

**For discussion
on 6 April 2006**

LegCo Panel on Food Safety and Environmental Hygiene

Enforcement Actions against Street Hawking Activities

PURPOSE

This paper informs Members of the existing policy and enforcement strategies of the Food and Environmental Hygiene Department (FEHD) in tackling street hawking activities.

BACKGROUND

2. Street hawking in Hong Kong has a long history. Members of the public generally regard that hawking provides a means of making a living for some people and a cheap supply of goods to customers. However, it also gives rise to health, noise, sanitation and street obstruction problems. Moreover, some retailers have complained that street hawking poses unfair competition to shopkeepers, retailers and market stall lessees who pay full rent for their trading premises/stalls.

3. With a view to reducing the number of on-street hawkers, the former Municipal Councils stopped issuing hawker licences since 1970. As the operation of cooked food stall hawkers and itinerant hawkers tended to cause more environmental nuisances and hygiene problems, in June 2002, the LegCo Panel on Food Safety and Environmental Hygiene supported the FEHD's proposal to offer a one-off ex-gratia payment (EGP) of \$60,000 for cooked food stall hawkers and \$30,000 for itinerant hawkers upon voluntary surrender of their licences. The EGP for cooked food stall hawkers is valid for application from 1.12.2002 to 30.11.2007 and for itinerant hawkers from 1.1.2003 to 31.12.2007. As at 28.2.2006, there remained 720 licensed itinerant hawkers.

ENFORCEMENT STRATEGIES AGAINST HAWKING ACTIVITIES

4. At present, there are about 2 100 Hawker Control Officer grade staff and 410 Workmen I responsible for hawker control duties. Hawker Control Teams in the districts are mainly responsible for sector patrol duties and operate a two-shift system normally from 7:00 am to 11:30 pm. The Hawker Control Task Forces (HCTFs) carrying out hawker raids operate a three-shift system round the clock to augment district hawker control work at hawker blackspots and to tackle illegal hawking activities after midnight and in early morning.

5. In view of the then economic situation, FEHD has since late 2001 relaxed the enforcement action against hawking activities provided that food and environmental hygiene would not be compromised. Nevertheless, FEHD adheres to the following enforcement baselines:

- (a) Sale of prohibited/restricted or cooked foods be strictly forbidden and subject to stringent enforcement action; and
- (b) Maintaining hawker-free situation in major thoroughfares, areas of high pedestrian flow such as tourist spots and pedestrian precincts and Mass Transit Railway/Kowloon Canton Railway entrances/exits etc, and places under substantiated and repeated complaints of hawking activities.

6. If both licensed and unlicensed hawking activities do not fall within the scope mentioned in paragraph 5(a) and (b) above, they would be accorded a lower priority for enforcement. Generally speaking, the hawkers would be verbally warned to disperse and if the verbal warning is unheeded, prosecution action would follow.

RECENT INCIDENT

7. At about 1 p.m. on 29 March 2006, FEHD's HCTF (Kowloon) mounted a hawker raiding operation at Castle Peak Road adjacent to Tai Nam Street West in Sham Shui Po District. A female hawker selling clothes was arrested. She was charged with hawking without a licence

and causing obstruction in public place. FEHD is following up with the staff concerned to ascertain whether the operation was carried out in accordance with departmental guidelines. At around the time of the operation, a man at the scene sustained injury as a result of a traffic accident and was conveyed to hospital for medical treatment. Police investigation into the traffic accident is underway.

ADVICE SOUGHT

8. Members are invited to take note of our existing policy and enforcement strategies against street hawking activities as set out in the paper.

Health, Welfare and Food Bureau
Food and Environmental Hygiene Department
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