

(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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10 July 2017

Mr Derek Lo
Clerk to Legislative Council Panel on Housing
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Mr Lo,

**Legislative Council Panel on Housing
Meetings on 9 May and 5 June 2017**

I enclose at **Annex** the supplementary information requested by Members at the meetings on 9 May and 5 June 2017 for Members' reference.

Yours sincerely,

(Original Signed)

(Jerry Cheung)

for Secretary for Transport and Housing

**Legislative Council Panel on Housing
Meetings on 9 May and 5 June 2017**

Supplementary Information

Purpose

Various documents¹ submitted to the Legislative Council Subcommittee on Issues Relating to Bazaars (the Subcommittee) already set out the Hong Kong Housing Authority (HA)'s action in complement with the Government's policy on bazaars, as well as the mechanism, considerations and principles in handling applications for organising activities in HA's public rental housing (PRH) estates. In response to the requests made by the Legislative Council Panel on Housing (the Panel) at its meetings on 9 May and 5 June 2017 for the Government to provide supplementary information on issues relating to bazaars, and the questions raised by Dr Hon LAU Siu-lai in her letter² dated 26 June 2017 to the Chairman of the Panel, we consolidated our response as follows.

HA's Principles and Considerations in Handling of Applications for Bazaars

2. As indicated by the Government in the above mentioned Legislative Council documents¹ regarding the policy on bazaars, the Government adopts a positive attitude towards specific proposals on bazaars put forward by individuals/organisations in the local community. As long as the proposal do not compromise public order and safety, food safety and environmental hygiene or obstruct public access, the Food and Health Bureau (FHB) and the Food and Environmental Hygiene Department (FEHD) will liaise with relevant policy bureaux and departments regarding the use of sites after the concerned individuals/organisations have identified suitable sites and obtained support from local communities and respective District Councils (DCs).

3. In complement with the Government's policy, on receipt of a specific proposal to set up bazaars in HA's PRH estate, HA will, study its feasibility and impact on the estates concerned. The proposal should also be supported by the

¹ Including Paper No. CB(1)690/16-17(03) and Paper No. CB(1)690/16-17(05) submitted on 17 March 2017, Paper No. CB(1)842/16-17(03) submitted on 19 April 2017, Paper No. CB(1)973/16-17(01) submitted on 19 May 2017 and Paper No. CB(1)1118/16-17(01) submitted on 12 June 2017.

² LC Paper no. CB(1)1225/16-17(01)

local communities and the DC based on the needs and circumstances of the estate.

4. PRH estates are densely populated in general. Open spaces on the ground level are often public passage, sitting-out areas or common spaces for residents' use. Regarding the proposals for using common space for other purposes, if facilities within the concerned estates involve other owners (including the Link Real Estate Investment Trust (Link) or other owners), agreement from such owners on the proposals is required. In addition, if the relevant land lots are subject to land leases and deeds of mutual covenant (DMC), which set out the restrictions on floor area and land use, approval from the Lands Department (LandsD) may be required for the implementation of the proposals on bazaars. Regardless of whether other owners are involved in the estates concerned, HA has to duly consider the views of the residents and other stakeholders, as well as the impact of such proposals on the relevant estates, including whether environmental hygiene will be compromised; public passages will be obstructed; nuisances will be caused to the residents; as well as the risk of drawing in illegal hawking activities, etc.

Mechanism / Procedures for Consultation and Coordination

5. HA will assist the proponent to consult the residents and other stakeholders through the Estate Management Advisory Committee (EMAC). If the concerned estate involves land lease, DMC and other owner(s), HA will also assist the proponent to consult the owner(s) concerned and the LandsD. Besides, the proponent has to secure support from the local community and the DC concerned in accordance with the Government's policy on bazaars. In sum, the proposal can be implemented if the venue is technically feasible, and the proponent has obtained support from stakeholders of the estate concerned as well as from the local community and DC.

6. If the proposal on bazaar is opposed by owner(s) concerned or other stakeholders of the estate, HA will attempt to narrow down the differences by coordinating with the relevant parties, with a view to facilitating consensus among the proponent, the owner(s) concerned or other stakeholders as far as possible for implementing the proposal.

7. If more than one organisation/institution apply at the same time for organising bazaar during the same period of time at the same venue, HA will,

depending on the actual circumstances, co-ordinate the applications, with a view to facilitating the implementation of the proposal by each organisation/institution concerned. If necessary, HA will consult FHB during this process.

Amphitheatre in Tin Yiu Estate

8. Taking the application for organising a holiday bazaar at the amphitheatre in Tin Yiu Estate as an example, HA proactively assisted the proponent in consulting the owner concerned, LandsD and other stakeholders of the estate, including the EMAC. The relevant proposal was discussed on 13 February and 17 March 2017 by the Tin Shui Wai South District Committee and Culture, Recreation, Community Services and Housing Committee of Yuen Long District Council respectively, and both Committees indicated no objection. The EMAC of Tin Yiu Estate also discussed the proposal on 14 March 2017 and members did not have any objection.

9. As manager of the venue, HA will assist the proponents to consult Link on the relevant proposals. We have relayed Members' enquiry on information relating to Link's consent for the setting up of a holiday bazaar at the amphitheatre in Tin Yiu Estate to Link. Link indicated that it would keep an open mind towards proposals for the setting up of short-term bazaars and consider the content of individual proposals on a case-by-case basis, including ensuring the compliance of the requirements under the relevant land leases and DMCs, safeguarding the interests of stakeholders of the estates and giving attention to the hygiene conditions.

Marking Scheme

10. Some Members proposed introducing a marking scheme for assessment of the applications for bazaars in PRH estates. We have reservations on this proposal. Given that bazaars may be of different nature, organized in different form (such as farmers' bazaars or carnivals) and proposed by different organisations. Their impact on the estates may vary with the circumstances. Therefore, apart from the above considerations, we have to consider the specific contents of individual proposals and the actual circumstances of the estates concerned, so as to carefully examine their impact on the estates and feasibility of the proposals.

Level of Fees Charged for the Venue

11. Some Members raised questions on the level of fees charged by HA for the provision of venue. According to the prevailing mechanism in handling applications for organising activities at HA's venues, HA will assess the venue fees for commercial activities at market level. If the organisation of the proposed bazaars and the organisers are non-profit making in nature, HA will charge the fees for the venue on a concessionary basis instead of at market level.

HA's Guidelines and Forms for the Handling of Applications for Bazaars

12. In response to Members' request, we attach a flowchart and a form for HA's processing of applications for bazaars at **Appendix I** and **Appendix II** for Members' reference. Housing Department will consider the circumstances and the need for further amending the application form based on the practical experience in handling bazaar applications.

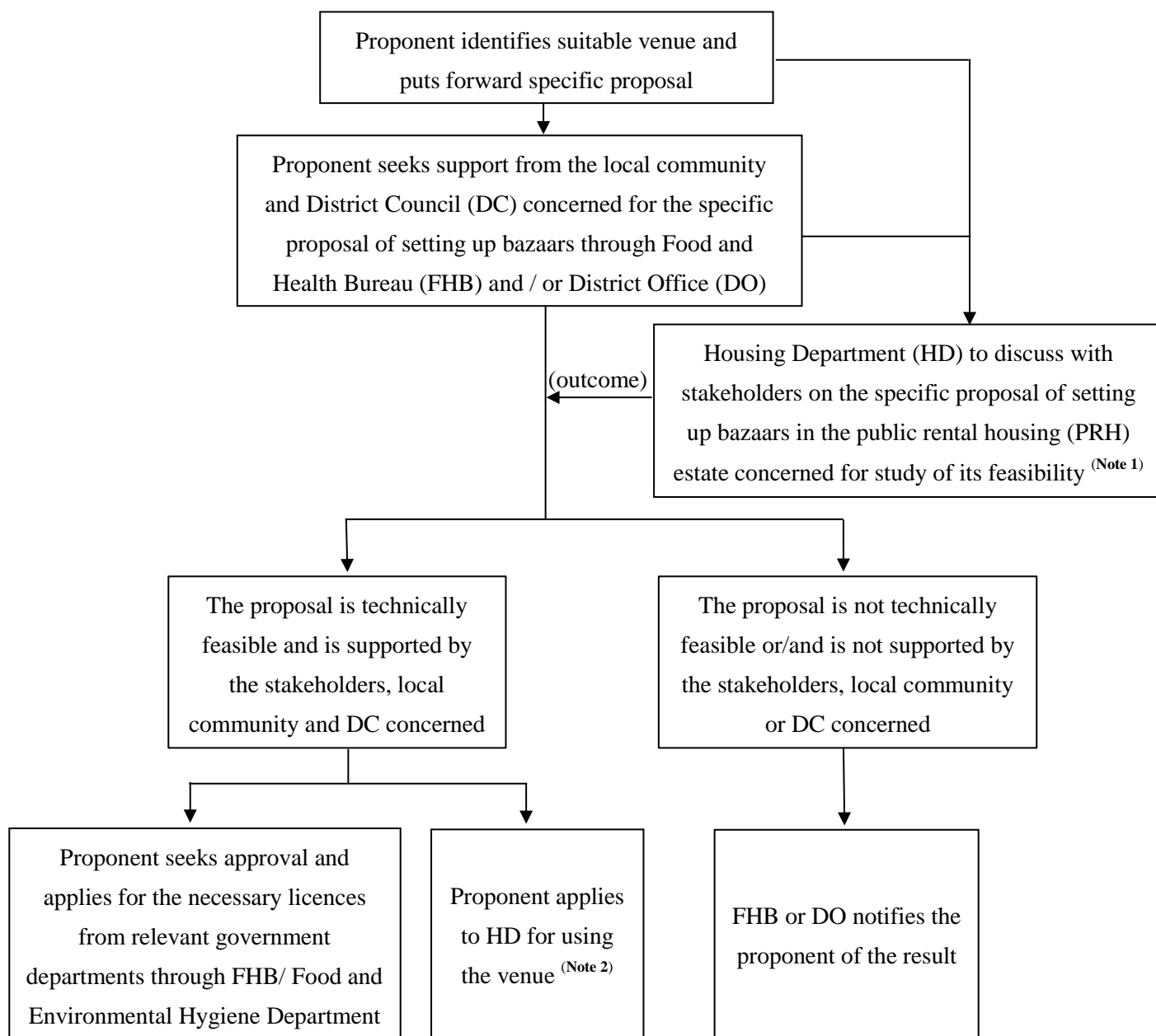
13. Estate management staff are informed of the considerations and principles in handling applications for the holding of bazaars in HA's PRH estates. Should there be any enquiries from organisations on the setting up of bazaars in HA's PRH estates, the management staff of the estates concerned are prepared to explain the Government's policy on bazaars and the relevant approving procedures.

List of HA's PRH Estates

14. Upon Members' requests, a list of PRH estates under the ownership of HA and a list of housing estates involving other owners are provided at **Appendix III** and **Appendix IV** respectively.

Transport and Housing Bureau
July 2017

Application Process for Organising Temporary Bazaar Activities in Public Housing Estates under the Hong Kong Housing Authority

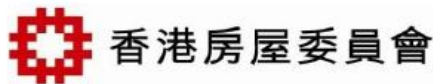


- END -

Note 1 HD will, through the Estate Management Advisory Committee concerned, consult residents and other stakeholders, and duly consider whether the proposal will obstruct public and emergency access, compromise environmental hygiene, cause nuisances to residents and draw in illegal hawking activities, as well as whether the necessary facilities are available, such as power supply and drainage provision. If the PRH estate concerned involves other owner(s), and the land lot is subject to land lease and deed of mutual covenant, consent of other owner(s) and approval from the Lands Department have to be obtained.

Note 2 The proponent will also be responsible for the operation of bazaars and the management of the venue. If the proponent is a charitable / non-profit making organisation and the operation of the proposed bazaar is non-profit making in nature, HA will charge the venue fees on a concessionary basis with a view to recovering the administrative costs generally. If the organisation of the proposed bazaar and the organiser are commercial in nature, HA will assess and charge the venue fees at market level.

[Only available in Chinese]



慈善團體／機構在屋邨內進行
臨時墟市活動申請書

第一部分 申請資格

- (1) 申辦臨時墟市活動的慈善團體／機構必須提出具體建議，並就具體建議先取得當區區議會及地區人士的支持^註。

第二部分 申請須知

- (1) 申辦團體／機構必須於活動開展前最少7個工作天，填妥本申請書和提交所需資料及證明檔（例如香港公司註冊處發出的公司註冊書／稅務局發出的慈善團體／機構證明信件、過往舉辦慈善活動的紀錄、其他有關的牌照／准許證及保單等），交回所屬屋邨辦事處辦理，否則香港房屋委員會（下稱「房委會」）會因資料不足而未能處理有關申請。
- (2) 除房委會物業外，如活動擬在租者置其屋計劃屋邨／可租可買屋邨／居者有其屋計劃屋苑內進行，須自行向管業經理人／業主立案法團提出申請。
- (3) 在同一時間內，每個申辦團體／機構只可借用屋邨最多一處指定地點舉辦活動。如多個團體／機構要求同時同地舉辦活動，將按申請日期先後次序處理，如有關申請在同日提交，屋邨辦事處將以抽籤方法決定優先次序，並邀請各有關團體／機構到場見證。如申辦團體／機構代表未能出席見證抽籤，署方將安排辦事處內一名非主理借場申請的其他職員見證。
- (4) 申請一經批准，申辦團體／機構
 - (a) 不可轉讓使用權；
 - (b) 獲批借場的團體／機構如因任何事故而需取消借場申請，必須於使用日期最少3日前以書面通知屋邨辦事處取消申請；
 - (c) 如需展示宣傳物品，必須向本署申請並遵守批准信內所列各項規定。
- (5) 申辦團體／機構須負責墟市的運作及場地管理，並須向有關政府當局／部門取得所需的批准及牌照。建議攤檔以售賣乾貨為主，如售賣食品，建議應預先包裝，以免影響環境衛生。
- (6) 在進行活動時，申辦團體／機構
 - (a) 不可對大眾及居民造成滋擾及騷擾，並不得使用擴音器；
 - (b) 不可阻礙行人道、車路或緊急車輛通道；

^註 房屋署會聯繫申辦團體／機構透過相關屋邨管理諮詢委員會諮詢居民及其他持份者，亦須考慮建議的可行性及對有關屋邨的影響。如有關公共屋邨涉及其他業主，地段並設有地契及公契，亦需取得其他業主及地政總署的同意。

- (c) 必須遵守和履行所有條例、規例、規則及附例條文，以及有關政府部門和其他主管當局的指示及命令；如申辦的活動需公開播放音樂作品、錄音製品、音樂錄像等，需根據香港版權法，預先向版權持有人申請相關牌照；
 - (d) 必須採取足夠的控制人群措施，及預防措施，避免在活動過程中發生意外；
 - (e) 必須在指定場地範圍內進行所有活動，不得在其他範圍，如商場或住宅樓宇內進行活動；
 - (f) 必須將所有宣傳物品擺放在場地內；
 - (g) 應適當地在場內提供座位和遮蔭避雨的地方；
 - (h) 應提供足夠工作人員／義工；
 - (i) 應提供急救服務和後勤支援（例如帳幕和流動廁所）；以及
 - (j) 應考慮聘請護衛員協助控制場內人羣。
- (7) 為避免或減少於活動中因意外造成任何財產損失、損毀或人命傷亡（例如機械故障、停電、停水、火警及展示／籌集的物品有損失、損壞或因上述意外而造成傷亡等）所承擔的風險，申辦團體／機構應向註冊保險公司購買保險。
- (8) 若在獲批的墟市活動進行期間出現違反或未有遵守批出活動時的有關規定的情況，房委會有權即時取消有關批准。
- (9) 申辦團體／機構如需要車位，須視乎有關屋邨是否有合適的停車位可供使用。駐邨管理人員可按邨內情況，全權決定停放車輛的安排。
- (10) 場地並無貯物室提供。
- (11) 申辦團體／機構須就場地的使用向房委會繳交場地費，所須費用按個別申請，以及申辦團體／機構及活動的性質而定。

第三部分 申請活動團體／機構資料

本人謹代表所屬團體／機構向房委會申請於_____年_____月_____日至_____年_____月_____日
逢星期_____ *上／下午_____時_____分 至 *上／下午_____時_____分
在（地點）_____

舉辦（活動名稱及詳情）_____（請夾附詳細計劃書於附件）

第四部分 申請活動團體／機構聲明

如申請獲得批准，本團體／機構同意及聲明：

- (1) 不論在任何情況下，場地如因機械故障、停電、停水、火警、政府實施限制或停用等，以致造成任何損失、損壞或傷亡，房委會及房屋署無須負責；
- (2) 如於活動中展示或籌集得來的物品有任何損失或損毀，房委會及房屋署無須負責；
- (3) 如因所辦活動蒙受任何損失、財物損毀或造成傷亡等，或因活動引致任何人提出申索、要求、法律行動及訴訟而令房委會或房屋署負上或招致或遭受的一切責任、損失、損害、費用及開支，我們會承擔責任，並就一切有關損毀、損失或傷亡等向房委會或房屋署作出賠償；
- (4) 房委會保留權利，可在任何時間及無須事先通知情況下撤銷批准或在批准附加額外條件或規定；

- (5) 當每日活動完結或批准被撤銷時，我們必須清理場地、拆除及移走場地內所有物品，並確保場地整潔及狀況良好，然後騰空場地交回管理人員。否則，房委會會拆除及移走留下物品，而所需費用將由我們承擔；
- (6) 倘我們獲批准借用場地，但未能於使用場地前3天通知屋邨辦事處取消借場申請，或於舉行活動期間，未有遵守批准信內所列任何規定，房委會將於批准舉辦該活動的日期翌日起計30天內，不批准我們同類／其他活動；以及
- (7) 我們完全明白並會遵守本申請書第一、第二及第四部分所載各項條文的內容。我們知道，若未能充分理解上述條款，可先向所屬辦事處職員查詢並要求闡釋有關條款，才簽署作實。

申請人簽署：_____

申請人姓名：_____

所屬團體／機構／職位：_____

電話／傳真號碼：／機構印章（如適用） _____

地址：_____

日期：_____

*請刪去不適用者

**Public Housing Estates under the Hong Kong Housing Authority
Not Involving Other Owners**

No.	Estate	No.	Estate	No.	Estate
1	Choi Fook Estate	31	Lei Yue Mun Estate	61	Tak Long Estate
2	Chai Wan Estate	32	Long Ching Estate	62	Tin Ching Estate
3	Chak On Estate*	33	Long Shin Estate	63	Tin Heng Estate
4	Cheung Ching Estate*	34	Lung Tin Estate	64	Tin Yan Estate*
5	Cheung Kwai Estate	35	Lung Yat Estate	65	Tsui Lok Estate
6	Cheung Lung Wai Estate	36	Ma Tau Wai Estate	66	Tsz Hong Estate
7	Cheung Sha Wan Estate	37	Mei Tung Estate	67	Tung Wui Estate
8	Cheung Shan Estate*	38	Mei Tin Estate	68	Wah Fu (I) Estate*
9	Ching Ho Estate	39	Model Housing Estate	69	Wah Fu (II) Estate*
10	Choi Hung Estate*	40	Nam Shan Estate*	70	Wah Ha Estate
11	Choi Tak Estate	41	Nga Ning Court	71	Wan Hon Estate
12	Choi Wan (II) Estate	42	Ngan Wan Estate	72	Wing Cheong Estate
13	Choi Ying Estate	43	Lower Ngau Tau Kok Estate	73	Wo Lok Estate
14	Fu Shan Estate*	44	On Tat Estate	74	Wu King Estate
15	Fuk Loi Estate	45	Pak Tin Estate*	75	Yan On Estate
16	Fung Wo Estate	46	Ping Shek Estate*	76	Yau Lai Estate
17	Hin Yiu Estate	47	Po Heung Estate	77	Yee Ming Estate
18	Hing Wah (II) Estate	48	Sai Wan Estate	78	Yue Wan Estate
19	Hoi Lai Estate	49	Sau Mau Ping South Estate		
20	Hong Tung Estate	50	Shatin Pass Estate		
21	Hung Fuk Estate*	51	Shek Kip Mei Estate*		
22	Kai Ching Estate*	52	Shek Mun Estate		
23	Kam Peng Estate	53	Shek Pai Wan Estate		
24	Kwai Chung Estate*	54	Shek Yam East Estate		
25	Kwai Luen Estate	55	Sheung Lok Estate		
26	Kwai Shing West Estate*	56	Shin Ming Estate		
27	Lai King Estate*	57	Shui Chuen O Estate*		
28	Lai Yiu Estate*	58	Shui Pin Wai Estate		
29	Lam Tin Estate	59	So Uk Estate		
30	Lei Muk Shue Estate*	60	Tai Hang Tung Estate		

* Public housing estates with markets

**Housing Estates under the Ownership of
the Hong Kong Housing Authority and Other Owners**

No.	Estate	No.	Estate	No.	Estate
1	Ap Lei Chau Estate	31	Hin Keng Estate	61	Lok Wah North Estate
2	Butterfly Estate	32	Hing Man Estate	62	Lok Wah South Estate
3	Cheung Fat Estate	33	Hing Tin Estate	63	Long Ping Estate
4	Cheung Hang Estate	34	Hing Tung Estate	64	Lower Wong Tai Sin (I) Estate
5	Cheung Hong Estate	35	Hing Wah (I) Estate	65	Lower Wong Tai Sin (II) Estate
6	Cheung On Estate	36	Ho Man Tin Estate	66	Lung Hang Estate
7	Cheung Wah Estate	37	Hoi Fu Court	67	Ma Hang Estate
8	Cheung Wang Estate	38	Hung Hom Estate	68	Mei Lam Estate
9	Choi Fai Estate	39	Ka Fuk Estate	69	Ming Tak Estate
10	Choi Ha Estate	40	Kai Tin Estate	70	Nam Cheong Estate
11	Choi Ming Court	41	Kai Yip Estate	71	Oi Man Estate
12	Choi Wan (I) Estate	42	Kin Ming Estate	72	Oi Tung Estate
13	Choi Yuen Estate	43	Kin Sang Estate	73	On Ting Estate
14	Chuk Yuen North Estate	44	King Lam Estate	74	On Yam Estate
15	Chuk Yuen South Estate	45	Ko Yee Estate	75	Ping Tin Estate
16	Chun Shek Estate	46	Ko Cheung Court	76	Po Lam Estate
17	Chung On Estate	47	Kwai Fong Estate	77	Po Tat Estate
18	Easeful Court	48	Kwai Hing Estate	78	Po Tin Estate
19	Fortune Estate	49	Kwai Shing East Estate	79	Pok Hong Estate
20	Fu Cheong Estate	50	Kwong Fuk Estate	80	Sam Shing Estate
21	Fu Heng Estate	51	Kwong Tin Estate	81	Sau Mau Ping Estate
22	Fu Shin Estate	52	Kwong Yuen Estate	82	Sha Kok Estate
23	Fu Tai Estate	53	Lai Kok Estate	83	Shan King Estate
24	Fu Tung Estate	54	Lai On Estate	84	Shek Lei (I) Estate
25	Fung Tak Estate	55	Lee On Estate	85	Shek Lei (II) Estate
26	Fung Wah Estate	56	Lei Cheng Uk Estate	86	Shek Wai Kok Estate
27	Grandeur Terrace	57	Lei Tung Estate	87	Shek Yam Estate
28	Hau Tak Estate	58	Lek Yuen Estate	88	Sheung Tak Estate
29	Heng On Estate	59	Leung King Estate	89	Shun Lee Estate
30	High Prosperity Terrace	60	Lok Fu Estate	90	Shun On Estate

No.	Estate	No.	Estate
91	Shun Tin Estate	121	Tung Tau (II) Estate
92	Siu Sai Wan Estate	122	Un Chau Estate
93	Sun Chui Estate	123	Upper Ngau Tau Kok Estate
94	Sun Tin Wai Estate	124	Upper Wong Tai Sin Estate
95	Tai Hing Estate	125	Wah Kwai Estate
96	Tai Ping Estate	126	Wah Lai Estate
97	Tai Wo Estate	127	Wah Ming Estate
98	Tai Wo Hau Estate	128	Wah Sum Estate
99	Tai Yuen Estate	129	Wan Tau Tong Estate
100	Tak Tin Estate	130	Wan Tsui Estate
101	Tin Chak Estate	131	Wang Tau Hom Estate
102	Tin King Estate	132	Wo Che Estate
103	Tin Ping Estate	133	Yat Tung (I) Estate
104	Tin Shui (I) Estate	134	Yat Tung (II) Estate
105	Tin Shui (II) Estate	135	Yau Oi Estate
106	Tin Tsz Estate	136	Yau Tong Estate
107	Tin Wah Estate	137	Yiu On Estate
108	Tin Wan Estate	138	Yiu Tung Estate
109	Tin Yat Estate	139	Yung Shing Court
110	Tin Yiu (I) Estate		
111	Tin Yiu (II) Estate		
112	Tin Yuet Estate		
113	Tsing Yi Estate		
114	Tsui Lam Estate		
115	Tsui Ping North Estate		
116	Tsui Ping South Estate		
117	Tsui Wan Estate		
118	Tsz Ching Estate		
119	Tsz Lok Estate		
120	Tsz Man Estate		

- END -