

立法會
Legislative Council

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by the Administration)

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Panel on Food Safety and Environmental Hygiene
Subcommittee on Hawker Policy

Minutes of the first meeting held on
Tuesday, 15 April 2014, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon Steven HO Chun-yin (Chairman)
Hon Alan LEONG Kah-kit, SC (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, BBS, MH
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
Hon WONG Yuk-man
Hon Claudia MO
Hon WU Chi-wai, MH
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon Alice MAK Mei-kuen, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Member absent** : Dr Hon Helena WONG Pik-wan
- Member attending** : Hon CHAN Yuen-han, SBS, JP
- Public Officers attending** : **Agenda item II**
Miss Diane WONG Shuk-han
Principal Assistant Secretary for Food and Health
(Food) 2

Miss Vinci Chan
Assistant Secretary for Food and Health (Food) 7

Mr Laurie LO Chi-hong, JP
Deputy Director of Food and Environmental
Hygiene (Environmental Hygiene)

Mr LI Shu-pong
Assistant Director of Food and Environmental
Hygiene (Operations) 2 (Acting)

Ms Rhonda LO Yuet-yee
Coordinator (Hawker Assistance Scheme)
Food and Environmental Hygiene Department

Clerk in attendance : Ms Debbie YAU
Chief Council Secretary (4)5

Staff in attendance : Ms Anki NG
Senior Council Secretary (4)5

Ms Angela CHU
Council Secretary (4)1

Ms Linda MA
Legislative Assistant (4)5

Miss Shanice LOK
Clerical Assistant (4)4

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr Tommy CHEUNG, the member who had the highest precedence among members of the Subcommittee present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

Action

2. Mr Alan LEONG was nominated by Ms Cyd HO and the nomination was seconded by Mr CHAN Chi-chuen. Mr Alan LEONG accepted the nomination. Mr Tommy CHEUNG called for other nominations.
3. Mr Steven HO was nominated by Mr CHAN Han-pan and the nomination was seconded by Ms Alice MAK. Mr Steven HO accepted the nomination. Mr Tommy CHEUNG called for other nominations.
4. As there was no other nomination, Mr Tommy CHEUNG announced a vote by secret ballot. After all members had cast their votes, Mr Tommy CHEUNG invited Ms Cyd HO and Mr CHAN Han-pan who had nominated the two candidates to monitor the counting of votes.
5. Mr Tommy CHEUNG announced that five and seven members present voted for Mr Alan LEONG and Mr Steven HO respectively. Mr Tommy CHEUNG declared Mr Steven HO elected as Chairman of the Subcommittee.

Election of Deputy Chairman

6. Members agreed to elect a Deputy Chairman for the Subcommittee. The Chairman presided over the election of the Deputy Chairman, and called for nominations.
7. Mr Alan LEONG was nominated by Dr Kenneth CHAN and the nomination was seconded by Ms Cyd HO. Mr Alan LEONG accepted the nomination. The Chairman called for other nominations.
8. As there was no other nomination, the Chairman declared Mr Alan LEONG elected as Deputy Chairman of the Subcommittee.

II. Issues relating to hawker policy

- (LC Paper No. CB(4)566/13-14(01) — Administration's paper on "Issues relating to Hawkers and Hawking"
- LC Paper No. CB(4)566/13-14(02) — Background brief on "Issues relating to Hawker Policy" prepared by the Legislative Council Secretariat
- LC Paper No. CB(2)1168/13-14(01) — Submission from a member of the public concerning law

enforcement by the Food and Environmental Hygiene Department against illegal hawking (Chinese version only)

LC Paper No. CB(4)578/13-14(01) — Submission from deputations dated 14 April 2014 (Chinese version only)

LC Paper No. CB(4)578/13-14(02) — Letter from Hon Vincent FANG Kang dated 15 April 2014 (Chinese version only)

Meeting with the Administration

9. The Administration briefed members on issues relating to hawkers and hawking (LC Paper No. CB(4)566/13-14(01)).

Discussion

10. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Admin 11. To facilitate further discussion by the Subcommittee, the Administration was requested to provide the following information –

- (a) studies, policy decisions and recommendations conducted and made by the former Municipal Councils on hawkers and hawking, in particular the Markets and Street Traders Select Committee of the former Provisional Urban Council (臨時市政局街市及販商事務委員會);
- (b) relevant statistics and studies on the social functions of hawkers conducted since early 1970s, including the number of job opportunities created and the number of families raised through hawking; and
- (c) reference materials on management and control experience of hawkers and hawking in the Mainland (viz. Shenzhen, Guangzhou and Zhuhai), Singapore, South Korea, Japan and Taiwan.

III. Schedule of meetings and item(s) for discussion

Work plan and invitation of public views

12. Members noted the work plan of the Subcommittee endorsed by the Panel on Food Safety and Environmental Hygiene (Appendix II to the members' brief). They agreed to add the following items under (b) examining the need and arrangement for the issue of new hawker licences:

- (i) transfer or succession of licences; and
- (ii) fixed-pitch (newspaper) hawker licences.

13. Members considered it necessary to invite all types of hawkers, stakeholders and the general public to give views on the various issues listed in the work plan in due course.

(Post-meeting note: At the working meeting held with the Chairman and Deputy Chairman on 30 April 2014, it was agreed that it might be more fruitful for the Subcommittee to receive views from deputations after the Subcommittee and the Administration completed its work on the first subject, viz, setting the policy framework for the revitalization and long-term development of the hawking trade. The views so obtained may facilitate the Subcommittee to consider the remaining subjects in the work plan.)

Date of next meeting

14. The Chairman said that he would work out the schedule of the next meeting with the Clerk and inform members in due course.

(Post-meeting note: The next meeting of the Subcommittee was scheduled to be held on 16 June 2014 at 2:30 pm.)

Overseas duty visit

15. The Chairman highlighted members' intention to conduct an overseas duty visit to nearby cities to obtain first-hand information on the implementation of hawker policy. The Subcommittee could visit places with successful experience in street stalls, hawker bazaars and night markets, such as Taiwan and Singapore, so as to draw reference on their practices and experiences in developing and promoting the hawking trade. In this regard, the Chairman instructed the Secretariat to conduct a research on hawker issues in selected places and to prepare fact sheets for the Subcommittee's consideration.

(Post-meeting note: At the working meeting held on 30 April 2014, it was agreed to also include Australia as a place of study.)

IV. Any other business

16. There being no other business, the meeting ended at 3:55 pm.

Council Business Division 4
Legislative Council Secretariat
29 May 2014

**Proceedings of the first meeting of
the Subcommittee on Hawker Policy
on Tuesday, 15 April 2014, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Election of Chairman and Deputy Chairman			
000118 – 000919	Mr Tommy CHEUNG Ms Cyd HO Mr Alan LEONG Mr CHAN Chi-chuen Mr CHAN Han-pan Mr Steven HO Ms Alice MAK Dr Kenneth CHAN	Election of Chairman and Deputy Chairman	
Agenda item II – Meeting with the Administration			
000920 – 001855	Chairman Administration	Opening remarks Briefing by the Administration	
001856 – 002520	Chairman Mr WONG Kwok-hing Administration	<p>Mr WONG Kwok-hing expressed the following views:</p> <p>(a) in setting the policy framework for the revitalization and long-term development of the hawking trade, the relevant study must be comprehensive, forward-looking and practicable;</p> <p>(b) the Subcommittee should invite deputations (including fixed-pitch hawker licence holders, itinerant hawker licence holders, hawkers without licences and hawker assistants) to meet with the Subcommittee;</p> <p>Mr WONG requested the Administration to provide the following information:</p> <p>(a) studies, policy decisions and recommendations conducted and made by the former Municipal Councils on hawkers and hawking, in particular the Markets and Street Traders Select Committee ("MSTSC") of the former Provisional Urban Council (臨時市政局街市及販商事務委員會);</p> <p>(b) relevant statistics and studies on the social functions of hawkers conducted since early 1970s, including the number of job opportunities created and the number of families raised through hawking; and</p> <p>(c) reference materials on management and control experience of hawkers and hawking in the</p>	The Admin. to follow up on the information required.

Time marker	Speaker	Subject(s)	Action required
		<p>Mainland (viz. Shenzhen, Guangzhou and Zhuhai), Singapore, South Korea, Japan and Taiwan.</p> <p>The Administration responded that :</p> <p>(a) it would provide the requested information as far as practicable; and</p> <p>(b) the Government fully recognized the role of hawkers and the long history of street hawking in Hong Kong. Hawker areas were very often conveniently located, provided job opportunities and offered an alternative source of goods for the general public. Indeed, there were views from the community to retain and revitalize the hawking trade because of its traditional characteristics. However, hawking activities might give rise to environmental hygiene and noise problems as well as obstruction to public passageways, thus causing nuisance to nearby residents and pedestrians. For many years, the Administration's policy had been to regulate the hawking activities of licensed hawkers and take enforcement actions against illegal hawking.</p>	
002521 – 003026	Chairman Mr Christopher CHUNG Administration	<p>Mr Christopher CHUNG requested the Secretariat to provide all electronic meeting records and documents of the former Municipal Councils relating to hawker issues, in particular records of the MSTSC of the former Provisional Urban Council (臨時市政局街市及販商事務委員會), including a motion passed at the last meeting of the MSTSC relating to the succession and transfer of hawker licences.</p> <p>Mr CHUNG considered that hawker licences should be issued/re-issued after consulting relevant stakeholders and the District Councils ("DCs") concerned and having regard to the accessibility of and nuisance caused to the areas in question.</p> <p>The Administration advised that it had reviewed the hawker licensing policy in 2008-2009. Having listened to the views of members of the Panel on Food Safety and Environmental Hygiene ("FSEH Panel"), DCs, hawker associations and relevant stakeholders, the Administration relaxed the succession and transfer requirements for hawker licence in respect of "Dai Pai Tongs", subject to support of DCs. While the Government had no plan to issue new hawker</p>	The Secretariat to follow up on the information required.

Time marker	Speaker	Subject(s)	Action required
		<p>licences, it would listen to the views of the Subcommittee, relevant stakeholders and DCs in this regard.</p>	
003027 – 004055	<p>Chairman Miss CHAN Yuen-han Ms Alice MAK Administration</p>	<p>Miss CHAN Yuen-han disagreed with the Administration's view that the gradual reduction in the number of licensed hawkers was due to the changing shopping habits of the population and the growing competition from a variety of other retail outlets. In her opinion, the decline was caused by stringent enforcement policies which seemed to be seeking to "eliminate" all hawkers. She hoped that the hawking trade would be developed and preserved successfully like their counterparts in Taiwan and Singapore instead of being phased-out, and urged the Administration to provide papers when the Subcommittee discussed relevant subjects such as issuance of new hawker licences, establishment of hawker bazaars and so on.</p> <p>Ms Alice MAK considered it far more important to draw up the policy framework for the hawking trade than monitoring the management and control measures. She noticed that hawker bazaars/stalls, in particular those selling cooked-food during the immediate past Lunar New Year in Sham Shui Po area, were very well-received by the public. It was indeed necessary to preserve on-street hawking activities rather than eliminating them. She suggested the Subcommittee to consider conducting overseas duty visit to nearby cities to study the development of hawker policy.</p> <p>As regards issuing new hawker licences, the Administration clarified that since the early 1970s, the two former Municipal Councils had ceased issuing new hawker licences. Subsequent to the review of hawker licensing policy in 2008-2009, the Administration had implemented a package of measures, including re-issuing certain types of hawker licences. In general, the community held different views on the proposed issuance of hawker licences and it was necessary for the Administration to strike a balance.</p>	
004056 – 004623	<p>Chairman Mr Alan LEONG Administration</p>	<p>Mr Alan LEONG said that the Civic Party had all along been very concerned about hawker policy and considered that as a matter of town planning, bazaars should be provided as tourist attractions. He suggested inviting officers of the Planning</p>	

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		<p>Department to attend the Subcommittee's future meeting(s).</p> <p>As regards the work plan endorsed by FSEH Panel on 9 July 2013, Mr LEONG suggested adding the following items under "(b) examining the need and arrangement for the issue of new hawker licences":</p> <ul style="list-style-type: none"> (i) transfer or succession of licences; and (ii) fixed-pitch (newspaper) hawker licence. <p>Mr LEONG also agreed to invite various stakeholders to attend the Subcommittee's meeting with deputations.</p> <p>The Administration pointed out that hawker policy in Hong Kong, such as the introduction of Hawker Permitted Area Scheme and fixed-pitch stalls, evolved over time and was not an outcome driven by planning policy. While the Government kept an open mind on the idea of establishing open-air bazaars at suitable sites in various districts, such proposals should originate from local communities, with general support from local residents and relevant DCs, and would not give rise to food safety and environmental hygiene concerns. The Food and Health Bureau ("FHB") would follow up those proposals which met the requirements on food safety and environmental hygiene.</p>	
004624 – 005234	Chairman Ms Claudia MO Administration	<p>Ms Claudia MO expressed grave concern that hawker policy in Hong Kong mainly focused on environmental hygiene and obstruction to passageway considerations. In her opinion, the hawking trade was "eliminated" so that the land in question could be vacated for erecting new buildings or municipal service markets. The Dai Pai Tong in her residential area was a case in point. To revitalize Dai Pai Tongs, she requested the Administration to allow some non-food fixed-pitch stalls to be converted to cooked-food stalls.</p> <p>The Administration stressed that it had a duty to regulate on-street hawking activities to reduce environmental nuisance and minimize fire risks to nearby residents. Currently, it had no plans to issue new Dai Pai Tong licences. Nevertheless, the Administration would take heed of the Subcommittee's views in the development of Dai Pai Tongs having regard to concerns of the stakeholders</p>	

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		<p>in the vicinity.</p> <p>Noticing that elderly holders of hawker licences were required to be present i.e. their registered assistants were not allowed to man the hawker stalls alone, Ms MO called on the Administration to exercise discretion in enforcing the licence requirements. She considered that all types of hawkers should be invited to give their views to assist the work of the Subcommittee.</p>	
005235 – 005805	Chairman Ms Cyd HO Administration	<p>Apart from representatives of FHB and the Food and Environmental Hygiene Department ("FEHD"), who briefed members on the enforcement aspect on hawker control and management, Ms Cyd HO proposed to invite representatives of the Home Affairs Bureau and Commerce and Economic Development Bureau to attend meetings of the Subcommittee to brief members on the cultural and economic development aspects of hawking activities. The Administration reiterated its position in establishing open-air bazaars and hawker areas. FHB and FEHD would facilitate within their capability suitable proposals initiated by other bureaux and departments.</p> <p>Ms HO referred to paragraph 27 of the Administration's paper (LC Paper No. CB(4)566/13-14(01)) that hawking activities under (a) and (b) would not be conceded. However, she noted that some unlicensed hawkers selling cooked-food during Lunar New Year were not dispersed right away. She considered it necessary to formalize the enforcement regime.</p> <p>The Administration stressed that sale of cooked food by unlicensed hawkers would be strictly prohibited and subject to stringent enforcement actions. However, a sharp rise in unlicensed hawking activities during the Chinese New Year holidays might have outgrown the enforcement capacity of FEHD.</p>	Clerk to follow up on invitation.
005806 – 010321	Chairman Dr Kenneth CHAN Administration	Dr Kenneth CHAN expressed concern over the need to formulate policy that could enable the vibrant development of the hawking trade, including preserving and promoting hawker areas/bazaars during the process of urban redevelopment, and identifying suitable sites for hawking activities.	

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		<p>Dr CHAN considered that the Subcommittee should:</p> <ul style="list-style-type: none"> (a) discuss issues relating to hawker management and control, and licensing; (b) pay visits to some hawker areas and listen to the views of the stakeholders direct; (c) conduct public hearings to receive views from stakeholders as well as general public on different subjects listed in the Subcommittee's work plan; and (d) invite representatives from relevant bureaux to formulate a long-term hawker policy. <p>FHB advised that it would keep an open mind in listening to views from deputations and relevant Government bureaux representatives with a view to assisting the work of the Subcommittee.</p>	
010322 – 011013	Chairman Mr WONG Yuk-man Administration	<p>Mr WONG Yuk-man highlighted that hawker policy was closely related to grassroots economy and livelihood but this was not recognized by the Administration which sought to "eliminate" hawkers through management and control. He expressed grave concern that the Administration had over-regulated hawking and the Subcommittee now aimed at rectifying the situation.</p> <p>Mr WONG urged FHB/FEHD to give thoughtful considerations on the five subjects listed in the Subcommittee's work plan endorsed by the Panel on FSEH on 9 July 2013 to see what initiatives or improvements could be made for each of them. For example, the Administration could observe the Taiwan night market experience in considering hawker management and control measures.</p> <p>The Administration noted the subjects to be discussed by the Subcommittee and would keep an open mind when discussing them with the Subcommittee.</p>	
011014 – 011522	Chairman Mr CHAN Chi-chuen Administration	<p>Mr CHAN Chi-chuen criticized the Administration for its lack of a comprehensive policy to promote and develop the hawking trade. He opined that co-ordinated efforts from the relevant government bureaux, such as FHB, the Labour and Welfare Bureau, the Home Affairs Bureau and the Development Bureau, was crucial for mapping out a</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>long-term hawker policy to develop the hawking trade.</p> <p>FHB responded that the LegCo Secretariat could invite representatives from other relevant Government bureaux to join the Subcommittee's discussion in considering different aspects in developing the hawking trade.</p>	
011523 – 011835	Chairman Administration	<p>The Chairman pointed out that the need to promote on-street hawking was always met with local residents' objection. He considered that FHB and FEHD had a role to resolve the conflict by maintaining food safety, fire safety and environmental hygiene to the required standard so that bottom-up hawking initiatives could be taken forward without hurdles.</p> <p>The Administration remarked that similar to past policy reviews in 2008-2009 and 2012-2013 in which a number of measures were implemented in response to calls to preserve and revitalize the hawking trade, it would keep an open mind in listening to the views of the Subcommittee and stakeholders. FHB would prepare background information to facilitate further discussion.</p>	
011836 – 012140	Chairman Ms Cyd HO Administration	Ms Cyd HO agreed that hawker policy should be studied from a "development" perspective, which should help shed fresh lights on the outstanding issues listed for discussion. She also suggested inviting the view of the Hong Kong Tourism Board on the impact of having hawking activities or otherwise in promoting tourism.	
Agenda item III – Schedule of meetings and item(s) for discussion			
012141 – 012600	Chairman Ms Cyd HO	<p>Discussion on the dates and major focus of future meetings.</p> <p>Discussion on possible overseas duty visit.</p>	Clerk to follow up on subsequent meeting arrangements.