立法會 Legislative Council

LC Paper No. CB(2)553/10-11(04)

Ref: CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Information note prepared by the Legislative Council Secretariat for the meeting on 14 December 2010

Management of fixed hawker pitches and provision of assistance for fixed pitch hawkers at Fa Yuen Street

A No. 3 alarm fire broke out at Fa Yuen Street's junction with Prince Edward Road West, Mong Kok in the morning of 6 December 2010. The affected area involved a number of single-storey tin-sheeted and wooden hawker stalls. The relevant press reports on the incident are attached at **Appendix I** for members' reference.

2. One written question on the management of Hawker Permitted Places was raised by Hon James TO at the Council meeting on 20 May 2009. The wording of the question and the Administration's reply is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
13 December 2010



附錄 I Appendix I

明報 A02| 要聞| 頭條

2010-12-07

熊熊 3 級火緝冷冷縱火狂 旺角連環放火 50排檔血本無歸

【明報專訊】過去多次在旺角一帶出沒放火燒街頭雜物的縱火狂徒,昨凌晨懷疑又再出動,不足半小時內先後3度 在400米範圍內放火,其中花園街露天市集一列排檔火勢最猛,消防到場5分鐘後即將火警升爲3級,近50個排檔陷 入火海,毗鄰大廈30間商舖亦被波及,近500名居民被濃煙圍困,皇倉逃生,共釀成7人輕傷,商販損失數以百萬元 計。警方根據目擊者提供的資料,正通緝一名年約40至45歲的縱火狂徒。

凌晨400米範圍3度放火

過去5年,花園街一帶最少發生過5宗縱火案,當中4宗涉及燒排檔。據商販表示,露天市集一向太平,未聞有人勒索「陀地費」等,估計縱火非與生意糾紛有關。旺角警區重案組已列作縱火案調查,並根據目擊者口供,鎖定一名40至45歲男子爲縱火狂徒,他犯案時身穿淺色外套及牛仔褲,懷疑與凌晨3宗縱火案有關。

昨凌晨4時許聯合廣場後巷最先起火,正當消防員馳至後巷灌救小火時,又接報指約400米外的花園街有排檔着火,而該列排檔主要售賣衣履鞋襪,未幾,西洋菜北街後巷又有人縱火(見圖)。

花園街毀逾80 檔舖

花園街的火警最爲嚴重,消防表示接報4分鐘即抵達。據悉,花園道222 號一個賣鞋的排檔首先起火,濃煙湧往旁邊住宅大廈,並傳出輕微爆炸聲,有住戶驚醒後報警,慌忙逃生,有不少居民則嘗試用家中水喉射水。由於火勢猛烈,且蔓延至多間排檔及旁邊商舖,消防到場後5 分鐘即將火警升爲3級,並動員200 人、開動8 條消防喉、16 支煙帽隊、32 架消防車及2 架救護車協助救援,火場面積一度達3 米乘70 米。

由於附近大廈有大量住客被濃煙圍困,進退不得,消防員要逐個單位登樓及破門進入店舖搜查,其間協助疏散近500名居民,其中39名住客要由消防員救離險境。在花園街205號一幢6層高大廈,濃煙湧入大廈樓梯,恍如煙囪般,7樓一對男女及母女一度無法逃離,唯有躲在家中開窗呼救,被困近兩小時始獲救,部分人吸入濃煙不滴。

500 居民驚醒洮生7 人送院

大火焚燒4個多小時,至早上10時半始救熄,超過50個排檔及30間商舖遭焚毀。事件中共有4女3男送院,大多為吸入濃煙不適,其中一名消防員在救火時跌倒撞傷胸部。全部傷者送往廣華醫院治理後4人要留醫,情况穩定,其餘已出院。

現場有住客投訴消防救援速度緩慢,「花近半小時才到達現場,接近一小時後才開喉灌救」,導致火勢愈燒愈烈。 住客王女士說,睡夢中聽到像放煙花的爆炸聲,起來後發現火警,立即叫醒家人,沒來得及拿身分證便穿著睡衣逃 生,她質疑何以起火一段時間也無人救火。住客鍾先生則表示,4 時半已聽到「啪啪」聲,於是與妻子帶同屋契及 存摺逃生,他堅稱消防員在起火半小時後才到達,又怪責消防員「組織慢,缺乏方向感」。

住客斥救援慢消防:範圍大需時長九龍南區消防區長曾偉明堅稱在接報後4分鐘已抵達現場救援,並未延誤。他解釋,由於現場範圍大,又涉及多個排檔,搜救人員需逐間商舖爆破救人,因此救援行動花了較長時間。他又說,由於兩邊排檔同時起火,起火原因有可疑,已交警方調查。

火場昨整日封閉交警方蒐證, 商販或需待今午才能返回執拾, 而住客大多昨晚已返回家中, 唯獨222 號唐樓因電力系統未恢復, 住客未能回家, 當局已開放梁顯利油麻地社區中心供有需要住客度宿。

文章編號: 201012070040151

本內容之版權由相關傳媒機構/版權持有人擁有。除非獲得明確授權,否則嚴禁複製、改編、分發或發布本內容。版權持有人保



香港經濟日報

2010-12-07

A30l 港聞l By 吳婉茵、王嘉嘉、翁鈺輝

花園街牌檔大火 揭防火無王管 物料易燃排得密 兩旁舊樓易失火

旺角花園街牌檔昨晨發生三級火,不但燒毀50個攤檔,火舌濃煙更波及兩旁的樓字,逾200居民慌忙疏散,事件揭示牌檔易燃及缺乏防火監管,牌檔旁的舊樓「劏房」問題普及,加上貨品阻塞部分走火通道,一旦發生火警,會導致逃生困難,區議員及消防顧問均促當局及早正視問題。

本港不少舊區包括旺角花園街、深水埗福榮街及鴨寮街、佐敦廟街及寶靈街等,均有不少牌檔,旁邊滿是舊樓。身兼油尖旺區議員的立法會保安事務委員會主席涂謹申表示,屢有花園街及女人街商戶投訴,指牌檔擴展「密質質」,影響生意,一旦發生火警時,將儼如「火燒連環船」。

劏房出租 未必符消防條例

有旺角地產代理指出,花園街或女人街牌檔兩旁舊樓,部分樓齡逾40年,不少業主以劏房形式出租單位,他見過最誇張是320平方呎單位劏成4個套房出租,每個月租3,000多元,由於劏房往往是「走法律罅」,未必合乎消防條例,增加走火風險。

雖然消防處表示,要求牌檔至少保留6米通道讓消防車通過,處方亦有定期巡查,確保通道暢通;然而,退休消防員、金科消防顧問技術總監梁錦得坦言,消防對牌檔的防火設施沒有要求,例如牌檔間沒有防火間距、亦沒有消防設備,又沒要求牌檔要以防燃物料搭建,加上牌檔跟民區沒有安全距離:「一旦起火,可能成條街燒晒!」

他表示,牌檔以木板等可燃物料搭建,又存有大批存貨,一旦供電的電綫短路便易釀火警,波及附近民區,建 議食環署及機電署加強管制牌檔臨時供電安排,及考慮起用防燃物料搭建牌檔。

電綫雜亂 貨物礙走火通道

油尖旺區議會防火事務委員會主席許德亮指出,部分牌檔電綫左拉右拉,又以貨物霸佔部分行人路,阻礙兩旁樓字樓梯及走火通道,促食環署應加強巡查及檢控。

今日油尖旺區議會防火事務委員會將召開會議,許德亮打算向消防處提出是次牌檔火警,並希望能重新規劃牌 檔發牌、亦希望當局資助牌檔換上防火物料,及在牌檔設滅火沙及滅火筒,並進行走火演習等。

深水埗區議會副主席譚國僑指出,以福榮街和鴨寮街等牌檔爲例,全部都沒有正式電力裝置,多是由附近大廈 拉綫照明,一旦漏電增加火警風險。

除牌檔危機處處外,牌檔檔主亦不願購買保險,國際專業保險諮詢協會會長羅少雄指出,檔主可爲貨物買「財物保」,但每年保費動輒數千元,估計8成檔主也沒有買保險。

食環署發言人表示,全港約有2,700個跟花園街相類的街頭固定小販攤檔,署方有透過巡查遏止小販違規阻塞通道問題,過去1年向屢次違規的小販提出498宗阻街檢控。

相關文章:

3縱火案同時發生 鎖定狂徒

文章編號: 201012070300108

本內容之版權由相關傳媒機構/版權持有人擁有。除非獲得明確授權,否則嚴禁複製、改編、分發或發布本內容。版權持有人保留一切權利。 本內容經慧科的電子服務提供。



星島日報

A06I 要聞

2010-12-07

貨物阻塞亂駁電綫 居民盼遷檔減危險

本港現仍有不少路邊攤檔,但衍生的嘈音、衞生及安全問題,一直令附近居民頭痛;其中花園街的攤檔,近年更屢成縱火目標,居民人心惶惶,昨凌晨一場大火更「燒到埋身」,促政府考慮搬遷攤檔。有區議員認爲,長遠必須將攤檔遷移,惟商販反響極大,當局必須先與商販協商尋找合適的搬遷地點。

居民馮先生表示,與妻子租住花園街一套房已三年,貪其交通方便及屋租便宜,惟攤檔商販經常將貨物放在大廈出入口,阻塞走火通道,更胡亂接駁電綫,實在危險,早前已發生過數次火警,「豈料今次真的燒到埋身,兩夫婦更在睡夢中驚醒逃生,想起也心寒!」

議員屢接嘈音投訴

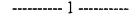
三十多歲的石太(見圖)稱,假日時整條街都擠滿人,「行都行不到,有時趕時間,真的很激氣,而今次火警後,更驚覺危險,我們住在五樓,走到大廈出入口時,大門鐵閘已被燒至燙手,報警多次才有消防員趕來救人」,希望政府 考慮將攤檔搬到別處經營。

旺角區區議員陳偉強指出,過往多次接獲附近居民投訴,攤檔造成嘈音、衞生及安全問題,有商販更連電箱位置都放置貨物,十分危險,政府長遠必須將攤檔遷往別處,遠離民居,減少危險,但因遷檔可能會影響商販生意,他們反響一定很大,故政府應先與商販協商尋找合適的搬遷地點。

立法會保安事務委員會主席涂謹申昨午到火場了解時表示,商戶爲儲存貨物,令攤檔之間欠缺空間,遇火警時迅速蔓延變成連環火,認爲商戶應該開會,討論防火措施。本報記者

文章編號: 201012070030011

本內容之版權由相關傳媒機構/版權持有人擁有。除非獲得明確授權,否則嚴禁複製、改編、分發或發布本內容。版權持有人保留一切權利。本內容經慧科的電子服務提供。



慧科訊業有限公司 查詢請電: (852) 2948 3888 電郵速遞; sales@wisers.com 網址; http://www.wisers.com 慧科訊業有限公司(2010)。版權所有,翻印必究。



香港經濟日報

A35I 港聞

2010-12-08

花園街檔 議員倡朝搭晚拆

【本報訊】警方旺角重案組繼續調查花園街牌檔縱火案,通緝一名涉在1小時內在區內接二連三縱火的狂徒,現場昨仍未解封,商販獲安排回現場收拾貴重物品;有區議員建議花園街檔口仿效「女人街」朝搭晚拆。

盼助拆危險物 恢復供電

這宗焚燒了5個半小時的三級火,有多達80個排檔及地舗被焚毀及波及,受影響商販昨聚集在附近休憩公園,表示損失慘重,商販協會希望當局能協助牌檔復修、清拆危險物及安裝電箱恢復供電,讓他們早日裝修趕及在聖誕前做生意。

部分未受波及的商販亦擔心治安問題,希望警方盡快破案;爲免再生火警招致損失,考慮晚上收檔後會將貨物搬回家。

油尖旺區議會防火事務委員會昨召開會議討論事件,委員會主席許德亮表示,食環署及消防處已承諾加強巡查,確保通道保持暢通,及牌檔不要存放太多易燃物品;又建議檔主應自備小型滅火筒,以備不時之需。

被稱爲「女人街」的通菜街,檔口的牌照與花園街一樣,但規定需朝搭晚拆,有檔主認爲此做法比較有保障, 有區議員建議花園街檔口可以仿效。

保安局局長李少光表示,已就花園街縱火事件與食物及衞生局副局長梁卓偉商討,加強管理牌檔。

文章編號: 201012080300041
本內容之版權由相關傳媒機構/版權持有人擁有。除非獲得明確授權,否則嚴禁複製、改編、分發或發布本內容。版權持有人保
留一切權利。本內容經慧科的電子服務提供。
_

慧科訊業有限公司 查詢請電: (852) 2948 3888 電郵速遞: sales@wisers.com 網址: http://www.wisers.com 慧科訊業有限公司(2010)。版權所有,翻印必究。

新聞公報

立法會十九題:小販認可區 ******

以下爲今日(五月二十日)在立法會會議上涂謹申議員的提問和食物 及衞生局局長周一嶽的書面答覆:

有市民向本人反映,鑑於旺角通菜街(俗稱「女人街」)、佐敦寶靈街及太子花園街的小販認可區現時的管理情況混亂,他們擔心政府重新簽發固定攤位小販牌照會導致小販管理問題惡化。就此,政府可否告知本會:

- (一)鑑於政府於去年六月回覆本人的書面質詢時表示,已經與女人街的 小販組織達成共識,以改善該小販認可區的經營環境,該小販認可區現時 的經營環境有何改善;
- (二)過去三年,食物環境衞生署每年分別接獲多少宗涉及上述三個小販認可區的投訴,並按投訴所屬類別(例如噪音滋擾、阻塞公眾通道、於批准經營的時間外經營、非法擴展營業範圍、非法將攤位出租及影響環境衞生等)列出每個小販認可區的分項數字;當中有多少宗投訴屬實,以及對有關攤位持牌人的懲罰爲何;
- (三) 鑑於本人收到投訴,有推銷員非法佔用小販認可區內的攤位進行推 銷活動,政府有否瞭解上述情況;政府有否檢控該等人士;若有,過去三 年的檢控數字爲何;及
- (四) 現時檢討重新簽發固定攤位小販牌照的進展及就各項實務安排制訂 營運指引的最新情況爲何;政府有何新措施(例如引入「扣分制」)以解 決小販認可區的管理問題?

答覆:

主席:

- (一)食物環境衞生署(食環署)與通菜街小販認可區(或稱「女人街」)的小販組織代表經常保持溝通,並就小販攤檔的運作有以下的共識:
- (1) 小販攤檔運作不可構成火警危險或妨礙緊急車輛通過;
- (2) 小販攤檔運作不可構成環境衞生滋擾、妨礙空氣流通或嚴重阻擋天 然光線;
- (3) 小販必須留有足夠的行人通道空間,以免影響附近攤檔或店舖的經營環境;以及
- (4) 小販攤檔應該盡量採取統一設計,以改善「女人街」整體觀瞻。

經過各方努力,現時「女人街」的運作環境整體已有改善,小販攤檔 的檔架不會妨礙緊急車輛通過,而小販代表亦已就攤位檔架的統一設計達 成共識。 (二)及(三)過去三年,食環署收到有關通菜街、花園街及寶靈街小販固定攤位的投訴數字及檢控資料(包括法定罰則),請分別參閱附件一及附件二。法庭處以的罰款額由100元至1500元不等。

另外,食環署沒有在同期收到有關推銷員非法佔用通菜街、花園街及 寶靈街小販認可區內的攤位進行推銷活動的投訴,在上述小販認可區內亦 無發現這類的違規情況。食環署會繼續密切留意小販固定攤位的運作情 況,如在巡察中發現非法佔用空置小販攤位或無牌小販活動,食環署會採 取執法行動,並作出相關檢控。有關的檢控數字,請參閱附件二。

(四) 食物及衞生局與食環署已完成小販發牌政策檢討,而有關建議亦於今年四月獲立法會食物安全及環境衞生事務委員會支持。就固定攤位小販而言,政府當局會在維持現有攤位總數的情況下,讓毗鄰的固定攤位兼用空置攤位,擴大其攤位面積,並繳交相關的牌費;餘下的空置攤位將供有興趣人士申請及抽籤揀選,並發給固定攤位小販牌照,讓他們經營空置攤位。食環署正制訂重新簽發固定攤位牌照的指引,預期於今年七月通知有關固定攤位持牌人提出申請合併毗鄰空置攤位。待完成此階段工作後,該署會邀請公眾人士申請新的固定攤位小販牌照,經營剩餘的空置攤位。

食環署會安排執法人員定期到小販營業地點及小販市場巡查,視察持牌人是否親自經營業務及攤位有否構成阻塞通道,並根據相關法例或小販牌照條件,向違例者採取適當執法行動。由於小販攤位有別於一般持牌食肆的運作,當局現階段無意爲固定攤位小販引入類似規管食物業處所的違例記分制度。

完

2009年5月20日(星期三) 香港時間12時03分

立法會第十九題 通菜街小販認可區的投訴資料

第1頁,共3頁

投訴數字

由 2006 年 1 月 1 日至 2009 年 4 月 30 日,食環署共接獲 137 宗涉及通菜街認可區的投訴個案,其按年及按類別細分數字如下:

日期	在公眾地方 造成阻 礙	擴展營業範圍 或佔用檔位	噪音滋擾	非法出租檔位	於核准經營時間外經營	其他投訴 (例如影響環境 衞生、非法接駁電 力、持牌人未有親 自經營等)	總數(宗)
1.1.2006-31.12.2006	30	3	0	1	0	18	52
1.1.2007-31.12.2007	15	2	3	0	0	12	32
1.1.2008-31.12.2008	16	1	4	0	0	17	38
1.1.2009-30.4.2009	8	1	0	0	0	6	15
投訴總數(宗):	69	7	7	1 ¹	0	53	137

經調查後,投訴不成立。

立法會第十九題

花園街小販認可區的投訴資料

第2頁,共3頁

投訴數字

由 2006 年 1 月 1 日至 2009 年 4 月 30 日,食環署共接獲 159 宗涉及花園街小販認可區的投訴個案,其按年及按類別細分數字如下:

日期	在公眾地方 造成阻 礙	擴展營業範圍 或佔用檔位	噪音滋擾	非法出租檔 位	於核准經營 時間外經營	其他投訴 ((例如影響環境 衛生、非法接駁電 力、持牌人未有親 自經營等)	總數(宗)
1.1.2006-31.12.2006	31	6	3	2	0	14	56
1.1.2007-31.12.2007	31	3	1	3	0	5	43
1.1.2008-31.12.2008	23	8	0	2	0	10	43
1.1.2009-30.4.2009	10	0	1	0	0	6	17
投訴總數(宗):	95	17	5	7 ²	0	35	159

² 經調查後,投訴不成立。

寶靈街小販認可區的投訴資料

第3頁,共3頁

投訴數字

由 2006 年 1 月 1 日至 2009 年 4 月 30 日,食環署共接獲 11 宗涉及寶靈街小販認可區的投訴個案,其接年及按類別細分數字如下:

日期	在公眾地方造成阻礙	擴展營業範圍 或佔用檔位	非法出租檔 位	總數(宗)
1.1.2006-31.12.2006	3	1	0	4
1.1.2007-31.12.2007	1	1	1	3
1.1.2008-31.12.2008	1	1	1	3
1.1.2009-30.4.2009	1	0	0	1
投訴總數(宗):	6	3	23	11

³經調查後,投訴不成立。

立法會第十九題 通菜街小販認可區的檢控資料

檢控數字

由 2006 年 1 月 1 日至 2009 年 4 月 30 日,食環署在通菜街小販認可區向違例持牌小販提出 1 199 宗檢控及拘控 14 名無牌小販,其按年及按類別細分數字如下:

日期	在公眾地方造成阻礙'	持牌人 不在自己的 攤 位販賣 ²	擴展營業範圍 以致妨礙通道 ³	無牌小販佔用攤位經營 及造成阻礙	總數(宗)
1.1.2006-31.12.2006	109	1	7	13	130
1.1.2007-31.12.2007	568	0	0	1	569
1.1.2008-31.12.2008	449	0	0	0	449
1.1.2009-30.4.2009	65	0	0	0	65
檢控總數(宗):	1191	1	7	14	1 213

¹簡易程序治罪條例第 4A 條:最高刑罰\$5,000 或監禁 3 個月

²小販規例第 36(2)條:最高罰款\$5,000 ³小販規例第 48 條:最高罰款\$5,000

⁴簡易程序治罪條例第 4A 條(在公眾地方造成阻礙) :最高刑罰\$5,000 或監禁 3 個月

及香港法例 132 章,第 83B(1)&(3)條:最高刑罰\$5.000 或監禁 1 個月

立法會第十九題

花園街小販認可區的檢控資料

第2頁,共3頁

檢控數字

由 2006 年 1 月 1 日至 2009 年 4 月 30 日,食環署在花園街小販認可區向違例持牌小販共提出 1 286 宗檢控及檢控 45 名無牌小販,其按年及按類別細分數字如下:

日期	在公眾地方造成 阻礙	非法佔用攤位'	販賣未在牌照內指 明的商品或服務 ³	無牌小販佔用攤位經營 及造成阻礙 ⁴	總數(宗)
1.1.2006-31.12.2006	210	0	8	15	233
1.1.2007-31.12.2007	481	0	13	17	511
1.1.2008-31.12.2008	424	0	10	8	442
1.1.2009-30.4.2009	128	2	10	5	145
檢控總數(宗):	1243	2	41	45	1331

¹簡易程序治罪條例第 4A 條:最高刑罰\$5,000 或監禁 3 個月

²小販規例第 36(1)條:最高罰款\$5,000 ³小販規例第 5(2)條:最高罰款\$5,000

^{*}簡易程序治罪條例第 4A 條(在公眾地方造成阻礙) :最高刑罰\$5.000 或監禁 3 個月

及香港法例 132 章,第 83B(1)&(3)條:最高刑罰\$5,000 或監禁1個月

立法會第十九題 寶靈街小販認可區的檢控資料

第3頁,共3頁

檢控數字

由 2006 年 1 月 1 日至 2009 年 4 月 30 日,食環署在寶靈街小販認可區向違例持牌小販共提出 77 宗檢控,其按年及按類別細分數字如下:

日期	在公眾地方造成 阻礙 ¹	非法佔用攤位²	販賣未在牌照內指 明的商品或服務 ³	無牌小販佔用攤位經營 及造成阻礙。	總數(宗)
1.1.2006-31.12.2006	11	0	0	0	11
1.1.2007-31.12.2007	18	0	0	0	18
1.1.2008-31.12.2008	17	2	0	0	19
1.1.2009-30.4.2009	27	2	0	0	29
檢控總數(宗):	73	4	0	0	77

[「]簡易程序治罪條例第 4A 條:最高刑罰\$5,000 或監禁 3 個月

小販規例第 53(1)條: 最高刑罰\$5,000 或監禁1個月

²小販規例第 36(1)條:最高罰款\$5,000 ³小販規例第 5(2)條:最高罰款\$5,000

[&]quot;簡易程序治罪條例第 4A 條(在公眾地方造成阻礙) :最高刑罰\$5.000 或監禁 3 個月

及香港法例 132 章,第 83B(1)&(3)條:最高刑罰\$5,000 或監禁1個月

Press Releases

LCQ19: Hawker Permitted Areas

Following is a question by the Hon James To and a written reply by the Secretary for Food and Health, Dr York Chow, in the Legislative Council today (May 20):

Question:

Some members of the public have relayed to me that given the current chaotic management of the hawker permitted areas (HPAs) at Tung Choi Street (commonly known as Women's Street) in Mongkok, Bowring Street in Jordan and Fa Yuen Street in Prince Edward, they are worried that the re-issuing of Fixed-Pitch Hawker Licences by the Government will lead to deterioration of the hawker management problem. In this connection, will the Government inform this Council:

- (a) given that in reply to my written question in June last year, the Government indicated that it had reached a consensus with the hawker association of Women's Street on the improvement of the business environment of that HPA, what improvements have been made to the current business environment of that HPA;
- (b) of the respective numbers of complaints involving the above three HPAs received by the Food and Environmental Hygiene Department in each of the past three years, with a breakdown of the number of each HPA by the category to which the complaints belong (such as noise nuisance, obstruction to public passage, operating beyond the permitted business hours, unauthorised expansion of business areas, illegal letting of pitches and impact on environmental hygiene, etc.); the number of cases among them which had been found substantiated, as well as the penalties imposed on the pitch licensees concerned;
- (c) as I have received complaints about salespersons illegally occupying pitches in HPAs for conducting sales activities, whether the Government has looked into the aforesaid situation; whether the Government has prosecuted such persons; if it has, of the number of prosecutions instituted in the past three years; and
- (d) of the progress of the current review of re-issuing Fixed-Pitch Hawker Licences and the latest situation of developing operational guidelines on various practical arrangements; what new measures the Government has in place (such as introducing a demerit point system) to solve the HPA management problem?

Reply:

President,

- (a) The Food and Environmental Hygiene Department (FEHD) and the representatives of the hawkers' associations of the Tung Choi Street Hawker Permitted Area (HPA) (or commonly known as Women's Street) maintain regular communication and have reached the following consensus in respect of the operation of hawker stalls:
- (1) the operation of hawker stalls should not pose fire hazard nor obstruct emergency vehicular access;
- (2) the operation of hawker stalls should not cause environmental hygiene nuisance, obstruct air circulation nor

cause serious blockage of natural light;

- (3) hawkers should allow adequate space for pedestrian access, so as to avoid affecting the business environment of the stalls and shops in the vicinity; and
- (4) the design of the hawker stalls should be standardised as much as possible, so as to improve the overall streetscape of "Women's Street".

Through concerted efforts, the overall business environment of "Women's Street" has been improved. The hawker stalls do not obstruct emergency vehicular access. Moreover, the hawker representatives have come to an agreement on the standardised design of the hawker stalls.

(b)&(c) The information on the complaints received by the FEHD concerning the fixed hawker pitches at Tung Choi Street, Fa Yuen Street and Bowring Street as well as the prosecutions (including statutory penalties) taken in the past three years are set out at Annex I and Annex II respectively. The fine imposed by the court ranged from \$100\$ to \$1,500.

Besides, the FEHD has not received in the same period complaints about salespersons illegally occupying pitches in the Tung Choi Street, Fa Yuen Street and Bowring Street HPAs for conducting sales activities; nor has this kind of irregularities been found in these HPAs. The FEHD will continue to closely monitor the operation of the fixed hawker pitches. If illegal occupation of vacant hawker stalls or activities of unlicensed hawkers are found during inspections, the FEHD will take law enforcement actions and initiate prosecutions. The figures of the relevant prosecutions are at Annex II.

(d) The Food and Health Bureau and the FEHD have completed the review on hawker licensing policy and the recommendations therein were endorsed by the Legislative Council Panel on Food Safety and Environmental Hygiene in April this year. For fixedpitch hawkers, provided that the current number of fixed pitches remains unchanged, the Administration will allow fixed-pitch hawkers to expand into adjacent vacant pitches to enlarge their operating areas while paying the relevant fees. The remaining vacant pitches will be made available for application and selection by balloting by anyone interested in the hawking trade and a fixed-pitch hawker licence will be issued to them for trading in these vacant pitches. The FEHD is now drawing up guidelines for re-issuing new fixed-pitch hawker licences. It is expected that fixed-pitch hawker licensees will be invited in July this year to submit applications for merging with adjacent vacant pitches. Upon completion of this phase, the FEHD will then invite members of the public to apply for new fixed-pitch hawker licences for trading in the remaining vacant pitches.

The FEHD will deploy law enforcement officers for regular inspections at HPAs and hawker bazaars, so as to check if the business is carried out in person by the licensees and whether the stalls cause any obstruction to passage. Appropriate enforcement actions will be taken against the offenders in accordance with the relevant legislation or hawker licensing requirements. As the operation of hawker stalls is different from that of licensed restaurants in general, the Administration has no intention at this stage to introduce a demerit points system similar to the one for food premises to regulate fixed-pitch hawkers.

Ends/Wednesday, May 20, 2009 Issued at HKT 12:04

NNNN

Complaints involving Tung Choi Street HPA

Numbers of Complaints

From 1 January 2006 to 30 April 2009, the FEHD received a total of 137 complaints involving Tung Choi Street HPA. A breakdown by year and category is as follows:

Date	Obstruction of public places	Extension of business area or occupation of pitches	Noise nuisance	Illegal letting of pitches	Operating beyond the permitted trading hours	Other complaints (e.g. environmental hygiene nuisance, illegal connection to electricity supply, licensees not operating business in person etc.)	Total
1.1.2006-31.12.2006	30	3	0	1	0	18	52
1.1.2007-31.12.2007	15	2	3	0	0	12	32
1.1.2008-31.12.2008	16	1	4	0	0	17	38
1.1.2009-30.4.2009	8	1	0	0	0	6	15
Total number of complaints:	69	7	7	1 ¹	0	53	137

The complaint was found unsubstantiated after investigation.

Complaints involving Fa Yuen Street HPA

Numbers of Complaints

From 1 January 2006 to 30 April 2009, the FEHD received a total of 159 complaints involving Fa Yuen Street HPA. A breakdown by year and category is as follows:

Date	Obstruction of public places	Extension of business area or occupation of pitches	Noise nuisance	Illegal letting of pitches	Operating beyond the permitted trading hours	Other complaints (e.g. environmental hygiene nuisance, illegal connection to electricity supply, licensees not operating business in person etc.)	Total
1.1.2006-31.12.2006	31	6	3	2	0	14	56
1.1.2007-31.12.2007	31	3	1	3	0	5	43
1.1.2008-31.12.2008	23	8	0	2	0	10	43
1.1.2009-30.4.2009	10	0	1	0	0	6	17
Total number of complaints:	95	17	5	7 ¹	0	35	159

The complaint was found unsubstantiated after investigation.

Complaints involving Bowring Street HPA

Numbers of Complaints

From 1 January 2006 to 30 April 2009, the FEHD received a total of 11 complaints involving Bowring Street HPA. A breakdown by year and category is as follows:

Date	Obstruction of public places	Extension of business area or occupation of pitches	Illegal letting of pitches	Total
1.1.2006-31.12.2006	3	1	0	4
1.1.2007-31.12.2007	1	1	1	3
1.1.2008-31.12.2008	1	1	1	3
1.1.2009-30.4.2009	1	0	0	1
Total number of complaints:	6	3	21	11

The complaint was found unsubstantiated after investigation.

Prosecutions Involving Tung Choi Street HPA

Numbers of Prosecutions

From 1 January 2006 to 30 April 2009, the FEHD instituted a total of 1 199 prosecutions involving licensed hawkers at Tung Choi Street HPA and arrested 14 unlicensed hawkers. A breakdown by year and category is as follows:

Date	Obstruction of public places ¹	Licensees not operating business at his/her own pitch²	Obstruction to passage caused by extension of business area ³	Occupation of pitches to operate business by unlicensed hawkers and causing obstruction ⁴	Total
1.1.2006-31.12.2006	109	1	7	13	130
1.1.2007-31.12.2007	568	0	0	1	569
1.1.2008-31.12.2008	449	0	0	0	449
1.1.2009-30.4.2009	65	0	0	0	65
Total number of prosecutions:	1 191	1	7	14	1 213

Section 4A of Summary Offences Ordinance: Maximum fine of \$5,000 or imprisonment for three months

Section 36(2) of Hawker Regulation: Maximum fine of \$5,000

Section 48 of Hawker Regulation: Maximum fine of \$5.000

Section 4A (Obstruction of Public Places) of Summary Offences Ordinance: Maximum fine of \$5,000 or imprisonment for three months and Section 83B(1) & (3) of Cap. 132: Maximum fine of \$5,000 or imprisonment for one month

Prosecutions Involving Fa Yuen Street HPA

Numbers of Prosecutions

From 1 January 2006 to 30 April 2009, the FEHD instituted a total of 1 286 prosecutions involving licensed hawkers at Fa Yuen Street HPA and arrested 45 unlicensed hawkers. A breakdown by year and category is as follows:

Date	Obstruction of public places ¹	Illegal occupation of pitches ²	Hawking a commodity or service not specified in the licence ³	Occupation of pitches to operate business by unlicensed hawkers and causing obstruction ⁴	Total
1.1.2006-31.12.2006	210	0	8	15	233
1.1.2007-31.12.2007	481	0	13	17	511
1.1.2008-31.12.2008	424	0	10	8	442
1.1.2009-30.4.2009	128	2	10	5	145
Total number of prosecutions:	1 243	2	41	45	1 331

Section 4A of Summary Offences Ordinance: Maximum fine of \$5,000 or imprisonment for three months

Section 36(1) of Hawker Regulation: Maximum fine of \$5.000 Section 5(2) of Hawker Regulation: Maximum fine of \$5.000

Section 4A (Obstruction of Public Places) of Summary Offences Ordinance: Maximum fine of \$5,000 or imprisonment for three months and Section 83B(1) & (3) of Cap. 132: Maximum fine of \$5,000 or imprisonment for one month

Prosecutions Involving Bowring Street HPA

Numbers of Prosecutions

From 1 January 2006 to 30 April 2009, the FEHD instituted a total of 77 prosecutions involving licensed hawkers at Bowring Street HPA. A breakdown by year and category is as follows:

Date	Obstruction of public places ¹	Illegal occupation of pitches ²	Hawking a commodity or service not specified in the licence ³	Occupation of pitches to operate business by unlicensed hawkers and causing obstruction ⁴	Total
1.1.2006-31.12.2006	11	0	0	0	11
1.1.2007-31.12.2007	18	0	0	0	18
1.1.2008-31.12.2008	17	2	0	0	19
1.1.2009-30.4.2009	27	2	0	0	29
Total number of prosecutions:	73	4	0	0	77

Section 4A of Summary Offences Ordinance: Maximum fine of \$5,000 or imprisonment for three months

Section 53(1) of Hawker Regulation: Maximum fine of \$5,000 or imprisonment for one month Section 36(1) of Hawker Regulation: Maximum fine of \$5,000

Section 5(1) of Hawker Regulation: Maximum fine of \$5,000 Section 5(2) of Hawker Regulation: Maximum fine of \$5,000

Section 4A (Obstruction of Public Places) of Summary Offences Ordinance: Maximum fine of \$5,000 or imprisonment for three months and Section 83B(1) & (3) of Cap. 132: Maximum fine of \$5,000 or imprisonment for one month