

立法會
Legislative Council

LC Paper No. CB(3) 223/16-17

Ref : CB(3)/M/MM
Tel : 3919 3300
Date : 9 December 2016
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 14 December 2016

**Amendments to motion on
“Formulating a territory-wide long-term bazaar policy”**

Further to LC Paper No. CB(3) 191/16-17 issued on 2 December 2016, three Members (Hon SHIU Ka-fai, Hon Steven HO and Hon HUI Chi-fung) have respectively given notice of their intention to move separate amendments to Dr Hon LAU Siu-lai’s motion on “Formulating a territory-wide long-term bazaar policy” scheduled for the Council meeting of 14 December 2016. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the three amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Dr Hon LAU Siu-lai to speak and move her motion;
- (b) the President proposes the question on Dr Hon LAU Siu-lai’s motion;
- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon SHIU Ka-fai;
 - (ii) Hon Steven HO; and
 - (iii) Hon HUI Chi-fung;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Dr Hon LAU Siu-lai to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon SHIU Ka-fai to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon SHIU Ka-fai's amendment;
- (i) after Hon SHIU Ka-fai's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Dr Hon LAU Siu-lai to reply. Thereafter, the President puts to vote the question on Dr Hon LAU Siu-lai's motion, or her motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Formulating a territory-wide long-term bazaar policy”
to be held at the Council meeting of 14 December 2016**

1. Dr Hon LAU Siu-lai’s original motion

That bazaars are part of the local culture, and they are also providing grass-roots people with employment opportunities and shopping venues for quality goods at low prices; but over the years, under the impact of managerialism mindset and ‘developer hegemony’, the Government has been suppressing hawkers who maintained the community ecology, and smothering the room for grass-roots people to earn a living and their freedom to use public spaces; even though the Government had discussions on matters related to hawkers and bazaars in the past, the relevant policies introduced were incomprehensive and lacked a direction; the Yau Tsim Mong District Council’s objection against the Government’s proposal to operate a ‘cooked food bazaar at MacPherson Playground’ during the Lunar New Year 2017 is a case in point; in this connection, this Council urges the Government to:

- (1) formulate a territory-wide long-term bazaar policy to preserve the existing bazaars and develop various kinds of bazaars, including grass-roots livelihood bazaars, home-made food bazaars, farmers’ bazaars, cooked food night bazaars, culture and arts bazaars, etc.;
- (2) set up a Bazaar Development Department to coordinate various government departments and District Councils for formulating a set of clear and standardized application process for bazaar operation, so as to assist community organizations and grass-roots people to apply for operating bazaars;
- (3) establish consultation channels to collect information on places proposed by the public and District Councils for operating bazaars, and draw up and make public a list of bazaar sites over the territory (including sites under the Leisure and Cultural Services Department, the Lands Department, the Housing Department and the Highways Department), so that social welfare organizations and charitable bodies may borrow these sites for holding bazaar activities on a regular basis;

- (4) review the existing regulatory system on food production to allow grass-roots people who operate cooked food stalls to lawfully produce or process food at home; and review the existing licensing conditions for small cooked food stalls, so that grass-roots people who operate cooked food stalls can warm food on the spot;
- (5) cooperate with local organizations to provide premises for ‘community kitchens’, so as to allow grass-roots people who operate cooked food stalls at bazaars to produce or process food in the relevant premises;
- (6) explore holding temporary holiday bazaars during holidays, such as Lunar New Year, Labour Day, Easter, Chinese Mid-Autumn Festival, Christmas Day, etc.; and implement a pilot scheme during Lunar New Year to select a Lunar New Year Fair and designate a pedestrian precinct for operating bazaars in each of the five major constituencies of Hong Kong, so as to allow people in each constituency to relish afresh authentic night bazaar culture; and
- (7) refrain from conducting eradication operations against bazaar hawkers during Lunar New Year before the formulation of a specific bazaar policy.

2. Motion as amended by Hon SHIU Ka-fai

~~That bazaars are part of the local culture, and they are also providing grass-roots people with employment opportunities and shopping venues~~ *with characteristics of Hong Kong culture not only enhance the attractiveness of the tourism industry, but also provide people with consumer choices* for quality goods at low prices; ~~but over the years, under the impact of managerialism mindset and ‘developer hegemony’, the Government has been suppressing hawkers who maintained the community ecology, and smothering the room for grass-roots people to earn a living and their freedom to use public spaces; even though the Government had discussions on matters related to hawkers and bazaars in the past,~~ *and venues for business start-up attempts, but the relevant policies introduced by the Government in the past were incomprehensive and lacked a direction,* *and* the Yau Tsim Mong District Council’s objection against the Government’s proposal to operate a ‘cooked food bazaar at MacPherson Playground’ during the Lunar New Year 2017 is a case in point; in this connection, this Council urges the Government to:

- (1) formulate a territory-wide long-term bazaar policy ~~to preserve,~~ *including preserving and revitalizing* the existing bazaars ~~and develop various kinds of bazaars, including grass-roots livelihood bazaars, home-made food bazaars,~~ *and, on the premise of balancing various*

aspects such as the interests of stakeholders of shops, hygiene management, ancillary transport facilities, fire safety, etc., developing holiday bazaars, such as people's livelihood bazaars, food bazaars, farmers' bazaars, cooked food night bazaars, culture and arts bazaars, etc.;

- (2) ~~set up a Bazaar Development Department to~~ ***strengthen the functions of the Home Affairs Department, so that it can*** coordinate various government departments and District Councils for formulating a set of clear and standardized application process for ***holiday*** bazaar operation, so as to assist community organizations and ~~grass-roots people~~ ***members of the public*** to apply for operating ***holiday*** bazaars;
- (3) establish consultation channels to collect information on places proposed by the public and District Councils for operating ***holiday*** bazaars, and draw up and make public a list of ***holiday*** bazaar sites over the territory (including sites under the Leisure and Cultural Services Department, the Lands Department, the Housing Department and the Highways Department), so that ~~social welfare organizations and charitable bodies~~ ***community groups and members of the public*** may borrow these sites for holding bazaar activities ~~on a regular basis~~;
- (4) ~~review the existing regulatory system on food production to allow grass-roots people who operate cooked food stalls to lawfully produce or process food at home; and review the existing licensing conditions for small cooked food stalls, so that grass-roots people who operate cooked food stalls can warm~~ ***on the premise of complying with safety and hygienic requirements, etc., assist operators of cooked food stalls in applying for the relevant licences, so as to facilitate them in warming*** food on the spot; ***and***
- (5) ~~cooperate with local organizations to provide premises for 'community kitchens', so as to allow grass-roots people who operate cooked food stalls at bazaars to produce or process food in the relevant premises;~~
- (6) explore holding temporary holiday bazaars during holidays, such as Lunar New Year, Labour Day, Easter, Chinese Mid-Autumn Festival, Christmas Day, etc.; and implement a pilot scheme during Lunar New Year to select a Lunar New Year Fair and designate a pedestrian precinct for operating bazaars in each of the five major constituencies of Hong Kong, so as to allow people in each constituency to relish afresh authentic night bazaar culture; ***and***

(7) ~~refrain from conducting eradication operations against bazaar hawkers during Lunar New Year before the formulation of a specific bazaar policy.~~

Note: Hon SHIU Ka-fai's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon Steven HO

~~That bazaars are part of the~~ *and hawking trades in various places in the world have a long history, they not only form part of* local culture, ~~and they are also providing~~ *but also provide* grass-roots people with employment opportunities ~~and~~ ; *bazaars are* shopping venues for quality goods at low prices, *and some bazaars with characteristics have even developed into tourist hotspots*; but over the years, ~~under the impact of managerialism mindset and 'developer hegemony', the Government has been suppressing hawkers who maintained the community ecology, and smothering the room for grass-roots people to earn a living and their freedom to use public spaces; even though the Government had discussions on matters related to hawkers and bazaars in the past, the relevant policies introduced were incomprehensive and lacked a direction; the Yau Tsim Mong District Council's objection against the Government's proposal to operate a 'cooked food bazaar at MacPherson Playground' during the Lunar New Year 2017 is a case in point~~ *the Government mainly formulates the bazaar and hawker policies from the perspectives of management and control, without taking into account the overall development of these trades and giving full play to their social functions, making it difficult for these trades to meet social needs*; in this connection, this Council urges the Government to:

- (1) formulate a territory-wide long-term bazaar *and hawker* policy *to assist bazaar and hawker activities under a district-led approach and with the support of District Councils, so as* to preserve the existing bazaars and develop various kinds of bazaars, including grass-roots livelihood bazaars, home-made food bazaars, farmers' bazaars, cooked food night bazaars, culture and arts bazaars, etc.;
- (2) ~~set up a Bazaar Development Department to coordinate various government departments and District Councils for formulating~~ *formulate* a set of clear ~~and~~, standardized *and simple* application process for bazaar operation, *and coordinate various government departments and District Councils to provide one-stop services to applicants*, so as to assist community organizations and grass-roots people to apply for operating bazaars;

- (3) establish consultation channels to collect information on places proposed by the public and District Councils for operating bazaars, and draw up and make public a list of bazaar sites over the territory (including sites under the Leisure and Cultural Services Department, the Lands Department, the Housing Department and the Highways Department), so that social welfare organizations and charitable bodies may borrow these sites for holding bazaar activities ~~on a regular basis~~;
- (4) ~~review the existing regulatory system on food production to allow grass-roots people who operate cooked food stalls to lawfully produce or process food at home; and review the existing licensing conditions for small cooked food stalls, so that grass-roots people who operate cooked food stalls can warm food on the spot;~~
- (5) cooperate with local organizations to provide premises for ‘community kitchens’, so as to allow grass-roots people who operate cooked food stalls at bazaars to produce or process food in the relevant premises *subject to compliance with the statutory requirements*;
- ~~(6)~~(5) *with the support of District Councils*, explore holding temporary holiday bazaars during holidays, such as Lunar New Year, Labour Day, Easter, Chinese Mid-Autumn Festival, Christmas Day, etc.; and implement a pilot scheme during Lunar New Year to select a Lunar New Year Fair and designate a pedestrian precinct for operating bazaars in each of the five major constituencies of Hong Kong, so as to allow people in each constituency to relish afresh authentic night bazaar culture; ~~and~~
- ~~(7)~~ ~~refrain from conducting eradication operations against bazaar hawkers during Lunar New Year before the formulation of a specific bazaar policy~~
- (6) *expeditiously improve the operating environment of the existing bazaars and hawker areas, including issuing new fixed-pitch hawker licences, giving priority to registered assistants in applying for the licences so as to maintain an adequate number of operating stalls in hawker areas, and stepping up publicity among the public and visitors to enhance the attractiveness of bazaars and hawker areas; and*
- (7) *with the support of District Councils, expeditiously convert markets with a high vacancy rate into cooked food centres, and issue afresh ‘dai pai dong’ licences.*

Note: Hon Steven HO’s amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon HUI Chi-fung

That ~~bazaars are~~ *as* part of the local culture, ~~and they are also providing~~ *bazaars provide* grass-roots people with employment opportunities and shopping venues for quality goods at low prices; but over the years, under the impact of managerialism mindset and ‘developer hegemony’, the Government has been suppressing hawkers who maintained the community ecology, and smothering the room for grass-roots people to earn a living and their freedom to use public spaces; even though the Government had discussions on matters related to hawkers and bazaars in the past, the relevant policies introduced were incomprehensive and lacked a direction; the Yau Tsim Mong District Council’s objection against the Government’s proposal to operate a ‘cooked food bazaar at MacPherson Playground’ during the Lunar New Year 2017 is a case in point; in this connection, this Council urges the Government to:

- (1) *conduct extensive public consultation to* formulate a territory-wide long-term bazaar policy to preserve the existing bazaars and develop various kinds of bazaars, including grass-roots livelihood bazaars, home-made food bazaars, farmers’ bazaars, cooked food night bazaars, culture and arts bazaars, etc., *and following the natural development of scattered hawking activities into bazaars, take law enforcement actions flexibly and mediate the conflicts of the stakeholders involved while facilitating the operation of operators and taking into account environmental hygiene and people’s daily lives;*
- (2) ~~set up a Bazaar Development Department to~~ coordinate various government departments and District Councils for formulating a set of clear and standardized application process for bazaar operation, so as to assist community organizations and grass-roots people to apply for operating bazaars;
- (3) establish consultation channels to collect information on places proposed by the public and District Councils for operating bazaars, and draw up and make public a list of bazaar sites over the territory (including sites under the Leisure and Cultural Services Department, the Lands Department, the Housing Department and the Highways Department), so that social welfare organizations and charitable bodies may borrow these sites for holding bazaar activities on a regular basis;
- (4) review the existing regulatory system on food production, *and subject to compliance with the actual operation of bazaars, amend the relevant legislation on food safety* to allow grass-roots people who operate cooked food stalls to lawfully produce or process food at home; and

review the existing licensing conditions for small cooked food stalls, so that grass-roots people who operate cooked food stalls can warm food on the spot;

- (5) cooperate with local organizations to provide premises for ‘community kitchens’, ***and subject to compliance with the actual operation of bazaars, amend the relevant legislation on food safety***, so as to allow grass-roots people who operate cooked food stalls at bazaars to produce or process food in the relevant premises; ***and***
- (6) explore holding temporary holiday bazaars during ***public*** holidays, ~~such as Lunar New Year, Labour Day, Easter, Chinese Mid-Autumn Festival, Christmas Day, etc.; and implement a pilot scheme during Lunar New Year to select a Lunar New Year Fair and designate a pedestrian precinct for operating bazaars in each of the five major constituencies of Hong Kong,~~ so as to allow people in each constituency to relish afresh authentic night bazaar culture; ~~and~~
- ~~(7) refrain from conducting eradication operations against bazaar hawkers during Lunar New Year before the formulation of a specific bazaar policy.~~

Note: Hon HUI Chi-fung’s amendment is marked in ***bold and italic type*** or with deletion line.