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Your Ref: (17) in FEHD C/W(EH) 104/898

貴行檔案編號

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Date:

日期

15th July 2009

Please reply to:

回函請覆

Mr. Victor Yeung

BY FAX (2851-7653) AND BY HAND

The Director of Food and
 Environmental Hygiene Department,
 Central/Western District Environmental
 Hygiene Office,
 10/F, Sheung Wan Municipal Services Bldg.,
 345 Queen's Road Central,
 Hong Kong.

URGENT

For the attention of Senior Health
 Inspector Ms. Ho Kit-yi

Dear Sir,

**Re : Review on hawker licensing policy;
 Applications for hawker licences for in-situ operation of bootblack business;
 Theatre Lane, Central**

We act for Yin Nin Savings, Mortgage Loan and Land Investment Company Limited and its associated company Luk Hoi Tong Company Limited ("the Group").

We are instructed that since 1931 the Group has become the owner of a piece of land adjacent to Theatre Lane in Central, that is, No. 31 Queen's Road Central (Inland Lot No.2316), where the former Queen's Theatre and Luk Hoi Tong Building located. The management of the Group had been engaging in the building management of the former Queen's Theatre and Luk Hoi Tong Building over decades and they are very conscious about the environmental hygiene nuisance and public safety issues of the surrounding areas, in particular, the Theatre Lane.

In 2004 there was an inter-Group transfer of the land from Yin Nin Savings, Mortgage Loan and Land Investment Company Limited to Luk Hoi Tong Company Limited for implementation of a re-development project. As part and parcel of the re-development project, the former Queen's Theatre and Luk Hoi Tong Building were demolished in 2007. In coordination with the future development in the vicinity, the management of the Group also included public interest elements in its decision-making for the re-development project and entered into a Modification Letter with the Government in October 2004, whereby a number of covenants were made by the Group for the public good and improvement of the public vehicular and pedestrian traffic in the vicinity, in particular, the Theatre Lane.

The Group is aware of the recent wide media coverage of the plight of certain unlicensed bootblack hawkers, the review of bootblack hawkers licensing policy by the LegCo Panel on Food Safety and Environmental Hygiene, the Food and Health Bureau and your department and the strong lobby by political groups for the issue of new bootblack hawkers licences. We do have conviction and belief that sound policy will be laid down by the administrative to take care of and balance the interest of all spectrum of the society as well as private interest.

However, the LC Paper No.CB(2)2155/08-09(01) submitted to the LegCo Panel on Food Safety

and Environmental Hygiene for discussion on 14 July 2009 does raise our client's great concern over the issue. In paragraph 5 of the LC Paper, it was revealed that your department has contacted eight bootblack hawkers in the Central and Western District and they intend to apply for hawker licences for in-situ operation of bootblack business. It was also indicated in paragraph 6 of the LC Paper that your department agrees in principle to issue fixed pitch hawkers licences to them and will consult the Central and Western District Council.

With all due respect, we must say that no government policy should be indiscriminately applied in each case without regard to its particular facts and circumstances. In a letter written by the Luk Hoi Tong Co. Ltd. to your department on 22 June 2009, the Group has already brought out some of the points and factors for your consideration on the issue of in-situ operation of bootblack hawkers at the Theatre Lane. We believe our client does have a legitimate expectation to be heard in the decision-making process of the licensing authority for issuing fixed pitch bootblack hawker licences at Theatre Lane and to make full representation on this particular matter before a decision is made.

In the circumstances, we do expect an opportunity to make full representation to the licensing authority on behalf of our client if any application for fixed pitch bootblack hawker licence at Theatre Lane is received. Please kindly inform us if such application is received by the licensing authority. We have standing instructions to submit full representation in writing within reasonable time.

In the meantime, all our client's rights and interest are reserved.

Yours faithfully,

Tso Au Yim & Yeung
YY (FEHD-1)

c. c.

- (1) The LegCo Panel on Food Safety and Environmental Hygiene (fax no.: 25371851) ←
- (2) The Director of Food and Heath Bureau (fax no.: 2189 2748)
- (3) The Chairman of Central and Western District Council (fax no.: 2542 2696)
- (4) Client