set up an inter-departmental taskforce to monitor and inspect commercial facilities of a particular owner/type of private properties. DD(EM) added that HA had been communicating with the owners of the divested properties in the light of the circumstances of individual properties. So far, HA had handled five cases of suspected breaches of the welfare-letting covenants, which required the subsequent buyers of the divested properties to let certain designated units to non-profit making organizations nominated by the nominating authorities (including the Social Welfare Department, the Education Bureau, etc.) at concessionary rent as stipulated by HA for the provision of education or social welfare services. Having been cautioned by HA, relevant owners had already addressed the problems. HA would maintain liaison with the nominating authorities for the provision of assistance where necessary and write to subsequent buyers, reminding them of the requirements under the welfare-letting covenant.

8. Mr LEUNG Yiu-chung and Dr KWOK Ka-ki enquired whether the Administration would implement remedial measures to avoid further sale of HA's divested properties by Link and the subsequent buyers, such as buying back the divested properties, for the benefit of the community. USTH advised that "buy-back" proposal was incompatible with the Government's policy, the principle of prudent financial management and public interest at large. Under the prevailing situation of tight housing supply, the Administration would

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concentrate its resources on meeting the demand for public housing.

Carparking facilities

9. Mr YIU Si-wing, Mr CHAN Chun-ying, Mr Jeremy TAM, Mr Holden CHOW, Mr Andrew WAN, Dr Elizabeth QUAT and the Deputy Chairman expressed grave concern over the severe shortage of parking spaces for various types of vehicles. Mr YIU supported the Administration's plan to open up parking spaces in public housing developments to meet the parking needs of commercial vehicles including coaches and urged for the provision of an appropriate number of parking spaces for coaches in each district. Mr TAM pointed out that the shortage of motorcycle parking spaces was becoming more serious owing to the increasing number of licensed motorcycles.

10. USTH advised that the Administration recognized the shortage of parking spaces for commercial vehicles including coaches in public housing estates and would accord priority to meeting the parking demand of commercial vehicles including coaches. Measures to increase commercial vehicle parking spaces, such as the conversion of private car parking spaces with low occupancy rate into commercial vehicle parking spaces, would be explored and implemented. Regarding motorcycle parking spaces, DD(EM) advised that the Administration was aware of its shortage and would provide more motorcycle parking spaces in public housing estates, as far as circumstances permitted.

11. Mr CHAN Chun-ying, Dr Elizabeth QUAT and the Deputy Chairman considered there a need for the Administration to convert surplus private car parking spaces for other types of vehicles that were of greater demand, in particular commercial vehicles, so that public housing residents who were drivers of commercial vehicles could park their vehicles nearby if they needed to. Mr Jeremy TAM suggested the Administration to convert surplus monthly parking spaces into hourly parking spaces to combat illegal parking. Dr QUAT further pointed out that to her understanding, Link was unwilling to apply to LandsD for the conversion because the fees to be charged were too high. The Deputy Chairman urged the Administration to consider reducing or waiving the fees.

12. USTH said that at present, there were 151 carparks under the management of HA providing a total of around 30 000 parking spaces with an overall occupancy rate of over 94%. HA had been adopting a flexible approach in letting and making conversion of parking spaces in response to changes in demand. Subject to the terms in the land leases of the estates and courts concerned, HA might seek permissions and waivers from LandsD for letting the surplus parking spaces to non-resident users in order to ease the shortage of parking spaces.

13. DD(EM) stressed that Link and the subsequent buyers of the divested properties had to comply with the land lease conditions. As with all land leases,

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owners might apply to LandsD to waive some specified provisions of the original leases and if approved, LandsD would assess the waiver fees required. Generally speaking, HA would support Link's application to make conversion of surplus parking spaces in response to residents' demand.

14. Mr YIU Si-wing, Mr Holden CHOW, Mr Andrew WAN and Dr Elizabeth QUAT suggested HA to increase the supply of parking spaces by building multi-storey underground car parks in new public housing developments.

15. USTH explained that the number of parking spaces provided by new public housing development projects depended on their specific development parameters and circumstances, such as housing type, number of flat, location, etc. HA would consider the option of underground multi-storey car parks in new public housing estates if the overall development permitted, but at the same time not to result in reduction of number of flats, extension of construction period, and creation of significant financial commitment.

16. Mr CHAN Chun-ying, Mr Jeremy TAM, Mr Holden CHOW, Mr Andrew WAN and Dr Elizabeth QUAT considered that the shortage of parking spaces should be tackled at root by immediately reviewing and revising the standards and guidelines in relation to the supply of parking spaces set out in the Hong Kong Planning Standards and Guidelines ("HKPSG").

17. USTH responded that HKPSG stipulated guidelines for various types of land uses and facilities, including parking provision in the development projects. According to HKPSG, private housing developments provided more parking spaces than public rental housing developments owing to private housing residents' higher demand for parking spaces. However, the Administration would continue to review the guidelines on the supply of parking spaces in HKPSG as appropriate to meet the evolving needs of the public. To ease the shortage situation, developers were encouraged to provide parking spaces at the higher end of the range under HKPSG in suitable development projects. Meanwhile, HA would provide appropriate carparking facilities in new public housing developments, taking into account the guidelines in HKPSG, the traffic and parking conditions in the vicinity of the development projects, etc.

18. Mr YIU Si-wing further pointed out that Link's parking fees were much higher than that of HA. He was concerned that the relatively low parking fees of HA might attribute to the tight demand for HA's parking spaces. Dr Elizabeth QUAT urged the Administration to make use of new technology to further improve the occupancy rates of parking spaces and maximize the use of land to bring the most benefit to the community as a whole.

19. USTH advised that HA had been charging market rate for its car parks. When determining the carpark fees, HA would take into account the needs and affordability of public housing residents. Moreover, HA was actively exploring

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the application of new technology to enhance the utilization efficiency of carpark under HA and would revert to Members once details were finalized.

20. Mr Jeremy TAM pointed out that while the Administration was promoting the use of electric vehicles ("EV"), only a few hourly parking spaces were installed with EV charging facilities. Furthermore, he considered that the dimensions for parking spaces should be reviewed to accommodate EV charging facilities and meet the growing vehicle fleet size. Assistant Director (Estate Management)2, Housing Department advised that around 30% of parking spaces in new public housing estates under the management of HA were equipped with EV charging facilities. Cables and ducts were also provided for the remaining 70% of parking spaces for installation of charging facilities if necessary. In fact, users of parking spaces might submit applications to HA if they required EV charging facilities. However, due to constraints in respect of power supply capacity, it was not feasible for all carpark in existing public housing estates to be installed with such facilities. As for the dimensions for parking spaces, the overall number of parking spaces in a carpark would be reduced if parking spaces had to be enlarged.

21. Mr IP Kin-yuen noted that the number of parking spaces provided for some schools in public housing estates was less than the requirements set out in HKPSG and the parking spaces were located far away from schools. In addition, schools could only use the parking spaces from 8:00 am to 6:00 pm only, which failed to facilitate the operation of whole-day schooling. DD(EM) undertook to communicate with these schools to offer assistance. She explained that some schools were not provided with adequate number of parking spaces because of the limited supply of parking spaces in certain aged public housing estates.

22. Mr SIU Ka-chun and Dr Fernando CHEUNG expressed concern as to whether subsequent buyers of the carpark in the divested properties would continue to provide parking concession for persons with disabilities ("PWDs"). DD(EM) responded that as long as the owners concerned did not breach the relevant leases and the relevant covenants with HA, the Administration and HA would not interfere with the mode of operation of carpark, such as parking fees and concession arrangements for PWDs. However, to her understanding, Link had been providing concessionary parking fees to PWDs. She encouraged other owners to follow this arrangement. The Administration would relay members' concerns to Link and its subsequent buyers.

23. Ms Alice MAK pointed out that Link had recently disposed of some divested carpark to new buyers. However, Link or the new buyers had not approached the carpark users to discuss the subsequent letting arrangement after the change in ownership. In her view, it was the legal responsibilities of HA to ensure the continued provision of carparking facilities to carpark users after the change in ownership. USTH advised that HA would encourage the new owners to fulfill social responsibility and continue the provision of parking facilities in

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meeting the needs of specific groups of carpark users. In fact, one of the new buyers had announced to maintain the status quo of the existing parking arrangements for the first three months after the change in ownership. Meanwhile, HA would maintain dialogue with Link and the new buyers, with a view to minimizing the impact to the operation of the facilities during the handover period.

Public markets and bazaars

24. Mr LEUNG Che-cheung and Mr Holden CHOW urged the Administration to build new public markets expeditiously to address the needs of the public. Mr LEUNG enquired about the progress of building new public markets in Tung Chung, Tin Shui Wai and Hung Shui Kiu. Mr CHOW expressed dissatisfaction that the public market to be built in the east of Tung Chung New Town Extension Area was scheduled for completion in a decade. In his view, an alternate location should be explored for the building of the public market in Tung Chung.

25. USTH advised that as announced in the 2017 Policy Address, the Administration would build public markets in Tung Chung, Tin Shui Wai and Hung Shui Kiu and had initially identified suitable sites closed to future train stations and public transport interchanges in the east of Tung Chung New Town Extension Area as well as in the southwest of Hung Shui Kiu New Development Area. A possible location for the new public market in Tin Shui Wai was still being explored. On Mr Holden CHOW's concerns over the location of the public market in Tung Chung, USTH explained that the Administration would duly consult the relevant DCs and stakeholders in local communities to finalize the site. As it took time for consultation, funding approval seeking and construction, the duration of works for a new public market would require more than three years.

26. Mr Andrew WAN urged HA to explore measures to increase the provision of public markets in new public housing developments, such as reviewing HKPSG, building multi-storey public markets, etc. DD(EM) reiterated that in developing new housing estates, HA would take into account the relevant government policies and planning requirements to plan for the commercial facilities. Factors such as technical viability, the scales of the estates under planning and the provision of commercial facilities in the vicinity would also be considered during the process.

27. Ms Claudia MO opined that the Administration should make the best use of common areas in public housing estates for organizing bazaars. As the present specific bottom-up proposals required the organizations concerned to spend much time on identifying suitable venues and obtaining the support from local communities and respective DCs, she suggested HA to conduct a study on public housing estates suitable for organizing bazaars with a view to shortening

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its application time. Mr LEUNG Che-cheung enquired whether HA would provide supporting measures, such as provision of space for storing goods, to facilitate proponents in setting up bazaars.

28. Chief Estate Surveyor/Commercial Properties, Housing Department advised that HA had been working proactively to complement the Government's policy regarding bazaar. As the actual circumstances of individual estates and the nature of individual bazaar proposals varied, HA had to duly consider, on a case-by-case basis, the views of the residents and other stakeholders, as well as the nature and impact of bazaar proposals on the relevant estates. If the estate concerned was governed by a land lease or a deed of mutual covenant, and involved other owners, HA would provide assistance to the proponents in consulting other owners and LandsD on the proposal. As HA had to examine the proposals on a case-by-case basis, it would not be practicable for HA to compile a list of suitable venues for setting up bazaars as suggested by Ms Claudia MO. According to the abovementioned principles, HA had approved the setting up of bazaars in Tin Yiu Estate, Ching Ho Estate and Hoi Lai Estate.

Shopping centres

29. Mr SHIU Ka-fai considered that the Administration should devise plans to increase the provision of commercial facilities in public housing estates. DD(EM) responded that there were some 1.74 million square meters of non-domestic facilities under HA, among which over 60% were welfare and community facilities, as well as shops and market stalls. Given the limited space in existing public housing estates, HA would endeavour to balance residents' needs for various community, educational, welfare and commercial facilities and consider increasing the provision of non-domestic facilities where feasible. HA had also put forward a number of initiatives to expand mobile services for estate residents, such as mobile banking service, and implemented the five-year rolling programme since 2011 to prioritize asset enhancement of non-domestic facilities in HA's shopping centres to meet residents' needs and optimize the use of resources. Under the programme, about two projects would be identified for asset enhancement every year. In response, Mr SHIU urged HA to expedite the renovation of shopping centres by identifying more projects for asset enhancement very year. DD(EM) undertook to explore such viability.

30. Mr LEUNG Che-cheung opined that if DC members' ward offices and welfare facilities (such as kindergartens) in public housing estates were not classified as commercial facilities, more flexibility might be given for the provision of commercial facilities to address residents' needs. DD(EM) advised that both commercial facilities and welfare facilities were non-domestic facilities, and concessionary rent would be charged for the welfare facilities. In response to the needs of the public, HA had been converting vacant premises to welfare uses where feasible and leasing out to NGOs. The Administration

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took note of members' views and would further examine the matter.

Follow-up actions by the Administration

31. The Administration was requested to provide the following information:
- (a) the number of parking spaces installed with EV charging facilities in carparks under HA; and
 - (b) the actions taken by the Administration to follow up with the concerns raised by Mrs Regina IP in LC Paper No. CB(4)461/17-18(01).

(Post-meeting note: The Administration's written information was issued to members vide LC Paper No. CB(4)801/17-18(01) on 22 and 29 March 2018.)

II. Any other business

32. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 4
Legislative Council Secretariat
16 October 2018

**Proceedings of the second meeting of the
Subcommittee on Issues Relating to Shopping Centres, Markets and Carparks in
Public Rental Housing Estates and Home Ownership Scheme Estates
on Monday, 26 February 2018 at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
<i>Agenda Item 1 - Policy and enhancement measures on provision of commercial facilities for public housing residents</i>			
000531 - 001112	Chairman Dr KWOK Ka-ki Mrs Regina IP	Opening remarks	
001113 - 001542	Chairman The Administration	The Administration's briefing on the policy and enhancement measures on provision of commercial facilities for public housing residents	
001543 - 002214	Chairman Mrs Regina IP	Declaration of interest Mrs IP's concerns about land lease breaches by owners of properties divested by the Hong Kong Housing Authority ("HA")	
002215 - 002652	Deputy Chairman Dr KWOK Ka-ki The Administration	Mr KWOK's concerns about the Administration's lease enforcement actions and request for copies of land leases of HA's divested properties	
002653 - 003130	Deputy Chairman Mr YIU Si-wing The Administration	Mr YIU's concerns about inadequacy of parking spaces for coaches in public housing estates	
003131 - 003609	Deputy Chairman Mr CHAN Chun-ying The Administration	Mr CHAN's views on the revision of the Hong Kong Planning Standards and Guidelines ("HKPSG") to increase provision of parking spaces	
003610 - 004141	Deputy Chairman Mr Jeremy TAM The Administration	Mr TAM's concerns about inadequacy of motorcycle parking spaces and parking spaces installed with electric vehicle ("EV") charging facilities	
004142 - 004725	Deputy Chairman Mr LEUNG Che-cheung The Administration	Mr LEUNG's concerns about the progress of building new public markets and the definition of non-domestic facilities	
004726 - 005147	Deputy Chairman Mr Holden CHOW The Administration	Mr CHOW's views about the location of the new public market in Tung Chung and the revision of HKPSG to increase provision of parking spaces	
005148 - 005740	Deputy Chairman Mr SIU Ka-chun The Administration	Mr SIU's enquiry about the parking concession for disabled persons at carparks further disposed of by Link Real Estate Investment Trust ("Link")	
005741 - 010315	Deputy Chairman Dr Fernando CHEUNG The Administration	Dr CHEUNG's urge for the conduct of inspections on suspected land lease breaches by owners of divested properties	
010316 - 011005	Deputy Chairman Ms Claudia MO The Administration	Ms MO's concerns about the Administration's lease enforcement actions and implementation of the policies on bazaar	

Time marker	Speaker(s)	Subject(s)/Discussion	Action required
011006 - 011435	Deputy Chairman Ms Alice MAK The Administration	Ms MAK's concerns about the tenancy renewal arrangements in carparks owned by the subsequent buyers of divested properties	
011436 - 012052	Deputy Chairman Mr LEUNG Yiu-chung The Administration	Mr LEUNG's concerns about the Administration's follow-up actions to the alleged land lease breaches by Link and the subsequent buyers of the divested properties, and the Administration's stance on buying back the divested properties	
012053 - 012550	Deputy Chairman Mr SIU Ka-fai The Administration	Mr SIU's enquiry about the measures to increase provision of retail facilities in public housing estates	
012551 - 013219	Deputy Chairman Mr CHU Hoi-dick The Administration	Mr CHU's request for copies of sale agreements signed between the Administration and Link	
013220 - 013808	Deputy Chairman Mr Andrew WAN The Administration	Mr WAN's views on the revision of HKPSG to increase provision of public markets and parking spaces	
013809 - 014213	Deputy Chairman Mr IP Kin-yuen The Administration	Mr IP's concerns about inadequacy of parking spaces for schools located in public housing estates	
014214 - 014951	Deputy Chairman Dr Elizabeth QUAT The Administration	Dr QUAT's concerns about inadequacy of commercial vehicle parking spaces in public housing estates	
014952 - 015439	Deputy Chairman The Administration	The Deputy Chairman's enquiries about the Administration's lease enforcement actions and conversion of surplus parking spaces into other types of parking spaces in demand	
015440 - 015635	Deputy Chairman Mr LEUNG Che-cheung The Administration	Mr LEUNG's enquiry about the Administration's supporting measures to facilitate the organizing of bazaars in public housing estates	
015636 - 015919	Deputy Chairman Mr Jeremy TAM The Administration	Mr TAM's concerns about the under-sized parking spaces for EVs in carparks managed by HA	
015920 - 020335	Deputy Chairman Dr Elizabeth QUAT The Administration	Dr QUAT's urge for the revision of existing planning requirements and parameters	
020336 - 020840	Deputy Chairman Dr KWOK Ka-ki The Administration	Dr KWOK's enquiry about the Administration's stance on buying back the divested properties	
<i>Agenda Item II - Any other business</i>			
020841 - 020907	Deputy Chairman	Closing remarks	