

**立法會**  
**Legislative Council**

LC Paper No. CB(4)769/14-15  
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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 meeting held on**  
**Monday, 2 March 2015, at 2:30 pm**  
**in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Steven HO Chun-yin (Chairman)  
Hon Alan LEONG Kah-kit, SC (Deputy Chairman)  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Hon CHEUNG Kwok-che  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Members absent** : Hon Cyd HO Sau-lan, JP  
Hon CHAN Han-pan, JP  
Hon Alice MAK Mei-kuen, JP

**Public Officers attending** : Agenda item I  
  
Dr KO Wing-man, BBS, JP  
Secretary for Food and Health  
  
Mrs Cherry TSE LING Kit-ching, JP  
Permanent Secretary for Food and Health (Food)  
  
Mr Christopher WONG Kwok-bun, JP  
Deputy Secretary for Food and Health (Food)1

Miss Diane WONG Shuk-han  
Principal Assistant Secretary for Food and Health  
(Food)2

Mrs Miranda YIM  
Assistant Commissioner for Tourism (3)  
Commerce and Economic Development Bureau

Ms Vivian LAU Lee-kwan, JP  
Director of Food and Environmental Hygiene

Mr LAM Wing-hong  
Assistant Director of Food and Environmental  
Hygiene (Operations)2

**Attendance by invitation** : Agenda item I

Professor NG Mee-kam  
Professor and Vice-Chairman  
Department of Geography and Resource Management  
Chinese University of Hong Kong

Professor LUI Tai-lok  
Chair Professor  
Department of Asian and Policy Studies  
Hong Kong Institute of Education

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

**Staff in attendance** : Ms Shirley TAM  
Senior Council Secretary (4)5

Ms Zoe TONG  
Legislative Assistant (4)5

Miss Shanice LOK  
Clerical Assistant (4)4

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## **I. Principles for formulation of hawker policy and proposed measures**

### Meeting with the Administration and academics

(LC Paper No. CB(4)561/14-15(01) - Administration's paper on proposals on hawker management)

### Discussion

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

### Follow-up actions to be taken by the Administration

2. The Secretary for Food and Health ("SFH") undertook to give a briefing to the Chairmen and Deputy Chairmen of the 18 District Councils on the principles and proposals outlined in the Administration's paper.

*(Post-meeting note: SFH gave a briefing to the Chairmen and Deputy Chairmen of the 18 District Councils on 19 March 2015.)*

3. In response to Professor LUI Tai-lok's concern, the Administration was requested to provide more details about the five proposals, such as the type of hawking activities and the number and location of hawker stalls involved, for managing public expectations and focusing the future discussions.

*(Post-meeting note: The Administration advised that it would keep an open mind towards concrete proposals on developing the hawker trade in any locality, so long as food safety and environmental hygiene were not compromised, public passageways were not obstructed and local community support was obtained.)*

## **II. Extension of period of work of the Subcommittee**

(LC Paper No. CB(4)561/14-15(02) - Paper prepared by the Legislative Council Secretariat)

4. Members agreed that the Subcommittee should seek the approval of the Panel on Food Safety and Environmental Hygiene and the House Committee's endorsement on extending its period of work for six more months.

*(Post-meeting note: The House Committee has given its approval at its meeting on 20 March 2015 for the Subcommittee to extend the period of its work for six more months to 14 October 2015.)*

Action

Date of next meeting

5. The Chairman said that the next meeting would be held on 14 April 2015 to meet with deputations and the Administration.

**III. Any other business**

6. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 4  
Legislative Council Secretariat  
13 April 2015

**Proceedings of the meeting of  
the Subcommittee on Hawker Policy  
on Monday, 2 March 2015, at 2:30 pm  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda item I – Principles for formulation of hawker policy and proposed measures</b>			
000737 – 003034	Chairman Secretary for Food and Health ("SFH")	<p>The Chairman's opening remarks.</p> <p>SFH appreciated the fruitful exchanges with members at the brainstorming session and the contributions of academics who provided a sociological perspective on the further development of the current hawker policy. As an illustration of the need to strike a reasonable balance between different interests, SFH drew members' attention to the opposing and supporting views on the recent enforcement actions against hawking activities in Kweilin Street. He then gave a briefing on the Administration's proposals on hawker management (LC Paper No. CB(4)561/14-15(01)).</p> <p>Given that the Financial Secretary undertook in his speech for the 2015-2016 Budget to consider introducing "Food Trucks", SFH pointed out that as advised by the Secretary for Commerce and Economic Development ("SCED"), the Food Truck proposal was under the remit of Commerce and Economic Development Bureau ("CEDB") which would coordinate with other bureaux and departments ("B/Ds") in taking forward the matter. FHB and the Food and Environmental Hygiene Department ("FEHD") would collaborate with CEDB in respect of licensing matters.</p>	
003035 – 003628	Chairman Professor NG Mee-kam	<p>Professor NG expressed support on formulating the hawker policy from a "development" perspective. She said that –</p> <p>(a) the definition of "development" should refer to social sustainability, including preservation of local environment and social assets, in addition to the development of a market economy. She added that social development could be boosted through, among others, the adoption of the principle of reciprocity which was also an important element the development of hawking activities;</p> <p>(b) "local" was a more appropriate label than "hawker" for bazaars which highlighted the local</p>	

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		<p>element with its own creative or traditional style;</p> <p>(c) hawking activities provided a good opportunity for people to gather and exchange valuable resources to place-making an area with its own distinct features. Place-making always involved lots of trials, a learning and capacity-building process in social development;</p> <p>(d) social enterprises which were economic entities specialized in communicating different stakeholders could be appointed to manage the said space;</p> <p>(e) community kitchens could be set up in existing public markets to be converted into off-street cooked food centre with a view to safeguarding public health and food safety; and</p> <p>(f) both large food trucks and small food carts were found in the United States ("US") and it was feasible for both of them operating in Hong Kong.</p>	
003629 – 004102	Chairman Professor LUI Tai-lok	<p>Professor LUI pointed out that hawking was emerged as a kind of urban informal economy which was not contained within the existing legal framework, and its growth usually brought about various social impacts including hygienic issues and traffic chaos. As such, it might not be appropriate to consider the hawker policy from the perspective of creating job opportunities.</p> <p>To develop hawking, he said that three types of space to be re-used might be available in each district, namely (a) vacant space for developing bazaars or other hawking purposes; (b) space found in existing bazaars which could be optimized for further usage; and (c) existing public markets of low occupancy rate which could be converted into off-street cooked food centre or other purposes. It was also necessary to appreciate the nature and characteristics of the space (e.g. the extent of visitor flow) before determining the corresponding nature of business (e.g. featured snacks or traditional handicraft) and the mode of operation of a particular business in the space (such as operating daily or just on weekends).</p> <p>He stressed that space re-using should be practiced with flexibility. If a local bazaar turned out to be very successful with market power coming into play</p>	

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		<p>shortly, the Administration might need to consider disposing of the lands concerned through the usual means.</p>	
004103 – 004708	Chairman Mr Christopher CHUNG SFH	<p>Mr CHUNG commented that the existing hawker policy had been drawn up by the former Urban Council for decades with public support, and formulated from the welfare perspective for poverty alleviation, especially during the economic downturn. He hence objected FHB's view to avoid positioning the hawking trade as a form of social welfare for the disadvantaged or for poverty alleviation. He cautioned that giving up the welfare perspective might suggest that the Administration would adopt the cost recovery principle to manage the trade and increase the fees charged on hawkers, which would ultimately affect the grassroots' livelihood and reduce residents' opportunities to buy cheaper commodities.</p> <p>Mr CHUNG expressed no objections to FHB's proposal on converting existing public markets with low occupancy rate into off-street cooked food centres. However, noting that it was prepared to consider issuing new "Dai Pai Tong" licences on a pilot basis, Mr CHUNG expressed objection and highlighted the nuisance caused as well as transport, environmental and hygienic issues which might be brought about by Dai Pai Tongs to the residents of the affected districts and they would rarely support the pilot projects. He stressed that the former Urban Council had decided to rely on natural wastage to phase out Dai Pai Tongs, and urged FHB to give up this proposal.</p> <p>Considering that the Food Truck proposal was simply related to licensing matters, Mr CHUNG expressed concern that no new licences were issued for boats in typhoon shelters selling cooked-food since 1969.</p>	
004709 – 005217	Chairman Mr WONG Kwok-hing SFH	<p>Mr WONG expressed support to the Administration's five proposals subject to further refinement. He enquired whether the Administration would –</p> <ul style="list-style-type: none"> <li>(a) have any measures to avoid the Food Truck proposal being monopolized by large consortia;</li> <li>(b) study the feasibility of allowing the operation of small food carts selling cooked-food alongside the Food Truck proposal;</li> </ul>	

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		<p>(c) consider setting up an open-air food bazaar in, for example, Yat Tung Estate of Tung Chung, with the support of district council ("DC") concerned; and</p> <p>(d) conduct public consultation on the five proposals to gauge the views of the public and stakeholders.</p> <p>SFH expressed doubts on the need and cost-effectiveness to conduct a comprehensive public consultation on the proposals which could be taken forward under existing framework.</p>	
005218 – 005739	Chairman Mr WONG Yuk-man	<p>Mr WONG expressed concern that –</p> <p>(a) the eight principles for hawker policy formulation were silent on the role to be played by the Administration on the sustainable development of the hawking trade in Hong Kong, for example, principle (iv) outlined that "a hawker would still have the primary responsibility to identify a mode of operation and a market niche that [can] sustain the hawking business in question", without mentioning the role and function of the Administration;</p> <p>(b) the principle advocating bottom-up approach on a hawking proposition was in effect merely new wine in old bottles focusing on food safety and environmental hygiene;</p> <p>(c) in drawing overseas experience on hawker management, the Administration should not just make reference to the mode and means of regulation and paid no attention to the objectives and spirits behind them;</p> <p>(d) while supporting the proposal of issuing new fixed-pitch hawker licences, FEHD was issuing penalty tickets to hawkers frequently aiming at eradicating them;</p> <p>(e) requiring DCs' support as a condition for issuing new Dai Pai Tong licences on a pilot basis or in setting up open-air hawker bazaars and night markets was just making use of DC as a hurdle to prevent the formation of any proposal;</p> <p>(f) while supporting the conversion of existing public</p>	



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		<p>market(s) with low occupancy into off-street cooked food centre, there was a general lack of visitor flow to the market(s) concerned; and</p> <p>(g) it was necessary for the Administration to improve the language used in the paper, e.g. principle (i) and its rendition, "we should not have a policy bent on eradicating hawking for the sake of eradicating it".</p>	
005740 – 010259	Chairman Ms Claudia MO SFH	<p>Ms MO appreciated the contributions made by the academics on the discussions and concurred with Professor NG that bazaars, which were always developed naturally, should better be named as local bazaars to reflect the Hong Kong identity.</p> <p>Noting that the unlicensed hawkers selling cooked-food in Kweilin Street, being naturally emerged, had been eradicated recently in response to the complaints made by the residents living there on the nuisance caused by the hawking activities, Ms MO expressed doubts on the Administration's stance on supporting the hawking trade and urged it to strike a balance to enhance the trade's development while alleviating its nuisance caused on the community.</p> <p>On the Food Truck proposal, she expressed concern on its financial viability in Hong Kong. She urged the Administration to consider simply issuing new hawker licences for food carts for selling cooked-food specialized in Hong Kong.</p> <p>Ms MO commented that the Administration's paper was not detailed enough and supported the arrangement of a public consultation. In response, SFH advised that it kept an open mind whether to conduct a public consultation. He hoped that the Administration's proposals could meet the needs of the public/community.</p> <p>On the proposals on local bazaar, SFH explained that if a proponent put forward a bottom-up proposal with district support, FHB would be able to facilitate liaison with relevant B/Ds in reviewing the project feasibility and implementation.</p>	
010300 – 011119	Chairman Mr CHAN Chi-chuen SFH	Mr CHAN reiterated that the development of bazaars and hawker policy should be, similar to the Food Truck proposal, placed under the remit of CEDB with FHB taking the facilitation role on food safety and	

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		<p>environmental hygiene to ensure that they would be formulated from the "development" perspective. He urged CEDB deploying representative(s) of higher rank to attend future Subcommittee meetings.</p> <p>SFH remarked that the paper was issued by FHB and FEHD on behalf of the Administration whereby all B/Ds were obliged to provide assistance to implement the policy/proposals therein.</p> <p>Mr CHAN considered the proposal of converting existing public market with low occupancy rate into off-street cooked food centre non-controversial and should be taken forward expeditiously.</p> <p>Mr CHAN queried the mechanism for interested parties to submit district-led proposals in setting up open-air local bazaars and night markets. He considered it more practicable for the Administration to invite expression of interest for pilot bazaars and/or night markets to be run in a particular area.</p> <p>In response, SFH highlighted the Administration's determination in taking forward district-led and bottom-up proposals on Dai Pai Tong, local bazaars and night markets. To complement the community efforts on seeking DCs' support, SFH said he would brief all 18 DCs about the Administration's stance so that interested parties in respective district might take this opportunity to identify suitable sites on vacant land away from residential area for setting up bazaars/night markets. FHB and the DC concerned might study the feasibility of the proposal together.</p>	<p>The Administration to follow up as per paragraph 2 of the minutes</p>
011120 – 011803	Chairman Mr Vincent FANG SFH	<p>Mr FANG expressed in-principle support for the Administration's proposals. Noting that the Administration would invite the relevant DCs and local residents to comment on the issue of new licences for on-street hawker pitches, he expressed doubts on any chance to obtain their support.</p> <p>SFH explained that there would be a number of vacant pitches after completing the relocation programme to improve fire safety precautions under the five-year Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas and consideration would be given to issuing new fixed-pitch hawker licences for the pitches in question taking into account the circumstances of individual hawker areas, including their fire safety and environmental hygiene situations,</p>	

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		<p>the business environment, comments of relevant departments, as well as the views of the relevant DC and local residents. As it only involved licences for existing pitches, SFH was optimistic in obtaining DCs' support.</p> <p>Mr FANG also expressed support on the Administration's proposal on converting existing public market with low occupancy rate into off-street cooked food centre. However, he objected to appointing social enterprises to take charge of the business planning and daily management of the cooked food centres as he considered that they were generally lack of drive in business operation.</p> <p>SFH considered that social enterprises were not just non-profit-making entities and they could also play a strategic role in social development. He came to know quite some social enterprises which aimed at running good businesses proactively.</p> <p>For the Food Truck proposal, Mr FANG pointed out that the Administration should take note of the difference between Hong Kong and US from which the proposal was modelled on, for example, the lack of space to house large trucks and handle sewerage, etc. in Hong Kong.</p> <p>SFH concurred with Mr FANG that Hong Kong should develop its own mode of operation to set up the Food Truck business whilst making reference to overseas experience.</p>	
011804– 012534	Chairman SFH	<p>The Chairman commented that the formulation of hawker policy was a very complex matter straddling across various bureaux including FHB, CEDB, and Home Affairs Bureau. He commended FHB for undertaking a proactive role in coming up the proposals in its paper which was prepared along a positive direction subject to further refinement.</p> <p>The Chairman opined that it was difficult for the Administration to take forward any proposal without the support of the community vested in respective DC. He cited the case of Kweilin Street, and pointed out that customers welcomed their services but residents found them intolerable. He agreed that hawking was self-emerged activities outside the regulatory framework of the Administration and should be controlled by appropriate means so that hawkers could</p>	

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		<p>exist harmoniously with the residents. He hoped to gauge the community views through the Subcommittee's public hearing to be arranged, such that the Administration's proposals could be refined as appropriate.</p> <p>SFH noted that the hawker policy should strike a reasonable balance between economic considerations on the one hand and the community's need for social and cultural developments on the other hand. While the hawker policy under formulation should not focus solely on business objective, hawkers would still be required to identify a market niche that was sustainable in terms of business viability. By the same token, social and cultural developments should not be an excuse to justify hawkers' insulation from market forces.</p> <p>SFH stressed that FEHD's primary role in hawker management was to ensure food safety and environmental hygiene. He said that, taking into account the present-day social circumstances in Hong Kong, both FHB and FEHD were of the view that local hawker policy should be formulated from a "regulated development" ("規範發展") perspective which sought to strike a proper balance among regulation, eradication and development.</p>	
012535 – 012739	Chairman SFH	<p>In response to Mr Christopher CHUNG's earlier concern, SFH explained that –</p> <p>(a) the Administration considered that it should avoid positioning the hawking trade "solely" as a form of social welfare for the disadvantaged or for poverty alleviation, because hawking policy was one of the means to promote small business and local economic activities;</p> <p>(b) instead of only considering the residents' needs and hence seeking to eradicate hawking, the Administration placed much emphasis on the views of local residents in respect of the proposed measures with a view to minimizing the impacts, if any, on them; and</p> <p>(c) FHB did not include licensing boat restaurant in the proposed measures at this stage.</p>	
012740 – 013140	Chairman Deputy Chairman	The Deputy Chairman appreciated the undertaking of FHB in respect of the hawker policy which had long	

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		<p>been formulated without a "development" perspective and planning parameters, and urged other B/Ds to collaborate with FHB in taking forward the proposals. He considered the exchanges at the brainstorming session in January 2015 among members, the Administration and academics were fruitful and brought about new insights in a forward-looking manner. The five proposals reflected a change of the Administration's stance on hawker policy from control and management to development and planning.</p> <p>He also appreciated the Administration's commitment to play a facilitator's role in taking forward district-led and bottom-up proposals, which was indeed a breakthrough of a long-standing problem of the local community. He also supported the arrangement of a public hearing for Subcommittee members to gauge the views of the general public on the Administration's proposals.</p>	
013141 – 013812	Chairman Mr WONG Kwok-hing SFH	<p>In reply to Mr WONG's earlier enquiries, SFH said that the Food Truck proposal was still at a preliminary stage, and the feasibility of allowing the operation of small food carts selling cooked-food would be subject to further consideration. He stressed that food truck, though mobile, would only be allowed to operate at designated points and no itinerant hawker licence would be granted for such operation. .</p> <p>SFH supported the Subcommittee gauging the public views through a public hearing and he would conduct a briefing for the 18 DCs' Chairmen and Deputy Chairmen which, in his opinion, would be an effective adjunct to public consultation. SFH said FHB would work together with relevant B/Ds on any preliminary proposals that had the support of DCs.</p>	
013813 – 014318	Chairman Professor NG Mee-kam	<p>Professor NG shared Professor LUI's view that the use of space was exclusive and its proliferation by the market had led to much public grievances. Hence, there was a current call for a return of space for public use.</p> <p>She highlighted the role of social planners in place making and urged the Administration to consult them on the needs of the community and invite them to lead stakeholders' discussions on the use of public space.</p> <p>She referred to the view that some social enterprises might have failed to run a business and remarked that</p>	

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		<p>this was due to the high rentals. As such, she supported the proposal of converting existing public market with low occupancy into off-street cooked food centre as long as visitor flow could be improved. Professor NG considered social planning very important to enhance the integration of the new developments with the existing features of the area. This kind of space utilization could, instead of depending on the market power, satisfy the needs of residents.</p>	
014319 – 014658	Chairman Professor LUI Tai-lok	<p>Professor LUI said that to manage stakeholders' expectation and to avoid disappointment by false hope, more details about the five proposals, such as the type of hawking activities affected and the number and location of hawker stalls involved, should be provided before the Subcommittee invited public views on the proposals.</p> <p>He considered that this arrangement might help the public to focus their discussions on, for example, matching the type of hawking activities (like cooked-food stalls, small food cart, Food Truck, Dai Pai Tong, street tradesmen with characteristics reminiscent of local culture and heritage, and cobblers etc) and the districts concerned, as well as space available in each district. He added that places lacking visitor flow could be place-made with injected resources to attract more visitors.</p>	The Administration to follow up as per paragraph 3 of the minutes
014659 – 015419	Chairman SFH	<p>The Chairman pointed out that in considering the development of hawker policy, the view of communities' was a key area which should be taken into account. Taken the case of Kweilin Street as an example, according to his understanding, the Administration had actually acted in response to the complaints filed by the local residents who had been suffering from the nuisance and noise disturbance brought about by over 30 hawker stalls that had accumulated from over six years.</p> <p>In this connection, he suggested the Administration to maintain regular dialogues with the hawkers and give them more advices on their operation to reduce conflicts with the community residents. He urged the Administration to study a compatible way for hawkers operating in communities.</p> <p>In response to Professor LUI's suggestion on management of expectation, SFH undertook to give a</p>	

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		<p>briefing to the Chairmen and Deputy Chairmen of 18 DCs on the Administration's proposals and their comments would be considered. SFH stressed that proposals of open-air bazaars with DC support could be submitted immediately for the consideration of FHB. On its part, FHB would see how best to take forward the projects and learn from experience.</p> <p>The Chairman invited members elected by geographical constituencies to call on respective DCs to submit proposals.</p> <p>Date of next meeting with deputations.</p>	
<b>Agenda item II – Extension of period of work of the Subcommittee</b>			
015420 – 015600	Chairman	Proposed extension of period of work of the Subcommittee for six more months.	
<b>Agenda item III – Any other business</b>			
015601 – 015603	Chairman	The Chairman's closing remarks.	