

立法會
Legislative Council

LC Paper No. CB(2)1820/12-13

(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 Friday, 21 June 2013, from 9:00 am to 12:00 noon
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon Alan LEONG Kah-kit, SC (Chairman)
Hon Steven HO Chun-yin (Deputy Chairman)
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon CHEUNG Kwok-che
Hon WONG Yuk-man
Hon Claudia MO
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Dr Hon Helena WONG Pik-wan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Members attending** : Hon LEE Cheuk-yan
Hon CHAN Yuen-han, SBS, JP
Hon TANG Ka-piu
- Members absent** : Dr Hon Joseph LEE Kok-long, SBS, JP
Dr Hon LEUNG Ka-lau

**Public Officers : Item I
attending**

Professor Sophia CHAN Siu-chee, JP
Under Secretary for Food and Health

Mr Christopher WONG Kwok-bun, JP
Deputy Secretary for Food and Health (Food)1

Mr Clement LEUNG Cheuk-man, JP
Director of Food and Environmental Hygiene

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

**Attendance : Item I
by invitation**

The Lion Rock Institute

Miss Janice FUNG Rui-xian
Research Assistant

Dr LEUNG Chi-yuen

Teaching Fellow
Department of Applied Social Sciences, Hong Kong
Polytechnic University

Democratic Alliance for the Betterment and Progress
of Hong Kong

Mr Benny POON
Deputy Spokesperson on Food Safety and
Environment Hygiene Affair

Ms LEUNG CHAN Siu-hing

Kowloon Kwun Tong Mut Wah St. Temporary
Market Mutual Aid Committee

Mr FUNG Kwong-wai
Chairman

Dairy Products Beverage and Food Industries
Employees Union

Mr CHEUNG Chee-hung
Chairman

Street Culture Concern Group

Mr Julian FUNG
Speaker

Association Hong Kong & Kowloon Licensed
Hawkers

Mr WOO Kam-hong
Chairman

Federation of Hong Kong Kowloon New Territories
Hawker Associations

Ms CHENG So-ngor
Chairman

油麻地廟街販商商會

Mr CHAN Kam-wing
Chairman

通菜街(女人街)販商協會

Mr TAM Chor-kin
Chairman

北角販商協會

Mr WONG Wai-chuen
Chairman

東區販商協會

盧愛群女士
Representative

灣仔交加街太原街固定攤位小販權益關注組

Ms LEUNG Fung-lee
Convenor

渣甸坊販商協會

Mr LAU Kai-ming
Chairman

永吉街販商協會

Ms Catherina HO Hung-yuk
Chairman

旺角花園街販商同業聯會

Mr CHAN Kin-leung
Chairman

Mr CHAN Kin-wai

Representative of Hawkers in Fa Yuen Street

花園街零售商會(旺角道至水渠道)

Mr MA Tat-man
Chairman

香港仔天光墟市集小販會

Ms FONG Yuk-fung
Chairman

長發街販商協會

Mr FONG Yuk-chan
Representative

佘淑瑩女士

Representative of Hawkers in Apliu Street

Civic Party

Ms Bonnie LEUNG
Civic Party Exco Member

Hong Kong Council of Social Service

Miss Dorothy WONG
Officer

Justice and Peace Commission of the Hong Kong
Catholic Diocese

Miss YIP Po-lam
Committee Member

United Hawkers Development Platform

Miss FAN Pui-ying
Member

Mr LAM Chi-keung

Hawker in Wing Lung Street

Mr TO Kin-tak

Hawker in Wing Lung Street

Concerning CSSA & Low Income Alliance

Mr LEE Ka-cheung
Representative

Sham Shui Po Night Market & Day Market Concern
Group

Mr PANG Kin-pu
Representative

撐·基層墟市聯盟

Mr LEE Tai-shing
Representative

Wan Chai Street Market Concern

Mr Gabriel TAM
Member

Mr CHAN Kong-chiu

Hawker in Fa Yuen Street

Land Justice League

Mr AU Kwok-kuen
Committee Member

Street Design Unit

Mr Manfred YUEN
Architect

Clerk in attendance : Ms Elyssa WONG
Chief Council Secretary (2) 5

Staff in attendance : Mr Jove CHAN
Senior Council Secretary 2 (6)

Ms Priscilla LAU
Council Secretary (2) 5

Ms Michelle LEE
Legislative Assistant (2) 5

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I. Hawker policy
(LC Paper Nos. CB(2)1374/12-13(01) and (02))

Members noted the Administration's paper entitled "Hawker Policy and Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas" (LC Paper No. CB(2)1374/12-13(01)); and the background brief entitled "Hawker policy" (LC Paper No. CB(2)1374/12-13(02)) prepared by the Legislative Council ("LegCo") Secretariat.

Views of deputations

2. At the invitation of the Chairman, the following 35 deputations/individuals presented their views on issues relating to the hawker policy -

- (a) The Lion Rock Institute;
- (b) Dr LEUNG Chi-yuen;
- (c) Democratic Alliance for the Betterment and Progress of Hong Kong;
- (d) Ms LEUNG CHAN Siu-hing;
- (e) Kowloon Kwun Tong Mut Wah St. Temporary Market Mutual Aid Committee;
- (f) Dairy Products Beverage and Food Industries Employees Union;
- (g) Street Culture Concern Group;
- (h) Association Hong Kong & Kowloon Licensed Hawkers;
- (i) Federation of Hong Kong Kowloon New Territories Hawker Associations;
- (j) 油麻地廟街販商商會;
- (k) 通菜街(女人街)販商協會;
- (l) 北角販商協會;
- (m) 東區販商協會;
- (n) 灣仔交加街太原街固定攤位小販權益關注組;
- (o) 渣甸坊販商協會;
- (p) 永吉街販商協會;
- (q) 旺角花園街販商同業聯會;
- (r) Mr CHAN Kin-wai;

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- (s) 花園街零售商會(旺角道至水渠道);
- (t) 香港仔天光墟市集小販會;
- (u) 長發街販商協會;
- (v) 佘淑瑩女士;
- (w) Civic Party;
- (x) Hong Kong Council of Social Service;
- (y) Justice and Peace Commission of the Hong Kong Catholic Diocese;
- (z) United Hawkers Development Platform;
- (aa) Mr LAM Chi-keung;
- (bb) Mr TO Kin-tak;
- (cc) Concerning CSSA & Low Income Alliance;
- (dd) Sham Shui Po Night Market & Day Market Concern Group;
- (ee) 撐·基層墟市聯盟;
- (ff) Wan Chai Street Market Concern;
- (gg) Mr CHAN Kong-chiu;
- (hh) Land Justice League; and
- (ii) Street Design Unit.

3. Members also noted the written submission from 天秀墟檔主大聯盟.

4. A summary of the views of deputations is in the **Appendix**.

The Administration's response to the views expressed by deputations

5. At the Chairman's invitation, Under Secretary for Food and Health ("USFH") and Director of Food and Environmental Hygiene ("DFEH")

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made the following points in response to the views expressed by the deputations –

- (a) the Government fully recognized the history of hawking in Hong Kong and the unique culture of street hawkers / hawker bazaars which had become part of the everyday life of many Hong Kong residents. The current hawker policy was to strike a proper balance between allowing legal hawking activities on the one hand and maintaining environmental hygiene and protecting the public from undesirable nuisance on the other;
- (b) the Administration had adjusted the hawker policy with time. Following a comprehensive review on the hawker licensing policy in 2008 and 2009, a number of measures had been implemented in response to the calls to preserve and revitalize the hawking trade. These measures included issuing 61 new itinerant (frozen confectionery) hawker (commonly known as "small ice-cream vendors") licences; relaxing the requirements for succession to and transfer of fixed pitch (cooked food or light refreshment) hawkers (i.e. Dai Pai Tong); and merging over 600 back-row vacant pitches with front-row pitches to provide a larger trading area for licensees. The Administration also in 2010 gave priority to registered assistants to apply for 70% of the vacant fixed-pitch hawker stalls that were suitable for re-issuance of licences;
- (c) with the funding approval of the Finance Committee, the Administration launched in June 2013 a five-year assistance scheme for licensed hawkers operating in 43 fixed-pitch hawker areas ("the Assistance Scheme"). The Assistance Scheme aimed to provide financial assistance to hawkers for stall reconstruction and relocation in order to reduce the fire risk posed by on-street hawking activities. An ex-gratia payment ("EGP") was offered under the Assistance Scheme for voluntary surrender of hawker licences ("the voluntary licence surrender arrangement") which aimed to help expedite the release of vacant stalls for the relocation of stalls with higher fire risks. The Administration had no intention of "phasing out" the hawking trade;
- (d) the Food and Environmental Hygiene Department ("FEHD") had issued letters to 4 388 hawker licence holders and arranged about 30 briefing sessions on the implementation of the Assistance Scheme, which were attended by about

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3 000 hawkers. While the relocation of over 500 stalls away from staircase discharge points of buildings or emergency vehicular access was an extensive exercise, the Administration appreciated the understanding and co-operation of hawkers and hawker associations on the relocation arrangement;

- (e) as of to date, 40 fixed-pitch hawker licences had been surrendered voluntarily under the Assistance Scheme. As it was expected that not many eligible hawkers would opt for the surrender of licences, there should not be any significant adverse impact on the business environment and viability of fixed-pitch hawker areas. Hawker associations were encouraged to provide assistance to the affected hawker assistants;
- (f) in determining the re-issuance of new hawker licences, the Administration had to consider factors such as environmental hygiene, fire risks and views of District Councils ("DCs") and neighbouring residents; and
- (g) FEHD had established a partnering relationship with various stakeholders by setting up 16 Hawker Management Consultative Committees ("HMCCs") in 43 hawker areas to provide a two-way communication platform for FEHD district staff and HMCC members to discuss day-to-day management of the hawker areas, associated regulatory and safety issues, as well as transparency of standard of enforcement actions. As a result, there was an improvement in the management of hawking areas and a drop in the number of prosecutions against irregularities.

Hawker policy

6. Mr WONG Kwok-hing considered that the current hawker policy of FEHD had failed to address the needs of street hawkers and the community. He shared the deputations' view that the Administration should issue more new itinerant (frozen confectionery) hawker licences in order to create more job opportunities for the grassroots. Mr WONG further urged the Administration to review the existing hawker policy and formulate a long-term policy to facilitate the development of the hawking trade.

7. Pointing out that the current hawker policy was only to strike a balance between allowing legal hawking activities and maintaining environmental hygiene, Mr CHAN Chi-chuen criticized the Administration

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for its lack of a comprehensive policy to promote and develop the hawking trade. In his view, a co-ordinated effort from relevant government bureaux, such as Food and Health Bureau, Home Affairs Bureau and Development Bureau, was crucial for mapping out a long-term hawker policy.

8. DFEH advised that the Administration had adopted a pragmatic approach in its hawker policy and conducted a comprehensive review on the hawker licensing policy in 2008 and 2009. The Administration considered that the best way to preserve the tradition related to hawking was to maintain a flexible and low cost environment, so as to sustain vibrancy of hawking. This enabled hawker areas to thrive and develop in an organic manner. With the recent changes implemented after the Fa Yuen Street Fire and commencement of the Assistance Scheme, frequent policy reviews would introduce great uncertainty to hawkers.

9. Miss CHAN Yuen-han did not subscribe to the Administration's view that the current policy enabled hawker areas to develop in an organic manner. In her view, in addition to the setting up of HMCCs at various hawker areas, consideration should also be given to encouraging self-management of hawker areas. Citing the successful experience in Japan and Taiwan, Miss CHAN urged the Administration to preserve and promote hawker bazaars during the process of urban redevelopment. Holding the view that hawking provided the means of living for the underprivileged, Miss CHAN further requested USFH to propose to the Commission on Poverty to give consideration to incorporating the development and promotion of the hawking trade as part of the poverty alleviation strategy. USFH took note of Miss CHAN's view.

10. Mr LEE Cheuk-yan considered it necessary to have a long-term hawker policy to create an environment conducive to the development of the hawking trade. He also expressed dissatisfaction with the enforcement against the hawking activities in the Morning Bazaar along the Tin Shui Wai Nullah. In his view, the Administration should adopt a lenient approach to allow hawking activities so long as they would not compromise the fire safety concern. Suitable sites should also be identified for setting up hawker areas or bazaars, so as to foster district economic development.

11. Mr Christopher CHUNG considered that while street hawking provided job opportunities for the grassroots and offered a cheap source of goods for the general public, it also caused environmental hygiene and noise problems, as well as posed competition to neighbouring small retailers selling foodstuffs and household necessities. Mr CHUNG cautioned that the Administration should exercise due care in establishing

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new hawker areas. As regards the existing hawker areas, he considered that resources should be allocated to improve their operating environment.

12. Pointing out the competitive business environment and difficulties faced by small and medium enterprises ("SMEs") and hawkers, Mr Tommy CHEUNG shared the view that there was a lack of Government policy on the long-term development of the hawking trade. Citing that a previous site of Dai Pai Tongs in Central was still left vacant, he suggested that consideration be given to reissuing new hawker licences to operate market stalls there so as to better utilize the vacant site on the one hand and offer support for small business operators on the other. In considering measures for supporting SMEs and hawkers, Mr CHEUNG also suggested that the Administration should not only take account of the views of DCs which were mainly concerned about problems of environmental hygiene and nuisance caused to neighbouring residents, but should also consider the views of the trade.

13. Dr Helena WONG considered it necessary to map out a blueprint for the future development of the hawking trade with respect to tourism, local economy and community aspirations. In response to Dr WONG's enquiry as to whether the Administration would review the existing hawker policy, USFH replied that as the Assistance Scheme had just been launched in early June 2013, the Administration would first review the Assistance Scheme after its implementation for a period of time and then decide the way forward.

14. In response to the Deputy Chairman's enquiry on the Government support for the hawking trade, DFEH advised that following the Fa Yuen Street fire in 2011, the Administration had established a partnering relationship with various stakeholders. The Assistance Scheme was developed, in consultation with the stakeholders and hawker associations, to provide financial assistance to hawkers in the 43 hawker areas for stall reconstruction and relocation. The Deputy Chairman was of the view that the provision of financial assistance for stall reconstruction and relocation to reduce fire risks should not be considered as support for the hawking trade. He urged the Administration to review the hawker policy.

15. Mr WONG Yuk-man considered that there was no Government policy on hawkers or hawking. He criticized the Administration for its policy focus on regulating hawking activities in respect of fire safety, traffic and environment hygiene. In his view, the Administration should formulate a policy conducive to the development of hawking with regard to the contributions made by the hawking trade to the improvement of people's livelihood.

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16. The Chairman was of the view that the Administration carried out its hawker policy in a passive manner, resulting in "phasing out" the hawking trade. He questioned whether the Administration was determined to put forward a long-term policy to revitalize the hawking trade. The Chairman also said that he shared the view of some deputations that the Administration had held the hawkers responsible for the Fa Yuen Street fires. There was also concern from the trade about the strengthened enforcement actions against fire safety irregularities. The Chairman said that the Civic Party supported the development of the hawking trade. He urged the Administration to adopt an urban planning perspective when planning for the development of the hawking trade.

17. USFH stressed that the Administration had no intention of "phasing out" hawking in the community. While noting that there were views requesting the Administration to review the existing policy and provide more support for the hawking trade, USFH advised that the Administration would review whether the measures implemented, such as the Assistance Scheme, that might produce any adverse impact on the trade including reducing the number of the hawkers.

The Assistance Scheme

18. The Deputy Chairman sought information on the total number of registered assistants in the hawking trade, the number of assistants employed by each hawker licence holder, as well as the estimated number of hawker assistants who would be affected under the voluntary licence surrender arrangement.

19. DFEH advised that the Administration had only maintained a simple registration system for assistants. Some hawker licensees might employ more than one assistant, who might include employees, family members or part-time/casual helpers. He agreed to provide the information on the number of hawker assistants after the meeting.

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20. Dr Kenneth CHAN expressed concern that some hawker assistants would become unemployed when the licensees surrendered their hawker licences. Mr WONG Kwok-hing raised similar concern.

21. DFEH advised that an EGP of \$120,000 would be provided to eligible hawkers who opted for voluntary surrender of their hawker licences under the Assistance Scheme. In line with earlier voluntary licence surrender schemes of similar nature, no grants would be offered to affected hawker assistants and licensees would have to make their own arrangements with their assistants. However, hawker associations were

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encouraged to refer job opportunities to the affected hawker assistants in the hawker areas.

22. As the Assistance Scheme would not benefit hawker assistants, Dr Kenneth CHAN considered that the Administration should re-issue the surrendered licences to those affected hawker assistants. Ms Claudia MO concurred with Dr CHAN and said that the voluntary surrender of hawker licences under the Assistance Scheme would result in a decrease in the number of hawkers. Ms MO was of a strong view that all surrendered licences should be re-issued and priority should be accorded to hawker assistants, so as to maintain the same number of hawkers operating in the hawker areas. She then moved a motion on these issues. The Chairman ruled that the motion was directly related to the agenda item under discussion, and invited members to consider whether the motion should be proceeded with at this meeting. Members raised no objection. The Deputy Chairman then moved an amendment to the motion. The Chairman said that the motion and the amendment to the motion would be dealt with at the end of the discussion of the item.

23. DFEH advised that the voluntary licence surrender arrangement was introduced to help expedite the release of vacant stalls for the relocation of around 500 hawker stalls with higher fire risks. After the Assistance Scheme had been implemented for a period of time, the Administration would examine the suggestion of re-issuing new hawker licences, taking into account the business environment, fire safety and environmental hygiene of the hawker areas as well as the views of DCs and neighbouring residents. The Administration would also make reference to past experience and the views of stakeholders when deciding the arrangement for the re-issuance of hawker licences.

24. While supporting the re-issuance of hawker licences to the affected hawker assistants in the fixed-pitch hawker areas, Mr Christopher CHUNG also pointed to the need to reserve vacant hawker stalls for the relocation exercise. He suggested that if the number of vacant stalls resulting from the voluntary licence surrender arrangement exceeded the number of stalls to be relocated, consideration could be given to re-issuing hawker licences to the hawker assistants.

25. Mr CHAN Chi-chuen considered that the voluntary licence surrender arrangement would inevitably reduce the number of hawkers which would not be conducive to the vibrancy of the trade. He was gravely concerned about the measures to be taken by the Administration when there was an overwhelming response. Mr LEE Cheuk-yan and Dr Helena WONG raised similar concern. Mr LEE and Dr WONG urged the Administration to work

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out the estimated number of hawker licences to be surrendered and a plan to re-issue hawker licences. Dr WONG considered it important to maintain the same number of hawkers operating in the hawker areas.

26. USFH reiterated that the Administration did not have any policy to "phase out" the hawking trade or reduce the number of hawkers. The Administration considered it important at this stage to identify suitable sites for relocating the 500 hawker stalls with higher fire risks. Issues relating to the re-issuance of hawker licences would be considered at a later stage.

27. At this juncture, the Chairman suggested and members agreed that the meeting be extended for 30 minutes to end at 12:30 pm to allow more time for discussion.

28. Mr Tommy CHEUNG was of the view that the amount of EGP at the level of \$120,000 was too small and might not be able to induce hawkers to surrender their hawker licences to the Government. He opined that if hawkers were not interested in the voluntary licence surrender arrangement, the Administration should consider raising the amount of EGP.

29. Dr Helena WONG sought the view of Mr LAM Chi-keung, a deputation attending the meeting, on the voluntary licence surrender arrangement. Mr LAM said that some assistants, particularly those working for elderly hawkers or those operating stalls sublet by hawker licence holders, might lose their jobs, as these two groups of licence holders were more likely to choose to surrender their licences in exchange for EGP.

30. DEFH stressed that subletting fixed-pitch stalls was a serious offence. Under the licence suspension and cancellation mechanism, if a licensee had committed stall subletting, DEFH might consider immediate cancellation of the hawker licence.

Motion proposed by member

31. Ms Claudia MO moved the following motion -

"本會要求政府 ——

1. 收回多少小販牌，即放出同等數量小販牌，供同區助手優先申請，其餘供普通市民申請；
2. 承諾保存及保育現有市集。"

(Translation)

"That this Panel urges the Government to:

1. issue the same number of hawker licences as those returned, with priority accorded to applications from registered assistants of the same district, and the remaining licences will be opened to applications from members of the public;
2. undertake to preserve and conserve existing bazaars."

32. The Deputy Chairman moved an amendment to Ms Claudia MO's motion as follows –

"本會要求政府 ——

1. ~~收回多少小販牌，即放出同等數量小販牌，供同區經區~~ **議會討論及同意下，檢討現行有關小販助手的條例後，研究當局可發放的合理牌照數量，並供有需要的助手優先申請，其餘供普通市民申請；**
2. **政府應提供資源，改善市集環境協助牌主改善其檔位，以承諾保存、妥保育及優化現有的合法市集，配合地區需要。**"

(Translation)

"That this Panel requests the Government to:

1. ~~issue the same number of hawker licences as those returned,~~ **after reviewing the existing legislation in regard to hawker assistants in consultation with the District Councils and with their concurrence, examine the reasonable number of licences available for issuance, with priority accorded to the applications of those assistants in need from registered assistants of the same district, and the remaining licences will be open to applications from members of the public;**
2. ~~undertake to~~ **allocate resources to improve the environment of hawker bazaars and assist licensees to upgrade their stalls, so as to retain, preserve and ~~conserve~~ enhance existing lawful bazaars to cater for the needs of the district."**

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33. Having regard to the fact that some hawkers had more than one assistant, Ms Claudia MO considered that quite a number of hawker assistants would be affected by the voluntary licence surrender arrangement. To sustain the livelihood of these assistants, the Administration should reissue hawker licences to both the registered assistants as well as those assistants who had not registered with FEHD. Holding the view that hawker policy was a territory-wide policy issue, Ms MO considered it inappropriate to obtain DC's consent on the issuance of hawker licences.

34. While expressing support for according priority to assistants, the Deputy Chairman had reservations about the arrangement for issuing the same number of hawker licences as those returned since there was a genuine need to release vacant stalls for the relocation of stalls with higher fire risks. In his view, the Administration should review the current arrangement in relation to hawker assistants. Subject to the review and the views of DCs, the Administration could consider the number of hawker licences to be issued on a district basis.

35. Mr Tommy CHEUNG said that he would not object to the motion moved by Ms Claudia MO. However, he shared the concern that it would be difficult for the Administration to implement the relocation exercise if the vacant stalls to be released under the voluntary licence surrender arrangement were assigned to registered assistants instead of being used to relocate hawker stalls with higher fire risks. He also called on the Administration to resite the hawker stalls within the same district.

36. On the issuance of hawker licences, Mr CHAN Chi-chuen was of the view that apart from maintaining the same number of hawker licences on a district basis, the Administration should also maintain the total number of hawker licences on a territory-wide basis.

37. At this juncture, the Chairman suggested and members agreed that the meeting be further extended for 10 minutes.

38. The Chairman put to vote the amendment to the motion moved by the Deputy Chairman. Ms Claudia MO claimed a division. Mr Christopher CHUNG requested that members be notified of the voting by ringing the voting bell for five minutes.

The following two members voted in favour of the motion:
Mr Steven HO and Mr Christopher CHUNG

The following five members voted against the motion:
Mr Tommy CHEUNG, Mr WONG Yuk-man, Dr Kenneth CHAN,

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Ms Claudia MO and Mr CHAN Chi-chuen

39. The Chairman declared that the amendment was not carried.

40. The Chairman then put to vote the motion moved by Ms Claudia MO.

The following five members voted in favour of the motion:

Mr Tommy CHEUNG, Mr WONG Yuk-man, Dr Kenneth CHAN,
Ms Claudia MO and Mr CHAN Chi-chuen

No member voted against the motion.

41. The Chairman declared that the motion moved by Ms Claudia MO was carried.

Proposal to appoint a subcommittee on hawker policy

42. The Chairman said that Dr Kenneth CHAN had proposed to appoint a subcommittee under the Panel to follow up the subject of hawker policy. He invited members' views on the proposal. Members raised no objection.

43. The Chairman suggested and members agreed that the Clerk should be requested to draw up the terms of reference, work plan and time frame for the subcommittee for the Panel's consideration at the next regular meeting on 9 July 2013. The Chairman also drew members' attention that as the number of subcommittees on policy issues in operation had reached the maximum number of eight, the subcommittee to be appointed by the Panel would be put on the waiting list. There were already three subcommittees, namely the Subcommittee on Retirement Protection, the Subcommittee on Strategy and Measures to Tackle Domestic Violence and the Subcommittee on Issues Relating to Public Markets, on the waiting list.

II. Any other business

44. The Chairman reminded members that the second visit to three public markets on Hong Kong Island, which included Tang Lung Chau Market, Java Road Market and Aldrich Bay Market, had been arranged on 25 June 2013.

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45. There being no other business, the meeting ended at 12:35 pm.

Council Business Division 2
Legislative Council Secretariat
26 September 2013

Panel on Food Safety and Environmental Hygiene

**Special meeting on Friday, 21 June 2013
on hawker policy**

Summary of views and concerns expressed by deputations/individuals

Organization/ Individual	Major views and concerns
Hawker policy and development of the hawker trade	
<ul style="list-style-type: none"> • Concerning CSSA & Low Income Alliance • Wan Chai Street Market Concern • 撐 · 基層墟市聯盟 	<p>1. The deputations have criticized the Administration for a lack of long-term hawker policy. In their view, the current policy is to regulate hawker activities and maintain environment hygiene. Following the Fa Yuen Street fires, the Administration has imposed new measures to reduce fire risks and strengthened enforcement actions against irregularities in the hawker areas. In view of the restrictions on the succession and transfer of hawker licences and the Administration's reluctance to issue new licences, the deputations consider that the existing policy is to "phase out" the hawking trade.</p>
<ul style="list-style-type: none"> • Concerning CSSA & Low Income Alliance • Democratic Alliance for the Betterment and Progress of Hong Kong • Hong Kong Council of Social Service • Justice and Peace Commission of the Hong Kong Catholic Diocese • Land Justice League • United Hawkers Development Platform 	<p>1. The deputations generally consider that street hawking is a street culture with a long history in Hong Kong. Hawker areas are places where the grassroots could make their living and consumers could get inexpensive merchandises. In the absence of a comprehensive hawker policy, the deputations call on the Administration to conduct a policy review. They also urge the Administration to map out a blueprint for the long-term development of the hawking trade, so as to improve the operating environment as well as preserve and revitalize the hawker areas and</p>

Organization/ Individual	Major views and concerns
<ul style="list-style-type: none"> • Dr LEUNG Chi-yuen, Hong Kong Polytechnic University 	<p>bazaars.</p> <ol style="list-style-type: none"> 2. Some deputations hold the view that the Administration should engage the stakeholders, including local residents and hawkers, in formulating the long-term hawker policy. There is also a suggestion of conducting a public consultation exercise on the hawker policy. 3. Pointing out the successful experience of street stalls in Japan, night markets in Taipei as well as hawker bazaars in Bangkok and London and which are also famous tourist attractions, some deputations are of the view that the Administration should make reference to the practices and experience of overseas places.
<ul style="list-style-type: none"> • Street Culture Concern Group • 撐 · 基層墟市聯盟 	<ol style="list-style-type: none"> 1. The deputations consider that street hawking assists people to achieve self-reliance and alleviate poverty. The Administration should formulate a comprehensive hawker policy to preserve and foster the development of hawker areas, and provide employment opportunities for those underprivileged.
<ul style="list-style-type: none"> • Civic Party 	<ol style="list-style-type: none"> 1. The deputation considers that while high rental has throttled the room for survival of small businesses, street hawking provides a low cost environment for small business operators to run their business. Pointing out the overwhelming applications for the Tin Sau Bazaar in Tin Shui Wai, the deputation considers it necessary to conduct a comprehensive review and a public consultation exercise on the hawker policy.
<ul style="list-style-type: none"> • Street Design Unit 	<ol style="list-style-type: none"> 1. Pointing out the unique characteristics of street hawking, the deputation calls on the Administration to improve the design of hawker stalls and the planning of hawker areas or bazaars. In its view, a better hawker stall

Organization/ Individual	Major views and concerns
	<p>design with flexibility could cater for the hawkers' business needs and facilitate the display of goods. As regards the planning of hawker areas, the Administration should take into account the factors, such as streetscape, the flow of people and traffic, number of stalls, and the proportion of stalls selling dry goods and wet goods. The deputation calls on the Administration to invite public participation, including professional, academics and members of public, in the formulation of a comprehensive hawker policy.</p>
<ul style="list-style-type: none"> • Hong Kong Council of Social Service • Justice and Peace Commission of the Hong Kong Catholic Diocese • Land Justice League • Wan Chai Street Market Concern • 天秀墟檔主大聯盟 	<p>1. Considering that hawking activities could help promote district economy and create job opportunities in the local district, the deputation urges the Administration to identify suitable sites for setting up hawker areas or bazaars on a district basis.</p>
<ul style="list-style-type: none"> • Land Justice League • Street Culture Concern Group 	<p>1. The deputations suggest the setting up of a hawker development fund to provide assistance to hawkers and support the development of the hawking trade.</p>
<ul style="list-style-type: none"> • Federation of Hong Kong Kowloon New Territories Hawker Associations • 永吉街販商協會 • 北角販商協會 • 旺角花園街販商同業聯會 • 油麻地廟街販商商會 • 花園街零售商會(旺角道至水渠道) • 長發街販商協會 	<p>1. The deputations express reservations about the review of hawker policy. They point out that a series of new measures to improve the management of fixed hawker pitches and the mechanism for suspension of hawker licences against repeated violations of regulations have recently been introduced after the Fa Yuen Street fires. The assistance scheme for licensed hawkers operating in 43 fixed-pitch hawker areas ("the Assistant Scheme") has just been implemented. It needs time to implement these new initiatives and to review their effectiveness. In the deputations' view, a stable hawker policy is pivotal for providing a favourable</p>

Organization/ Individual	Major views and concerns
<ul style="list-style-type: none">• 渣甸坊販商協會• 灣仔交加街太原街固定攤位小販權益關注組• Mr CHAN Kin-wai• 佘淑瑩女士	<p>operating and business environment for stall operators to run their business and make their living. In turn, customers could buy inexpensive merchandises.</p> <ol style="list-style-type: none">2. There is a view that street hawking is an old industry. Many hawkers are elderly hawkers or those with low educational attainment. Views and suggestions on stall design and management of hawker areas proposed by parties who are not engaged in hawking may not meet the operational needs of hawkers.3. Some deputations consider it unfair that the Administration has held hawkers responsible for the Fa Yuen Street fires. There is wide concern from the trade about the implementation of new measures and enhanced enforcement actions against fire safety irregularities.
<ul style="list-style-type: none">• 香港仔天光墟市集小販會	<ol style="list-style-type: none">1. The deputation calls for the regularization of the existing open-air bazaars, such as those located in Aberdeen and Sai Kung, so as to allow their continuous operation.
<ul style="list-style-type: none">• Sham Shui Po Night Market & Day Market Concern Group	<ol style="list-style-type: none">1. The deputation calls on the Administration to formulate a long-term policy for the development of hawker bazaars. While the Administration should grant land for setting up hawker bazaars in different districts, the deputation considers that the Administration should gauge the views of hawkers and the local community in identifying suitable sites for hawker bazaars.

Organization/ Individual	Major views and concerns
Hawker licences	
<ul style="list-style-type: none"> • Dairy Products Beverage and Food Industries Employees Union 	<ol style="list-style-type: none"> 1. Pointing out that the Food and Environmental Hygiene Department ("FEHD") has re-issued in June 2010 fixed pitch hawker licences to eight tobacco hawkers who have been operating in the Central & Western District, the deputation urges the Administration to relax the stringent restrictions and permit the succession to and transfer of the above licences to the "immediate family member" or assistants of the licensees. 2. The deputation urged the Administration to issue new itinerant (frozen confectionery) hawker (commonly known as "small ice-cream vendors") licences, so as to provide job opportunities for the grassroots.
<ul style="list-style-type: none"> • The Lion Rock Institute 	<ol style="list-style-type: none"> 1. The deputation expresses concern over sub-letting of hawker stalls by those hawker licence holders who succeeded the licence from their parents. In its view, the Administration should consider allocating these hawker licences through auction to those engaged in the hawking trade.
Assistance scheme for hawkers in fixed-pitch hawker areas	
<ul style="list-style-type: none"> • Democratic Alliance for the Betterment and Progress of Hong Kong • 通菜街(女人街)販商協會 • 東區販商協會 	<ol style="list-style-type: none"> 1. Expressing concern over the relocation of those hawker stalls which are located in front of staircase discharge points of buildings or obstructing emergency vehicular access, the deputations call on the Administration to strengthen its communication with the affected hawkers on resiting hawker stalls, so as to reach an arrangement acceptable to the affected hawkers.
<ul style="list-style-type: none"> • 旺角花園街販商同業聯會 	<ol style="list-style-type: none"> 1. Pointing out that over 30% of hawker stalls would be affected by the relocation of hawker stalls which pose higher fire risks, the deputation

Organization/ Individual	Major views and concerns
	expresses worry about the adverse impact on the business environment of the hawker area at Fa Yuen Street arising from the relocation exercise.
<ul style="list-style-type: none"> • 灣仔交加街太原街固定攤位小販權益關注組 	<ol style="list-style-type: none"> 1. The deputation welcomes the one-off ex-gratia payment ("EGP") provided under the Assistance Scheme for voluntary surrender of hawker licences ("the voluntary licence surrender arrangement"). The arrangement offers a choice for those elderly hawkers to surrender their licences in exchange for a sum of \$120,000.
<ul style="list-style-type: none"> • Kowloon Kwun Tong Mut Wah St. Temporary Market Mutual Aid Committee • Mr CHAN Kong-chiu • Mr LAM Chi-keung • Mr TO Kin-tak 	<ol style="list-style-type: none"> 1. The deputation expresses concern over the livelihood of hawker assistants who will not benefit from the voluntary licence surrender arrangement. Hawker assistants will become unemployed when their hawker licence holders choose to surrender their licences in exchange for the one-off EGP. They urge the Administration to provide assistance to those affected hawker assistants such as re-issuing hawker licences to them.
<ul style="list-style-type: none"> • Justice and Peace Commission of the Hong Kong Catholic Diocese • Land Justice League • Wan Chai Street Market Concern • United Hawkers Development Platform 	<ol style="list-style-type: none"> 1. The deputations express concern about the impact of the voluntary licence surrender arrangement on hawkers. They consider that the voluntary licence surrender arrangement would reduce the number of hawkers which would not be conducive to the vibrancy and revitalization of the trade. The deputations urge the Administration to re-issue hawker licences, so as to maintain the same number of hawkers. There is a view that priority should be accorded to registered assistants of the same district. The remaining licences should be open to applications from members of the public.

Organization/ Individual	Major views and concerns
Others	
<ul style="list-style-type: none"> • The Lion Rock Institute 	<ol style="list-style-type: none"> 1. The deputation expresses support for the regulation and enforcement regarding on-street fixed hawker stalls in order to reduce potential fire risk posed by on-street hawking activities in the hawker areas.
<ul style="list-style-type: none"> • Ms LEUNG CHAN Siu-hing • 灣仔交加街太原街固定攤位小販權益關注組 	<ol style="list-style-type: none"> 1. Holding the view that the requirements for the design of hawker stalls are too stringent, the deputations call on the Administration to relax the requirements in respect of the height of stalls and distance between stalls. In their view, flexibility should be provided in the stall design for hawkers engaging in diversified trading, so as to address the operational needs of hawkers and improve the operating environment.
<ul style="list-style-type: none"> • Association Hong Kong & Kowloon Licensed Hawkers 	<ol style="list-style-type: none"> 1. The deputation expresses dissatisfaction with the management of hawker areas by FEHD. They are concerned about the locations of hawker black spots and the criteria for enforcement against non-compliant activities of hawkers which varied among different FEHD staff and sometimes varied at different times of the day.
<ul style="list-style-type: none"> • 通菜街(女人街)販商協會 	<ol style="list-style-type: none"> 1. The deputation expresses concern that hawkers are affected by the introduction of the licence suspension mechanism and requirements on height of stalls and distance between stalls.

<u>Name of Organization/ Individual</u>	<u>Submission (LC Paper No.)</u>
Concerning CSSA & Low Income Alliance	LC Paper No. CB(2)1451/12-13(05)
Dairy Products Beverage and Food Industries Employees Union	LC Paper No. CB(2)1451/12-13(02)
Federation of Hong Kong Kowloon New Territories Hawker Associations	LC Paper No. CB(2)1404/12-13(03)
Hong Kong Council of Social Service	LC Paper No. CB(2)1451/12-13(03)
Kowloon Kwun Tong Mut Wah St. Temporary Market Mutual Aid Committee	LC Paper No. CB(2)1404/12-13(02)
Sham Shui Po Night Market & Day Market Concern Group	LC Paper No. CB(2)1451/12-13(06)
United Hawkers Development Platform	LC Paper No. CB(2)1451/12-13(04)
Ms LEUNG CHAN Siu-hing	LC Paper No. CB(2)1404/12-13(01)
Dr LEUNG Chi-yuen	LC Paper No. CB(2)1451/12-13(01)
天秀墟檔主大聯盟	LC Paper No. CB(2)1451/12-13(07)