

**For Discussion
on 9 May 2017**

Legislative Council Panel on Housing

Development of Bazaars in Public Housing Estates

PURPOSE

This paper briefs Members on the progress of developing bazaars in public rental housing (PRH) estates.

BACKGROUND

2. The current Legislative Council (LegCo) has established the Subcommittee on Issues Relating to Bazaars and held a number of meetings to discuss policies on bazaars, the procedures of relevant Government departments (including the Housing Department (HD)) for handling proposals to set up bazaars, and other related matters¹. Representatives of HD have also attended relevant meetings and participated in the discussions.

3. Regarding policies on bazaars, as suggested by the Food and Health Bureau (FHB), the Government adopts a positive attitude towards specific bazaar proposals put forward by individuals/organisations in the local community. As long as the proposals do not compromise public order and safety, food safety and environmental hygiene or obstruct public access, 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 identify suitable sites and obtain support from local communities and respective District Councils (DCs). The Hong Kong Housing Authority (HA) supports the Government's policy. Upon receiving specific proposals to set up bazaars in HA's PRH estates, HD will, based on the needs and circumstances of the estates concerned, study the feasibility of the proposals and their impact on the estates concerned. The proposals should also be supported by the local communities and respective

¹ LC Paper No. CB(1)690/16-17(03) and LC Paper No. CB(1)842/16-17(03).

DCs. The Transport and Housing Bureau had also explained HA's position in a submission² to the LegCo Panel on Housing for the meeting on 10 May 2016.

4. In general, PRH estates are densely populated. Open spaces on the ground level are often public passages, sitting-out areas or common spaces for residents' use. Regarding the proposals for using common spaces for other purposes, if some facilities within the concerned estates involve other owners, consent to the proposals from those owners will be required. In addition, if the relevant land lots are subject to land leases and Deeds of Mutual Covenant (DMCs), which set out restrictions on floor area and land use, approval from the Lands Department (LandsD) may be required for the implementation of the bazaar proposals. Regardless of whether other owners are involved in the estates concerned, HD has to fully consider the views of the residents and other stakeholders, as well as the impact of such proposals on the relevant estates, such as whether environmental hygiene will be compromised; public passages will be obstructed; nuisances will be caused to residents; as well as the risk of drawing in illegal hawkers, etc.

Latest Progress

5. At present, HD is processing a proposal from a charitable organisation for setting up a holiday bazaar at the amphitheatre of Tin Yiu Estate in Tin Shui Wai. The proponent has already submitted the proposal to the Culture, Recreation, Community Service and Housing Committee of the Yuen Long DC for discussion. The Committee supported proposals for setting up bazaars in suitable locations and PRH estates put up by non-government organisations or other bodies in general; considered that support from the local communities and stakeholders would be required; and such proposals should also be submitted to relevant government departments for approval.

6. HD has also assisted the proponent to submit its proposal to the Estate Management Advisory Committee (EMAC) of Tin Yiu Estate for discussion. After looking into the content of the proposal, EMAC considered that it could be implemented on a trial basis. As the proposed site belongs to the estate's common area, which is jointly owned by HA and another owner, and is subject to the restrictions set out in the land lease and DMC, HD has consulted the other owner and LandsD. Since the proposed holiday bazaar is temporary in nature, the other owner and LandsD have no objection to the proposal.

² LC Paper No. CB(1)868/15-16(06).

7. To implement the proposal to set up holiday bazaar in Tin Yiu Estate, the proponent will need to apply to HD for the use of venue. Depending on the details of the proposed operation, the proponent may also need to apply to FEHD and other relevant Government departments for the relevant licences. In addition, the proponent will be responsible for the operation of the bazaar and the management of the venue. Since the proponent is a charitable organisation, and the operation of the proposed bazaar is non-profit-making in nature, HA will charge the fee for using the venue on a concessionary basis instead of at market level. HD will maintain communication with the proponent, FHB and FEHD during the processing of the application for the use of venue, in order to facilitate the implementation of the proposal.

Transport and Housing Bureau
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