

立法會 *Legislative Council*

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Panel on Housing

Meeting on 9 May 2017

Background brief on development of bazaars in public housing estates prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on issues relating to development of bazaars in public housing estates, and provides a summary of the major views and concerns expressed by Members on the subject.

Background

2. In recent years, there have been views in the society advocating for the establishment of bazaars in various districts with a higher concentration of public rental housing ("PRH"), such as the Tin Shui Wai district. Advocates of such views have suggested that the Hong Kong Housing Authority ("HA") should consider community groups' proposals of setting up bazaars in open areas in PRH estates, with a view to providing a viable alternative for residents to shop for basic necessities.

3. The Government has been maintaining the position that it keeps an open mind towards proposals for the establishment of open-air bazaars, and considers the district-led approach desirable. Provided that food safety and environmental hygiene are not compromised and passageways are not obstructed, if suitable sites are identified and support from relevant District Councils and community has been obtained, the Government stands ready to provide assistance.

Major views and concerns expressed by Members

4. Members have expressed views on the development of bazaars in public housing estates at meetings of the Legislative Council and its committees, such as the Panel on Housing ("the Panel") and the Subcommittee on Issues Relating to Bazaars ("the Subcommittee")¹. The major views and concerns expressed by Members are summarized in the ensuing paragraphs.

Bazaars in public rental housing estates

5. Members had from time to time expressed concern that The Link Real Estate Investment Trust (now known as Link Real Estate Investment Trust ("Link REIT")) had kept disposing of market facilities divested by HA and introducing chain supermarkets in its renovated retail facilities which pushed up prices of products making them hardly affordable to PRH tenants. Members considered that HA had an undeniable responsibility of ensuring the continued provision of market services to residents even after the divestment. A motion was passed at the Council meeting of 23 November 2016 urging the Administration to, inter alia, "set up temporary bazaars at suitable locations in various districts to provide residents with choices other than those markets and shopping arcades under Link REIT".

6. According to the Administration, government departments responsible for managing the sites or venues concerned (such as Housing Department ("HD"), Leisure and Cultural Services Department, Home Affairs Department and Lands Department) had established mechanism in handling proposals for organizing activities at the venues under their respective purviews. In general, upon receipt of an application, departments would consider whether the proposed activity was suitable to be held at the venue concerned, having regard to the nature of and the intended date for the proposed activity as well as any other matters relating to the proposed activity and the venue. Regarding proposals to set up bazaars in PRH estates, HD would examine the feasibility of such proposals and their impact on the estates concerned, in light of the needs and actual circumstances of the estates concerned. As for the common areas jointly owned by HA and other private owners, consent from other owners was required for the establishment of bazaars in such areas.

¹ The Subcommittee was set up under the House Committee in the current LegCo session and has so far held seven meetings. The terms of reference and the papers issued by the Subcommittee are available on the LegCo website at http://www.legco.gov.hk/yr16-17/english/hc/sub_com/hs02/general/hs02.htm.

7. Some members of the Panel opined that holiday bazaars provided foods and goods at prices more affordable to PRH residents without causing prolonged nuisance to the estates as they would operate during public holidays only, and the Administration should conduct a study to identify open spaces in PRH estates suitable for providing holiday bazaars. A motion was passed at a meeting of the Panel in June 2016 requesting HD to set up holiday bazaars in various PRH estates.

8. The Administration advised that in general, public housing estates were densely populated. Open spaces on the ground level were often used for public passage, sitting-out areas or common spaces for residents' use. For proposals to set up holiday bazaars in PRH estates, HA had to thoroughly consider residents' need for common spaces, as well as the views of residents, other stakeholders and the local community. Moreover, HA also needed to consider whether the proposals would cause environmental hygiene problems, obstruction of public passages, nuisances to residents or illegal hawking activities, etc. Some public housing estates were located on land lots subject to land leases, which set out restrictions on floor area and land use. Hence, approval from the Lands Department and consent from other owners might be required for implementation of such proposals.

Development of bazaar in Tin Shui Wai

9. When discussing matters relating to the conversion of Tin Yiu Market, Tin Yiu Estate, Tin Shui Wai by Link Asset Management Limited into a shopping arcade at the Panel meeting on 7 December 2015, members were concerned that the conversion plan would seriously affect the market services available to the residents of Tin Yiu Estate. There were views suggesting that the Administration should lease out vacant lands in Tin Shui Wai by short-term tenancies for developing bazaars to meet the residents' needs for affordable products.

10. In reply to a question at the Council meeting of 15 February 2017 regarding the HA's progress in following up a proposal of organizing a bazaar at the amphitheatre of Tin Yiu Estate, the Administration advised that the Tin Shui Wai (South) Area Committee had discussed the proposal at its meeting on 13 February 2017. HD was studying whether the proposal was in compliance with the requirements in the land lease and Deed of Mutual Covenant, as well as seeking views from the Lands Department. Upon the clarification on the feasibility in respect of the land lease, Deed of Mutual Covenant and technical matters, organizations concerned would submit their proposal to the Culture, Recreation, Community Service and Housing Committee of the Yuen Long District Council for discussion.

Handling applications for setting up bazaars

11. Members of the Subcommittee suggested that HD should develop an application form to facilitate applications for setting up bazaars in public housing estates. They were also concerned about the conditions under which HD would provide venues in PRH estates for organizing commercial activities with cash transactions.

12. The Administration explained that as bazaars were temporary in nature, and factors for consideration would vary depending on circumstances of individual estates and details of the proposals, a standard application form might not be suitable. Should there be enquiries from organizations on setting up bazaars in PRH estates, HD was prepared to offer views and explain the Government's policy as well as the relevant procedures.

13. The Administration advised that HD had all along been supporting government departments and non-governmental organizations to organize various types of community activities in PRH estates in collaboration with the Mutual Aid Committees/Estate Management Advisory Committees and local organizations concerned. Free venues were provided for these community activities, but commercial/advertising activities and cash transactions at the venues were not allowed. HD had been, depending on the needs and circumstances of individual estates, providing venues at a fee to the organizations concerned for the provision of various non-profit-making or commercial services as required by its residents, such as mobile Chinese medical clinics or physiotherapy vehicles, mobile banking, etc.

14. Members of the Subcommittee considered that HD should remind public housing estate offices and frontline staff of the need to render assistance to organizations which intended to set up bazaars in the estates. A motion was passed at the Subcommittee's meeting on 20 April 2017 expressing the view that HD had advised that it kept an open attitude towards bazaars, but its frontline staff of HD were not aware of the policy concerned, resulting in applications for setting up bazaars being rejected. The motion requested among others that HD should issue a formal notice to inform frontline staff that bazaar-related applications could be accepted.

Latest development

15. The Panel will discuss the subject with the Administration at the Panel meeting on 9 May 2017.

Relevant papers

16. A list of relevant papers is in **Appendix**.

Council Business Division 1
Legislative Council Secretariat
4 May 2017

Development of bazaars in public housing estates

List of relevant papers

Council/Committee	Date of meeting	Paper
Panel on Housing	7 December 2015	<p>Administration's paper on conversion of Tin Yiu Market into shopping complex by Link Asset Management Limited (LC Paper No. CB(1)230/15-16(06))</p> <p>Minutes of meeting (LC Paper No. CB(1)492/15-16)</p> <p>Administration's consolidated response to the follow-up actions arising from the meeting (LC Paper No. CB(1)752/15-16(01))</p>
Panel on Housing	10 May & 6 June 2016	<p>Administration's paper on provision of additional shops and setting up of holiday bazaars in public rental housing estates (LC Paper No. CB(1)868/15-16(06))</p> <p>Minutes of meetings on -- 10 May 2016 (LC Paper No. CB(1)1060/15-16) 6 June 2016 (LC Paper No. CB(1)1146/15-16)</p> <p>Administration's supplementary paper (LC Paper No. CB(1)1137/15-16(01))</p>
Council meeting	23 November 2016	<p>Motion on "Vigorously promoting healthy market competition to counteract the market dominance of Link REIT"</p>
Subcommittee on Issues Relating to Bazaars	-	<p>Administration's paper on situation and experience of bazaar applications (LC Paper No. CB(1)690/16-17(03))</p> <p>Administration's paper on current situation and experience of bazaar applications (LC Paper No. CB(1)842/16-17(01))</p>

Council/Committee	Date of meeting	Paper
		<p>Administration's response to the follow-up list and the motions passed at the meeting on 21 January 2017 (LC Paper No. CB(1)525/16-17(02))</p> <p>Administration's response to issues raised at the meeting on 21 February 2017 (LC Paper No. CB(1)690/16-17(05))</p> <p>Administration's response to issues raised at the meeting on 21 March 2017 (LC Paper No. CB(1)842/16-17(03))</p>

Hyperlinks to relevant Council Questions:

Date	Council Question
22 June 2016	Council question raised by Hon WU Chi-wai
15 February 2017	Council question raised by Dr Hon KWOK Ka-ki