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立法會 CB(2)2294/07-08(01)號文件
LC Paper No. CB(2)2294/07-08(01)

Hong Kong, 10 June, 2008

Chair and members of the
Panel on Food Safety and Environmental Hygiene
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong
(Fax: 2869-6794 / email: panel_fseh@legco.gov.hk)

Honourable Chair and Members,

Response to the Review on Hawker Licensing Policy

Enclosed is our response to the paper on the Review on Hawker Licensing Policy by the Administration (CB(2)2147/07-08(03)). In summary we urge:

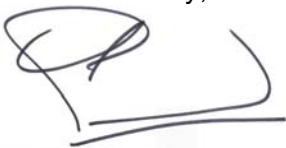
- Immediately issue new temporary hawker licenses for vacant pitches.
- Stop the markets from dying! Don't wait for the review to be completed!

As for the review itself, we make 10 recommendations:

- 1 - Involve the public in the review;
- 2 - Broaden the scope and include performances, promotions, etc;
- 3 - Designate and design hawker areas with quality facilities (and fix existing ones);
- 4 - Include pleasure grounds (lcsd) and passages/open spaces in private properties;
- 5 - We can expand the number of wet markets and cooked food stalls with well designed places;
- 6 - Introduce a new category 'Temporary Hawker Permitted Areas' (temporary markets and bazaars);
- 7 - Hawkers can only have one pitch - don't normalize the illegal occupation of vacant pitches;
- 8 - Licenses are limited in time to one pitch and only available through auction or other fair manner;
- 9 - Limit the number of mobile hawkers, but allow cooked food hawkers subject approval of their pitch (Safeguard HK's culture, and feed the tourists: license chest nut and tofu dessert hawkers);
- 10 - Hawkers must pass a test to demonstrate they know and understand the rules.

Herewith we so submit for your urgent consideration,

Yours sincerely,



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Private rights over public space: Review on Hawker Licensing Policy **Prepared by Designing Hong Kong, June 10, 2008**

We welcome the review on hawker licensing policy announced by the Food and Health Bureau and the Food and Environmental Hygiene Department in their paper to the Legislative Council on 10 June 2008 (LC Paper No. CB(2)2147/07-08(03)).

1. New licenses needed urgently as an interim measure in parallel with the review

Having stopped issuing new hawker licences since the early 1970's, retirement and death of the remaining license holders is resulting in a growing number of vacant pitches in hawker bazaars such as the Graham and Peel Street Markets. Urgent action is needed so that new license holders can revitalize these markets, maintain their critical mass and stop their dilapidation and demise. In other bazaars, vacant pitches are resulting in illegal occupation. We call for the urgent issue of new temporary licenses for selected bazaars as an interim measure.

2. Consult the public over the Hawker Licensing Policy

In addition to District Councils and hawker associations, the community at large must be invited to participate in the review. In addition to a digest and website, we urge the relevant Bureau and Departments to organize one or more public forums to stimulate the discussion.

3. Broaden the scope of the review: Private rights over public space

Why limit the review to the sales of tangible commodities with the use of a fixed or mobile pitch in public space?

In addition to fixed-pitch and mobile hawking, there is a range of private activities on public space which overlap: 'outside seating' (limited number accommodated so far with restaurant licences); promotions in public spaces (unregulated and a growing number of complaints); and performances in public spaces (opaque regulations).

There are an increasing number of temporary bazaars where goods and services are promoted and/or sold and there is a latent demand for more such as book fairs, flower markets, second hand markets, food markets, festivals and carnivals on a ad-hoc or regular (annual/weekly) basis including on new areas along the harbourfront.

With the diversification of public space, the policy review should not only cover the streets and side walks, but include pleasure grounds as well as public spaces and passages on private land.

4. Separate the ‘designation of hawker places, areas or zones’ from ‘licensing policy’

The designation of areas for hawkers and the number of hawker pitches should become a deliberate policy with a mechanism involving both the Government, district councils and the community.

To minimize nuisance, obstruction and environmental hygiene, the designation of areas for hawking should be well planned and must include considerations for drainage, electricity and water as well as the management including traffic and cleansing. The design and support for existing ‘bazaars’ must be reviewed and enhanced where needed.

Hawker permitted places, areas and zones should be marked on Outline Zoning Plans to ensure that these are well recognized and catered for.

We propose to distinguish between:

- ‘Single hawker permitted place’ (i.e. for a fixed-pitch newspaper stand).
- ‘Permanent hawker permitted area’ (a pedestrian precinct, promenade or portion of a pleasure ground designated for a permanent open air bazaar with fixed pitches and support facilities).
- ‘Temporary hawker permitted area’ (a street, pedestrian precinct, promenade, portion of a pleasure ground, or vacant land designated for temporary pitches for a specific time – either regular or once off – with relevant support infrastructure).
- ‘Hawker permitted zones’ (areas where mobile hawkers can operate subject to area specific guidelines and the conditions of the hawker’s license).

Within each area, one hawker license holder can only operate one pitch. Where necessary the size of existing pitches should be rationalized based on the current practice and demand. In no instance should the illegal occupation of adjacent pitches be normalized.

5. Permitted goods and services – and the design of the area

In designating hawker areas, the permitted type of goods and services (dry, wet, food, and cooked food) must be considered, as this will have an impact on the planning of the area including drainage, refuse transfer, management and cleansing.

In principle and despite the practical hygiene difficulties, the number of open-air wet markets, cooked food bazaars, and Dai Pai Tongs can be expanded as long as these are well planned.

6. New hawker licensing policy

To keep the trade vibrant and to afford opportunities to those who want to enter, any and all new hawker licenses are limited in time and to one pitch only. Licenses are issued and obtained following an auction or other fair and just manner.

The transfer of any existing hawker license should be limited to family members who are registered as joint operators of the mobile or fixed pitch, and only in case of death or ill health.

Obtaining hawker licenses can be made subject to the completion of a test to ascertain the knowledge of relevant rules and regulations.

7. Fixed pitch hawker licensing including cooked food

Fixed pitch license holders can only be assigned one fixed pitch, or be allocated one pitch for the same goods/services at one or more temporary bazaars. For example, a book seller should be able to apply for and obtain a pitch at various book fairs – should such temporary markets occur regularly at different times in different districts.

Fixed pitches licenses for cooked food and refreshments including Dai Pai Tongs should be approached with an open mind, and be allowed in open air markets which are planned and designed to cater for these products.

8. Itinerant (mobile) hawker licensing including food and promotions

Although we support that itinerant hawker licences are strictly controlled and in line with the capacity of specific trading zones, we believe that a more flexible approach is required.

Mobile hawker licenses should have conditions on their use which should be related to the type of pitch they use (car/van, bike, push cart, sandwich board/banner), the goods/services they sell or promote and the zone(s) they can operate in.

The issuing of itinerant licenses must be made subject to the approval of the mobile pitch. A system must be adopted which allow operators to propose new mobile pitch types for approval.

In addition to 'ice cream vendors', other products should be allowed subject to the quality of the pitch, including rationalizing chest nut, tofu dessert and peanut candies hawkers which are part of Hong Kong's culture or new culture ideas such as hot dog or pop corn stands.

With the expansion of 'promotional hawkers' using banners, stands, pitches or vans, the itinerant hawker licensing has to be expanded to cover the sale of services and promotions without sales transactions.