

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

**Summary of views expressed by deputations/individuals at the meetings on 14 April 2015 and  
in the submissions received and the Administration's response**

**(Translation)**

Views/concerns of deputations/individuals	Administration's response
<p>1. The Administration should give priority to registered hawker assistants in applying the licences surrendered by their employer hawkers so as to avoid the former losing their jobs and develop a succession mechanism of hawker licences.</p>	<p>We are monitoring closely the implementation of the five-year Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas. We will review in due course whether new fixed-pitch hawker licences should be issued and if so how. In reviewing the relevant arrangements, we will take into account the suggestion of giving priority to registered hawker assistants in granting licences.</p>
<p>2. The Administration should make use of idling public spaces, for instance, food markets and car parks with low occupancy as well as new streets, and convert them as venues for hawking activities.</p>	<p>As has been articulated on previous occasions, the Government keeps an open mind towards proposals on new modes of hawker operation. We will consider converting, on a pilot basis, an existing public market with a low occupancy rate into an off-street cooked food centre, which would provide operating space for individual cooked food vendors to provide traditional Dai Pai Tong type of cooked meals, traditional snacks or other forms of light refreshments. To safeguard public health and safety, stalls operating in the converted cooked food centre will be subject to stringent regulations on fire, safety, hygiene and other relevant matters.</p>

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3. The Administration should make reference to overseas experiences when formulating hawker policy, namely, setting open-air hawker bazaars with flexi-hour operation, and night markets as tourist attractions and using wooden food trucks with lower start-up costs.	The Government keeps an open mind towards district-led proposals on local bazaars and their mode of operation, so long as food safety and environmental hygiene would not be compromised. Since the details of a hawking proposition (especially its location, hours and other conditions of operation) often affect different stakeholders in the local community in different ways, we see considerable benefits in adopting a bottom-up approach. A proposal gestated within the local community would stand a much better chance of enjoying broad local support, local participation and ownership, in addition to meeting local needs. If district-led proposals with community consensus are put up, we are happy to facilitate liaison with the relevant bureaux and departments.
4. The Food and Environmental Hygiene Department should change its hawker management and enforcement strategies alongside with the new hawker policy.	Involving as it does considerations that are in part interest-driven and in part value-laden in nature, the hawker policy has been evolving in the passage of time. As the perspectives held by different stakeholders are often incompatible with each other, forging a perfect hawker policy capable of pleasing all parties at all times is a tall order. The Government has all along been trying to strike a sensible balance that can command overall community support among competing and evolving considerations. We consider that the existing hawker management and enforcement strategies are generally able to strike a reasonable balance between the different interests.
5. The Administration should take into account hawking activities and engage community planners when it devised town plans for newly developed districts.	According to the Hong Kong Planning Standards and Guidelines, retail development should be market-led and that intervention from the Government should be kept to the minimum. We will convey this view to the Government department which is responsible for town planning.  We believe that proposals to set up bazaars should be district-led. If suitable sites are identified by any organisations for use as bazaars and support from the local

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	community as well as relevant District Councils (DCs) has been obtained and provided that food safety and environmental hygiene are not compromised, we stand ready to facilitate liaison with relevant government departments.
6. While local shopping malls being more homogenous, the Administration should issue licences for tradesmen with characteristic reminiscent of local culture and heritage e.g. cobblers, watch repairers and locksmiths etc.	We concur that room should be allowed for the further development of traditional or creative cultural activities and / or handicrafts. We will follow up the issue of licences to unlicensed street tradesmen engaged in trading activities or the provision of services reminiscent of our local culture and heritage. Examples include cobblers, watch repairers, locksmiths, knife sharpeners, Chinese facial cosmeticians, letter writers, etc. After obtaining DCs' support and clearance of other departments, we will consider licensing in-situ or at another suitable site as fixed pitches. The surveyed tradesmen may apply for Fixed Pitch (Tradesman) Hawker Licences, so that if issued with the licence, they may continue to conduct business at suitable sites legally.
7. There was a need to set up a platform for communications among the Government, district councillors and stakeholders in each district to gestate district-led and bottom-up proposals on hawking activities.	From the practical implementation point of view, the Government keeps an open mind towards proposals on developing the hawker trade in any locality, so long as food safety and environmental hygiene are not compromised, public passageways not obstructed and local community support is obtained. As regards how we should build consensus on a proposal, it could differ from one district to another, depending on individual circumstances. The Government does not have pre-conceived notions on what form the engagement process or for that matter the communication platform should take. On the contrary, it could be argued that doing it in a manner prescribed by the Government may not be consistent with the district-led and bottom-up concepts. In fact, we note that some local organisations have already been arranging workshops on their own volition for stakeholders to discuss this subject at the district level.

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	<p>If suitable sites are identified by the proponents and support from the relevant DCs has been obtained in respect of the sites and their operational arrangements, we are happy to provide advice on how to ensure that their operations comply with food safety and environmental hygiene requirements, and will endeavour our best to facilitate liaison with relevant government departments.</p>
<p>8. The Administration should allow newspaper hawkers to sell more varieties of goods and offer an ex-gratia payment of \$120,000 for newspaper hawkers who voluntarily surrendered their licences.</p>	<p>A five-year assistance scheme was launched in June 2013 to provide one-off financial assistance to fixed-pitch hawkers in 43 hawker areas for stall reconstruction and relocation to improve fire safety, covering the materials and design of hawker stall structures and provision of fixed electrical installations, as well as subsidy for relocating stalls away from staircase discharge points of buildings or emergency vehicular access in hawker areas. An ex-gratia payment of \$120,000 was paid to hawkers who opt for voluntary surrender of their hawker licences to the Government. The scheme aimed to expedite the release of vacant pitches and hence facilitate the relocation of stalls which posed higher fire risks. With regard to other hawkers (including fixed-pitch newspaper hawkers) not operating in those 43 hawker areas, their stalls are not located in densely-populated areas or do not congregate on street. In either case, the fire risks posed to adjacent buildings are relatively low. They are therefore not covered by the assistance scheme.</p> <p>In response to the request of some newspaper hawker associations, we relaxed in 2009 the restriction on the range of commodities that may be sold by newspaper hawkers at their stalls by increasing the types of additional commodities from eight to 12. At the same time, the restriction on area used for the sale of additional commodities was also relaxed by expanding the space limit from not more than 25% to not exceeding 50% of the stall area. In early 2014, we allowed these hawkers to provide WiFi services within the confines of their stalls and to</p>

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	display with electronic panels lawful advertisements related to the commodities permitted for sale under their licences.
9. The Administration should consider relaxing the licensing conditions for food factory, for instance, permitting small-scale food production at home, or at idled public space.	<p>In order to ensure that the food sold in Hong Kong is safe and fit for consumption, a licence issued by the Food and Environmental Hygiene Department (FEHD) under the Food Business Regulation (Cap. 132X) is required for operating certain food business including food factories. Licences are only issued to food premises which comply with the relevant licensing conditions. We will impose licensing conditions as appropriate, so long as the legal requirements are complied with and food safety and environmental hygiene are safeguarded.</p> <p>Besides, the Food Business Regulation prohibits preparation of food in domestic premises. This aims to ensure that food sold by the food business is prepared in premises which comply with hygiene standards prescribed under the law. It is our responsibility to safeguard food safety and maintain a clean and hygienic living environment for the people of Hong Kong. Any measures to regulate and support hawking activities should be consistent with our commitment to discharge such responsibility. We have no plan to make legislative amendments to relax the requirements in this respect.</p>
10. Hawker associations or hawkers should be involved in the discussions of hawker policy and management, especially during the appeal process in respect of licensing, and the food and environmental hygiene committees of DCs, to address hawkers' interests and concerns.	We have been consulting hawker associations and hawkers on matters related to hawker policy and management. To establish collaborative partnership with the stakeholders, we have established Hawker Management Consultative Committees (HMCCs) covering all hawker areas. Members of HMCCs include representatives of licensed hawkers, members of the relevant DCs and District Fire Safety Committees. We have not refused any requests from non-HMCC member hawkers who operate at the relevant hawker area for attending the HMCC meetings. The HMCCs provide a platform for two-way communication

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	<p>so that FEHD's district staff may discuss with the stakeholders matters related to the day-to-day management of hawker areas as well as the relevant regulatory and safety issues. Besides, we will approach hawker associations for their views on a need basis. Recent examples include the mechanism for suspension of hawker licences and the implementation of the Hawker Assistance Scheme. On both counts, we have approached hawker associations to fully listen to their views before finalising the details of the mechanism and the scheme. We have also maintained close dialogue with hawkers in the process of implementing the scheme and kept up our engagement efforts through the HMCCs.</p> <p>Under the existing mechanism, appeal matters concerning hawker licences are handled by the Licensing Appeals Board (LIAB). On the other hand, meetings of the food and environmental hygiene committees of DCs are coordinated by the secretariat of the respective DCs. It is for the DCs (rather than FEHD) to decide whether hawker associations or hawkers should be invited to join in the discussions when matters related to hawker policy and management are brought up for deliberations.</p>
11. The Administration should establish a specialized committee responsible for reviewing the hawker policy, making related decisions and conducting a long-term development plan.	If there is a need to review the hawker policy, the Food and Health Bureau and FEHD will consult other government departments as well as the stakeholders, and consider the views of various parties as appropriate. We do not consider it necessary to establish a dedicated committee separately to undertake this part of our work.
12. The Administration should review the feasibility to issue licences for operators of night market stalls which are dismantled after trading hours, and	The Government keeps an open mind towards district-led proposals on local bazaars and their mode of operation, so long as food safety and environmental hygiene would not be compromised. Since the details of a hawking proposition (especially its location, hours and other conditions of operation) often affect

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ensure their operations complying with requirements on food safety and food hygiene by introducing a grading system with the grades required to be prominently posted at the stalls.	different stakeholders in the local community in different ways, we see considerable benefits in adopting a bottom-up approach. A proposal gestated within the local community would stand a much better chance of enjoying broad local support, local participation and ownership, in addition to meeting local needs. If district-led proposals with community consensus are put up, we are happy to facilitate liaison with the relevant bureaux and departments.
13. The Administration should also review the licensing matter for hawkers selling light refreshments, such as chestnuts, when considering the issue of new Dai Pai Tong licences.	Itinerant hawkers selling light refreshments usually hawk at locations in the local community with heavy pedestrian flows and may cause obstruction and give rise to environmental hygiene concerns. They are therefore often the subject of complaints. The Government has no plan for the time being to re-issue new itinerant hawker licences.
14. The Administration should review and update the legislative framework regulating hawking activities.	The Government has all along been trying to strike a sensible balance that can command overall community support among competing and evolving considerations in respect of hawker policy. We will review from time to time the propriety of existing policies and legislation relating to hawkers and make amendments when necessary.
15. The Administration should adopt a modern and scientific approach on managing hawkers, enhance enforcement trainings for hawker control teams, and step up the promotion of civic responsibilities among the public.	<p>The day-to-day challenges facing the Hawker Control Teams are multi-fold. FEHD provides structured and tailor-made training to staff in the Hawker Control Officer (HCO) grade. The training programmes include induction training, refresher courses and experience sharing sessions.</p> <p>The content of the training programmes covers law and legal procedures related to hawker management, occupational knowledge and skills, as well as practical training. There are also specific training modules on personal effectiveness and management skills, including interpersonal skills, handling confrontational</p>

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	<p>situations, emotional intelligence, stress management, risk assessment and crisis handling, and self-defence. In light of the changing social environment, FEHD will update the real-life cases on hawker management that are simulated in the refresher courses provided for different ranks of staff in the HCO grade, with a view to improving their handling skills when tasked to deal with difficult situations under various scenarios that may be encountered. FEHD will also update the content of the training programmes to meet actual operational needs as and when necessary.</p> <p>All along, FEHD has been making use of the HMCCs as a platform to disseminate messages calling upon hawkers to keep their stalls and surroundings clean and hygienic. From time to time we also appeal, through public education, for civic-minded acts on the part of each and every citizen to help keep Hong Kong clean.</p>

Legislative Council Secretariat

Food and Health Bureau  
Food and Environmental Hygiene Department

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