

立法會
Legislative Council

LC Paper No. CB(2)2658/11-12
(These minutes have been seen
by the Administration)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Minutes of special meeting
held on Wednesday, 11 April 2012, at 2:30 pm
in Conference Room 2 of the Legislative Council Complex

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon WONG Yung-kan, SBS, JP (Deputy Chairman)
Hon Fred LI Wah-ming, SBS, JP
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
Hon Alan LEONG Kah-kit, SC
Hon WONG Yuk-man

Members attending : Hon LEE Cheuk-yan
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun, JP

Member absent : Dr Hon LEUNG Ka-lau

Public Officers attending : Item I

Ms Kitty CHOI Kit-yu, JP
Deputy Secretary for Food and Health (Food) 1

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

Ms Vivian SUM Fong-kwang, JP
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)

Mr FAN Yung-kai
Assistant Director of Food and Environmental Hygiene
(Operations) 2

Mr SZETO Yat-san
Deputy Chief Fire Officer (Kowloon)
Fire Services Department

Mr HO Kwok-hung
Assistant Director/New Buildings 1
Buildings Department

Attendance : Item I
by invitation

Designing Hong Kong

Mr Paul ZIMMERMAN
Chief Executive Officer

Association for Betterment of Licensed Hawkers

Mr LEONG Kin-shut
Honourary Life Chairman

灣仔交加街太原街固定攤位小販權益關注組

Ms LEUNG Fung-lee
Convenor

寶靈街商戶權益關注組

Mr LEUNG Wai-ming
Chairman

Yaumatei Temple Street Association of Hawkers and
Shop Operators

Mr CHAN Kam-wing
Chairman

Federation of Hong Kong Kowloon New Territories
Hawker Associations

Ms CHENG So-ngor
Chairman

Hong Kong Kowloon Merchants Hawkers Association

Mr WONG Yin-wa
Secretary General

北角販商協會

Mr WONG Wai-chuen
Chairman

Tung Choi Street (Ladies Market) Merchants &
Hawkers Association

Mr TAM Chor-kin
Chairman

香港仔天光墟市集小販會

Ms CHAN Yuen-pik
Secretary

Fa Yuen Street Hawker Association

Mr CHAN Kin-leung
Representative

渣甸坊販商協會

Mr LAU Kai-ming
Chairman

灣仔大佛口販商協會

Ms WONG Yuen-kan
Chairman

東區販商協會

Ms LO Oi-kwan
Representative

永吉街販商協會

Ms Catherina HO Hung-yuk
Chairman

寶靈街販商協會

Mr TSANG Kam-ming
Chairman

香港報販協會

Mr YEUNG Man-keung
Deputy Chairman

廣東道(旺角道至亞皆老街)販商協會

Ms LEUNG Yuet-ling
Chairman

福華街、北河街販商協會

Mr FUNG Hon-sing
Chairman

鴨寮街販商協會

Mr TSANG Chun-fu
Deputy Chairman

長發街販商協會

Ms LEE Siu-yin
Representative

發祥街販商協會

Mr KWONG Kam-wa
Representative

Justice and Peace Commission of the Hong Kong
Catholic Diocese

Ms YIP Po-lam
Project Officer

Individual

Mr LEUNG Chi-yuen

Wanchai Street Market Concern

Mr LAI Ka-chun
Representative

Street Design Union

Mr Manfred YUEN
Committee

Street Culture Concern

Mr Julian FUNG
Committee

Individual

Mr HSIEH Cheung-chun

Individual

Mr Raymond CHAN

Individual

Ms LI Hau-fung

Individual

Mr HO Fu-sing

Individual

Mr CHAN Kong-chiu

Individual

Ms FONG Kam-mei

花園街小販臨時工作組

Mr CHAN Kin-wai
Representative

Concerning CSSA Review Alliance

Miss YEUNG Pui-yan
Committee Organizer

Community Development Alliance

Miss WONG Wing-chi
Social Worker

Tin Shui Wai Hawkers Concern Group

Ms FUNG Yuk-ling
Representative

Clerk in attendance : Mrs Sharon TONG
Principal Council Secretary (2)

Staff in attendance : Mr Jove CHAN
Senior Council Secretary (2) 8

Ms Camy YOONG
Clerical Assistant (2) 7

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I. Management of fixed pitch hawker areas
(LC Paper Nos. CB(2)993/11-12 (03) and (04))

Views of deputations and individuals

Designing Hong Kong

Mr Paul Zimmerman presented the views of Designing Hong Kong.

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He cited an example of the Netherland that street markets were built as positive economic entities. He commented that the Administration failed to control and create a positive economic environment for the hawking trade. He criticized that the Food and Environmental Hygiene Department ("FEHD") was slack to provide support and assistance for hawkers to improve the business environment. Mr Zimmerman suggested that short-term hawker licences be issued through tendering to keep hawkers motivated.

Association for Betterment of Licensed Hawkers
[LC Paper No. CB(2)1563/11-12(01)]

2. Mr LEONG Kin-shut presented the views of the Association for Betterment of Licensed Hawkers as detailed in its submission.

灣仔交加街太原街固定攤位小販權益關注組
[LC Paper No. CB(2)1620/11-12(01)]

3. Ms LEUNG Fung-lee presented the views of 灣仔交加街太原街固定攤位小販權益關注組 as detailed in its submission.

寶靈街商戶權益關注組
[LC Paper No. CB(2)1563/11-12(02)]

4. Mr LEUNG Wai-ming presented the views of 寶靈街商戶權益關注組 as detailed in its submission.

Yaumatei Temple Street Association of Hawkers and Shop Operators
[LC Paper No. CB(2)1620/11-12(01)]

5. Mr CHAN Kam-wing presented the views of the Yaumatei Temple Street Association of Hawkers and Shop Operators as detailed in its submission.

Federation of Hong Kong Kowloon New Territories Hawker Associations
[LC Paper No. CB(2)1620/11-12(01)]

6. Ms CHENG So-ngor presented the views of the Federation of Hong Kong Kowloon New Territories Hawker Associations as detailed in its submission.

Hong Kong Kowloon Merchants Hawkers Association

7. Mr WONG Yin-wa presented the views of the Hong Kong Kowloon Merchants Hawkers Association. He said that the enforcement criteria of

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FEHD's officers were inconsistent in different districts and this was unfair to the hawkers being prosecuted. Mr WONG also said that the request for removing hawker stalls adjacent to stairway to give adequate space for fire escape was unreasonable as the deceased in Fa Yuen Street fire were not found death because of the blocked fire escape.

北角販商協會

[LC Paper No. CB(2)1620/11-12(01)]

8. Mr WONG Wai-chuen presented the views of 北角販商協會 as detailed in its submission.

Tung Choi Street (Ladies Market) Merchants & Hawkers Association

[LC Paper No. CB(2)1620/11-12(01)]

9. Mr TAM Chor-kin presented the views of the Tung Choi Street (Ladies Market) Merchants & Hawkers Association as detailed in its submission.

香港仔天光墟市集小販會

10. Ms CHAN Yuen-pik said that 香港仔天光墟市集小販會 opposed the proposed mechanism for the cancellation of hawker licences ("the licence cancellation proposal") as many fixed pitch hawkers were aged and they would not be able to get a new job for living if their licences were cancelled. It supported the proposed measure of keeping only the metal frames but removing all commodities.

Fa Yuen Street Hawker Association

[LC Paper No. CB(2)1620/11-12(01)]

11. Mr CHAN Kin-leung presented the views of the Fa Yuen Street Hawker Association as detailed in its submission.

渣甸坊販商協會

[LC Paper No. CB(2)1620/11-12(01)]

12. Mr LAU Kai-ming presented the views of 渣甸坊販商協會 as detailed in its submission.

灣仔大佛口販商協會

[LC Paper No. CB(2)1620/11-12(01)]

13. Ms WONG Yuen-kan presented the views of 灣仔大佛口販商協會 as detailed in its submission.

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東區販商協會

[LC Paper No. CB(2)1620/11-12(01)]

14. Ms LO Oi-kwan presented the views 東區販商協會 as detailed in its submission.

永吉街販商協會

[LC Paper No. CB(2)1620/11-12(01)]

15. Ms Catherina HO Hung-yuk presented the views of 永吉街販商協會 as detailed in its submission.

寶靈街販商協會

[LC Paper No. CB(2)1620/11-12(01)]

16. Mr TSANG Kam-ming presented the views of 寶靈街販商協會 as detailed in its submission.

香港報販協會

[LC Paper No. CB(2)1620/11-12(01)]

17. Mr YEUNG man-keung presented the views of 香港報販協會 as detailed in its submission.

廣東道(旺角道至亞皆老街)販商協會

[LC Paper No. CB(2)1620/11-12(01)]

18. Ms LEUNG Yuet-ling presented the views of 廣東道(旺角道至亞皆老街)販商協會 as detailed in its submission.

福華街、北河街販商協會

[LC Paper No. CB(2)1620/11-12(01)]

19. Mr FUNG Hon-sing presented the views of 福華街、北河街販商協會 as detailed in its submission.

鴨寮街販商協會

[LC Paper No. CB(2)1620/11-12(01)]

20. Mr TSANG Chun-fu presented the views of 鴨寮街販商協會 as detailed in its submission.

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長發街販商協會

[LC Paper No. CB(2)1620/11-12(01)]

21. Ms LEE Siu-yin presented the views of 長發街販商協會 as detailed in its submission.

發祥街販商協會

[LC Paper No. CB(2)1620/11-12(01)]

22. Mr KWONG Kam-wa presented the views of 發祥街販商協會 as detailed in its submission.

Justice and Peace Commission of the Hong Kong Catholic Diocese

23. Ms YIP Po-lam presented the views of the Justice and Peace Commission of the Hong Kong Catholic Diocese as detailed in its submission.

(*Post-meeting note:* The joint submission was circulated to members vide LC Paper No. CB(2)1676/11-12(02) on 12 April 2012.)

Mr LEUNG Chi-yuen

24. Mr LEUNG Chi-yuen presented his views as detailed in his submission tabled at the meeting.

(*Post-meeting note:* The submission was circulated to members vide LC Paper No. CB(2)1676/11-12(01) on 12 April 2012.)

Wanchai Street Market Concern

25. Mr LAI Ka-chun presented the views of the Wanchai Street Market Concern as detailed in its submission.

(*Post-meeting note:* The joint submission was circulated to members vide LC Paper No. CB(2)1676/11-12(02) on 12 April 2012.)

Street Design Union

[LC Paper No. CB(2)1636/11-12(02)]

26. Mr Manfred YUEN presented the views of the Street Design Union as detailed in its submission.

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Street Culture Concern

27. Mr Julian FUNG presented the views of the Street Culture Concern as detailed in the submission of the Street Design Union (LC Paper No. CB(2)1636/11-12(02)).

Mr HSIEH Cheung-chun

28. Mr HSIEH Cheung-chun presented the views of the Street Design Union as detailed in its submission.

Mr Raymond CHAN

29. Mr Raymond CHAN presented the following views -

- (a) the fire at Fa Yuen Street in 2011 spread upward as hawker stalls were independent from each other and had caused a chimney effect resulting in casualty;
- (b) for the fire incident at Fa Yuen Street in 2011, firemen arrived at the scene in 40 minutes, which far exceeded the Fire Services Department's performance pledge of six minutes;

(Post-meeting note: The Fire Services Department has clarified that fire-fighters had arrived at the incident scene at Fa Yuen Street in four minutes and the performance pledge of six minutes was met.)

- (c) since the hawker stalls of three feet times four feet was so small, hawkers tended to sell commodities with higher profit margin instead of commodities with local characteristics; and
- (d) although fixed pitch hawkers were allowed to extend the business area to certain limit during trading hours, the new fire safety facilities had limited the extension of their canopies.

Ms LI Hau-fung

[LC Paper No. CB(2)1636/11-12(03)]

30. Ms LI Hau-fung presented her views as detailed in her submission.

Mr HO Fu-sing

31. Mr HO Fu-sing said that the three feet times four feet hawker pitch was

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too small for him to operate his business. He also hoped to retain his trolley at his pitch without merchandises during night time and construct a canopy for better sheltering from rain and sunshine.

Mr CHAN Kong-chiu

32. Mr CHAN Kong-chiu said that the current measures restricting hawker assistant to negotiate with customers and receive payments was irrational and the assistants were unable to help the licensed hawkers operate. He hoped that the Administration would review and relax the restrictions on hawker assistants.

Ms FONG Kam-mei

33. Ms FONG Kam-mei said that she held a hawker assistant licence and help her husband at his hawker stall. FEHD's officers had frequently interrogated her husband suspecting that she was trading without hawker licence. This made her be frightened of being prosecuted and the commodities being confiscated.

花園街小販臨時工作組

34. Mr CHAN Kin-wai presented the views of 花園街小販臨時工作組 as detailed in its submission.

(Post-meeting note: The joint submission was circulated to members vide LC Paper No. CB(2)1676/11-12(02) on 12 April 2012.)

Concerning CSSA Review Alliance

35. Miss YEUNG Pui-yan presented the views of the Concerning CSSA Review Alliance as detailed in its submission.

(Post-meeting note: The joint submission was circulated to members vide LC Paper No. CB(2)1676/11-12(02) on 12 April 2012.)

Community Development Alliance

36. Miss WONG Wing-chi presented the views of the Community Development Alliance as detailed in its submission.

(Post-meeting note: The joint submission was circulated to members vide LC Paper No. CB(2)1676/11-12(02) on 12 April 2012.)

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Tin Shui Wai Hawkers Concern Group

37. Ms FUNG Yuk-ling presented the views of the Tin Shui Wai Hawkers Concern Group. She said that the Administration should formulate a hawker policy which facilitated the development of the hawking trade. She pointed out that the illegal hawkers in Tin Shui Wai were less educated and could not afford the high transport cost for employment in urban areas, and therefore they were forced to hawk in the district. She hoped that the Administration would show sympathy to them and formulate a hawker policy which could help them make their living.

Discussion

38. Mr WONG Kwok-hing expressed grave concern about the licence cancellation proposal. He said that it was too harsh to cancel a hawker licence for committing offences such as trading outside the three feet times four feet stall. A hawker could not obtain his licence again once it was cancelled. Mr WONG urged the Administration to withdraw the licence cancellation proposal. He further said that the situation of the 43 streets where hawker pitches located were different from each other. The Administration should be flexible in undertaking management measures which met the local needs and no one-size-fits-all package should be implemented across the board in all hawker areas. He criticized that the Administration was lack of a consummate and comprehensive hawker policy, and had created the problem of illegal hawker as it refused to issue new hawker licence.

39. Deputy Secretary for Food and Health (Food)1 ("DSFH(F)1") said that the strong views that had been expressed by the deputations against the licence cancellation proposal were noted. She pointed out that the licence cancellation proposal was not the only measure for better managing fixed pitch hawker areas. The Administration had no intention to strangle the livelihood of hawkers by the licence cancellation proposal. DSFH(F)1 assured members that any enhanced management measures would not be introduced to fixed pitch hawker areas in a one-size-fits-all package. At previous meetings between the Secretary for Food and Health and representatives of the hawking trade, concern about the yardstick for enforcement had been raised. When the licence cancellation proposal was introduced, further rational discussion on the yardstick would be necessary. It was proposed that only serious offences such as making false declaration for the purpose of obtaining a hawker licence, installing or connecting electrical appliances, electrical wiring, or other electrical equipment without approval, and subletting of stall, etc. would be considered under the licence cancellation proposal.

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40. Ms Starry LEE echoed the deputations' view on the Administration's outdated provision of three feet times four feet hawker pitch size. She said that the Administration should change its mindset from regulating hawking trade to facilitating its development. The hawking trade should be viewed as economic activities in districts and bazaars with localized characteristics instead of illegal hawking and obstruction of public areas. She strongly requested the Administration to withdraw the licence cancellation proposal.

41. DSFH(F)1 responded that there were historical reasons for the provision of three feet times four feet hawker stall. She said that hawker stalls also existed in other sizes varying from three feet times six feet to six feet times six feet, etc. All hawkers were aware of the existence of a more relaxed boundary during trading hours as long as fire exits were not blocked and no obstruction of passageway was observed. However, the commodities had to be stored inside the approved stalls after trading hours.

42. DSFH(F)1 reiterated that the licence cancellation proposal was not the only measure for better managing fixed pitch hawker areas. She said that FEHD was studying improvements to hawker pitch design in collaboration with the Hong Kong Polytechnic University and the Urban Renewal Authority under the concept of conserving street culture. She added that the views urging the Administration to consider withdrawing the licence cancellation proposal were noted.

43. Mr WONG Yuk-man was discontented that the accountable officials were absent from the meeting. He further said that the Administration was adopting a hawker policy phasing out the hawking trade. Hawkers could hardly make their living under the harsh regulatory measures of FEHD. Mr WONG strongly requested the Administration to withdraw the licence cancellation proposal.

44. Mr Vincent FANG said that he had been proposing optimizing open-air bazaar for years and was glad to note that certain deputations had proposed new designs for hawker stalls in their submissions. He urged the Administration to take the opportunity to improve the design of hawker pitches at Fa Yuen Street. Mr FANG echoed the deputations' views on the outdated provision of hawker stall size and the harsh restriction on the activities of hawker assistants. He requested the Administration to withdraw the licence cancellation proposal.

45. DSFH(F)1 responded that the Administration would look into the yardstick for enforcement. She assured members that the Administration had no intention to phase out fixed pitch hawkers by cancelling their licences. The proposed measure was intended to enhance deterrent effect against repeat

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offenders.

46. Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) said that hawker assistants were allowed to assist licensed hawkers to operate at their hawker pitches as long as the licensed hawkers were present at the pitches. In case the licensed hawkers did not show up at their pitches during inspections by FEHD officers, they would not be prosecuted immediately subject to there being reasonable explanations for their absence. FEHD officers would revisit the stalls concerned for verification. She stressed that it was a misunderstanding that hawker assistants were not allowed to collect payment from customers while assisting the licensees in the hawking trade.

47. Mr LEE Cheuk-yan said that the Administration's hawker policy was contradictory by introducing the licence cancellation proposal but indicating that it had no intention to reduce the number of hawker licences. He considered that the Administration should facilitate the development of hawking trade if it genuinely viewed it as conservation of street culture and normal economic activities at district level. He pointed out that FEHD's officers were inconsistent in their enforcement standards. Mr LEE commented that the Administration had not considered the succession of hawker licensee and conservation of street culture in its hawker policy. He hoped that the Administration would consider the new initiatives in the design of hawker stalls put forward by the deputations.

48. Mr Manfred YUEN of the Street Design Union said that the conservation of the current street culture could bring significant economic benefits to Hong Kong, particularly to the tourism sector. He considered that more time and resources were necessary for further studies to improve the fire safety and the design of hawker stalls.

49. The Deputy Chairman criticized that the Administration did not plan to develop the hawking trade. He requested the Administration to immediately withdraw the licence cancellation proposal which was strongly opposed by the hawking trade. Ms CHENG So-ngor of the Federation of Hong Kong Kowloon New Territories Hawker Associations echoed the Deputy Chairman's view. She said that a few hundreds written submissions had been submitted to the Administration requesting the withdrawal of the licence cancellation proposal.

50. DSFH(F)1 stressed that the Administration was trying earnestly to formulate reasonable and practical measures for better managing hawker areas. She appreciated the endeavours that had been made by the hawking trade in improving the environment and fire safety of the fixed pitch hawker

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areas and hoped that the momentum of those efforts could be maintained. DSFH(F)¹ further said that having regard to the views that had been articulated by stakeholders including those from the deputations, the Administration would explore the practicality of a transitional arrangement, such as licence suspension, before a licence was cancelled.

51. Mr Alan LEONG said that the hawking trade had been highly praised as an important cultural heritage in Hong Kong. Hawker areas were places where grassroots could make their living and consumers could get cheaper merchandizes. Mr LEONG said that the Civic Party supported the inclusion of hawker areas as tourism spots during town planning process. The Administration should formulate its hawker policy from a creative and vibrant angle.

52. Mr TAM Yiu-chung said that fixed pitch hawkers had proactively improved the fire safety of hawker areas after they had experienced the painful lesson of the fire incidents at Fa Yuen Street. It was unnecessary for the Administration to introduce the licence cancellation proposal. Mr TAM added that the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") urged the Administration to withdraw the licence cancellation proposal.

53. The Chairman said that the Administration's stance was unpersuasive from the previous experience in a similar mechanism for the cancellation of chicken farm licence introduced by the Food and Health Bureau when it intended to ban chicken farming in Hong Kong. In his view, if the Administration withdrew the licence cancellation proposal, it would be able to gain the support from the trade to develop practical and effective measures for hawker area management. Regarding the hawker assistant's areas of work, the Chairman said that different officers had different interpretation about the enforcement criteria. He urged the Administration to review the licensing condition of hawker assistant in a more humane manner. The Deputy Chairman echoed the Chairman's view.

54. Mr WONG Kwok-hing moved the following motion -

"促請政府取消「取消小販牌照制度」，並早日制定全面及完善的小販政策。"

(Translation)

"That this Panel urges the Government to cancel 'the mechanism for cancellation of hawker licences' and to formulate as early as possible a comprehensive and consummate hawker policy."

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(*Post-meeting note*: Administration's response to the motion was circulated to members vide LC Paper No. CB(2)1999/11-12(01) on 15 May 2012.)

55. Mr WONG Kwok-hing explained that the motion would clearly give a consistent and focused view of the Panel to the Administration. The motion had included the views of the deputations on their concerns about enforcement, the relaxation of pitch size, and the licensing conditions of hawker assistant, etc.

56. The Deputy Chairman said that he supported the motion. He expressed DAB's view that the Administration should formulate as early as possible a consummate hawker policy to facilitate the development of hawking trade. He reiterated that the Administration should withdraw the licence cancellation proposal and further explore other practical measures for the management of hawker areas.

57. Mr Vincent FANG hoped that the Administration would improve and optimize the design of hawker areas to provide a decent and safe shopping environment for local consumers and overseas tourists. The Chairman added that the design should be able to highlight the different characteristics of different hawker areas.

58. The Chairman put to vote the motion moved by Mr WONG Kwok-hing. All members present voted for the motion. The Chairman declared that the motion was carried.

II. Any other business

59. There being no other business, the meeting ended at 4:47 pm.