

**For discussion
on 17 July 2001**

**LegCo Panel on Food Safety and Environmental Hygiene
Actions against Illegal Hawking Activities**

PURPOSE

This paper informs Members of the actions taken by Food and Environmental Hygiene Department (FEHD) to tackle illegal hawking activities.

BACKGROUND

2. Street hawking in Hong Kong has a long history. Some people regard that hawking provides a means of making a living for some people and a cheap supply of goods to customers. However, it also gives rise to health, noise, sanitation and street obstruction problems. Moreover, some retailers complained that street hawking poses unfair competition to shopkeepers, retailers and market stall lessees who pay full rent for their trading premises/stalls.

3. FEHD undertakes hawker control activities to contain the problem of street hawking. Hawker control duties are carried out by the Hawker Control Officer (HCO) grades. The grade consists of five tiers, namely: Principal Hawker Control Officer (PHCO); Chief Hawker Control Officer (CHCO); Senior Hawker Control Officer (SHCO); Hawker Control Officer (HCO) and Assistant Hawker Control Officer (AHCO).

HAWKER CONTROL POLICY

4. The former Provisional Urban Council's hawker control policies were as follows -

- (a) To dissociate welfare considerations from hawker licensing and hawking activities;

- (b) To reduce on-street licensed hawking activities by re-siting or re-ordering licensed hawkers;
- (c) To reduce illegal hawking activities by taking stringent enforcement actions at major hawker blackspots. To keep main thoroughfares and busy areas like MTR station exits and bus termini as free as possible of illegal hawkers;
- (d) The enforcement priorities for the Hawker Control Teams (HCTs) are that illegal hawking has a higher priority over licensed hawkers. As health risks posed by those who sell food items are greater than those who sell non-food items, more stringent action should be taken against illegal hawkers who sell food items than those who sell non-food items;
- (e) To protect public market stall operators against unfair competition from illegal hawkers; and
- (f) To educate the public not to patronize illegal on-street hawkers.

5. Since its establishment on 1.1.2000, FEHD has continued the same policies for hawker control.

PRESENT POSITION

6. FEHD conducts headcount exercises of illegal hawkers once every three months to assess the magnitude of street hawking problems and identify hawker blackspots for better deployment of hawker control resources. In the March 2001 headcount exercise, there were 3,094 illegal hawkers, compared with 3,593 for the same period last year, representing a decrease of 14% in the number of illegal hawkers. There were 81 hawker blackspots in the territories at the end of March 2001. Hawker blackspots are places where at any one time of the day, there is a conglomeration of 10 or more hawkers; or five or more cooked food hawkers.

MANPOWER

7. As at 31.3.2001, there were 2,528 officers in different ranks

of the HCO grade, deployed in 20 districts and three Operations Divisions to perform hawker control duties.

8. At present there are 194 HCT squads in FEHD, with 107 squads operating in the urban areas and the remaining 87 in the NT areas. Among these 194 HCT squads, there are 27 Hawker Task Force (HTF) squads (six in Hong Kong, nine in Kowloon and 12 HTF in NT). HCTs in each district perform sector patrol and raiding duties, while HTF squads carry out cross-district operations. Due to different operational requirements, the current HCT squad structures in the urban and NT areas are not the same -

Urban	: 1 SHCO, 2 HCOs, 10 AHCOs and 1 Workman (Wm)I
NT	: 1 SHCO, 1 HCO, 6 AHCOs and 4 WmI

A new squad structure for HCT has been proposed in a review recently completed by FEHD on hawker control operations (details of the review is set out in the paper “Comprehensive Review of Hawker Control Operations”).

ENFORCEMENT

9. All HCTs in the districts operate a two-shift system from 7:00 a.m. to midnight. At the headquarters level, the three Operations Divisions overseeing the Hong Kong Island/Islands, Kowloon and New Territories districts each operates a Hawker Task Force independently on a three-shift system, including an additional overnight shift to augment district hawker control at hawker blackspots and to tackle illegal hawking activities after mid-night and early morning in the respective Operations Divisions.

10. HCTs adopt the operational tactics of sector patrol and/or raiding to deter illegal hawkers from taking root and also to manage licensed hawkers. In sector patrol, HCTs adopt the “disperse or we arrest” tactics. If hawkers persist in trading (and do not disperse), then arrest action would follow. In raiding, HCT staff mount operations at target blackspots to arrest hawkers and seize hawker paraphernalia so as to produce a deterrent in particular against those illegal hawkers selling cooked food which poses potential health hazards.

11. From January 2000 to May 2001, there were altogether 37,331 prosecutions taken against illegal hawkers mainly for unlicensed

hawking and causing obstruction in public places.

PROBLEMS

12. While illegal hawking activities in Hong Kong are generally under control, there are still some common problems which HCTs will encounter in carrying out their hawker control duties. They are-

- (a) Suspected triad elements in hawker blackspots – Although there is no evidence to substantiate that illegal hawking activities are controlled by triad elements, it is sometimes observed that illegal hawkers not belonging to a certain group will not be “allowed” to hawk in the blackspots. In tackling these blackspots, HCTs have to take extreme care as there were incidents where HCTs were threatened by suspected triad elements during arrest operations;
- (b) Employment of “scapegoat” by arrested hawkers – Apart from the imposition of a fine, FEHD will apply to the Court for forfeiture of the commodities and equipment of offenders convicted of hawking without a licence. This is a severe penalty for the unlicensed hawkers, and has led to some illegal hawkers employing Itinerant Hawker Licence (IHL) holders to stand-in for them when arrested by HCTs so as to avoid the forfeiture of their commodities and equipment. This was the cause of several cases of perverting the course of justice in 2000; and
- (c) Illegal cooked food hawkers operating after midnight – Some areas in Hong Kong are still very busy after midnight, this has led to illegal cooked food hawkers trading thereat for business. These hawkers create noise and hygiene nuisance, and cause obstruction in the major thoroughfare. Moreover, the sale of food has caused food safety concern. Despite the efforts made by the HTF in arresting these illegal cooked food hawkers, it is difficult to eliminate these hawkers because of their lucrative business.

WAY FORWARD

13. In order to enhance the operational efficiency of HCTs, and to realign the differences in hawker policies and operational systems, FEHD has recently completed a comprehensive review on hawker control operations. In brief, the review has examined the existing

strategies adopted by HCTs and made recommendations for improvement with regard to their modus operandi, organizational structure and establishment, and human resource management. The recommendations of the review are the subject of a separate paper for discussion at this meeting.

ADVICE SOUGHT

14. Members are invited to note the above information and offer their views.

Food and Environmental Hygiene Department
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