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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 10 February 2009**

Review on hawker licensing policy

Purpose

This paper gives an account of the past discussions by the Panel on Food Safety and Environmental Hygiene (the Panel) on the review on hawker licensing policy.

Background

2. The Administration has stopped issuing new hawker licences under normal circumstances since the early 1970s. Succession and transfer of hawker licences already issued are also subject to stringent restrictions. A hawker licence will be cancelled upon the death of the licensee. "Succession" of a licence refers to the issuance of a new licence to the immediate family member of a deceased licensee. If a licensee, on grounds of, for example, old age or ill health, makes an application for his family member to replace him as the licensee, it will be regarded as a licence "transfer". The succession and transfer restrictions for different types of hawker licences are as follows -

- (a) General Fixed-Pitch Hawker Licence can be succeeded by or transferred to the "immediate family member" of the licensee (i.e. parent, spouse, son or daughter).
- (b) "Dai Pai Tong" licences are also a kind of Fixed-Pitch Licences, which, according to current arrangements, may only be succeeded by or transferred to the licensee's spouse.
- (c) Succession to and transfer of Itinerant Hawker Licence is not allowed. Itinerant Hawker Licences are classified into three main categories, namely Itinerant Hawker Licences for selling wet and dry goods, Itinerant (Frozen Confectionary) Hawker Licences (commonly known as "small ice cream vendors") for selling frozen pre-packaged confectionary such as ice-cream, and Itinerant (Mobile Van) Hawker Licences (commonly known as "ice cream vans") for selling soft ice-cream from pre-prepared mixture.

Voluntary surrender scheme for hawker licences

3. As "Dai Pai Tongs" and itinerant hawkers were more likely to cause environmental hygiene problems, noise nuisance as well as obstruction of public passages, a five-year voluntary surrender scheme for hawker licences was introduced in 2002 to encourage "Dai Pai Tong" licensees and itinerant hawkers to surrender their licences voluntarily in exchange for a one-off ex-gratia payment, rental of a vacant stall in public markets/cooked food centres under concessionary terms, or becoming a (non-cooked food) fixed pitch hawker. The voluntary surrender scheme applicable to "Dai Pai Tongs" ended on 30 November 2007, while the scheme applicable to itinerant hawkers has been further extended to 31 December 2009.

Past discussions

4. At the meeting on 10 June 2008, the Panel was briefed on the Administration's preliminary ideas on hawker licensing policy review as follows -

Issuing new hawker licences

(a) Fixed-Pitch Hawker Licence

- (i) Consideration might be given to issuing licences to new operators for trading in the vacant pitches or allowing licensees of adjacent pitches to use these vacant pitches as an expanded business area while paying the relevant fees, provided that the current number of fixed pitches was maintained.
- (ii) District Councils might, when a "Dai Pai Tong" was closing down because of the death of the licensee or other reasons, advise the Government on whether that "Dai Pai Tong" should be allowed to continue to operate in situ, after having regard to the specific circumstances of the district and the residents' aspirations. If the District Council indicated support for the continued operation of the "Dai Pai Tong" in situ, consideration might then be given to arranging for the succession and transfer of licence to "immediate family members" apart from the spouse of the licensee or issuing a new licence to an interested operator.

(b) Itinerant Hawker Licence

- (i) Existing policy of not issuing new itinerant hawker licences for selling wet and dry goods should be maintained.
- (ii) Existing arrangement that there should be no succession or transfer of itinerant hawker licences should be maintained.
- (iii) Re-issuance of a fixed number of Itinerant (Frozen

Confectionary) Hawker Licences and Itinerant (Mobile Van) Hawker Licences should be acceptable, provided that the food safety and environmental hygiene conditions would not be jeopardised.

Validity period and succession and transfer of hawker licences

- (i) Consideration might be given to specifying a validity period, say, three or five years, for new hawker licences, including those issued on "succession" or "transfer" of licences, and disallowing further succession or transfer of these licences.

5. Hon Tommy CHEUNG was of the view that as on-street "Dai Ping Tongs" were part of local heritage that deserved preservation, the Administration should re-issue "Dai Ping Tong" licences if suitable sites could be identified.

6. Some members, including Hon Fred LI and Hon WONG Yung-kan, were of the view that imposing a validity period for new hawker licenses and disallowing further succession or transfer of these licences would discourage interested operators from entering the trade.

7. The Administration pointed out that hawker licences should not be regarded as commodities available for free transfer or trading in the market. Specifying a validity period for new hawker licences and disallowing further succession or transfer of these licences would maintain the vitality of the trade through the keeping of the right to operate mobile, and affording opportunities to those interested in entering the trade.

8. Concern was raised about the adverse impact of the re-issue of Itinerant (Frozen Confectionary) Hawker Licences and Itinerant (Mobile Van) Hawker Licences on the existing licensees. The Administration advised that the re-issue of any type of hawker licences would be carried out in a fair and just manner. The detailed arrangements were being studied.

9. On the criteria for issuing new hawker licences, the Administration's initial thinking was that no existing licensee would be allowed to apply for another hawker licence. Applicants for "Dai Ping Tong" licences would be accorded a lower priority if they were holders of food business licences.

Relevant papers

10. Members are invited to access the Legislative Council website (<http://www.legco.gov.hk>) for details of the relevant paper and minutes of the meeting.