

**For discussion  
on 16 June 2014**

**Legislative Council Panel on Food Safety and Environmental Hygiene  
Subcommittee on Hawker Policy**

**Development of Hawking Trade**

**PURPOSE**

This paper sets out the Administration's response to the list of questions attached to the letter of 9 May 2014 from the Chairman of this Subcommittee, addressed to the Secretary for Food and Health, Secretary for Commerce and Economic Development, Secretary for Development, Secretary for Home Affairs and Secretary for Labour and Welfare (Annex).

**ADMINISTRATION'S RESPONSE**

2. We note that there is a general sentiment in this Subcommittee that hawker policy should be formulated from the "development" perspective rather than focusing on management and control. We also note from the list of questions a number of pointers indicating the possible directions in which the hawking trade may be further developed. These include whether hawker areas should be included as part of the town planning, whether hawking activities should be developed or promoted from the tourism or art and culture angles, and whether it should be framed as part of the poverty alleviation strategy.

3. The Administration's initial response to these ideas is given below.

**Food and Health Bureau ("FHB")**

4. FHB and the Food and Environmental Hygiene Department ("FEHD") are responsible for hawker licensing, management and control.

5. In response to the practical needs and preferences of the community prevailing at the time, the direction of our hawker management and control work during the past few decades has been focusing on effective control of both licensed and unlicensed hawkers so as to reduce illegal hawking activities on the streets; exercise proper control over the activities of licensed hawkers to minimise obstruction and nuisance; and contain and reduce the scale of on-street hawking activities through re-siting existing on-street licensed hawkers and stop issuing new hawker licences. The former Municipal Councils and FEHD have stopped issuing new hawker licences and implemented programmes to move hawkers off street into hawker bazaars and public markets.

6. In recent years, FEHD has been imposing stringent control over illegal extension of business area by restaurants and other food premises in response to rising public concerns about obstruction of public access, noise and environmental hygiene problems, which cause nuisance to residents nearby and other users of the public places. The Ombudsman also recommended, in his report last year, that FEHD should further step up the regulatory measures and enforcement system. The same set of nuisances and concerns would be equally applicable, and probably to a larger scale, to on-street hawking of cooked food.

7. FHB/FEHD will have to uphold our mission of ensuring food safety and maintaining a clean and hygienic living environment for the people of Hong Kong. Without compromising the above principle and the integrity of the existing regulatory regime, we in FHB/FEHD are open to consider any proposals relating to the hawking trade.

#### Facilitating Measures

8. At present, some trade facilitating measures are already in place.

#### *Temporary Food Factory Licences (“FFL”)*

9. Currently, a temporary FFL may be obtained from the Director of Food and Environmental Hygiene for the operation of a stall/kiosk of

temporary nature for re-heating and sale of pre-cooked food for consumption off the premises in conjunction with a public function (e.g. exhibitions, shows, carnivals, etc.) for a short duration. The licensee of a temporary food factory is allowed to sell only pre-cooked food supplied by licensed food factories or other lawful sources. To meet fire safety requirements, no cooking other than re-heating of food by electric stoves shall be permitted on the premises.

10. Although the validity period of a temporary FFL cannot exceed seven days as prescribed by law, FEHD has been entertaining applications for successive temporary FFLs covering the same event, if it exceeds seven days. FEHD will continue to facilitate the short-term operation of stalls selling pre-cooked food as part of public functions, which is popular during festive seasons.

#### *Newspaper stalls*

11. Newspaper and magazines are the main commodities allowed to be sold by licensed fixed-pitch (newspaper) hawkers. Over the years, in response to the concern of the trade that printed media are facing enormous competition from other forms of media, notably the electronic media, and to facilitate shoppers of convenience goods, the Administration has relaxed the restriction on the types of additional commodities allowed to be sold at newspaper stalls. Fixed-pitch (newspaper) hawkers are now allowed to sell 12 additional commodities, mostly convenience goods, at their stalls, and the total space that can be used for the sale of these additional commodities has been enlarged to not exceeding 50% of the total pitch area.

12. In mid-2013, the trade proposed to install electronic display panel for promotion of the commodities being sold at the stalls; they also proposed to install WiFi at newspaper stalls to provide free service to the public. The Administration has recently accepted the proposals. The participating newspaper stalls are required to comply with the relevant licensing requirements and conditions so as to ensure safety of the electrical installations and avoid causing obstruction or nuisance to the surroundings including pedestrians and road users.

### *Relaxation of rules governing the succession and transfer of licences*

13. The Administration has relaxed the succession and transfer requirements for hawker licence in respect of “Dai Pai Tong”. If the relevant District Council (“DC”) supports the continued operation of a “Dai Pai Tong” at its current location, the Administration may consider relaxing its succession and transfer requirements to align with that of other fixed-pitch hawker licences so that the licence can be succeeded by or transferred to the licensee’s immediate family members (it used to be restricted to the spouse only). The Administration may also consider issuing new licences to other interested operators. As a result, nine “Dai Pai Tong” hawker licences in the Central & Western District have been successfully transferred. In processing the applications for transfer, additional licensing conditions may be imposed to improve the environmental hygiene of the stalls, including discharge of waste water, demarcation of seating area, construction materials of the stall and use of fuel.

### *Assistance Scheme for Hawkers*

14. Under the five-year Assistance Scheme for hawkers in fixed-pitch hawker areas launched in June 2013, apart from providing financial assistance to eligible hawkers for expediting relocation of stalls or in-situ stall reconstruction to reduce fire risks, a one-off ex-gratia allowance is payable to eligible hawkers who opt for voluntary surrender of their hawker licences to help release vacant pitches and hence facilitate early relocation of stalls posing higher fire risks. Besides, FEHD takes the opportunity to help enhance the appearance and design of stalls to make them more appealing as well as re-arrange the stalls in an orderly manner if the situation warrants.

### Other Possible Options

15. We in FHB/FEHD are duty bound to uphold our mission of ensuring food safety and environmental hygiene. As mentioned above, FEHD is exercising a stringent system of control over the regulation of food premises (e.g. provision of clean fresh water, proper discharge of waste water, cleanliness of the food room, temperature control of food

items). So long as the requirements in respect of food safety and environmental hygiene are satisfied, we are open to exploring the feasibility of any proposals to develop the hawking trade.

16. We wish to point out that as any proposals of hawking activities could bring nuisance to the neighbourhood in the vicinity, it is of paramount importance that any of such proposals should have secured the support from the relevant DC.

### **Commerce and Economic Development Bureau**

17. The Tourism Commission (“TC”), in collaboration with the Hong Kong Tourism Board (“HKTB”), has been promoting Hong Kong’s tourism offerings especially the local living culture and shopping experience. Through channels including its DiscoverHongKong.com website, social media, smartpone applications, pamphlets, as well as visitor centres and visitor hotline, the HKTB has been promoting various street markets and shopping streets like the Flower Market, the Temple Street Night Market, Ap Liu Street, Sai Yeung Choi Street (Ladies’ Market), Upper Lascar Row (Antiques Street), and Li Yuen Street East and West, with a view to encouraging visitors to experience Hong Kong’s local living culture and different kinds of shopping enjoyment. Meanwhile, the HKTB also invites the international media to visit and promote these street markets and shopping streets to viewers and readers overseas.

18. The TC will continue to work closely with the HKTB and the travel trade in promoting the latest travel information of different districts and encouraging the trade to develop new themed tour products having regard to the interests of tourists.

### **Development Bureau**

19. According to the Hong Kong Planning Standards and Guidelines (Chapter 6 on Retail Facilities), the provision of new public markets should be considered on a case-by-case basis to ensure the efficient use of public resources, pursuant to the policy on markets under the remit of FHB. Apart from the population of the area, other relevant

factors that should also be considered include the demographic mix, community needs, provision of both public and private market facilities nearby, number of fresh provision retail outlets in the vicinity, and public sentiment towards preservation of the hawker areas in the particular locality. In this regard, relevant bureau/department will be consulted in the planning of such facilities.

20. In terms of planning and land use, 'Market' is permitted as of right under the "Residential (Group A)" and "Government, Institution or Community" zones on the Outline Zoning Plans and planning permission from the Town Planning Board ("the Board") is not required. According to the "Definition of Terms" adopted by the Board, 'Market', which is defined to mean any public or private market in which foodstuff and commodities are sold and services are provided, generally by small traders, covers uses such as 'Hawker Centre' and 'Hawker Bazaar'. Such use under other zonings may be permitted on application to the Board.

### **Home Affairs Bureau ("HAB")**

21. HAB attaches great importance to promoting development of social enterprises ("SEs") through the provision of support services including enhancing public awareness of SEs, support for capacity building and promoting cross-sector partnership.

22. However, the focus of the discussion on hawker policy or proposed hawker areas as HAB understands it is on the purpose/objective of setting up such areas. HAB considers that SEs should rather be one possible agent to operate business / manage any such areas. The discussion on possible involvement of SEs would be meaningful when the need for and purpose of such areas are established and defined.

### **Labour and Welfare Bureau**

23. As announced by the Chief Executive in his 2014 Policy Address, the Administration's poverty alleviation policy is to encourage young people and adults to become self-reliant through employment, while putting in place a reasonable and sustainable social security and

welfare system to help those who cannot provide for themselves. Efforts are made to improve the employability of our people through better education and training/retraining services so that they can capitalise on the prevailing sturdy labour demand to settle in a job. Considerations were not given to and there are no plans at present to singling out the development and promotion of the hawking trade as a poverty alleviation strategy.

## **ADVICE SOUGHT**

24. Members are invited to note the contents of this paper.

**Food and Health Bureau**  
**Commerce and Economic Development Bureau**  
**Development Bureau**  
**Home Affairs Bureau**  
**Labour and Welfare Bureau**  
**Food and Environmental Hygiene Department**  
**Planning Department**  
**June 2014**

**Panel on Food Safety and Environmental Hygiene  
Subcommittee on Hawker Policy**

**List of questions to be addressed by the Administration**

The Administration is requested to provide a written response to the following questions:

- (1) It was the sentiment of the Subcommittee members that hawker policy should be formulated from a "development" perspective rather than focusing on management and control. Does the Administration agree? What measures were and will be initiated by the Administration to develop and promote the hawking trade?
- (2) What considerations were and will be given to incorporating the development and promotion of the hawking trade as part of the poverty alleviation strategy?
- (3) Is it feasible to invite appropriate social enterprises to manage some of the hawker areas or bazaars to promote art and culture while at the same time benefiting the under-privileged? Please provide details of the plans if feasible, or the reason(s) if not practicable.
- (4) What initiatives will be taken by the Administration to develop the hawking trade as tourist attractions?
- (5) Will considerations be given to setting up temporary hawker bazaars or Dai Pai Tongs on unoccupied government lands as tourist attractions? Please provide details if there are such plans or the reasons for not doing so.
- (6) Will there be a standing practice to include hawker areas/bazaars in town plans as part of the urban planning process? Please provide details.
- (7) What is the level of resources with breakdown by items that have been earmarked for developing and promoting the hawking trade in 2014-2015?
- (8) What are the estimated levels of funding required for taking forward each of the initiatives stated above?

Council Business Division 4  
Legislative Council Secretariat  
9 May 2014

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