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20th July, 2007

Clerk to the Subcommittee on Heritage Conservation
Legislative Council Secretariat
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Citibank Tower
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Central

Fax & Mail

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Dear Sirs

Preservation of the open-air bazaar
Tai Yuen Street and Cross Street
Wanchai

I thank you for your invitation and am pleased to enclose my comments as attached.

Due to the time constraints I am not able to explain in person to other residents in the area the content of my comments to obtain their joint signatures for this submission.

However in my previous appeals to Wanchai District Board, I had the support from about 50 parties. Contents of the previous appeals covered were similar to that of this submission.

Yours truly,

For and on behalf of
Yook Tong Estates Ltd.

Wong Yiu Sun, Peter
Director

Encl.

**Legislative Council – Panel on Home Affairs
Subcommittee on Heritage Conservation
Views from Wong Yiu Sun, Peter
On the preservation of the open-air bazaar
In Tai Yuen Street and Cross Street
Wanchai**

Introduction

01. The Subcommittee on Heritage Conservation Legislative Council Panel on Home Affairs (Committee) invited views from members of the public on the preservation of open-air bazaar (Bazaar) in Tai Yuen Street and Cross Street in Wan Chai.
02. The LC Paper No. CB (2) 2417/06-07(02) (Paper) attached to the invitation gave an account of the development commencing roughly from the date of the Wan Chai Road/Tai Yuen Street project from the former Land Development Corporation (LDC) in early 1990s.
03. I was born and had been living and working in Tai Yuen Street for over 50 years. I am currently a director with equity shares in a company holding properties of the G/F to roof of 5, Tai Yuen Street as well as 2/F, 5/F and roof of 7 Tai Yuen Street.
04. I believed background information on the hawker activities during the era as well as how the Administration had been handling the same dating further back would be useful for the Committee to consider this matter in its full light.

Background before the 90s

05. In the 50s, the main gathering ground for hawkers was the open-air food bazaar set up every evening in the zone around the location of the present entrance of the Southorn Stadium.
06. There were also some fixed pitch hawkers scattered around in the neighbouring streets, including Lee Tung Street and Spring Garden Lane.
07. Both road and pedestrian traffic were light then as well as stationary on-street hawkers few, most of them trading in non repulsive items, like watches repair and selling old magazines, fruits and eye glasses. Some would sell chestnuts and candies & sweets, pausing here and there before moving on along the street. Some waddled from door to door carrying trades on their shoulders and only stopped when customers called.
08. The local residents had accepted their presence well. In fact due to the nature of their services provided, many hawkers were greeted as part of the community. Kids grew up being well acquainted with the vendors.
09. Hawkers settling around in Lee Tung Street and Spring Garden Lane were later moved and relocated, some to Tai Yuen Street (North). The residents in the area still tolerated their presence but occasional conflicts did arise, particularly with shop operators.
10. The larger and fixed stalls, mainly selling cooked food, were more problematic with the hygiene issues and ambient noise generated by patrons during the nighttime.
11. In a drive of taking a strong initiative in the 70s by the then Urban Council on taking a strict enforcement of ensuring the license holders were the operators and at the same

time offering an one-off compensation to discontinue, many of fixed cooked food stalls had surrendered their licenses. Their sites were vacated.

12. The effect of this initiative was successful but was soon eroded by many illegal street hawkers moving into the area and selling commodities on carts, mostly gathered around Tai Yuen Street (North). That was during the time when unemployment rate was high.
13. Most of these illegal hawkers generally vacated from the area in the forenoon. Hence, apart from the congested hours between 10.00 am and 1.00 pm the street remained quite free of pedestrian traffic.
14. Even so, the congested problem could be extremely serious and at times ambulances were found trapped in Tai Yuen Street on their way to Mrs. Peel's Clinic, then at the corner of the Southorn complex. Vehicle access was one way north bound to Tai Yuen Street, on ACCESS ONLY. Spring Garden Lane was one way south bound.
15. In order to solve this chaos and the increased conflicts not only between residents and the hawkers but also mostly feuded amongst the hawkers themselves, the Administration proposed to license some of them and to be located along the street in front of the shops. The aim was to leave the middle part of the street free for vehicle movement.
16. The conditions of being granted a license included trading commodities must be kept on carts with wheels and to stay within a designated area of 3 feet by 4 feet. The carts must be vacated from sites at night.
17. These conditions were never strictly enforced by the responsible administration, or whatever it was called before the Food and Environment Hygiene Department (FEHD).
18. Against promises made by the Administration and the then Chairman of Urban Council Mr. Y H Cheung that the assignment was only a temporary measure and it would be rectified soon, the residents and shop operators accepted the proposal.
19. A further concession was made to the residents and shop operators including a minimum width of at least a 3 to 4 feet to both staircases and shop fronts for access.
20. And more access space where needs arose. These included the wider access to the back lane abetting No 1 for diesel fuel delivery; in front of No 2 where a noodle factory was located; in front of No 5 for handling heavy goods; and in front of No.11 where long steel beams were traded. There were also other provisions including a clear path to the small shop trading in kerosene lanterns, details of which I had no recollection.
21. Equally, I had no recollection if there were additional provisions made beyond Tai Yuen Street (north).
22. Nonetheless, the point is the arrangement was both make-shift, mostly drafted and done on the spot and aimed catering to the primal concerns and needs of the local residents and shops operators. Allocations for licensed hawkers were with the spaces of what were left in between. Most of the spaces vacated by the cooked food stalls were however now being filled.
23. New licenses were issued after old ones were paid off.
24. Those allocated to Tai Yuen Street (South) did not stay for long and many rather chose to operate in Wanchai Street, illegally that is.
25. Wanchai Street was always more vibrant in hawker activities than other streets in the district and would attract more pedestrians.

Background since the 90s

26. It is noted from Paragraph 3 of the Paper one of the planning intentions was to relocate all the licensed fixed pitch hawkers at Tai Yuen Street and Cross Street into a new market.
27. In replying to my inquiry, in September 2006, the Town Planning Board (TPB) had indirectly confirmed this intention by advising "*All the nine planning applications were approved with conditions, none of which was related to the relocation of the hawkers in the area (of Tai Yuen Street/Cross Street).*"
28. It is noted from paragraph 5 of the Paper that some members of the Wan Chai District Council (DC) had later expressed different views about the relocation plan only when the new market was close to being commissioned.
29. From the copy of minutes of the meeting held on 16 May 2006 that I had on hands, I noted from item 67, one DC member had raised the concern of not following a resolution made in the last DC session.
30. That particular DC member's concern of the new session not following a past resolution however was not debated.
31. Those views proposing not abiding to a past resolution but to relocate hawkers back onto the different sections of the abetting streets were not supported by any assessment of such viability. Nor additional adversity brought to residents and shop operators were taken into consideration.
32. It appears they were merely representing personal wishes at the expense of others including discarding a newly constructed market specially designed and built for such purposes.
33. In addition, the meeting minutes indicated two Legco Councillors had written to DC also expressing their wishes to have the area to become or be remained as an open-air bazaar, as a tourist attraction. To make it possible, they requested the DC to consider demands from the 86 additional hawkers to remain operating on the street as a priority. More numbers of hawkers would hence be added to the area, Tai Yuen Street (North) included.
34. I had put the two Legco Councillors on notice with photo attached showing the general situation was already congested and environmentally unsound. Further addition of hawkers would have brought about an increase of hazard in health and risk in safety issue to the residents. There were no replies.
35. A few months later, both Councillors reiterated the same views of turning it into a tourist attraction with the media.
36. I now attach some of such photo sent with this submission.
37. I also noted from the minutes of meeting that there were three members of the working group held supportive views for the 86 hawkers to remain in the area. I did not know whether they had formed their views before or after joining the working group.
38. I now refer to Paragraph 6 in which FEHD advised they had consulted other relevant Government departments. It is not known during which juncture of time that such consultation had been made as I did not have a copy of the minutes for the meeting held on 20 March 2007.

39. But in August 2006 I had made inquiries to several governmental departments myself.
40. Environmental Protection Department replied that the “*department had not received any report on the environmental impact concerning hawkker activities*” nor being “*consulted about the addition of hawkers in the subject area*”.
41. Fire Services Department (FSD) failed to admit or deny in an affirmative manner, by two letters no less, that their department had been specifically consulted on what impact that might have caused with the proposed addition of 80 odd hawkers.
42. The reason that I had to make inquiries to various departments myself was that officers of Wanchai District Office never replied my queries in a pertinent manner.
43. From the construction of their letters, the way an open forum was organized and arranged, and the opening remarks made by an officer of FEHD in the forum gave me a strong reason to believe information presented to the public bordered on fraudulent misrepresentation.
44. I also refer to paragraph 7 of which I noted “*FEHD have regularly met the concerned parties*”. I believed I was one of the concerned parties but had never been approached for a meeting.
45. In fact, I was not sure which agent whether Wanchai District Office, or the DC or FEHD would be the most appropriate entity to attend to my queries. No one told me.
46. The impression was one would suggest, one would modify the proposal and the other would implement, all within their vested authority. Whatever coming out, no one would be found *ultra vires*.
47. On 24 October 2006, Wanchai District Office wrote the plan of inducting the additional 80 odd hawkers was shelved. My other questions including whether those remaining would be moved according to a standing commitment and what measures would be taken in the interim were left unattended.

Heritage

48. It could be seen what heritage the open-air market had was merely results of various administrative measures taken to dispense, move and relocate the hawkers over the period. The nature of their trading activities was also manipulated from time to time as what the Administration saw fit.
49. Granted, its presence in the past had been tolerated by the residents. But at best it was reluctantly, at least since 90s, and was based on the strength of a promise made that all hawkers would be vacated in the near future.
50. Further, that did not amount to an absolute acquiescence.
51. Residents had appealed to the members of the Legco when a decision was made by the Transport Department (TD) to close down traffic access to Tai Yuen Street (North).
52. The Joint Office of the Hon. Martin C M Lee and The Dr Hon. Yeung Sum agreed to make an inquiry within the ambit of the Legco. The Hon. Audrey EU Yuet-mee also agreed. In fact, the Dr Hon. Yueng Sum had actually visited the street meeting the residents.

53. As an alternative, my company had lodged a judicial review against the TD. The case failed because the originating decision to relocate hawkers around was not made by the TD. TD only closed off the traffic based on an accident record. Nonetheless the judgment was distributed within the Works Bureau, as it was then, for senior officers to note, *inter alia*, potential violation to property rights under the Basic Laws.
54. What followed is, hawkers were licensed on an annual basis to operate; their presence was merely transient and being tolerated without acquiescence. Hawkers had no possession of the street. There were no roots to support a heritage.
55. In stead shops along the street were there for many decades. Lee Tung Street had no presence of hawkers for over 40 years. It had attained its own heritage as a street of wedding cards.
56. The heritage of Wanchai of that area is about a place where residents would wander around in the street freely, jay walking even. It is not of the presence of the hawkers, existence of which was manufactured and manipulated.
57. Putting the cart properly behind the horse, hawkers were attracted by the heritage of the district.

Open-air Bazaar

58. A bazaar suggests a fair or a place of rows of stalls selling miscellaneous items. Most bazaars are either contained within fixed boundaries or being set up on open streets over the weekends only.
59. To this end, Paragraph 5 gave a more accurate description of the area as on-street hawkers which now became mini-stores, securely anchored to the grounds, with hanging commodities protruding out in the opens and selling the same merchandise as the stores in front of which they took shelter. They were no longer vendors of specialties or seasonable favours, like stick of hot sugar cane.
60. The licensees might not be the operators. Pavements congested with inventories and waste.
61. FEHD did not respond or acknowledge the license granting conditions stated in 19 above. They simply ignored the breaching expansion of hawkers.
62. Noted it is never easy for front line officers to deal with the street hawker issue, in Tai Yuen Street and elsewhere.
63. But at least in carrying out their duties, adequate supports should be given to them from the management. It is not enough for one contemplating directives that were to be handed down for operation whilst sitting behind closed doors in hidden alcoves, air-conditioned no less. The heat remained outdoors.
64. Obviously, it would have been easier not addressing to disputes between residents or shop operators with the hawkers and on occasions settling such was not within the jurisdiction of FEDH nor were the duties of the FEDH officers.
65. The traditional value of harmony of good neighbourhood, in particular a host treating a guest with hospitality and a guest trying best to behave whilst being one vanished with the hawkers now licensed with a right to operate in front of whatever shops they were assigned to.

66. Disputes were left to be resolved at the street level.
67. The metal shop owner and his son operating the No 11 shop traded in iron beams at 20 feet length. The beams were very heavy.
68. The street had become crowded over the years with hawkers firmly inducted and lorry could not stay blocking the street for long awaiting them to swing out one beam at a time.
69. It was necessary for them to brought the beams out from the store first and lay them down along the gutter catchment area next to the pavement to facilitate later loading onto the lorry. Also by the time lorry arrived they would have caught their breath again and afresh for quicker maneuver.
70. What disputes that might have constantly emerged with someone sweeping a crowded street with a 20 feet long iron beam at shoulder height would be easily within one's imagination but this is insignificant.
71. In one of the incidents when the father and son doing their daily routine, the son was arrested and convicted for assault.
72. A young boy now holds a criminal record merely because he wanted to make an honest living.
73. The two widows, mother and daughter in law, selling kerosene lanterns just sat in their store watching access being adversely possessed. Not sure if it would be better if they did have a young son or not.
74. This was not an open-air bazaar but on-street peddlers competing with shop operators who were paying rents, rates, MPF, insurance, ever escalating water & electricity bills and so forth, in full.

Equity

75. Along Wanchai Road, there were more hawkers in numbers that the whole street of Tai Yuen Street. They were vacated for vehicle access to the hospital.
76. Along Tai Yuen Street (South), hawkers were vacated for the car park access needed for business activities.
77. With the new LDC project completed, more hawkers were to be vacated because the project had 110 numbers car parks.
78. What hawkers left behind along Tai Yuen Street (North) and Cross Street (West) is a small portion of its prime in number.
79. In order to preserve this area as an open-air bazaar, residents do not enjoy a swift access of ambulances because they do not take their dwelling on Wanchai Street. Shop operators have no vehicle access during their prime business hours because they had no car parks.
80. What's inequitable was the increased traffic generated from the car parks at Tai Yuen Street (South) accumulated into a record of road accidents as the reason to close down Tai Yuen Street (North). As a result, hawkers from the (South) were reallocated to the (North) since the (South) was now conveniently closed down to make way for a clear access to the car parks.

81. What's intriguing was it took a record of road accident covering several years to support the closing off of Tai Yuen Street (North) but in order "*to enhance road safety*", decision to vacate hawkers next to the LPD development was expectantly made.
82. What's more inequitable and intriguing was for the same reason of road safety, vehicle traffic was not allowed to make way for hawkers in Tai Yuen Street (North) but hawkers were not allowed to make way for vehicles next to the LDC project.
83. The irony was the reason why the illegal hawkers were licensed in the first place was to ensure them staying along the sidewalks to make the middle part of the street clear for vehicle traffic. The end perpetuated into a reason for stopping vehicle access.
84. The added injury was whenever hawkers were to be disposed of the dumping area is always Tai Yuen Street (North). For the shop operators there, at least it was consistent.
85. The treatment to closing down traffic behind Sogo was not consistent, however. It went through a trial period and made Pedestrians Access Only outside business hours. Hawkers were not allowed. One must have to assume shop operators in Great George Street were different.
86. The lives of the residents taking home in Tai Yuen Street (North) are not less important than those needed to go to the hospital. Equally the businesses handled by the shop operators pay the same rate of property and revenue tax.
87. If a truly open-air bazaar was that desirable, opposite to the Wanchai market, on the corner of Queen's Road East and Wanchai Road, there was a temporary market, open-aired. But it was ignored and assigned to the LPD project.
88. If someone occasionally visiting the street for old toys and if someone wishing the street turning into a tourist attraction whilst dwelling up in the peak, demand a *status quo* for the sake of nostalgia without putting forth an equitable proposition to all, they can read my lip.

Collective memory

89. There must be some element of nostalgia about it.
90. My mother started up the shop in 1945 shortly before the war ended by hauling in wooden planks that were made into doors and other furniture and fixtures on her own.
91. For over five decades she had been sitting in the shop front manning handy jobs and generally watching the street, deeply absorbed in her nostalgic achievements.
92. The shop had to be moved because the traffic was closed down during the business hours and now my mother has to restitution her living moments from memory.
93. Living in a sound and quiet environment are basic requirements for a healthy life. And to drive the resident away making rooms for tourists by artificial measures is questionable.
94. I was told the Chief Executive, Mr. Tsang, once took residence in Tai Yuen Street. But not every resident in the area can move away in his like fashion.
95. I, as well as many other residents, would be in a better position to talk about nostalgia which, by now, is close to be totally destroyed, if preserving a phony heritage has its way.

Preservation

96. So where is it heading?
97. There was never a heritage of an open-air bazaar to begin with. So there is no place it can go, nor anything of it that needed to be preserved.
98. What we have is a *fait accomplie* mostly due to multiple administrative deficiencies punctuated by sporadic personal wishes and inconsistent preferences.
99. What needed to be preserved is the ground floor small shops business of them, is actually collapsing because some Wan Chai DC members feared hawkers might lose their businesses if relocated to a central market.
100. So are the DC members suggesting small shops owners have to move into malls for survival?
101. The project in Kwun Tong proposed by the Urban Redevelopment Authority (URA) thought otherwise, coming up with plan to retain ground floor shops, not super malls.
102. But then that would be a different DC in Kwun Tong.
103. There had been an open-air bazaar specially set up, not very long ago, in western district. It was not successful nor it was being preserved.
104. But then that was a different DC in Western District.

Plead

105. An open-air bazaar is attractive. But one cannot turn the area into one at the expenses of the residents, in terms of deteriorating health and hygiene conditions, increased risk to living stock and ridding off a fair and equitable opportunity to earn one's livelihood.
106. If the opportunity asking LDC to cater for an open-air bazaar was long gone, there was another project nearby from the URA.
107. It is hoped the Committee by agreeing to recommendations made by FEHD, it does not include the passing remark in paragraph 6 that "*It will also preserve the continual operation of the open-air bazaar in the district to the greatest possible extent.*"
108. It is because in last time, it might be quoted as an endorsement from the Committee for the DC to overturn a resolution made in the last session and a long-standing agreement of ultimately removing all hawkers from the area.
109. Instead it is hoped the Committee could redress a long overdue issue by enforcing the promise made some decade ago to restore the street back to what it ought to be. That was a central market funded and specially built for this.
110. In the interim, a clear set of measures of procedures in enforcing a clean and sound environment must be put in place.
111. Also in the interim, balance of interests and well represented membership from all sectors must be ensured for setting up working group to further follow up this matter.







