

立法會
Legislative Council

LC Paper No. CB(2)244/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/MP+FE

**Panel on Manpower and
Panel on Food Safety and Environmental Hygiene**

**Minutes of joint meeting
held on Tuesday, 28 June 2011, at 4:30 pm
in the Chamber of the Legislative Council Building**

Members present : Members of the Panel on Manpower

- Hon LEE Cheuk-yan (Chairman)
- Hon LI Fung-ying, SBS, JP (Deputy Chairman)
- Hon LEUNG Yiu-chung
- * Hon Tommy CHEUNG Yu-yan, SBS, JP
- Hon Frederick FUNG Kin-kee, SBS, JP
- * Hon WONG Kwok-hing, MH
- Hon Andrew LEUNG Kwan-yuen, GBS, JP
- Dr Hon LAM Tai-fai, BBS, JP
- Hon CHAN Kin-por, JP
- * Hon WONG Sing-chi
- Hon WONG Kwok-kin, BBS
- Dr Hon PAN Pey-chyou
- * Hon Alan LEONG Kah-kit, SC
- Hon LEUNG Kwok-hung

Members of the Panel on Food Safety and Environmental Hygiene

- # Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
- Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
- Hon TAM Yiu-chung, GBS, JP
- Hon Vincent FANG Kang, SBS, JP
- Hon KAM Nai-wai, MH
- Hon WONG Yuk-man

Members absent : Members of the Panel on Manpower

Hon CHEUNG Man-kwong
* Hon Andrew CHENG Kar-foo
Hon CHEUNG Kwok-che
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP

Members of the Panel on Food Safety and Environmental Hygiene

Hon Fred LI Wah-ming, SBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Dr Hon LEUNG Ka-lau

(* Also members of the Panel on Food Safety and Environmental Hygiene)
(# Also member of the Panel on Manpower)

Public officers attending : Item II

Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health (Food)

Mr FAN Yung-kai
Assistant Director (Operations)²
Food and Environmental Hygiene Department

Attendance by invitation : Item II

Designing Hong Kong

Mr Paul Zimmerman
CEO

Individual

Mr Bill TANG Ka-piu
Islands District Council member

Civic Party

Ms Dorothy TANG
District Developer

Justice and Peace Commission of the Hong Kong Catholic Diocese

Miss YIP Po-lam
Project Officer

Individual

Mr LUK Chung-hung
Yuen Long District Council member

Federation of Hong Kong Kowloon New Territories Hawker
Associations

Ms CHENG So-ngor
Chairman

香港仔天光墟市集小販會

Miss FONG Yuk-fung
Chairman

西貢漁民艇仔小販會

Mr SO Kwai-loi
Chairman

Hong Kong & Kowloon Merchants & Hawkers Association

Mr WONG Yin-wa
Secretary-General

Community Development Alliance

Mr CHAN Yu-cheung
Social worker

T.S.W. Hawkers Concern Group

Mr LIU Chiu-sum
Member

Tin Shui Wai Community Development Project

Miss WONG Wing-chi
Project Officer

推動天水圍經濟發展大聯盟

Mr KONG Kin-sing
Member

Green Sense

Mr Gary WONG Chung-woon
Project Officer

東涌民生監察組

Mr LAU Chin-pang

Association Hong Kong & Kowloon Licensed Hawkers

Mr WOO Kam-hong
Chairman

灣仔市集關注組

Mr FUNG Ping-tak

CSSA Concerning and Review Alliance

Miss YEUNG Pui-yan
Community worker

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Ms Mina CHAN
Council Secretary (2) 7

Ms Kiwi NG
Legislative Assistant (2) 1

Action

I. Election of Chairman

Mr Tommy CHEUNG was elected Chairman of the joint meeting.

II. Creation of employment opportunities under the hawker policy
(LC Paper Nos. CB(2)2153/10-11(01) and (02))

2. The Chairman thanked the representatives of the Food and Health Bureau ("FHB") for joining the meeting. He reminded the deputations attending that they were not covered by the protection under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

Oral presentation by deputations

Designing Hong Kong
[LC Paper No. CB(2)2153/10-11(03)]

3. Mr Paul Zimmerman presented the views of Designing Hong Kong as detailed in its submission.

Island District Council member
[LC Paper No. CB(2)2153/10-11(04)]

4. Mr Bill TANG Ka-piu presented his views as detailed in his submission.

Civic Party
[LC Paper No. CB(2)2153/10-11(05)]

5. Ms Dorothy TANG presented the Civic Party's views as detailed in its submission.

Justice and Peace Commission of the Hong Kong Catholic Diocese
[LC Paper No. CB(2)2153/10-11(07)]

6. Miss YIP Po-lam presented the views of Justice and Peace Commission of the Hong Kong Catholic Diocese as detailed in its submission.

Action

Mr LUK Chung-hung, Yuen Long District Council member
[LC Paper No. CB(2)2153/10-11(08)]

7. Mr LUK Chung-hung presented his views as detailed in his submission.

Federation of Hong Kong Kowloon New Territories Hawker Associations
[LC Paper No. CB(2)2153/10-11(09)]

8. Ms CHENG So-ngor presented the views of Federation of Hong Kong Kowloon New Territories Hawker Associations as detailed in its submission.

香港仔天光墟市集小販會
[LC Paper No. CB(2)2153/10-11(09) - Joint submission]

9. Miss FONG Yuk-fung presented the views of 香港仔天光墟市集小販會 as detailed in the joint submission with 西貢漁民艇仔小販會.

西貢漁民艇仔小販會
[LC Paper No. CB(2)2153/10-11(09) - Joint submission]

10. Mr SO Kwai-loi presented the views of 西貢漁民艇仔小販會 as detailed in the joint submission with 香港仔天光墟市集小販會.

Hong Kong & Kowloon Merchants & Hawkers Association

11. Mr WONG Yin-wah said that the establishment of open-air bazaars could create job opportunities and retain the traditional features of the local economy. He called on the Administration to allow the continuous operation of the existing morning market in Aberdeen, which had not caused environmental hygiene and noise problems to the local community.

Community Development Alliance

12. Mr CHAN Yu-cheung expressed support for establishing open-air bazaars in remote districts such as Tung Chung and Tin Shui Wai. He was disappointed that both the Development Bureau ("DEVB") and the Labour and Welfare Bureau ("LWB") had not sent representatives to attend the meeting. Mr CHAN pointed out that high transport cost was exacerbating the unemployment in these areas. Monopoly of the Link REIT shopping

Action

centres had also left these districts with limited sources of low-priced goods. He was of the view that street hawking should be regarded as a policy that could create job opportunities and help the poor in remote districts, rather than a trade that might cause environmental hygiene and noise problems to the public.

T.S.W. Hawkers Concern Group

13. Mr LIU Chiu-sum said that there had been demands from the hawkers in Tin Shui Wai for a morning market since last year. Though the Lands Department ("LandsD") and the Food and Environmental Hygiene Department ("FEHD") were open-minded to their requests, the former had pointed out that there was currently no policy on land grant for hawker areas. Mr LIU stressed that establishment of morning market could offer the hawkers an opportunity to make their living. He hoped that the proposal could be implemented as soon as possible.

Tin Shui Wai Community Development Project

14. Miss WONG Wing-chi said that the hawkers in Tin Shui Wai had requested for making available an area for operating a morning market for two years. However, the Administration had not disclosed its position on the issue. There was a view that street hawking posed unfair competition to shopkeepers who paid rent for their trading premises. Many small traders in Tin Shui Wai, who were no longer able to operate in the Link REIT shopping centres, had actually become hawkers. Miss WONG advised that after liaising with the Administration, it was found that the proposal to establish open-air bazaars was mainly hindered by land policy. She considered that the Administration should tackle the issue of making available land for taking forward the proposal to establish open-air bazaars.

推動天水圍經濟發展大聯盟

15. Mr KONG Kin-sing considered that poor urban planning and housing policy had led to poverty in remote districts such as Tin Shui Wai and Tung Chung. Most of the residents in Tin Shui Wai were low-income families. They had to commute to work in other districts and faced high transport costs. As a result, some of them had switched to the hawking trade to earn a living in their local district. Mr KONG pointed out that street hawking could introduce competition, boost the economic development of remote districts and provide job opportunities.

Action

Green Sense

[LC Paper No. CB(2)2153/10-11(15)]

16. Mr Gary WONG Chung-woon presented the views of Green Sense as detailed in its submission.

東涌民生監察組

17. Mr LAU Chin-pang advised that the restaurants of the Link REIT shopping centres in Tung Chung generally closed after 10 pm. The cooked food hawkers operating near Yat Tung Estate at night offered a convenient dining place with tasty food at low prices for nearby residents and airport staff. However, the hawkers were deprived of the opportunity to survive under the intensive enforcement actions taken by FEHD. Mr LAU suggested that cooked food bazaars be established in Tung Chung to address the needs of the local community.

Association Hong Kong & Kowloon Licensed Hawkers

[LC Paper No. CB(2)2153/10-11(18)]

18. Mr WOO Kam-hong presented the views of Association Hong Kong & Kowloon Licensed Hawkers as detailed in its submission.

灣仔市集關注組

19. Mr FUNG Ping-tak pointed out that there was usually an upsurge in the number of hawkers during economic downturn, indicating that hawking could provide the unemployed with job opportunities and have a significant impact on the economic recovery. Mr FUNG expressed support for establishing morning markets and issuing new hawker licences.

CSSA Concerning and Review Alliance

20. Miss YEUNG Pui-yan said that hawking had all along been regarded as activities associated with insanitary environment, nuisance and corruption. However, not only could hawking bring vibrancy to the local communities, but could also serve as a complement to the Comprehensive Social Security Scheme in addressing the livelihood problem of the grassroots. Miss YEUNG called on the Administration to designate areas for hawkers so that the grassroots could be offered an opportunity to make a living.

Action

Discussion

21. The Chairman advised that the Legislative Council Secretariat had written to the Secretary for Labour and Welfare and the Secretary for Home Affairs inviting them to this meeting, but both of them had indicated that they would not send any representative to attend the meeting.

22. Under Secretary for Food and Health ("USFH") briefed the Panel on the hawker licensing policy of the Administration, progress of implementing the recommendations arising from the hawker licensing policy review completed in 2009, and the initiatives for improving the business environment of licensed newspaper hawkers as set out in the Administration's paper.

23. While welcoming the Administration's initiative in re-issuing licences for some specific hawking trades and licensing the on-street tradesmen, Mr WONG Kwok-hing was disappointed that the proposal to establish open-air bazaars in various districts, which was raised years ago, had not yet been implemented for lack of suitable sites. He considered that the Administration should not take severe enforcement action against the hawkers of the open-air bazaars, and suggested that the Secretary for Food and Health, the Secretary for Home Affairs and the Secretary for Development ("SDEV") conduct a site visit to the existing open-air bazaars in Aberdeen, Sai Kung, Tin Shui Wai and Tung Chung. Mr WONG requested the Administration to provide a response on its study of the vitalization of these open-air bazaars.

Admin

24. USFH responded that the Administration would provide the response requested by Mr WONG Kwok-hing. He advised that while receiving some complaints from the public relating to the open-air bazaar in Tin Shui Wai, where there were about 50 hawkers, FEHD had instituted 10 prosecutions between June 2010 and May 2011 against the hawkers in that area. USFH stressed that FHB would not rule out the proposal to establish open-air bazaars provided that food safety and environmental hygiene were not compromised and there was support from the local community. As regards making available sites for establishing open-air bazaars, the views of members would be conveyed to DEVB and the Home Affairs Bureau.

25. Mr LEE Cheuk-yan considered that instead of regulating hawking activities, the Administration should consider expanding hawker areas in order to provide more job opportunities. Mr LEE asked why the existing open-air bazaars such as that in Tin Shui Wai could not be regularized and

Action

whether consideration could be given to designating an area in each district for open-air bazaar. In this regard, he sought information on the reasons given by the local communities for objection to regularize the existing open-air bazaars.

26. USFH stated that FHB's purview was confined to food safety and environmental hygiene. If a site was identified suitable for establishing an open-air bazaar, the proposal could be put forward to the relevant government departments and local district for consideration.

27. While sharing the view with Mr LEE Cheuk-yan on the regularization of the existing open-air bazaars, the Chairman pointed out that establishment of open-air bazaar in a district required the consent of various parties, and thus it was difficult for the Administration to advise members why the proposal to set up open-air bazaar was declined by some local districts. He suggested that the issues under discussion at this meeting be brought to the attention of the Chief Secretary for Administration ("CS") for his consideration of setting up an inter-bureau or departmental task force to deal with the matter.

28. Mr Vincent FANG said that hawkers were commonly found in many countries. Whether open-air bazaars could be developed in Hong Kong depended on how the Administration struck a balance between allowing legal hawking activities and maintaining environmental hygiene and protecting the public from nuisance. He recalled having visited the open-air bazaar in Tin Shui Wai and found that fresh goods were sold at low prices. He had requested SDEV to designate an area in Tin Shui Wai for an open-air bazaar. However, the latter had not taken any action so far. He was dissatisfied that the Administration had not taken actions to facilitate the development of open-air bazaars, which could boost the economy and solve the problem of unemployment.

29. USFH responded that FHB would make every effort to provide, in collaboration with the relevant departments, assistance within its purview in developing open-air hawker bazaars.

30. Ms LI Fung-ying said that hawker policy was a complicated issue which involved many bureaux and departments. She pointed out that a proper hawker policy could create job opportunities and increase consumer choices. However, even small traders found themselves hard to survive in the current business environment, such as the shopping centres of the Link REIT and the Housing Authority. They were evicted upon tenancy

Action

renewal and replaced by chain stores. Ms LI said that she had received a complaint against the Housing Authority for not fulfilling its pledge to provide the residents of a newly established housing estate with a wet market. The residents were simply informed that there had been a mega supermarket at a nearby shopping centre.

31. Ms LI Fung-ying sought information on the number of stalls in public markets that were rent by the former tenants of the Link REIT's shopping centres. She also enquired about the Administration's measures to attract the business starters and the ex-tenants who were no longer able to operate at the shopping centres managed by Link REIT to run their businesses in the vacant stalls of public markets.

32. USFH advised that FEHD had not issued any new Itinerant Hawker Licences, except those for selling frozen pre-packaged confectionery. As for Fixed-Pitch Hawker Licences, the operators of adjacent fixed pitches in the front row were allowed to take up vacant pitches in the back row. To attract potential bidders, FEHD had also lowered the upset auction prices for public market stalls left vacant for a period of time.

33. Assistant Director (Operations)2 of FEHD ("AD(Ops)2/FEHD") said that about 650 back-row vacant pitches had been merged with front-row pitches. Upon the completion of the hawker policy review in 2009, FEHD had issued new licences in respect of 217 vacant fixed pitches. To attract prospective small traders to operate in public markets, FEHD had lowered the upset auction prices to 80% and 60% of the Open Market Rental for public market stalls left vacant for six months and eight months or more respectively. FEHD had also started letting out small stalls to those who would like to try to run business in public markets through a short-term tenancy of three months, which was renewable upon the trial. AD(Ops)2/FEHD further said that service trade stalls, including 14 trade services of beauty parlours, computer and related services, domestic services agencies, Chinese medicine practitioners and bone-setters' clinics etc, had been introduced into public markets. AD(Ops)2/FEHD said that the Administration had not maintained statistics on the number of public market stalls rent by the ex-tenants of the Link REIT's shopping centres.

34. Mr WONG Sing-chi said that there should be a comprehensive hawker policy, which was not a matter that FHB or FEHD alone could deal with. Concerted efforts from other relevant policy bureaux and government departments, such as the Housing Department, were required. He pointed out that hawking activities at Choi Yuen Estate in Sheung Shui

Action

had been left unattended and subsequently controlled by triads. He suggested designating hawker permitted zones in public housing estates, leisure facilities and Hong Kong Mass Transit Railway stations. Consideration could also be given to allowing the hawker areas to be managed by non-government organizations. Mr WONG stressed that hawking could provide the grassroots with a means of making a living and a cheap source of goods in the current business environment, which had been monopolized by developers.

35. Mr WONG Yung-kan said that open-air bazaars were popular, and thus the Administration should consider introducing changes to the current hawker policy to meet the needs of the community. With the support of the relevant DC, the Administration should allow the existing open-air bazaars to operate continuously. For instance, the street market in Tai Po was operating well with the support of the local DC and FEHD. Given that street hawking could offer a cheap source of goods during times of inflation and serve as a tourism attraction, Mr WONG called on the Administration to allow more flexibility in its hawker policy.

36. USFH said that consideration could be given to allowing non-government organizations to take the lead in taking forward the proposal to establish open-air bazaars as long as the support of local communities was obtained and food safety and environmental hygiene were not compromised.

37. Mr LEUNG Yiu-chung considered that it was very difficult to obtain the support of both government departments and DCs even if suitable sites were identified by the local community. To facilitate the development of open-air bazaars in various districts, FHB should steer the implementation of the proposal by addressing the concerns of residents and DCs. Mr LEUNG said that residents in Tin Shui Wai had actually identified a site for establishing an open-air bazaar, and he hoped that a government department would take up the management of the site.

38. USFH explained that when a proposal to establish an open-air bazaar in a district was put forward to the Government, it would be referred to the relevant government departments for consideration. Each department would provide professional advice when assessing the application.

39. USFH pointed out that issues relating to land use and district administration did not fall within the purview of FHB and he could convey the views of members to the relevant policy bureaux.

Action

40. The Chairman suggested that the Chairmen of the two Panels should write to CS advising him of the views expressed by members at this meeting and asking him to set up an inter bureau or departmental task force in formulating a long-term policy on hawkers.

Admin

41. Mr LI Cheuk-yan agreed to the Chairman's suggestion and expected that CS's response be available in October 2011. He asked the Administration to advise members in its reply whether the existing open-air bazaars could be regularized.

(Post meeting note: A letter from the Chairmen of the two Panels to CS and CS's reply were circulated to members of the two Panels on 22 July 2011 vide LC Paper No. CB(2)2434/10-11.)

42. There being no other business, the meeting ended at 6:38 pm.

Council Business Division 2
Legislative Council Secretariat
7 November 2011