

**For discussion
on 14 July 2009**

LegCo Panel on Food Safety and Environmental Hygiene

Licensing of Bootblack Hawkers

PURPOSE

This paper seeks Members' views on the Administration's proposal to issue fixed pitch hawker licences to bootblack hawkers who provide bootblack services in the Central and Western District.

BACKGROUND AND RECENT DEVELOPMENT

2. Since the early 1970s, the Administration has stopped issuing new hawker licences under normal circumstances. As a result of natural attrition, there is no longer any licensed fixed pitch bootblack hawker in Hong Kong.

3. In March and April this year, the Food and Environmental Hygiene Department ("FEHD") prosecuted five persons who provided bootblack services without a licence in public places in the Central and Western District when it followed up on public complaints against obstruction caused by a bootblack hawker and took enforcement against unauthorised display of "easy-mount frames". These prosecutions received wide media coverage. There were views that bootblack was one of a few remaining traditional trades in Hong Kong and the bootblack hawkers in the Central and Western District had long been in operation. They were part of the District's characteristic and Hong Kong's local culture worthy of preservation. The Administration has been asked to consider issuing hawker licences to those who have been engaging in bootblack business for a long time to allow them to continue their business legally. The Food and Health Bureau and FEHD have reviewed hawker licensing policy and decided to re-issue "small ice cream vendor" itinerant hawker licences and relax the requirements for succession and transfer of "Dai Pai Tong" licences to meet public aspirations for preserving traditional

trades. Some members of the public consider that the Government should treat bootblack hawkers in the same manner and grant them hawker licences.

CONSIDERATIONS

4. Currently, Hong Kong no longer has licensed hawker who operates bootblack business. During the review of and consultation on hawker licensing policy conducted earlier, the Administration did not receive any suggestion for new issue of bootblack hawker licences. Nevertheless, one of the conclusions drawn as a result of the review is that the District Councils should play a stronger role in hawker licensing and management at the district level to ensure that hawker licensing policy meets different local needs. Accordingly, if the bootblack hawkers in the Central and Western District intend to apply for hawker licences for in-situ operation of bootblack business, FEHD will consult the Central and Western District Council (C&WDC) and relevant departments.

LATEST DEVELOPMENT

5. FEHD has contacted eight bootblack hawkers in the Central and Western District at this stage and learnt that they intend to apply for hawker licences for in-situ operation of bootblack business.

6. In view of the special circumstances of these unlicensed bootblack hawkers, their limited numbers, and the facts that their operation seldom causes environmental hygiene nuisance and they have operated in the district for many years, FEHD agrees in principle to issue fixed pitch hawker licences to them, and will consult C&WDC. Provided that C&WDC and the local community give their support to the bootblack hawkers' licence applications and relevant departments have no objection to their current sites of operation, FEHD will provide fixed hawker pitches in situ and issue eligible applicants with Fixed Pitch (Bootblack) Hawker Licences. Should the relevant departments consider the current sites unsuitable for use as fixed pitches, FEHD will consider allowing them to carry on business at existing vacant fixed hawker pitches which are suitable for bootblack business. They are required to submit applications within six months after receiving the invitation from FEHD, or they

will be deemed to have given up the opportunity to apply for a licence.

7. All applicants are subject to the eligibility requirements applicable to other licensed hawkers and are required to pay relevant fees. No succession or transfer of the new hawker licences is allowed.

8. In future, if bootblack hawkers who have been operating in other districts for a long time apply for hawker licences and their applications receive support from the relevant District Councils, the Administration will consider and follow up on their applications with an open mind.

ADVICE SOUGHT

9. Members are invited to note the contents of this paper and offer their views.

**Food and Health Bureau
Food and Environmental Hygiene Department
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