

立法會
Legislative Council

LC Paper No. CB(2)981/10-11

(These minutes have been
seen by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of meeting

**held on Tuesday, 14 December 2010, at 2:00 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon KAM Nai-wai, MH
Dr Hon LEUNG Ka-lau
Hon WONG Sing-chi
Hon Alan LEONG Kah-kit, SC

Members absent : Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon WONG Yuk-man

Members attending : Hon LEUNG Yiu-chung
Hon Starry LEE Wai-king, JP

Public Officers attending : Items IV to VI
Prof Gabriel M LEUNG, JP
Under Secretary for Food and Health

Ms Rhonda LO Yuet-ye, JP
Assistant Director (Operations) 2
Food and Environmental Hygiene Department

Items IV and V

Mr Owin FUNG Ho-yin
Principal Assistant Secretary for Food and Health (Food) 3

Ms Esther WANG Oi-kuen
Chief Treasury Accountant

Item VI

Miss WONG Shuk-han, Diane
Principal Assistant Secretary for Food and Health (Food) 2

Mrs Vicki KWOK WONG Wing-ki, JP
District Officer (Yau Tsim Mong)
Home Affairs Department

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2)4

Staff in attendance : Ms Maisie LAM
Senior Council Secretary (2)6

Ms Catherina YU
Senior Council Secretary (2)7

Miss Maggie CHIU
Legislative Assistant (2)4

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I. Confirmation of minutes
(LC Paper No. CB(2)491/10-11)

The minutes of the meeting held on 9 November 2010 were confirmed.

II. Information paper(s) issued since the last meeting

(LC Paper Nos. CB(2)424/10-11(01), CB(2)531/10-11(01) and CB(2)552/10-11(01))

2. Members noted that the following papers had been issued since the last meeting –

- (a) an information paper provided by the Administration on the Voluntary Surrender Scheme for Itinerant Hawker Licences;
- (b) a letter dated 8 December 2010 from Hon Albert CHAN concerning the regulation of pesticide; and
- (c) a letter dated 9 December 2010 from Hon KAM Nai-wai concerning the proposed ban on trawling activities in Hong Kong waters.

3. Members noted that the Administration had been requested to provide a written response to Mr Albert CHAN's concern on regulation of pesticide.

4. On Mr KAM Nai-wai's proposal to hold a meeting in January or February 2011 to gauge the views and concerns of the fisheries trade and environmental bodies on the proposed ban on trawling activities in Hong Kong waters before the introduction of the legislative and funding proposals, the Chairman advised that the Administration planned to brief the Panel on the relevant proposals in March 2011.

5. In response to the Chairman's enquiry about the consultation conducted by the Administration and the legislative timetable on the proposed ban on trawling activities, Under Secretary for Food and Health ("USFH") said that the Administration had been consulting the fisheries trade and stakeholders on the trawl ban and the voluntary buy-out scheme for eligible trawlers to be affected by the proposed ban since the announcement of the initiative in the 2010-2011 Policy Address. This item had been scheduled for the Panel meeting in March 2011. Subject to the views of the Panel, the Administration would amend the Fisheries Protection Regulations (Cap. 171A) to effect the initiative. The Administration's plan was to table the amendment regulation for negative vetting by the Legislative Council and seek funding support for the voluntary buy-out scheme from the Finance Committee before the end of this legislative session.

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6. The Chairman suggested and members agreed that Mr KAM's proposal would be reconsidered after receiving the Administration's paper on the relevant proposals. Mr KAM opined that should the concrete legislative and funding proposals be put forward only until March 2011, it might not be possible for members to complete the scrutiny of the legislative amendments and consider the funding proposal for the buy-out scheme within the current legislative session.

III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)492/10-11(01) and (02))

7. Members agreed to discuss the following items proposed by the Administration at the next meeting to be held on 11 January 2011 –

- (a) Chicken vaccine (Avian Influenza Vaccine Trial of a Chinese-origin (Re-5) Vaccine);
- (b) Creation of a Principal Veterinary Officer post in the Agriculture, Fisheries and Conservation Department; and
- (c) Progress report on measures to step up environmental hygiene to tackle human swine influenza.

8. The Chairman suggested and members agreed to reschedule the regular meeting in February originally scheduled for 8 February 2011 to 15 February 2011 at 10:45 am.

IV. Public market rentals and air-conditioning charges

(LC Paper Nos. CB(2)492/10-11(03) to (04), CB(2)553/10-11(01) and CB(2)569/10-11(01))

9. The Chairman informed members that the Administration's response to Mr Fred LI's letter dated 14 December 2010 concerning public market rentals and air-conditioning charges was tabled at the meeting for members' reference (LC Paper No. (2)588/10-11(01)).

10. USFH took members through the new proposals for the rental adjustment mechanism and arrangements to recover air-conditioning charges, as detailed in the Administration's paper (LC Paper No. CB(2)492/10-11(03)).

11. Mr WONG Kwok-hing said that over 100 market stall operators staged

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a demonstration prior to the meeting to express their strong objection to the proposed rental adjustment mechanism and their dissatisfaction that the Administration had not consulted them before drawing up the proposals. Mr WONG suggested that a special meeting be held to gauge the views of the representatives of public market tenants and the market trader associations on the proposed rental adjustment mechanism.

12. Mr WONG Kwok-hing criticized that the primary objective of the Administration's paper was to adjust public market stall rentals based on the principles adopted in the one-off tenancy transfer scheme and to bring the existing rentals to the level of open market rent ("OMR") by three equal annual increments. However, the Administration had shown no regard to the livelihood of the market stall operators. Mr WONG said that there were different historical reasons for the operators to move into public markets. Some of them were re-sited to public markets by the Administration in order to regulate street hawking activities, and some others were attracted by the concessionary rental arrangements introduced by the Administration in light of the high vacancy rate in public markets. Mr WONG was of the view that adjusting the public market rental across the board was unfair to these stall operators as the proposed rental adjustment mechanism failed to take into account different historical considerations. Mr WONG added that public markets were crowded and the operating conditions could hardly compete with those of the commercial premises and supermarkets.

13. Mr WONG Kwok-hing commented that it was unreasonable to use the actual average rental of the stalls of the same category of business in the same market as the basis of rental adjustment since the patronage of a stall depended very much on its location. The Administration should therefore take into account the locality of individual markets in determining the level of rentals. Mr WONG further said that having regard to an upward inflationary trend, rental adjustment based on OMR would result in rises in the prices of merchandises and the general public would suffer from even higher inflation. The Administration's proposal to raise the rentals to the OMR level in three years would exacerbate the inflation problem. Mr WONG did not support the Administration's proposal and stressed that it was essential for the Administration to listen to the views of market stall operators.

14. Mr Vincent FANG echoed Mr WONG Kwok-hing's view and considered that it was unreasonable to increase the market stall rentals to the OMR level. He said that the historical reasons had contributed to rental disparity among market stalls. He was of the view that the Audit Commission's recommendations focused mainly on the financial aspects and

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did not take heed of the historical factors, and the unique operating environment of public markets.

15. Mr Vincent FANG opined that public markets were unattractive to potential operators and customers because of its lacklustre operating environment. Mr FANG said that stall operation was small business and the rentals of market stalls should not be charged at OMR. The Administration should instead offer concessionary rentals and improve the business environment of public markets so as to attract more potential operators and customers and induce the operators to continue their business in public markets. When the operators could make a profit, they would be willing to pay a higher rent.

16. Mr Vincent FANG pointed out that the shop tenants were normally not required to pay air-conditioning charges for common areas in commercial premises. In his view, it was unreasonable for the Administration to charge the stall operators with the air-conditioning charges for common areas in public markets.

17. As regards air-conditioning charges, USFH explained that the arrangement for recovery of air-conditioning charges for public markets was the same as that for other government premises. USFH said that it was worth noting that the design of commercial premises was different from public markets in that customers would usually conduct their shopping in markets' common areas. It was therefore not appropriate to compare the arrangements to recover air-conditioning charges for commercial premises with those for the public markets.

18. USFH said that the positioning of public markets, supermarkets and fresh provision shops were different. The public market stalls served important social functions in that they were the major sources of cheaper fresh provisions for the public at large and provide employment opportunities for the grassroots. USFH clarified that OMR referred to in the Administration's paper was not the prevailing rentals in commercial premises. It was the market rental assessed by the Rating and Valuation Department ("RVD") by making reference to the location of the public market, the layout and size of the market stalls, the location of the stalls within the market, customer flow and their historical background. USFH stressed that as demonstrated by the allocation of additional recurrent expenses on the management of public markets, the Administration was committed to improving the operating environment of public markets. The objective of the rental adjustment mechanism was neither to achieve the principle of full cost recovery nor to bring the rental of public market stalls on par with the

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commercial market, but to rectify the long standing problems of having different versions of rental adjustment mechanisms in the territory used in the Urban Council and Regional Council eras. USFH added that the Administration was open-minded on the level of rental adjustment and the timetable to implement the mechanism. The Administration would take into account members' views on the proposed rental adjustment mechanism, such as whether different rental ceilings should be adopted for different trades, and if so, the mechanism for determining the level of rentals.

19. On actual average rental ("AAR"), USFH said that as the rentals in public markets had been frozen since 1998, some market stalls had been paying concessionary rentals which were far below OMR. While OMR would reflect adequately the prevailing rental values, it had not taken into account the uniqueness of individual markets in the light of the historical considerations. As there was a host of historical factors that had led to the problem of rental disparity, a rental adjustment mechanism based on AAR would help minimise rental disparity among stalls of the same category in the same market on the one hand and take into account the historical problems on the other.

20. Mr KAM Nai-wai said that as rightly pointed out by the Administration, some of the stall operators were willing to move into public markets mainly because of the concessionary rental arrangements so offered. It was therefore unfair for these operators to be bound by the proposed rental adjustment mechanism. Mr KAM suggested that the rental adjustment arrangements for these operators be held in abeyance.

21. Mr KAM Nai-wai considered it important for the Administration to clarify the meaning of OMR. He asked about the mechanism for determining OMR, in particular whether OMR had made any reference to the rentals of shops in the vicinity of a public market.

22. USFH reiterated that OMR was not the prevailing rentals in the commercial sector. He stressed that the Administration appreciated the historical reasons but was of the view that they should be dealt with according to circumstances and in the course of time.

23. Pointing out that one of the factors for assessing OMR was the location of the market, Mr KAM Nai-wai enquired the weighting of this factor in OMR and whether the rentals of the shops in the locality would also be considered in assessing OMR. Mr KAM said that OMR should be set at a level which could help maintain the competitiveness of the market stalls. He

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remained of the view that the new rental adjustment mechanism should not apply to those stall operators who had been re-sited into public markets.

24. Mr Alan LEONG pointed out that as stated in the Public Accounts Committee ("PAC") Report No. 51, public markets must serve the primary purpose of their existence, i.e. providing active market services to the community, otherwise they would not justify the high building and operation costs and that the Administration's policy on the provision of public markets should be conducive to ensuring that the public markets could give full play to their functions to effectively serve the needs of the community. The PAC Report also mentioned that another social function of public markets was to provide employment opportunities for the grassroots. Despite the fact that the Administration had spent over \$500 million a year to operate the public markets, the vacancy rate was still high. Mr Alan LEONG further said that since the Administration lacked a policy on the positioning of public markets at the time when the Audit Commission conducted the review on the management of public markets, the Audit Commission's recommendations were only based on the available financial information. Mr LEONG remarked that should there be a comprehensive policy pertaining to maintaining the social functions of public markets, the outcome of Audit Commission's review might be different.

25. Mr Alan LEONG said that in the event that large consortia attempted to monopolize the stalls of the same trade in a public market by offering high rentals in open auctions, the actual average rental would be distorted under the existing calculation method. Mr LEONG also enquired about the classification of category of trade for the purpose of calculation of the AAR.

26. USFH responded that as detailed in paragraph 8 of the Administration's paper, a series of measures had been taken to promote the development and to boost the competitiveness of public markets. Regarding the concern about the monopoly by consortia, USFH said that he did not see the problem in public markets. He elaborated that consortium-led monopoly would only be possible in markets with high vacancy rate; however, it was not likely for any consortia to offer high rentals for stalls in such markets.

27. Regarding the categorisation of business for the purpose of AAR, Assistant Director (Operations) 2/Food and Environmental Hygiene Department ("AD(Ops)2/FEHD") said that adopting the method used in the one-off tenancy transfer scheme, the Administration had classified 19 trades into some 930 categories of stalls in the 103 public markets. The AAR of a stall in a public market was calculated based on the same category of

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business in the same market. Therefore, it would not be unduly affected by the rentals of other public markets.

28. The Chairman commented that since there was no ceiling to cap the number of stalls of the same trade in individual markets, this attributed to the keen competition of some trades within a public market. The Chairman was of the view that using the median rental as the basis of rental adjustment mechanism would be more desirable to minimize rental disparity than the AAR approach if the highest and the lowest rentals varied greatly. The Chairman suggested the Administration to consider using the median rental in the new rental adjustment mechanism.

29. Mr WONG Kwok-hing disagreed with USFH's advice that RVD had not made reference to the rentals in the vicinity of the public markets in assessing OMR. Citing his experience as a former Municipal Councillor in the rental determination exercise in connection with the relocation of stall operators in Chun Yeung Street Market to Java Street Market, he was given to understand that RVD had made reference to the rentals of the fresh provision shops in the vicinity and imposed a discount factor when determining the rentals for stalls in Java Street Market.

30. Mr WONG Kwok-hing said that the AAR approach would probably result in a substantial increment. Illustrating the rental distribution in Tai Po Hui Cooked Food Centre as an example, Mr WONG advised that a total of 40 stalls belonged to the same category of business, and the rentals ranged from \$61,000 to some \$5,000. The second highest and second lowest rentals were \$60,000 odd and \$6,000 odd respectively. After excluding the highest-rental paying stall and the lowest-rental paying stall, the AAR would still be very high and hence resulted in a substantial increment in rental. Mr WONG shared the view of the Chairman that the median rental would be a viable method for rental adjustment and urged the Administration to explore more options for consideration. He reiterated that in proposing the rental adjustment mechanism, the Administration should take into account the impact of the rental increase on the market stall operators as opposed to merely aiming at responding to the Audit Commission's recommendations.

31. Mr Vincent FANG noted from paragraph 8(3) of the Administration's paper that as at October 2010, a total of 1 421 vacant stalls had been let out through lowering the upset auction prices to 80% and 60% of OMR. He enquired about the percentage of these 1 421 stalls represented in terms of the total number of stalls in public markets. He said that some of these stalls were used for storage purpose and had an adverse impact on the image and the customer flow of the public markets. Mr FANG opined that the high

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vacancy rate in public markets was attributable to the Administration's poor management. Instead of increasing the rentals, the Administration should first improve the operating environment and reduce the rentals with a view to improving the occupancy rate in public markets.

32. USFH reiterated that OMR was assessed by RVD in accordance with the established mechanism. He then clarified that it would be a breach of the tenancy if stalls in public markets were used for storage only. It had never been the Administration's stance to increase the rental income by letting out the vacant stalls as warehouses. Staff of Food and Environmental Hygiene Department ("FEHD") had been working very hard in managing public markets. If irregularities were found in the use of public market stalls, FEHD would take enforcement action as appropriate.

33. At the request of some members, the Chairman said that a special meeting would be arranged to gauge views of stall operators and trader organisations on 22 February 2011. A notice should be posted onto the LegCo website to invite views from members of the public. Representative from RVD would be invited to explain their basis in assessing OMR. Members agreed.

V. Review on provision of cooked food markets and cooked food centres

(LC Paper Nos. CB(2)492/10-11(05) to (06))

34. USFH briefed members on the findings of the review on the existing provision of 25 free-standing cooked food markets ("CFMs") and 39 cooked food centres ("CFCs") attached to wet markets as detailed in the Administration's paper.

35. Mr KAM Nai-wai sought information from the Administration on the number of CFMs/CFCs which had not installed air-conditioning system and the frequency of the repair and maintenance works conducted by the contractors of the Electrical and Mechanical Services Department ("EMSD") for the ventilation system of CFMs/CFCs. Noting that more than 40% of the respondents to the patron survey considered that ventilation of CFMs/CFCs should be improved, Mr KAM further enquired whether the Administration had any plan to carry out large-scale improvement works to the ventilation of all CFMs/CFCs with a view to enhancing their business environment and safeguarding the health of the tenants and patrons.

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36. USFH advised that the retrofitting of air-conditioning system and improvement works to ventilation system in CFMs/CFCs might not be feasible in some cases due to the physical constraints therein.

37. AD (Ops)2/FEHD responded that at present, two CFMs (i.e. Queen Street CFM and Mong Kok CFM which commissioned operation in 2004 and 2005 respectively) and 20 CFCs were installed with air-conditioning system. The difference between CFMs and CFCs was that the latter were attached to wet markets. She pointed out that the majority of the 25 free-standing CFMs were located in the industrial areas to provide catering facilities to people worked nearby. For the remaining 23 CFMs which were built between 1979 and 1991, they were not fully enclosed on all four sides to provide natural ventilation. Hence, installation of air-conditioning system in these CFMs was not feasible due to technical constraints. The issue of retrofitting of air-conditioning system in CFCs had been discussed now and then in some markets and considerations were given to the design of the building, technical feasibility as well as the level of support from the tenants. AD (Ops)2/FEHD further advised that the Administration would continue to bring about improvement works in CFMs/CFCs to enhance their business environment where necessary. For instance, improvement works including upgrading of ventilation system were carried out in Po On Road Market cum CFC and Fa Yuen Street Market cum CFC in 2009-2010.

38. Citing the Queen Street CFM as an example, Mr KAM Nai-wai criticised the Administration's slow progress in carrying out the maintenance works of CFMs/CFCs. Mr KAM further said that EMSD should put in place a set of standards to assess the ventilation of CFMs/CFCs under which the Administration would draw up corresponding improvement measures, instead of acting on complaints. He took the view that the Administration should look into this problem. AD (Ops)2/FEHD supplemented that EMSD and the Architectural Services Department would carry out regular checks and maintenance works of CFMs/CFCs.

39. Mr KAM Nai-wai advised that Queen Street CFM was divided into 15 stalls in order to fulfill the Administration's resiting commitment and each stall was provided with only about 10 seats, which were far from adequate to meet the demand at times of high patronage. This showed that the Administration's substandard planning for CFMs/CFCs.

40. Mr WONG Kwok-hing expressed disappointment at the preliminary conclusion of the review that the Administration did not see the need for building new CFMs/CFCs to resite on-street licensed "Dai Pai Tong". Expressing the view that the existence of CFMs/CFCs could on the one hand

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provide small traders with business and employment opportunities to counter the rent increase by The Link shopping centres, and on the other hand facilitate access of the residents in the neighbourhood, in particular those who returned home late after work, to low-priced dining options, Mr WONG urged the Administration to re-consider building new CFMs/CFCs in the remote new towns, such as Tung Chung and Tin Shui Wai.

41. USFH advised that as shown from the findings of the patronage survey, CFMs/CFCs were only one of the options available in Hong Kong's diverse catering service market. The patronage of CFMs was low during dinner hours as most CFMs were located in old industrial areas. In the light of the business situation, some CFMs closed in the evening. As regards CFCs which were mostly located within or near residential areas, the survey results showed that their patrons tended to have meals there on non-working days. USFH pointed out that the purpose of building a number of CFM/CFCs by the two former Municipal Councils in the 1970s and 1980s was to eradicate unlicensed cooked food hawkers and illegal food premises through the provision of regulated catering facilities. Given that the some 20 000 existing food establishments throughout the territory had provided adequate catering services and much diversified dining options for the public, and the prevailing strong public sentiment in favour of the preservation of the on-street licensed "Dai Pai Tong", the Administration did not see the need for building new CFMs/CFCs.

42. Mr WONG Kwok-hing expressed objection to the Administration's policy to cease the building of new CFMs/CFCs. He considered that the Administration should make reference to the successful experience of Taiwan and Singapore in the development of food establishments which resembled CFMs/CFCs. Mr WONG further said that the current mis-management of public markets including CFMs/CFCs was the repercussion of the dissolution of the two former Municipal Councils.

43. Mr Fred LI considered that following the rapid economic development over the past three decades and the abundant presence of a wide variety of food establishments throughout the territory, the role of CFMs/CFCs as convenient catering services to people working or living nearby was gradually diminishing. While holding a reserved view on whether new CFMs/CFCs should be built, Mr LI asked, to improve the viability of existing CFMs/CFCs and to provide an alternative to the provision of central air-conditioning system at CFMs/CFCs, whether the Administration would consider supporting tenants to install air-conditioning system in individual stalls if they so wished.

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44. USFH and AD (Ops)2/FEHD responded that the Administration would consider the feasibility of Mr LI's suggestion, taking into account factors including whether the power supply of CFMs/CFCs could support the installation of air-conditioning system in individual stalls and the impact caused by such installation to those tenants who did not opt to do so.

45. Mr LEUNG Yiu-chung took the view that the improvement works currently carried out by FEHD for CFMs/CFCs were only piecemeal minor repair works. Some stall tenants had also raised concern about the security of some CFMs/CFCs as burglary had occurred frequently. Pointing out that low patronage had dampened the business of many CFM/CFC stalls, in particular those located in CFMs in the declining industrial areas, Mr LEUNG urged the Administration to carry out large-scale improvement works to upgrade the facilities and improve the overall environment of all CFMs/CFCs with a view to attracting more customers. Mr LEUNG added that in the light of the difficult operating environment in CFMs/CFCs, consideration should be given to providing a one-off ex-gratia payment to holders of hawker licence operating at cooked food bazaars who voluntarily surrendered their licences.

46. USFH responded that the Administration had to strike a right balance between improving the viability of CFMs/CFCs and exercising due care in the use of public money when considering the feasibility and cost-effectiveness of any improvement proposals.

47. In response to Mr LEUNG's further enquiry, AD (Ops)2/FEHD advised that for each individual CFM/CFC, FEHD had conducted a patronage survey as well as a questionnaire survey to solicit the views of the tenants and the patrons on the usage and possible improvement measures. The questionnaire survey also covered patrons of food premises in the vicinity of CFMs/CFCs to find out their preferences so that a comparison with those of CFM/CFC patrons could be made. The survey results showed that both the tenants and the patrons of CFMs/CFCs considered that the environment, particularly the ventilation, should be improved. In light of this, FEHD would enhance the cleanliness of CFMs/CFCs and where feasible, efforts would be made to improve their facilities. Mr LEUNG requested and AD (Ops)2/FEHD agreed to provide after the meeting the views of the tenants solicited in the relevant opinion survey.

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48. The Chairman disagreed with the Administration's views as set out in paragraph 16 of its paper and its decision not to develop new CFMs/CFCs. He considered that the Administration should recognise their historical background and there was no question of their value or having declined because of the presence of a huge number of food premises throughout the

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territory. He further commented that the Audit Commission and the Administration had placed undue emphasis on the value for money considerations and occupancy rates of CFMs/CFCs. In his view, the Administration's failure to introduce measures to improve the viability and attractiveness of CFMs/CFCs was the major contributing factor for their low occupancy rate and low patronage. The Chairman further said that while he did not fully agree with Mr Fred LI's suggestion to install air-conditioning system at individual stalls, there was no doubt that improvement of the ventilation and upgrading of the facilities of CFMs/CFCs could provide a more comfortable dining environment and further promote their attractiveness. This would induce the tenants to continue their business. When the tenants could make a profit, they would be willing to pay a higher rent. This would in turn enhance the competitiveness, occupancy and value for money of CFMs/CFCs.

VI. Management of fixed hawker pitches and provision of assistance for fixed pitch hawkers at Fa Yuen Street
(LC Paper Nos. CB(2)553/10-11(02) to (04))

49. USFH said that following the outbreak of No. 3 alarm fire at Fa Yuen Street's junction with Prince Edward Road West, Mong Kok on 6 December 2010, parties concerned, including FEHD, the Yau Tsim Mong District Office ("YTMDO"), the Fire Services Department ("FSD"), EMSD, the Highways Department ("HyD") and the China Light & Power Company Ltd., had made concerted efforts to assist the affected fixed-pitch hawkers to resume business. In addition, the Food and Health Bureau convened a cross-bureaux and departmental meeting with representatives of the Security Bureau, FEHD, FSD, EMSD, the Buildings Department and the Home Affairs Department ("HAD") to discuss various measures to enhance the fire safety and the management of the Fa Yuen Street Hawker Permitted Area ("HPA"). To ensure the effective implementation of these measures, the Administration would maintain close communication with the hawkers concerned, the shop owners and residents of the neighbourhood and the local community. It called for self-discipline on the part of the stall traders. Strict enforcement would be taken to prevent unauthorised obstruction of access. As regards the suggestion to retain open-air bazaars with local characteristics and develop them into tourist attraction spots, the Administration would listen to the views of members and the relevant District Councils ("DCs") to consider the way forward.

50. District Officer (Yau Tsim Mong) ("DO(YTM)") said that YTMDO, immediately after the fire, had set up an inter-departmental help desk in the

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vicinity of the material location and a help desk at the Kwong Wah Hospital for registration of affected victims, and opened the Henry G Leong Yaumatei Community Centre to provide temporary shelter for the affected residents. YTMDO had also coordinated the emergency relief in collaboration with the Social Welfare Department ("SWD"). Each affected and needy stall/shop/household registered with YTMDO on the day of fire had been granted a total of \$10,000 under the General Chinese Charities Fund and the Lok Sin Tong Caring Fund. Together with the Hong Kong Housing Society ("HKHS"), YTMDO has closely liaised with and introduced to residents and Owners' Corporations of the affected buildings the various building or home maintenance schemes and loans offered by the Government and HKHS which might meet their needs. Social workers from the SWD and non-governmental organisations had also rendered support to victims in need.

51. AD (Ops)2/FEHD said that FEHD had completed the clearance of the aftermath in the fire blazed area on 11 December 2010. HyD had completed road resurfacing in the morning of 14 December 2010 and the hawkers could start to reconstruct their stalls. In addition, the power supply company agreed to provide free service to connect electricity supply to the affected stalls as early as practicable. Advice would be provided by FSD to ensure that the reconstruction works would meet fire safety requirements. FEHD would maintain close communication with the hawker representatives and to provide assistance to the affected hawkers as and when necessary. To maintain the order in HPAs in future, FEHD would step up inspection and enforcement against non-compliance, strengthen communication with the hawkers and hawkers' associations and advise them to exercise self-regulation in ensuring obstruction-free access.

52. Mr WONG Kwok-hing asked whether the Administration would take the opportunity to rectify the problem that electric lines of the pitches being hanged in the open air in a disorderly manner in order to prevent instance of fire. He further enquired whether hawkers would be required to provide fire extinguishers at the stalls.

53. AD(Ops)2/FEHD responded that EMSD and the power supply company would ensure safety of electrical installation at the pitches. According to EMSD, its previous inspections had not found any cases of electrical installation not compliant with the legislation. As regards the provision of fire extinguishers at the stalls, FSD had no such recommendation.

54. Responding to Mr WONG's further enquiry on whether consideration could be given to installing closed-circuit television ("CCTV") cameras in the Fa Yuen Street HPA for crime prevention/detection purpose, DO(YTM) said

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that the Yau Tsim Mong District Council ("YTMDC"), in mid-2009, had endorsed and provided funding for the installation of a CCTV system in the Mong Kok Pedestrian Precinct to deter occurrences of object throwing from height. YTMDC had no plan to expand the coverage of the CCTV system at this stage. Nevertheless, DO(YTM) undertook to relay Mr WONG's suggestion to YTMDC for consideration.

55. Mr Fred LI called on a standardised design for stalls in the Fa Yuen Street HPA such that the operation of hawker stalls would not pose fire hazard on the one hand, and would improve streetscape and overall business environment of open-air bazaars on the other hand.

56. USFH responded that the Administration attached great importance to the need to prevent potential fire hazards at HPAs. However, this did not necessarily point to the need for adopting a standardised design for stalls. Nevertheless, the Administration would provide every assistance to the affected hawkers in the re-construction of stalls and future operation.

57. The Chairman opined that the Administration should assist the affected hawkers in procuring flame-retardant and self-extinguishing frames and materials for re-constructing the stall structures. In addition, the design of the hawker stalls should be standardised as much as possible to improve the overall streetscape. USFH assured members that FEHD and FSD would work closely with the affected hawkers to improve the design and safety of the stall structures.

58. Mr KAM Nai-wai held the view that the Administration should retain the open-air bazaars with local characteristics and carry out improvement works to enhance their vibrancy as shopping attractions for local people and tourists as well as their co-existence with the shops in the vicinity.

59. Mr Vincent FANG commended the swift actions taken by FEHD and HAD to assist the Fa Yuen Street fixed pitch hawkers to resume their business. Pointing out that his motion on retaining and supporting the development of open-air bazaars with local characteristics was passed in 2007 but little progress had been made so far, Mr FANG urged the Administration to make use of this opportunity to improve the design of Fa Yuen Street HPA and develop a long-term policy to revitalise all open-air bazaars. For instance, consideration should be given to reviewing the existing arrangement of requiring hawkers of some HPAs to remove the stall structures after permitted operation hours.

60. USFH responded that different open-air bazaars had their own unique

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historical background, characteristics and operation mode. The Administration would consider any proposals to improve the design and operation mode of open-air bazaars if there was a consensus among DCs, the local community and the public.

61. Mr KAM Nai-wai enquired whether the Administration had inspected all the fixed hawker pitches to ensure that their electrical installations and operations were meeting the relevant legislation or licensing requirements.

62. AD (Ops)2/FEHD responded that it was individual hawkers' responsibility to arrange registered electrical contractors to carry out electrical works and have their installations inspected, tested and certified periodically. EMSD would conduct unscheduled inspections to ensure the compliance of the electrical installations with the legislation and inform FEHD of any irregularities found for taking appropriate enforcement actions. AD (Ops)2/FEHD further said that FEHD staff would conduct regular inspections at HPAs and hawker bazaars. For HPAs that required removal of stall structures after the permitted hours, inspections were as frequent as twice daily. In the past year, some 500 and 6 000 prosecutions were initiated by FEHD against licensed hawkers at Fa Yuen Street HPA and all HPAs respectively.

63. Ms Starry LEE enquired about the arrangement for affected residents who required temporary shelter. Consideration could be given to providing grants under the Operation Building Bright programme for owners of those affected buildings to carry out the necessary repair and maintenance works. The Chairman asked whether financial assistance would be provided to the affected shop owners.

64. DO(YTM) responded that two households comprising nine residents of the building situated at 220 Fa Yuen Street were currently accommodating at the Henry G Leong Yaumatei Community Centre. Given that the power supply for the building concerned had been disrupted and it did not have any Owners' Corporation, YTMDO had helped solicit community sponsorship to assist the owners to carry out repair works. It was expected that the affected residents could return to the building after the power supply resumed.

65. DO(YTM) further said that YTMDO had co-ordinated the emergency relief for victims in need with the support of SWD. Each of the affected and needy stall/shop/household registered with YTMDO on the first day had been granted a total of \$10,000 under the General Chinese Charities Fund and the Lok Sin Tong Caring Fund. Affected shop owners could apply for the SME Loan Guarantee Scheme administered by the Trade and Industry Department

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which aimed at helping small and medium enterprises to secure loans from participating lending institutions for acquiring business installations and equipment and meeting working capital needs of general business uses.

66. In response to Ms LEE's further enquiry about the timetable for enabling the affected fixed hawker pitches to resume operation, USFH said that FEHD was actively assisting the affected hawkers to reconstruct their stalls and resume the power supply. All were making their best endeavours to have the Fa Yuen Street HPA resuming full operation in phases from Christmas this year.

VII. Any other business

67. There being no other business, the meeting ended at 4:31 pm.

Council Business Division 2
Legislative Council Secretariat
10 February 2011