

**For information
on 11 May 2015**

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

Responses to Issues Raised at the Meeting on 14 April 2015

PURPOSE

A number of issues were raised at the meeting of the Subcommittee on Hawker Policy held on 14 April 2015. The Government's response is set out below.

(a) Overall response

2. At the Subcommittee meetings held on 2 March and 14 April 2015, Members as well as deputations/individuals attending the sessions expressed general support for the eight principles and five proposals that we had set out in the Subcommittee paper discussed at the meeting on 2 March 2015 (LC Paper No. CB(4)561/14-15(01)). We are encouraged by the positive response. The Government will continue to give of its best in seeking a reasonable balance that is worthy of overall community support in present-day circumstances.

(b) Information about existing registered hawker assistants (including their number, the length of time for which they have been registered and their background such as the number dependents in the families)

3. Under Section 12 of the Hawker Regulation, Cap. 132AI, the holder of a fixed-pitch hawker licence¹ is allowed to employ such number of assistants as he thinks necessary for the purpose of enabling him to carry on business. No assistant should engage in hawking during the absence (other than absence for a reasonable cause)² of the licensee from his pitch.

4. Fixed-pitch hawker licensees are required to register their assistant(s) with the Food and Environmental Hygiene Department (FEHD). For completion of the registration, licensees are required to provide basic information about their assistant(s), such as name, date of birth, Hong Kong Identity Card number, gender, contact telephone number and residential address. In essence, these assistants are the employees of the licensed hawkers. The registration system is designed to enhance the management of fixed-pitch hawkers (such as preventing them from subletting their pitches). In other words, the registration only serves to record and identify the assistant(s); it does not confer any rights or privileges such as succession or the right to transfer a hawker licence. Each registered assistant (RA) will be issued with an assistant's badge and the registration will be endorsed on the hawker's licence. An RA may serve more than one hawker licensee; he/she may also be a hawker licensee himself/herself.

5. As at mid-April 2015, there are 5 575 RAs employed by 4 131 fixed-pitch hawker licensees. On the whole, more than 56% of the RAs have been registered for 5 years or more and about 67% are aged above 50. Details showing the duration of their registration and their age profile are given at **Annex**. FEHD does not keep records on the number of dependents in the families of the RAs.

¹ Holders of itinerant hawker licences, however, are not allowed to employ assistants.

² The following situations, for example, could be regarded as "absence for reasonable cause":

- (a) to take a meal;
- (b) to visit the toilet;
- (c) to replenish stock for the business or activity to which the licence relates;
- (d) to take a short rest when being sick; and
- (e) to attend to some urgent personal matters (e.g. required to go to hospital/clinic/police station/court etc. unexpectedly).

- (c) Elaboration about the process by which a bottom-up proposal may develop and grow to maturity in terms of gaining community acceptance, including : (i) who should be the parties responsible for initiating district-led and bottom-up hawking proposals; and (ii) what assistance the Administration could provide in setting up district-based committees/communication platforms for stakeholders to exchange views on the specific needs of the district concerned and to identify the types of hawking activities suitable for the district with community consensus**
- (d) Whether it is feasible for the Administration to assist in the process of developing bottom-up proposal with community support, which would then become a successful model for other districts to follow**

6. We do not intend to impose restrictions on who should and could initiate district-led proposals for local bazaar(s). We are of the view that a proposal from and for the local community would stand a much better chance of enjoying broad local support, cementing local participation and ownership, in addition to meeting local needs.

7. We note that some local organisations have already been arranging workshops and establishing communication platforms for discussing this subject with the stakeholders at the district level. We see considerable benefits in this bottom-up approach since, more often than not, the fine details of each hawking proposition (especially its location, hours of operation, and related conditions) may affect different stakeholders in the local community (including residents and retailers) in its own way.

8. It may not be consistent with the preferred “district-led” and “bottom-up” concepts if the Government are to chip in at this stage. From a policy perspective, the Government is committed to formulating a hawker policy which could strike an optimal balance between allowing licensed hawking business to thrive on the one hand and meeting other legitimate concerns such as avoiding unreasonable nuisance to the local community in addition to ensuring food safety, environmental hygiene and public security on the other.

9. From the practical implementation perspective, the Government keeps an open mind towards proposals for developing the hawker trade, irrespective of where such hawking activities are to be located, so long as food safety and environmental hygiene are not compromised, public passageways are not obstructed and local community support is obtained. If suitable sites are identified and support from the relevant District Councils

has been obtained, we stand ready to provide advice on how to measure up to the food safety and environmental hygiene requirements, and to facilitate liaison with the relevant government departments.

(e) Fine-tune the principles for formulation of hawker policy and proposed measures in view of the commentaries expressed at the meetings

10. As has been mentioned in para. 2 above, it is our observation that Members and deputations/individuals attending the meetings have expressed general support for the eight principles we put forward. They have placed emphasis on the merits of adopting a district-led and bottom-up approach in coming up with proposals for local bazaars.

11. Since Members and the public do not have much difficulties with the principles, we do not see a particular need to amend them at this stage. That said, we are mindful that the demands and expectations that the general public places on this area of our work may take on changes, in much the same way as the different values/considerations underlying those demands/expectation are changing in the course of time. The Government's policy towards hawkers and hawking activities, which underpins the relevant licensing and management arrangements, has been evolving in tandem with changes in community needs and aspirations. For the longer term, the principles we use for formulating the hawker policy will be subject to review in due course.

ADVICE SOUGHT

12. Members are invited to note the content of the paper.

**Food and Health Bureau
Food and Environmental Hygiene Department
May 2015**

**Length of time for which the assistants have been registered
(as at mid-April 2015)**

Duration (year)	Number	Percentage (%)
20 or above	465	8.3
15 - 19	410	7.4
10 - 14	873	15.7
5 - 9	1 378	24.7
Less than 5	2 449	43.9
Total:	5 575	100

**Age Profile of Registered Assistants
(as at mid-April 2015)**

Age (years)	Number	Percentage (%)
81 or above	263	4.7
71 - 80	362	6.5
61 - 70	1 238	22.2
51 - 60	1 869	33.5
41 - 50	1 057	19.0
31 - 40	579	10.4
18 - 30	207	3.7
Total:	5 575	100