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Legislative Council

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Panel on Food Safety and Environmental Hygiene

Background Paper prepared by Legislative Council Secretariat

Hawker control

Purpose

This paper summarises the discussions in the Legislative Council on the control of hawking activities by the Food and Environmental Hygiene Department (FEHD) since the reorganisation of the provision for municipal service in January 2000.

Background

2. Hawking has a long history in Hong Kong and hawker control is a complex matter which has always been a subject of community concern. The policy for hawker control was the responsibility of the two former municipal councils until their dissolution on 31 December 1999.

Discussions by the Council

Review of hawker control operations

3. At a meeting on 30 May 2000, the Subcommittee on Matters Relating to Environmental Hygiene under the Panel on Environmental Affairs discussed the review of hawker control operations. The Administration briefed the Subcommittee of the existing arrangements for hawker control operations and

the recommendations of the Independent Commission Against Corruption to improve the efficiency of such operations.

4. The Subcommittee raised concerns about reports that licensed itinerant hawkers "stood in" for unlicensed hawkers during arrests in order to avoid forfeiture of the goods of the latter. Members also asked about the deployment of resources for hawker control, the operations taken against illegal hawking, possibility of leakage of information, penalty for illegal hawking, and the future policy for itinerant hawkers. Members were informed that the Administration would carry out a comprehensive review of hawker control operations and would report to Members on the outcome of the review.

5. On 17 July 2001, the Panel on Food Safety and Environmental Hygiene (FSEH Panel) discussed with the Administration the outcome of the comprehensive review of hawker control operations, and actions against illegal hawking activities. The Administration informed members that the review had come up with recommendations to restructure the hawker control teams and their mode of operation. The implementation of these improvement measures would result in the deletion of about 600 posts and the deletion would be achieved by natural wastage and staff re-deployment.

6. During the meeting, Panel members raised concerns about the proposed segregation of duties between the patrol squads and raiding teams, and the adjustments in manpower deployment to implement the proposal. Members also sought clarification on the proposed enforcement strategy and whether the patrol teams would also make arrests in future. As the proposal would have implications on existing staff, members requested the Administration to consult the staff and report the outcome to the Panel before implementation.

Itinerant hawkers

7. At a meeting on 23 April 2001, the FSEH Panel discussed the policy on itinerant hawker licences (IHL). The Panel noted that it was the former municipal councils' policy to control the number of IHL by not issuing any new licence and prohibiting the transfer and succession of existing licence. In addition, the former Urban Council adopted a compulsory deletion policy for IHL in 1993 and passed a bylaw for that purpose in 1994. However, the policy had not been brought into effect.

8. According to the Administration's paper for the Panel meeting, since the promulgation of the compulsory deletion policy by the former Urban Council, a total of 2 844 IHL holders had voluntarily surrendered their licences, and the majority of them chose to receive an ex-gratia payment for the surrender of licence.

9. At the meeting, the Administration also advised the Panel that there was no change to the above policy for IHL since the reorganisation in January 2000. The Administration also sought Members' views on a number of issues relating to the IHL policy, including whether IHL should be phased out by natural attrition and whether the amount of ex-gratia payment should be reviewed.

10. Panel members were generally in favour of a consistent policy for IHL in the urban areas and in the New Territories. Members also supported adopting a policy of natural attrition for IHL and increasing the amount of ex-gratia payment for the surrender of IHL. Some members raised concern about the unlawful practices that some licensed hawkers and stall lessees rented out their licences or stalls to other people for profit.

11. At the meeting, the Administration also noted the suggestion of "hawker designated areas" in districts as a means to control the increase of illegal/unlicensed hawkers. As regards mobile vans selling ice-cream, the Administration was initially of the view that as these mobile vans did not pose much environmental nuisance, they might not need to be phased out as the other IHL.

Illegal hawking activities and street obstructions in public housing estates

12. At their meetings with LegCo Members on 11 January 2001 and 29 November 2001, Sha Tin District Council members had raised concern about the environmental nuisance and obstruction caused by illegal hawking activities in public housing estates. The issue has been referred to the Panel on Housing for follow-up.

13. Members had also raised questions at the Council meetings on 5 January 2000, 9 May 2001, 23 May 2001 and 27 June 2001 on hawker control problems, hawker black spots, and fixed-pitch hawkers operating cooked food bazaars

under the management of FEHD.

Relevant Papers

14. A list of the relevant papers is in the Appendix for members' easy reference. These documents are available on the Research and Library Information System and the LegCo website at <http://www.legco.gov.hk>.

Council Business Division 2
Legislative Council Secretariat
15 December 2001

Relevant Papers

	<u>Date of meetings</u>	<u>Papers</u>
I. Panel meetings	30 May 2000	Administration's paper entitled "Management of hawker control teams" [LC Paper No. CB(2) 2107/99-00(02)] Minutes of meeting of the Subcommittee on Matters Relating to Environmental Hygiene under the Panel on Environmental Affairs on 30 May 2000 [LC Paper No. CB(2)2622/99-00]
	23 April 2001	Administration's paper entitled "Itinerant Hawker Licence" [LC Paper No. CB(2) 1330/00-01(03)] Minutes of meeting of the Panel on Food Safety and Environmental Hygiene on 23 April 2001 [LC Paper No. CB(2)2346/00-01]
	17 July 2001	Administration's paper entitled "Comprehensive review of hawker control operations" [LC Paper No. CB(2) 2097/00-01(03)] Administration's paper entitled "Actions against illegal hawking activities" [LC Paper No. CB(2) 2097/00-01(04)] Minutes of meeting of the Panel on Food Safety and Environmental Hygiene on 17 July 2001 [LC Paper No. CB(2)485/01-02]
II. Meetings with Sha Tin District Council and Case Conference	11 January 2001	* Minutes of meeting between LegCo Members and Sha Tin District Council members on 11 January 2001 [LC Paper No. CB(1)590/00-01]
	23 February 2001	* Minutes of the Case Conference on "Illegal hawking activities within the public housing estates in Sha Tin and Ma On Shan [LC Paper No. CP710/00-01]
	29 November 2001	* Extract of draft minutes of meeting between LegCo Members and Sha Tin District Council members on 29 November 2001

III. Council questions	5 January 2000	Item 11 on "Hawker control in public rental housing estates sold under Tenants Purchase Scheme" of the Official Record of Proceedings of the Council meeting on 5 January 2000
	9 May 2001	Item 17 on "Cooked food bazaars managed by the Food and Environmental Hygiene Department" of the Official Record of Proceedings of the Council meeting on 9 May 2001"
	23 May 2001	Item 9 on "Elimination of hawker black spots" of the Official Record of Proceedings of the Council meeting on 23 May 2001
	27 June 2001	Item 15 on "Enforcement against unlicensed hawkers in Tenants Purchase Scheme estates" of the Official Record of Proceedings of the Council meeting on 27 June 2001

Note : * Documents are not available on the Research and Library Information System and the LegCo website as the meetings are closed meetings.