

**For discussion
on 8 December 2015**

Legislative Council Panel on Food Safety and Environmental Hygiene

**Progress Report on the Implementation of
the Hawker Assistance Scheme**

PURPOSE

This paper briefs Members on the progress of the implementation of the five-year Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas.

BACKGROUND

2. To reduce the fire risks posed by on-street hawking activities, we obtained funding approval of \$230 million from the Finance Committee on 15 March 2013 for operating a Hawker Assistance Scheme (HAS) for the licensed hawkers in 43 fixed-pitch hawker areas listed in **Annex I**. The five-year HAS was launched on 3 June 2013. It seeks to further improve fire resisting capability and design of hawker stalls, and to relocate stalls away from staircase discharge points of buildings or emergency vehicular access.

3. The HAS bears the following features –

- (a) hawkers who are required by the Food and Environmental Hygiene Department (FEHD) to move their stalls for fire safety reasons may apply for a one-off relocation grant to dismantle their old stalls and build new ones at the newly assigned pitch spaces to meet the fire-resisting specifications drawn up by FEHD in consultation with the Fire Services Department (FSD) and the Buildings Department;

- (b) hawkers who are not required to relocate their stalls under (a) may apply for a one-off grant to carry out partial or full reconstruction of their stalls in-situ to meet the prescribed fire-resisting specifications for reducing fire risks; and
- (c) an ex-gratia payment (EGP) will be paid to hawkers (except those whose licences are newly issued pursuant to the hawker licensing policy review in 2008-09¹) who opt for voluntary surrender of their hawker licences to the Government. This helps expedite the release of vacant pitches and hence facilitates the relocation of stalls which pose higher fire risks. Hawkers who have obtained a one-off grant for relocation cum reconstruction or in-situ reconstruction of their stalls under the HAS will however not be eligible for EGP, if they surrender their hawker licences subsequently.

A summary of the package under the HAS is at **Annex II**, and the required fire-resisting specifications for reconstruction of stalls are at **Annex III**.

PROGRESS TO DATE

Engagement with stakeholders

4. There are about 4 300 fixed-pitch hawker stalls in the 43 hawker areas. In view of the large number of stalls involved, the environmental constraints in different districts and the individual concerns of the hawkers and nearby residents, FEHD and FSD consider it important to strike a reasonable balance among the interests of various stakeholders for accomplishing the relocation work. FEHD has conducted over 400 meetings with the hawkers, all with a high degree of

¹ A comprehensive review on hawker licensing policy was conducted in 2008 and 2009. A number of measures were subsequently implemented, including issue of new hawker licences for vacant fixed pitches with support from respective District Councils. For this group of new entrants to the hawking trade, should they choose to surrender their licences so soon after the licences have been issued, a strong case for granting them an EGP does not exist.

transparency to ensure consistency and accuracy of the information and messages being conveyed and, amongst which, over 100 meetings and site inspections were carried out with FSD. In the process, apart from encouraging hawker licensees to reconstruct their stall structures to meet the fire-resisting specifications and to enhance the stall functionality and appearance, FEHD also coordinated with power supply companies on the power supply re-connection/new connection to the hawker stalls. To further enhance transparency, a dedicated webpage on the HAS has been set up under the FEHD departmental website to provide information on the application procedures, progress of the HAS, stall designs, special features of hawker areas and other relevant information.

Relocation of Hawker Stalls

5. Based on risk assessment, FEHD has accorded priority to the relocation of 496 hawker stalls (“selected hawker stalls”) which are located directly in front of staircase discharge points of adjacent buildings, or obstructing the operation of fire engines or other emergency vehicular access. As at end October 2015, pitches occupied by 486 of the 496 selected hawker stalls (98%) have been vacated. Out of these 486 hawkers, 64 surrendered their hawker licences and 422 chose to relocate their stalls. We expect the remaining 10 pitches to be vacated by early December 2015.

Reconstruction of Hawker Stalls

6. As at end October 2015, FEHD has received 372 applications for relocation cum reconstruction grant² and 1 452 applications for in-situ reconstruction grant to upgrade hawker stalls to the required fire safety standard. Out of these 1 824 applications, 1 288 stall structures have already been set up in 37 hawker areas.

² Only the 496 selected hawker stalls (referred to in paragraph 5) are eligible for applying for relocation cum reconstruction grant.

Surrender of Hawker Licence for EGP

7. As at end October 2015, there were 491 EGP applications, 65 of which were from the selected hawker stalls³. 446 pitches have already been resumed.

Overall Progress

8. So far, 1 824 applications and 491 applications were received for reconstruction grant to upgrade the stall structures to the required fire safety standard and surrender of hawker licences for EGP respectively, making a total of 2 315 applications (53.4%). The application statistics are summarised at **Annex IV**.

9. For the remaining hawkers, some 1 000 are operating “morning set-up and evening dismantle” Hawker Permitted Place (HPP) stalls in Tung Choi Street, Temple Street and Nelson Street, and another 1 000 are operating fixed-pitch stalls mainly in Eastern and Wan Chai Districts.

WAY FORWARD

10. FEHD has, since the two fire outbreaks at hawker stalls in 2010 and 2011, strengthened its work on the management of the 43 fixed-pitch hawker areas, with particular regard to fire safety issues, to reduce the fire risks posed by on-street hawking activities. These measures include requiring stall hawkers to comply with the stall area requirements during and outside business hours, and taking enforcement actions against stall canopies constructed of combustible materials and the overnight storage of commodities outside the approved stall areas. To establish a partnership and collaborative relationship with all stakeholders, Hawker Management Consultative Committees covering all hawker areas have also been set up to provide a platform for effective communication and for FEHD district staff to discuss management,

³ Of the 65 applications, 64 hawkers have already surrendered their hawker licences to FEHD and demolished the stalls.

regulatory and safety issues, as well as to encourage compliance and good practices among hawkers.

11. The HAS seeks to provide the hawkers concerned with financial incentives to further reduce fire risks posed by on-street hawking activities in the hawker areas, and has been making good progress since it was launched in June 2013. While basically all hawker stalls located directly in front of staircase discharge points of adjacent buildings, or obstructing the operation of fire engines or other emergency vehicular access have been identified and will be relocated by early December 2015, FEHD would continue to follow up with the remaining hawker stalls and encourage hawkers to reconstruct their stall structures to meet the fire-resisting specifications. For the sake of parity and transparency as well as better management, the enhanced stall specifications would be laid down as licence conditions for compliance by licensed fixed-pitch hawkers in the 43 hawker areas upon expiry of the HAS in June 2018.

12. Eligible hawkers who have not yet exercised their option to surrender their licence (in return for an EGP) or apply for a grant to reconstruct their stalls may do so before the five-year HAS expires in June 2018.

13. In going forward, FEHD would, as before, endeavour to identify areas which could bring about enhancement to the hawking environment in the course of administering the HAS. This may include rationalising the overall layout of hawker stalls where circumstances permit, and enhancing electrical safety at HPPs.

14. On whether we would re-issue new hawker licences to fill any vacant pitches in the relevant hawker areas, we would carefully consider the case at a suitable time, taking into account the circumstances of individual hawker areas, including their fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant District Council and local residents.

15. Members are invited to note the content of the paper.

**Food and Health Bureau
Food and Environmental Hygiene Department
December 2015**

43 Fixed-pitch Hawker Areas

District	Location of Fixed-pitch Hawker Areas
Eastern	1. Chun Yeung Street
	2. Marble Street
	3. Kam Wa Street
	4. Tai Tak Street
	5. Mong Lung Street
Central and Western	6. Pottinger Street
	7. Graham Street
	8. Gage Street
	9. Li Yuen Street East
	10. Li Yuen Street West
	11. Peel Street
	12. Wing Kut Street
	13. Upper Lascar Row
	14. Man Wa Lane
Wanchai	15. Gresson Street
	16. Cross Street
	17. Tai Yuen Street
	18. Jardine's Crescent
Yau Tsim	19. Reclamation Street
	20. Pak Hoi Street
	21. Saigon Street
	22. Canton Road
	23. Bowring Street
	24. Temple Street
Mong Kok	25. Tung Choi Street
	26. Canton Road
	27. Fife Street
	28. Yin Chong Street
	29. Ki Lung Street
	30. Poplar Street
	31. Fa Yuen Street
	32. Nelson Street

Annex I

Sham Shui Po	33.	Wing Lung Street
	34.	Fat Tseung Street
	35.	Cheung Fat Street
	36.	Fuk Wa Street
	37.	Fuk Wing Street
	38.	Pei Ho Street
	39.	Apliu Street
	40.	Ki Lung Street
	41.	Tai Nan Street
	42.	Kweilin Street
Kowloon City	43.	Pau Chung Street

Hawker Assistance Scheme - Amount of Grants for Reconstruction of Stall

Type	Stall Size	Maximum grant	Relevant maximum grant amount of individual categories for reconstruction of stall structure		
			Canopy	Electricity supply system and relevant fittings	Body of the stall
“Cabinet-type” Hawker Stalls	Not exceeding 1.1 m ²	\$40,000	\$12,000	\$10,000	\$18,000
	Exceeding 1.1 m ² but not exceeding 1.7 m ²	\$47,000	\$14,800	\$10,000	\$22,200
	Exceeding 1.7 m ² but not exceeding 2.2 m ²	\$54,000	\$17,600	\$10,000	\$26,400
“Hawker Permitted Place” Hawker Stalls	Not exceeding 1.1 m ²	\$20,000	\$6,000	\$5,000	\$9,000
	Exceeding 1.1 m ² but not exceeding 1.7 m ²	\$23,500	\$7,400	\$5,000	\$11,100
	Exceeding 1.7 m ² but not exceeding 2.2 m ²	\$27,000	\$8,800	\$5,000	\$13,200

**Specifications of Hawker Stalls Constructed under
the Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas**

1. The stall structure (including fixed canopy and stall body) shall be constructed of metal, and retractable canopy shall be constructed of fire retardant materials (e.g. polyvinyl chloride (PVC) tarpaulin).
2. All metalwork of the stall structure, including the exposed and concealed structural framework, shall be rust-resistant. The exterior metal surfaces of the stall shall be painted with at least two coats of polyurethane paint.
3. If galvanized mild steel (“GMS”) is used as the main construction material for the stall body, its thickness shall not be less than 2 mm. If other materials are to be used, certificates or proofs shall be provided to show that the material is non-combustible to an extent that it is comparable to 2 mm-thick GMS, is suitable for use as the main construction material for the stall and is durable for at least eight years.
4. If the stall is used for sale of dry goods, the stall body (including the door) shall be fully enclosed. For stall selling wet goods, the portion of the stall body that is at least 2 m above the ground can have ventilation openings covered internally with metal wire gauze of aperture size no larger than 5 mm in diameter, and the remaining parts of the stall shall be fully enclosed.
5. All materials shall be new and free from defects.
6. The stall area shall not exceed the pitch area approved on the licence.
7. The height of the stall (including its canopy) shall not exceed 2.5 m.
8. Unless with the approval of the Food and Environmental Hygiene Department, any fixed canopy shall not exceed any side of the pitch by 0.45 m and any retractable awning (only extendible from the stall front is allowed) when fully retracted shall not exceed any side of the pitch by 0.45 m. The canopy at the sides of the stall shall not be connected with the canopies of neighbouring stalls, and the canopy at the rear of the stall shall not be connected to or in contact with the external wall of adjoining buildings.
9. Individual electricity meters shall be installed for stalls with electricity supply. The

hawker who applies for the grant for stall relocation cum reconstruction or in-situ reconstruction ('applicant') shall obtain electricity supply from the China Light and Power Company Limited or the Hong Kong Electric Company Limited (as the case may be). A registered electrical contractor shall be arranged by the applicant to carry out the concerned new installation or alteration work on the fixed electrical installation of the stall.

10. The applicant shall submit the design of the stall and the construction works quotations for endorsement by FEHD. If FEHD is satisfied that the proposed new stall meets the required specifications, FEHD would give approval-in-principle, subject to the relevant caps of individual categories.
11. Upon completion of the construction works, the applicant shall submit to FEHD certificates or proofs issued by the relevant contractors, manufacturers, suppliers or accredited laboratories to ensure that all materials used for construction of the stall conform to the required specifications. If there is electrical installation at the stall, a copy of the Work Completion Certificate with format complying regulation 19 of the Electricity (Wiring) Regulations (Cap. 406E) covering the entire fixed electrical installation of the stall shall be submitted by the applicant to FEHD for checking and record. The stall licensee should allow and facilitate government officers to conduct audit inspection of the concerned electrical installation.

**Summary of Application Statistics under the Hawker Assistance Scheme (HAS)
(Position as at 31.10.2015)**

District	Hawker stalls¹	Applications for ex-gratia payment	Applications for relocation	Applications for in-situ reconstruction
Eastern	375	76	19	62
Central and Western	357	60	49	238
Wan Chai	363	29	36	70
Yau Tsim	727	94	40	182
Mongkok	1 442	143	69	333
Sham Shui Po	1 018	86	152	552
Kowloon City	53	3	7	15
Total	4 335	491	372	1 452

Note: 1 Figure adjusted after commencement of the HAS due to death of licensee/ licence surrender cases other than HAS/ resiting/ succession cases