

立法會
Legislative Council

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LC Paper No. CB(2)1264/08-09
(These minutes have been seen
by the Administration)

Panel on Food Safety and Environmental Hygiene

Minutes of meeting
held on Tuesday, 10 March 2009, at 2:30 pm
in the Chamber of the Legislative Council Building

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon Andrew CHENG Kar-foo
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon WONG Yuk-man
- Members absent** : Hon TAM Yiu-chung, GBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Dr Hon LEUNG Ka-lau
- Public Officers attending** : Items III and V
Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health
- Items III and IV
Mr Owin FUNG
Principal Assistant Secretary for Food and Health (Food) 3
- Item III
Mrs Angelina CHEUNG
Principal Assistant Secretary for Food and Health (Food) 1

Item IV

Miss CHEUNG Siu-hing, JP
Director of Agriculture, Fisheries and Conservation

Dr Thomas SIT Hon-chung
Assistant Director (Inspection & Quarantine)
Agriculture, Fisheries and Conservation Department

Item V

Mr Francis HO
Principal Assistant Secretary for Food and Health (Food) 2

Ms Alice LAU Yim, JP
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

Ms Rhonda LO Yuet-yee, JP
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Attendance by invitation : Item V

Hong Kong & Kowloon Jade Merchants & Worker Union Association

Mr CHAI Kwok-tai

Dairy Products Beverage & Food Industries Employees Union

Mr CHEUNG Chee-hung
Chairman

Hong Kong Vegetable food & Grocery Hawkers Welfare & Fraternity Association Limited

Mr CHOW Tong

Mr WONG Wing-shun

Man Yuen Noodles Shop

Ms LAM Siu-chun
Owner

Federation of Hong Kong Kowloon New Territories
Hawker Associations

Mr TSANG Kam-ming
Chairman

Association for Betterment of Licensed Hawkers

Mr LEONG Kin-shut

Yau Tsim Mong District Council member

Mr Benny YEUNG Tsz-hei

Tung Choi Street (Ladies Market) Merchants & Hawkers
Association

Mr TAM Chor-kin

Fa Yuen Street Hawker Association

Mr WONG Pui-ching
Chairman

灣仔交加街太原街固定攤位小販權益關注組

Ms LEUNG Fung-lee

Li Yuen Street East & West Hawkers Merchants Association

Mr LEE Kwan-man

灣仔大佛口販商協會

Mr LAM Ho-siu

渣甸坊販商協會

Ms LO Oi-kwan

Yaumatei Temple Street Association of Hawkers and
Shop Operators

Mr CHAN Kam-wing

強記大牌檔

Mr TSANG Kam-chuen
Representative

Association Hong Kong & Kowloon Licensed Hawkers

Mr WOO Kam-hong

Civic Party

Mr Bill LAY
Chairman of the Health and Personal Well Being Branch

Hong Kong Kowloon Merchants Hawkers Association Limited

Mr FUNG Mun-hong

Local Action

Mr WONG Ho-yin
Member

Wan Chai Street Market Concern Group

Mr Nick CHAN
Member

Western District Licensed Hawkers Friendly Association

Mr KO Tai-hung
Chairman

Community Cultural Concern

Mr LAI Ka-chun

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Mr David LOO
Senior Council Secretary (2) 6

Ms Sandy HAU
Legislative Assistant (2) 5

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I. Confirmation of minutes
(LC Paper No. CB(2)1014/08-09)

The minutes of meeting held on 10 February 2009 were confirmed.

II. Items for discussion at the next meeting
(LC Paper Nos. CB(2)1015/08-09(01) and (02))

2. Members agreed to discuss the following issues at the next regular meeting scheduled for 14 April 2009 at 2:30 pm -

- (a) Development of food testing industry in Hong Kong proposed by the Administration; and
- (b) Further discussion on public market stall rental waiver and hawker licence fee proposed by Mr WONG Kwok-hing.

3. Ms Cyd HO proposed to discuss renewal of market tenancy in public housing estates after divestment and outsourcing of management of retail facilities by The Link Management Limited (The Link). As the proposed issues fell under the purview of the Panel on Housing, the Chairman suggested that these issues be followed-up by the Panel on Housing and that members of this Panel be invited to join the discussion of the issues. Mr WONG Kwok-hing, who was Chairman of the Panel on Housing, agreed to follow-up.

III. Legislative timetable for the Public Health and Municipal Services (Amendment) (No. 2) Bill and the Food Safety Bill

4. The Chairman expressed regret about the Secretary for Food and Health (SFH) not able to attend the meeting to explain why the Public Health and Municipal Services (Amendment) (No. 2) Bill and the Food Safety Bill, originally scheduled for introduction into the Legislative Council (LegCo) in the second half of the current legislative session (i.e. between March to July 2009), had to be deferred.

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5. Under Secretary for Food and Health (USFH) explained that SFH was unable to attend the meeting because he was chairing an inter-departmental meeting to deal with the recent contaminated drug incident. USFH then gave the reasons for deferring the introduction of the Public Health and Municipal Services (Amendment) (No. 2) Bill and the Food Safety Bill into LegCo.

Public Health and Municipal Services (Amendment) (No. 2) Bill

6. USFH said that the reason for deferring the introduction of the Public Health and Municipal Services (Amendment) (No. 2) Bill into LegCo to late 2009/early 2010 was because more time was needed to review the mode of operation and scale of the poultry slaughtering centre as over 40% of live poultry farmers and around 70% of live poultry wholesalers and retailers had chosen to leave the trade for good by accepting the buyout package. The scheme was launched by the Government in response to a strong demand expressed by a majority of the poultry trade retailers who considered that it would be very difficult to adapt to the "no overnight keeping of live poultry" requirement implemented on 2 July 2008 to further reduce the risk posed by avian influenza. USFH, however, pointed out that the target time for introducing central slaughtering by 2010-2012 would remain unchanged. In the meantime, the Administration would press ahead with the relevant preparatory work.

7. Mr WONG Yung-kan criticised the Administration's plan to forge ahead with the development of the poultry slaughtering centre, as such development would further hamper the survival of the trade. Mr WONG urged the Administration to listen to the views of the trade, as well as the public, before deciding on the way forward.

8. Mr Vincent FANG said that before deciding on developing the poultry slaughtering centre, the Administration should obtain public feedback on the taste and texture of chilled chickens using different types of technology, such as air-chilled and water-chilled, to process. USFH responded that a feasibility study of the plant was being conducted. The Administration would report to the Panel the proposal on the poultry slaughtering centre and any necessary legislative amendments.

9. Mr FANG further asked the Administration whether it would drastically increase the daily supply of live chickens in Hong Kong after the implementation of central slaughtering on the grounds that avian influenza would no longer pose a risk to public health, so as to attract prospective operators to develop/run the plant. USFH responded that the Administration had no plan to do so due to insufficient data.

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Food Safety Bill

10. USFH said that the Food Safety Bill would introduce new food safety control tools. These tools included a mandatory registration scheme for food importers and distributors, requirement for food traders to maintain proper records on the movement of food so as to enhance traceability, and powers for the Director of Food and Environmental Hygiene (DFEH) to make orders administratively to prohibit the import and supply of problem food and order a recall of the problem food when there was a possibility of a danger to public health. Due to immense public concern over the incident of detecting melamine in milk and dairy products occurred in September 2008, decision was taken to expedite work on the part of administrative orders to prohibit the import and supply of food and to order a recall of the food concerned, ahead of the introduction of the full Food Safety Bill, through the introduction of the Public Health and Municipal Services (Amendment) Bill 2008 into LegCo on 29 October 2008. In the interim, opportunity was taken to further consult the trade on the remaining proposals under the Food Safety Bill. Taking into account the views of the trade and some members of this Panel, Business Impact Assessment of the proposals was being conducted. The Administration planned to brief members on the results of the Business Impact Assessment when it was completed. The Administration hoped to introduce the Food Safety Bill into LegCo in the first half of 2009-2010 legislative session.

11. Mr Vincent FANG said that the implementation of the Food Safety Bill still could not prevent people from using authentic “inspection card of vegetables supplied to Hong Kong and Macao” (供港澳蔬菜檢驗檢疫監管卡) and “certificate of pesticide usage for vegetables supplied to Hong Kong and Macao” (供港澳蔬菜農藥使用報告單) to export vegetables from non-registered vegetable farms in the Mainland to Hong Kong, the problem of which had become increasingly prevalent. Mr FANG further said that although such “illegal” vegetables might be safe for human consumption (according to the Administration, the passing rate of test results of over 37 000 vegetable samples collected at import, wholesale and retail levels from 2007 up till now was 99.9%), this was very unfair to the trade if the problem was allowed to exist unabated.

12. USFH responded that staff of the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) had requested the relevant Mainland authorities to investigate the matter at their ends. Thus far, there was no evidence to support any occurrence or existence of the problem.

13. Mr Vincent FANG requested the Administration to provide information on the frequency of inspections to registered vegetable farms and registered collection stations in the Mainland made by FEHD staff and the last time such inspections were made. USFH agreed to provide the information after the meeting.

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14. The Chairman said that his employee had witnessed people buying authentic “inspection card of vegetables supplied to Hong Kong and Macao” and “certificate of pesticide usage for vegetables supplied to Hong Kong and Macao” to export to Hong Kong vegetables from non-registered vegetable farms and non-registered collection stations in the Mainland during his visit to the Mainland yesterday with some vegetable traders. The Chairman proposed to discuss the matter at a future meeting after a report on such unscrupulous act had been prepared by his office.

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15. Ms Cyd HO said that to ascertain whether people were using authentic “inspection card of vegetables supplied to Hong Kong and Macao” and “certificate of pesticide usage for vegetables supplied to Hong Kong and Macao” to export vegetables from non-registered vegetable farms and non-registered collection stations in the Mainland to Hong Kong, the Administration should check whether the quantity of vegetables supplied to Hong Kong exceeded the production capacity of the registered vegetable farms in the Mainland. USFH agreed to check and revert in writing.

16. Mr WONG Yung-kan said that the Administration should look into the Food Safety Law recently enacted by the Mainland in the drafting of the Food Safety Bill. USFH replied that this was being done to see how best the food safety legislation of Hong Kong and the Mainland could complement each other to enhance public health protection.

IV. Preventive measures against avian influenza

(LC Paper Nos. CB(2)1015/08-09(03) & (04) and 1031/08-09(01))

17. USFH briefed members on the Administration's paper detailing the latest development concerning the discovery of wild bird and poultry carcasses along the western coastline of Hong Kong, as well as the preventive measures adopted by the Administration against avian influenza (LC Paper No. CB(2) 1015/08-09(03); and the “Epidemiology Report of the Highly Pathogenic Avian Influenza H5N1 Outbreak in December 2008 in a Chicken Farm in Ha Tsuen, New Territories” (the Report) (LC Paper No. CB(2) 1031/08-09(01)). USFH further said that it was the Administration's policy to promote the sustainable development of the local poultry trade. To this end, practicable assistance would be provided to local chicken farms to improve their biosecurity measures against avian influenza infection.

Discovery of wild bird and poultry carcasses along the western coastline of Hong Kong

18. Mr WONG Kwok-hing asked the Administration whether it had liaised with the Mainland authorities on the possible cause of the discovery of the 37

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wild bird and poultry carcasses along the western coastline of Hong Kong in January/February 2009.

19. USFH responded that as mentioned at the last Panel meeting on 10 February 2009, views had been sought from experts on whether prevailing water current and the weather were factors related to the discovery of bird carcasses. According to the assessment of the experts, it was likely that the wild bird and poultry carcasses found along the western coastline of Hong Kong were drifted from the Mainland waters. In the light of this, FEHD had contacted the Mainland authorities to request for their investigation. The Mainland side promptly carried out inspections to poultry farms in Shenzhen, Dongguang, Zhuhai and Zhongshan because these areas were close to waterfront. According to the Mainland's report, no abnormalities were found in these farms. FEHD had also sent staff to specifically inspect the registered farms in Shenzhen and Guangdong following the incident. Abnormalities were also not found in these registered farms. The Administration would continue to maintain close contact with the Mainland authorities to guard against avian influenza outbreak in Hong Kong.

Epidemiology Report of the Highly Pathogenic Avian Influenza H5N1 Outbreak in December 2008 in a Chicken Farm in Ha Tsuen, New Territories

20. Members noted from paragraph 12 of the Executive Summary of the Report that -

- (a) the virus could have been introduced to the chicken farm located at Ha Tsuen (the index farm) by droppings of infected wild birds given the presence of aquatic birds and other birds on and around the farm and the presence of trees on the farm and uncovered soak away pits that were attractive to birds, including large aquatic species (herons and egrets). Part of the aisle of the infected shed no. 17, although covered by bird protection nets, was under some branches of the trees near its entrance. This design of the shed could have allowed the droppings of wild birds to contaminate the exposed area inside the shed;
- (b) the strong winds and gust from the north and north-east from 4 to 6 December 2008 could have deposited potentially contaminated dust and leaves from the trees into the nearby shed no. 17 via its north opening. These contaminated materials could then have gathered at the corner of the shed where the initial high mortality in poultry occurred;
- (c) the farm owners and the six farm workers were likely to have contributed to the spread of virus on the farm via contaminated hands/gloves and/or clothing; and

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- (d) small wild birds (e.g. sparrows) and rodents were both found in poultry sheds and could have acted as short term carriers of the virus and/or mechanical transfer agents of contaminated material into and between sheds.

21. Mr WONG Yung-kan queried whether wild birds should be blamed for the outbreak at the index farm and whether trees should be banned inside and within a certain distance from chicken farms.

22. Assistant Director of Agriculture, Fisheries and Conservation (Inspection & Quarantine) responded as follows -

- (a) it was generally accepted that wild birds had played a role in the spread of avian influenza viruses, including H5N1 viruses in Asia;
- (b) the strong winds and gust from the north and north-east from 4 to 6 December 2008 could have deposited potentially contaminated dust and leaves from the trees into the nearby shed no. 17 via its north opening. These contaminated materials could then have gathered at the corner of the shed where the initial high mortality in poultry occurred; and
- (c) to rectify the biosecurity vulnerabilities at the index farm, the Investigation Group on Epidemiological Study (the Investigation Group) recommended a series of measures for improving the biosecurity of the index farm outlined in paragraph 13 of the Report, such as modifying the structure of shed no. 17 so that the shed area was fully covered by its roof and not directly exposed to the tree and adding a solid partition on the side facing north to protect against wind gusts and covering all uncovered soak away pits and wells to avoid gathering of aquatic birds on farm.

23. The Chairman said that instead of laying the blame on wild birds, trees, wind, farm workers and rodents, the fact that the investigation revealed some biosecurity vulnerabilities and breaches on the index farm demonstrated that the Administration had failed to do a good job in monitoring local chicken farms.

24. USFH responded that as with many epidemiological studies of this nature, it was extremely difficult to pinpoint the exact cause of the outbreak and the precise course of events. While no biosecurity measures could be completely foolproof against the introduction of the virus whether in Hong Kong or elsewhere, the adoption of reasonably practicable biosecurity measures and vigilance should go a long way towards containing the risks of the introduction or spread of the avian influenza virus. To this end, visits were being made by the Agriculture, Fisheries, and Conservation Department (AFCD) to each of 30

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local chicken farms to help these farms to develop a tailor-made biosecurity plan (covering such issues as bird protection, rodent control and farm management practices). To facilitate early detection of avian influenza, AFCD would increase inspection on chicken farms from once every week to once every five days with stepped up veterinarian audit. USFH further said that he could not agree that AFCD had not been doing a good job in monitoring local chicken farms, as evidenced by the fact that there had been no avian influenza outbreak at local chicken farms since 2003 until at the index farm, the occurrence of which was caused by a combination of unlikely yet possible factors.

25. Mr WONG Yung-kan urged AFCD to adopt a reasonable approach in its monitoring of local chicken farms. For instance, the existence of rodents in chicken farms was not unusual, and should not be used as the reason for revoking farm licences.

26. USFH responded that AFCD worked in partnership with all local chicken farm owners to prevent avian influenza outbreak. AFCD would continue to adopt a pragmatic approach in its effort to further tightening up biosecurity at farms.

27. Mr Vincent FANG asked the Administration whether it would consider providing financial assistance to chicken farm owners to help them implement the enhanced biosecurity measures recommended by the Investigation Group, such as replacing all woven bird protection nets with metal ones.

28. Director of Agriculture, Fisheries and Conservation advised that AFCD provided very low interest unsecured loans, up to \$130,000, under the Kadoorie Agricultural Aid Loan Fund and the J.E. Joseph Trust Fund respectively, to help poultry farmers to improve their farms' biosecurity measures.

29. Mr WONG Yung-kan queried whether setting the maximum loan amount at \$130,000 was sufficient. In response, USFH cited a case whereby a chicken farm, with a rearing capacity of 30 000 to 40 000 chickens, recently spent some \$100,000 to replace all woven bird protection nets with metal ones.

30. Mr Vincent FANG said that the fact that the findings of the Report pointed to wild birds as the most likely cause for the avian influenza outbreak in the index farm demonstrated that the biosecurity of chicken farms in Hong Kong and the Mainland was effective in preventing avian influenza infection. In the light of this, Mr FANG asked the Administration whether it would consider increasing the number of daily live chickens supply in Hong Kong so as to bring the price of live chickens down to a more affordable level.

31. USFH responded that the Administration did not see the need to increase the daily supply of live chickens as public demand for live chickens had

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subsidised after the Lunar New Year holidays, which was reflected in the drop in the wholesale price of the live chickens which currently stood at some \$13 per catty. Besides, the consumption trend of chickens demonstrated that the market demand for imported chilled chickens had gradually increased in the past years and had largely substituted that of live chickens.

32. Mr WONG Yung-kan said that if the Administration was sincere in promoting the sustainable development of local poultry trade, it should increase the supply of day-old chicks from the Mainland.

33. USFH responded that the supply of Mainland day-old chicks was dictated by a few factors including local demand, the number of Mainland day-old chicks available for export to Hong Kong, the avian influenza risk in the region, and the production capacity of local hatcheries which currently were using up only a fraction of their total capacity.

V. Further discussion on review on hawker licensing policy

(LC Paper Nos. CB(2)728/08-09(03), CB(2)1015/08-09(05) to (07), CB(2)805/08-09(01), CB(2)1044/08-09(01), CB(2)1046/08-09(01) & (02)) and CB(2)1073/08-09(01) to (03))

Views of deputations

34. The Chairman invited deputations to give views on review on hawker licensing policy, summaries of which were in the **Appendix**.

The Administration's response

35. USFH said that -

Itinerant (Frozen Confectionery) Hawker Licences

- (a) it was the Administration's intention to issue 30 new Itinerant (Frozen Confectionery) Hawker Licences in addition to the existing ones as soon as possible, but this had to be done after the termination of the voluntary surrender scheme for such licences to ensure prudent use of public money. The Administration was presently in discussion with the relevant hawker associations on advancing the deadline of the voluntary surrender scheme for Itinerant (Frozen Confectionery) Hawker Licences (by 31 December 2009) so that the 30 new Itinerant (Frozen Confectionery) Hawker Licences could be issued earlier;
- (b) the Administration would review the need for increasing the number of Itinerant (Frozen Confectionery) Hawker Licences from

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time to time, taking into account the market capacity and other relevant factors;

Fixed-Pitch (Cooked Food or Light Refreshment) Hawker Licences

- (c) the Administration believed that the preservation or otherwise of "Dai Pai Tongs" should be handled flexibly, having regard to the views of the relevant District Councils (DCs). For instance, not all DCs were supportive of the proposal to relax the succession/transfer restrictions on "Dai Pai Tong" licences. The Administration therefore proposed that in the event a "Dai Pai Tong" was to be closed down, it would consult the relevant DC as to whether that "Dai Pai Tong" should be allowed to continue to operate in situ. If so, the Administration would consider allowing the licence to be succeeded by or transferred to the licensee's "immediate family members" or issuing a new licence to an interested new operator;
- (d) the Administration would consider proposals of DCs on hawker licensing matters, including proposal to revive a formerly deleted "Dai Pai Tong" site. On receiving any such proposals, relevant departments would be consulted;
- (e) it would not be fair to accord priority to former licensees or operators of "Dai Pai Tongs", especially if they had surrendered their licences under the voluntary surrender scheme for a one-off ex-gratia payment of \$60,000;

Fixed-Pitch Hawker Licences

- (f) vacant pitches should be allocated in a fair and open manner. Accordingly, no priority should be accorded to existing registered assistants over members of the public in the allocation of vacant pitches. There were at present about 1 300 vacant pitches, and some 600 of them would be back-row ones for which front-row existing licensees would have a priority to apply. Hence, even if priority were given to the existing some 5 600 registered assistants, there would not be enough vacant pitches to go around;

Open-air hawker bazaars

- (g) a bottom-up approach was the best way to establish open-air bazaars. The Administration stood ready to provide appropriate assistance to the proponents if they had identified sites, and would act as a conduit to consult the relevant DCs and departments; and

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Hawker licence fee

- (h) a freeze on government fees and charges related to people's livelihood, including hawker licence and related fees, had been extended until 31 March 2010 in the 2009-2010 Budget.

Discussion

Fixed-Pitch Hawker Licences

36. Mr WONG Kwok-hing asked when the Administration would open the some 1 300 vacant pitches for applications for issuing new fixed pitch hawker licences. USFH responded that subject to members' support at this meeting, FEHD would formulate concrete proposals on the issue of new licences with regard to the number, location and type of vacant pitches in each district, and submit them to the respective DCs for discussion within six months. Meanwhile, FEHD would also develop operational guidelines on practical arrangements including processing of applications and verification of eligibility.

37. Mr Vincent FANG disagreed with the Administration's view that to give priority to registered assistants in the allocation of vacant pitches was unfair to other people interested in joining the hawking trade, as registered assistants generally had ample experience in operating hawker stalls. The Chairman expressed a similar view.

Itinerant Hawker Licences

38. Mr WONG Kwok-hing said that the Administration should not tie the issuing of the 30 new Itinerant (Frozen Confectionery) Hawker Licences with the cessation of the voluntary surrender scheme for existing holders of Itinerant (Frozen Confectionery) Hawker Licences. Mr WONG pointed out that to do so would deprive licensees of the opportunity to earn more money in the coming summer season before leaving the trade for good.

39. USFH reiterated that to issue new Itinerant (Frozen Confectionery) Hawker Licences after the cessation of the voluntary surrender scheme for Itinerant (Frozen Confectionery) Hawker Licences was to ensure prudent use of public money. USFH further said that existing licensees had ample time to consider surrendering their licences as the expiry date of the voluntary surrender scheme for itinerant hawkers, originally fixed on 31 December 2007, had been extended twice.

40. Mr WONG Kwok-hing expressed deep regret at the Administration's plan to tie the issuing of the 30 new Itinerant (Frozen Confectionery) Hawker Licences with the cessation of the voluntary surrender scheme for Itinerant (Frozen Confectionery) Hawker Licences.

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41. The Chairman urged the Administration to re-consider the consensus of the Panel reached at the last meeting on 10 February 2009 that issuing only 30 new Itinerant (Frozen Confectionery) Hawker Licences in addition to the existing ones was insufficient. The number should be increased to meet demand.

Hawking blackspots

42. Mr Vincent FANG said that the ever changing locations of hawking blackspots had rendered it very difficult for itinerant hawkers to operate their business. Mr FANG further said that the number of hawking blackspots should be reduced in this time of economic downturn.

43. Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) (DD/FEH(EH)) responded that certain locations were regarded as not suitable for hawking activities and no prior warning would be given before taking enforcement action against hawking offences. To avoid arguments that hawkers might not know which locations belonged to this category, since April 2007, a list of such locations had been provided to DCs, displayed at FEHD offices and uploaded onto the Department's website. Before making any changes to the list, views of the relevant DCs would be sought. Hawker associations had been duly informed, and provided with the existing list. DD/FEH(EH) further said that FEHD had discussed with the relevant hawker associations about the description of certain locations in the list which were ambiguous. To enhance clarity, for instance, certain locations could be defined with reference to street numbers. No consensus had been reached, and FEHD would continue its dialogue with the hawker associations.

44. Mr Vincent FANG noted from one of the deputations that the number of prosecutions taken against hawkers had risen tenfold from about 2 000 in 2004 to over 20 000 in 2007. Mr FANG urged FEHD to be more lenient in taking enforcement against hawkers, having regard to the present poor economic climate. Mr KAM Nai-wai and the Chairman expressed similar view.

45. DD/FEH(EH) responded that the 2007 prosecution figure quoted referred to enforcement against unlicensed hawkers. In view of the present economic downturn, FEHD had reminded hawker control staff that, provided that hawking activity was not found at locations in the "no prior warning" list and did not involve sale of food, warning should be served to disperse the hawkers. Prosecution action would only follow if the warning was unheeded. DD/FEH(EH) pointed out, however, that enforcement against hawking activities had led to increase in complaints both by the public against obstruction and by shop owners, retailers and market stall lessees against unfair competition posed by hawkers. Maintaining a balance was no easy task.

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Hawker licensing policy

46. Mr WONG Yuk-man said that the Administration should not only focus on regulating hawking activities of licensed hawkers and taking enforcement against illegal hawking failing, without recognising the cultural, economic and societal values of hawking, as rightly pointed out by the Local Action and the Wan Chai Street Market Concern Group. Mr WONG Yung-kan, Mr KAM Nai-wai and the Chairman expressed similar views.

47. Mr Alan LEONG said that the Administration should formulate its hawker licensing policy from the angle of preserving and developing hawking as part of the social and economic fabric of Hong Kong.

48. USFH responded that the Administration well recognised that hawking, with its long history in Hong Kong, was part of the collective memory of the community. It also recognised that hawking provided job opportunities and offered a cheaper source of goods to customers, which were considerations particularly pertinent in time of economic downturn. These factors had been taken into due consideration in the current review on hawker licensing policy. There was, however, a need to strike a balance between fostering the hawking trade and preventing environmental hygiene problems, noise nuisance and obstruction to public passageway, as well as a fair competition for shop operators and market stall tenants.

Hawker licence fee

49. Mr WONG Yuk-man and Mr WONG Yung-kan urged the Administration to waive the hawker licence fee for one year to help hawkers tide over the present economic downturn.

50. Mr WONG Kwok-hing pointed out that the hawking trade had previously requested the Administration to waive the hawker licence fee for one year in the last financial year because of the deteriorating economic climate. Mr WONG urged the Food and Health Bureau (FHB) to convey such request to the Financial Secretary for consideration. USFH agreed.

Conclusion

51. The Chairman suggested and members agreed to further discuss the review on hawker licensing policy at the next meeting. The Chairman reckoned that hawking policy was not just about licensing and control. A holistic approach should be adopted in formulating hawking policy, having regard to its cultural, economic and social relevance. It was a matter that went beyond the policy purview of FHB and required cross-bureaux coordination. The Chairman said that he would liaise with the Chairmen of the Panel on Development and the Panel on Commerce and Industry on holding a joint meeting to discuss ways

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on promoting hawking. In the meantime, the Administration was requested to consider how best to involve the policy bureaux in the exercise. Mr KAM Nai-wai suggested involving the Panel on Home Affairs and the Panel on Housing as both policy bureaux had facilities under their purview that might be suitable for hawking activities.

VI. Any other business

52. There being no other business, the meeting adjourned at 6:10 pm.

Council Business Division 2
Legislative Council Secretariat
9 April 2009

Panel on Food Safety and Environmental Hygiene

Meeting on 10 March 2009

Summary of views expressed by deputations from the hawking trade

Name of deputation [LC Paper No. of Submission]	Major Views
Hong Kong & Kowloon Jade Merchants & Worker Union Association	<p>The Administration should -</p> <ul style="list-style-type: none"> (a) increase the number of Fixed Pitch Hawker Licences in the Jade Market at Yau Ma Tei so that their assistants could have an opportunity to apply for a licence to sell jade at the Market; (b) improve the operating environment of the Jade Market; (c) install road signage to better guide tourists to the Jade Market; and (d) consider issuing quality certificate to jade hawkers who passed assessments showing that they met high standards of product quality and service.
Dairy Products Beverage & Food Industries Employees Union [LC Paper No. CB(2)1046/08-09(01)]	<p>The Administration should -</p> <ul style="list-style-type: none"> (a) further increase the number of Itinerant (Frozen Confectionery) Hawker Licences (small ice cream vendors) from the proposed 30, having regard to the fact that 104 persons had indicated interest to apply for such licences; and (b) expeditiously issue new Itinerant (Frozen Confectionery) Hawker Licences, whilst the deadline of the voluntary surrender scheme for itinerant hawkers (i.e. 31 December 2009) should remain unchanged to avoid the occurrence of a vacuum period of no itinerant hawkers selling ice cream on the street.

<p align="center">Name of deputation [LC Paper No. of Submission]</p>	<p align="center">Major Views</p>
<p>Hong Kong Vegetable food & Grocery Hawkers Welfare & Fraternity Association Limited</p>	<p>Fixed Pitch Hawker Licences should be allowed to be transferred to or succeeded by registered assistants, if the “immediate family member” of the licensees (i.e. parent, spouse, son or daughter) had no intention to operate the stalls upon the licensees' death or the licensees had to close down the business on grounds of old age or ill health, as most registered assistants were middle-aged and had no other job skills.</p>
<p>Man Yuen Noodles Shop</p>	<p>Whilst welcoming the Administration's policy to preserve on-street fixed-pitch (cooked food or light refreshment) i.e. “Dai Pai Tong” hawkers, objection was raised with regard to the Administration's proposal of allowing a Dai Pai Tong licence to be succeeded by or transferred to the licensee’s parent, son or daughter other than to the spouse as at present.</p>
<p>Federation of Hong Kong Kowloon New Territories Hawker Associations</p>	<p>In relation to any vacant fixed pitch, the fixed pitch hawker operating in the adjacent pitch should first be invited to take it up. If the licensee had no intention to do so, existing registered assistants with experience in the hawking trade should be allowed to select the vacant pitch. Any vacant pitches left could be open to applications from members of the public.</p> <p>Fixed Pitch Hawker Licences should be allowed to be transferred to or succeeded by registered assistants, if the “immediate family member” of the licensees (i.e. parent, spouse, son or daughter) had no intention to operate the stalls upon the licensees' death or the licensees had to close down the business on grounds of old age or ill health, as most registered assistants were middle-aged and had no other job skills.</p> <p>Expressed concern about the Administration's proposal that all new licences, including those issued on account of “succession” to or “transfer” of licences should not be allowed for further succession or transfer. Existing hawker licensees should continue to be allowed for their licences to be succeeded by or transferred to their "immediate family member" as their businesses were mostly family-run.</p>

Name of deputation [LC Paper No. of Submission]	Major Views
	<p>Voluntary surrender scheme for itinerant hawkers should be made permanent.</p>
<p>Association for Betterment of Licensed Hawkers</p>	<p>There were too many hawking blackspots and should be reduced.</p>
<p>Yau Tsim Mong District Council [LC Paper No. CB(2)1015/08-09(06)]</p>	<p>Supported allowing fixed pitch hawkers at the front row to take up the use of the adjacent vacant pitches in the back row.</p> <p>Save for exceptional circumstances, agreed in principle that no new hawker licences should be issued and no new hawker permitted places should be established.</p> <p>Issuance of additional new Itinerant (Frozen Confectionery) Hawker Licences should be made on the condition that these licensees could only operate in specified locations.</p> <p>Welcomed the proposal to strengthen the role of District Councils in hawker licensing and hawker bazaar management at the district level to ensure that hawker policy could meet different local needs.</p>
<p>Tung Choi Street (Ladies Market) Merchants & Hawkers Association</p>	<p>Supported the Administration's proposal of allowing licensees of adjacent pitches to use these vacant pitches to expand their operating area while paying the relevant fees.</p>
<p>Fa Yuen Street Hawker Association</p>	<p>Expressed concern about the Administration's proposal that all new licences, including those issued on account of "succession" to or "transfer" of licences should not be allowed for further succession or transfer. The existing arrangements whereby a Fixed Pitch Hawker Licence might be transferred to or succeeded by an "immediate family member" should be allowed to continue, as many stalls were family-run.</p>

Name of deputation [LC Paper No. of Submission]	Major Views
灣仔交加街太原街固定攤位小販 權益關注組	The Administration should waive the hawker licence fee for one year to help hawkers tide over the current economic downturn and improve the operating environment of hawker permitted places.
Li Yuen Street East & West Hawkers Merchants Association 灣仔大佛口販商協會 渣甸坊販商協會	<p>In relation to any vacant fixed pitch, the fixed pitch hawker operating in the adjacent pitch should first be invited to take it up. If the licensee had no intention to do so, existing registered assistants with experience in the hawking trade should be allowed to select the vacant pitch. Any vacant pitches left could be open to applications from members of the public.</p> <p>Fixed Pitch Hawker Licences should be allowed to be transferred to or succeeded by registered assistants, if the “immediate family member” of the licensees (i.e. parent, spouse, son or daughter) had no intention to operate the stalls upon the licensees' death or the licensees had to close down the business on grounds of old age or ill health.</p>
Yaumatei Temple Street Association of Hawkers and Shop Operators	The existing arrangements whereby a Fixed Pitch Hawker Licence might be transferred to or succeeded by an "immediate family member" should be allowed to continue, as many stalls were family-run.
強記大牌檔	<p>Welcomed the Administration's proposal of allowing a "Dai Pai Tong" licence to be succeeded by or transferred to the licensee's parent, son or daughter other than to the spouse as at present.</p> <p>Urged the Administration to adopt measures to help "Dai Pai Tongs" stay afloat, such as relaxing the existing limit of setting two tables and eight stools in front of the stall, providing public toilet facility nearby the stall, waiving the hawker licence fee and reducing water and sewerage fees.</p>

<p align="center">Name of deputation [LC Paper No. of Submission]</p>	<p align="center">Major Views</p>
<p>Association Hong Kong & Kowloon Licensed Hawkers</p>	<p>The Administration should waive the hawker licence fee for one year, increase the one-off ex-gratia payment for itinerant hawkers to surrender their licences from \$30,000 to \$300,000, and cancel all hawker blackspots.</p>
<p>Civic Party</p>	<p>Hawking should be further developed, such as establishing more hawker permitted places for operating businesses such as morning flea markets, night bazaars and stalls on promoting environmental protection, as hawking provided job opportunities and was a collective memory of the people of Hong Kong. As these hawker permitted places would affect the business environment of small shops nearby, owners of these small shops should be allowed to trade in the hawker permitted places.</p> <p>The validity period of hawker licences should be increased to three to five years according to the mode of operation of the licensees. At the same time, a demerit point system to penalise licensees for non complying with the licensing requirements should be adopted.</p>
<p>Hong Kong Kowloon Merchants Hawkers Association Limited</p>	<p>The Administration should reduce the number of hawking blackspots to allow licensed itinerant hawkers to operate their business, and make the voluntary surrender scheme for itinerant hawkers permanent.</p>
<p>寶靈街商戶權益關注組 [LC Paper No. CB(2)1046/08-09(02)]</p>	<p>Opposed the Administration's proposal to issue more new hawker licences.</p>
<p>Local Action [LC Paper No. CB(2)1073/08-09(01)]</p>	<p>The Administration should -</p> <p>(a) take into account the cultural, societal and economic values of street hawking in its review on hawker licensing policy. For instance, the Food and Health should work with the Development Bureau to identify more locations for hawking activities; and</p>

Name of deputation [LC Paper No. of Submission]	Major Views
	<p>(b) relax its enforcement action against licensed itinerant hawkers. From 2001 to 2004, an average of 2 200 prosecutions were taken against hawkers in a year. However, prosecutions against hawkers had risen tenfold to 22 485 in 2005 and 27 262 in 2007.</p>
<p>Wan Chai Street Market Concern Group [LC Paper No. CB(2)1073/08-09(02)]</p>	<p>The Administration should -</p> <ul style="list-style-type: none">(a) explore the feasibility of establishing new hawker permitted places in areas such Tseung Kwan O, Ma On Shan, Tsuen Wan and Southern District, to better provide job opportunities for people living in those areas and customers could find a cheaper course of goods;(b) the validity period of hawker licences should not have a time limit and no succession by or transfer to the licences should be allowed, in order to enable more people who were interested in joining the hawking trade;(c) registered assistants should be allowed to succeed to the licences of their employers upon their employers' death and that the employers' "immediate family member" had no intention to operate the stalls;(d) engage all stakeholders in its review on hawker licensing policy and monitoring of hawking activities; and(e) review on hawker licensing policy should be conducted every five years.

Name of deputation [LC Paper No. of Submission]	Major Views
Western District Licensed Hawkers Friendly Association	<p>The existing arrangements whereby a Fixed Pitch Hawker Licence might be transferred to or succeeded by an "immediate family member" should be allowed to continue, as many stalls were family-run.</p> <p>Registered assistants should be allowed to succeed to the licences of their employers upon their employers' death and that the employers' "immediate family member" had no intention to operate the stalls.</p>
Community Cultural Concern [LC Paper No. CB(2)1073/08-09(03)]	<p>The Administration should recognise the cultural, societal and economic values of street hawking in formulating its hawker licensing policy by identifying more locations for licensed hawking, such as in Tin Shiu Wai and Ma On Shan, and issuing more hawker licences.</p>

Council Business Division 2
Legislative Council Secretariat
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