

## **LEGISLATIVE COUNCIL BRIEF**

The Secretary for Food and Health submits the following note for Members' information:

<b>Title of the Note</b>	<b>Date of Gazette</b>
Hawker (Permitted Places) Declaration 2009	18 December 2009

## **LEGISLATIVE COUNCIL BRIEF**

Public Health and Municipal Services Ordinance (Cap. 132)

### **HAWKER (PERMITTED PLACES) DECLARATION 2009**

#### **INTRODUCTION**

By virtue of section 83B(4) of the Public Health and Municipal Services Ordinance (Cap. 132), the Commissioner for Transport is empowered to set aside streets under the Hawker (Permitted Places) Declaration for hawking purposes.

2. In exercise of this power, the Commissioner for Transport has made the Hawker (Permitted Places) Declaration 2009, at **Annex**, to declare places to be used for hawking purposes in connection with the intended licensing of eight bootblack hawkers in the Central and Western District.

#### **BACKGROUND**

3. Since the early 1970s, the Administration has stopped issuing new hawker licences under normal circumstances. As a result of natural attrition, there is no longer any licensed fixed pitch bootblack hawker in Hong Kong. Recently, there have been views from the community that bootblack is one of a few remaining traditional trades in Hong Kong, and the bootblack hawkers in the Central and Western District has long been in operation. They were part of the District's characteristic and Hong Kong's local culture worthy of preservation.

#### **JUSTIFICATIONS**

4. The Food and Environmental Hygiene Department (FEHD) has identified eight bootblack hawkers, who have been engaged in the business for a long time, in the Central and Western District, including one who operates at the portion of the footbridge in front of the east entrance of the Murray Road

Multi-storey Carpark Building at Lambeth Walk, three at the portion of the southern side of the road space of the unnamed lane connecting Pedder Street and Theatre Lane, and four on the road space in front of House Nos. 1-7 Theatre Lane. In view of the special circumstances of these unlicensed bootblack hawkers, including their limited number, the fact that their operations seldom cause environmental hygiene nuisance and they have been operating in the district for many years, FEHD agrees to issue fixed pitch hawker licences to the eight bootblack hawkers in-situ.

5. We briefed the Legislative Council Panel on Food Safety and Environmental Hygiene (FSEH Panel) at its meeting on 14 July 2009 and the Central and Western District Council (C&WDC) at its meeting on 10 September 2009 on the proposed licensing and received their support. Government departments concerned (including the Fire Services Department, Hong Kong Police Force, Transport Department, Lands Department, Highways Department, Buildings Department and Home Affairs Department) have no objection to licensing the eight hawkers in-situ.

6. All of the eight bootblack hawkers have already submitted applications for Fixed Pitch (Bootblack) Hawker Licences to FEHD. Hawker licences will be issued after the eight bootblack hawker sites are statutorily set aside for hawking purposes.

## **THE DECLARATION**

7. The Declaration at Annex is intended to amend the Hawker (Permitted Places) Declaration (Cap. 132 sub. leg. AG) to set aside the eight bootblack hawker sites for hawking purposes.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is as follows —

Publication in the Gazette	18 December 2009
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Tabling at the Legislative Council	6 January 2010
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## **FINANCIAL AND STAFFING IMPLICATIONS**

9. As part of the relief measures announced in May this year for sectors directly affected by the global financial crisis and the global outbreak of the human swine flu, the fees for the new issue or renewal of a fixed pitch hawker licence as well as the fees for the allocation and use of fixed pitches have been waived for a year with effect from 1 July 2009. In this connection, the relevant fees for the bootblack hawkers in question will be waived for 12 months (a total of \$2,590) if the licences are issued on or before 30 June 2010.

10. The staff costs in licensing and management of these bootblack hawkers will be absorbed by existing resources and no additional funding and posts are required.

## **PUBLIC CONSULTATION**

11. The FSEH Panel and the C&WDC were consulted and they supported the licensing of the eight bootblack hawkers concerned in situ.

## **PUBLICITY**

12. The Declaration will be published in the Gazette on 18 December 2009. A spokesperson will be available to answer enquiries on this subject.

## **ENQUIRIES**

13. For enquiries relating to this brief, please contact Mr. LEE Kwok-hung, Damian, Assistant Secretary for Food and Health (Food)<sup>7</sup>, at telephone number 2973 8114.

**Food and Health Bureau**  
**December 2009**

**HAWKER (PERMITTED PLACES)  
DECLARATION 2009**

(Made by the Commissioner for Transport under section 83B(4) of the Public Health and Municipal Services Ordinance (Cap. 132) after consultation with the Director of Food and Environmental Hygiene and the Commissioner of Police)

**1. Declaration of places for hawking purposes**

The streets specified in column 1 of the Table in this section are, to the extent specified in column 2 and demarcated by road markings into the number of pitches specified in column 3, set aside as places to be used for hawking purposes.

TABLE

HONG KONG

Name of Street	Extent	No. of Pitches
Lambeth Walk	Portion of the foot-bridge in front of the east entrance of the Murray Road Multi-storey Carpark Building	1
Unnamed lane connecting Pedder Street and Theatre Lane	Portion of the southern side of the road space of the unnamed lane	3
Theatre Lane	Road space in front of House Nos. 1-7, Theatre Lane	4

## 2. Second Schedule amended

The Second Schedule to the Hawker (Permitted Places) Declaration (Cap. 132 sub. leg. AG) is amended under the heading “HONG KONG” by adding at the end –

“Lambeth Walk	Portion of the foot-bridge in front of the east entrance of the Murray Road Multi-storey Carpark Building	1
Unnamed lane connecting Pedder Street and Theatre Lane	Portion of the southern side of the road space of the unnamed lane	3
Theatre Lane	Road space in front of House Nos. 1-7, Theatre Lane	4”.

Commissioner for Transport

2009

### Explanatory Note

This Declaration declares the portion of the foot-bridge in front of the east entrance of the Murray Road Multi-storey Carpark Building, the portion of the

southern side of the road space of the unnamed lane connecting Pedder Street and Theatre Lane, and the road space in front of House Nos. 1-7, Theatre Lane, to the extent demarcated by road markings into pitches, as hawker permitted places and makes consequential amendments to the Hawker (Permitted Places) Declaration (Cap. 132 sub. leg. AG).