

**For discussion  
on 21 June 2013**

**Legislative Council Panel on Food Safety and Environmental Hygiene**

**Hawker Policy and  
Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas**

**PURPOSE**

This paper sets out the existing hawker licensing policy of the Administration and briefs Members on the latest state of the implementation of the assistance scheme for licensed hawkers operating in 43 fixed-pitch hawker areas (“the Assistance Scheme”).

**HAWKER POLICY**

2. The Government fully recognises the history of hawking in Hong Kong. Hawker areas are very often conveniently located and offer cheaper goods for the general public. The unique culture of street hawkers / hawker bazaars has become part of the everyday life of many Hong Kong residents. Some hawker areas have become tourist attractions.

3. While striving to provide a conducive environment for hawking activities in Hong Kong, the Government has also a duty to regulate hawking activities to maintain order, to reduce environmental effect to the local population and to minimize fire risks to nearby residents. The Administration’s current hawker policy is to strike a proper balance between allowing legal hawking activities on the one hand and maintaining environmental hygiene and protecting the public from undesirable effect on the other.

**Review in 2008-09**

4. The Government has adjusted its hawker policy with time. A comprehensive review on hawker licensing policy was conducted in 2008 and 2009. The scope of the review covered examining the feasibility of re-issuing new hawker licences and relaxing the requirements for succession to and transfer of hawker licences without compromising environmental hygiene, as

well as ways to strengthen the role of District Councils (“DCs”) in terms of hawker licensing and management work at the district level. We consulted the DCs, hawker associations and other stakeholders, and sought the views of this Panel on several occasions in 2008, 2009 and 2010.

5. Following the consultations, a number of measures were implemented in response to calls to preserve and revitalise the hawking trade<sup>1</sup>. They include merging over 600 back-row vacant pitches with front-row pitches to provide a larger trading area for licensees, issuing new fixed-pitch licences to over 200 persons to trade in vacant pitches, and issuing 61 new itinerant (frozen confectionery) hawker (commonly known as “small ice-cream vendors”) licences.

6. The Government believes that the best way to preserve the tradition related to hawking lies in maintaining the current flexible, low cost environment, so as to sustain vibrancy. This enables hawker areas to thrive and develop in an organic manner. By the same token, open-air bazaars planned and managed by district organisations are generally flexible in their operation and geared towards meeting the needs of the district concerned. The Administration will provide, in collaboration with the relevant departments, appropriate assistance to the proponents of such bazaars if they have identified suitable sites with support of the local districts and are able to satisfy requirements on food safety and environmental hygiene.

## **MANAGEMENT OF FIXED-PITCH HAWKER AREAS**

### **Public Consultations in 2011 and 2012**

7. In the wake of two major fires which broke out at the hawker stalls at Fa Yuen Street in Mongkok in December 2010 and November 2011, the Administration conducted two public consultations on management of fixed-pitch hawkers. The consultation on the mechanism for cancellation of hawker licences commenced on 13 December 2011 while the consultation on the improvement of the management of fixed-pitch hawker areas began on 8 February 2012. The two consultations ended on 31 March 2012 and 7 May 2012 respectively. During the consultation period, the Government met with all DCs or their relevant committee, hawker associations, and consulted this Panel at its meeting on 11 April 2012 where deputations were heard. For the consultation on management of fixed-pitch hawker areas, we had also

---

<sup>1</sup> Details could be found in the paper (ref.: LC Paper No. CB(2)2153/10-11(01)) discussed at the meeting of the Panel on 28 June 2011.

commissioned an opinion survey and interviewed over a thousand respondents. In June 2012, the Administration briefed this Panel on the outcome of the public consultations and the proposed way forward<sup>2</sup>.

8. The views and comments collected have provided useful insights on how we could strike a balance between providing enough room for hawkers to make a living while ensuring public hygiene and safety. There is general support that the Government should not pursue a one-size-fits-all solution as each on-street hawker area has its own unique physical conditions and business characteristics. The Government will adopt a district-based approach in considering the medium and long-term options to be implemented in each district.

9. A Steering Committee, chaired by the Director of Food and Environmental Hygiene, has been set up to formulate and oversee the implementation of specific measures to improve management and to reduce fire risks in each hawker area. To establish a partnership and collaborative relationship with stakeholders, Hawker Management Consultative Committees (“HMCCs”) covering all hawker areas have also been set up. Members include representatives of licensed hawkers, the Fire Services Department, relevant DC and District Fire Safety Committee members. The HMCCs provide a platform for two-way communication and for the Food and Environmental Hygiene Department (“FEHD”) district staff to discuss day-to-day management, regulatory and safety issues, as well as to encourage self-compliance and good practices among hawkers. Besides, a sanction mechanism leading to suspension and cancellation of hawker licences has been implemented in November 2012 to enhance deterrence against repeated offenders.

### **The Assistance Scheme**

10. To reduce the fire risks posed by on-street hawking activities, FEHD has taken measures which include requiring stall hawkers to comply with the stall area requirements during and outside business hours, and enforcement actions against stall canopies constructed of combustible materials and the overnight storage of commodities outside the approved stall areas.

11. To further improve the fire safety and design of hawker stalls, we sought the views of this Panel on 5 February 2013<sup>3</sup> and then obtained funding

---

<sup>2</sup> Details could be found in the paper (ref.: LC Paper No. CB(2)2285/11-12(04)) discussed at the meeting of the Panel on 12 June 2012.

<sup>3</sup> Details could be found in the paper (ref.: LC Paper No. CB(2)572/12-13(03)) discussed at the meeting of the Panel on 5 February 2013.

approval from the Finance Committee<sup>4</sup> on 15 March for operating a five-year Assistance Scheme. The Assistance Scheme aims to provide financial assistance to hawkers in the 43 fixed-pitch hawker areas for stall reconstruction and relocation. Besides, an ex-gratia payment is payable under the Assistance Scheme for voluntary surrender of hawker licences. This would help expedite the release of vacant pitches and hence facilitate the relocation of stalls which pose higher fire risks.

12. FEHD has been engaging DCs, HMCCs as well as hawkers to explain to them the details of the scheme and to listen to their views. The Administration launched the Assistance Scheme on 3 June 2013, and FEHD will continue the close dialogue with all stakeholders.

### **ADVICE SOUGHT**

13. Members are invited to note the content of this paper.

**Food and Health Bureau  
Food and Environmental Hygiene Department  
June 2013**

---

<sup>4</sup> Details of the Assistance Scheme could be found in the paper (ref.: FCR(2012-13)77) discussed at the meeting of the Finance Committee on 15 March 2013.