

**立法會**  
**Legislative Council**

LC Paper No. CB(1)757/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB1/HS/2/16/1

**Subcommittee on Issues Relating to Bazaars**

**Minutes of the third meeting on  
Tuesday, 10 January 2017, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon LAU Siu-lai (Chairman)  
Dr Hon KWOK Ka-ki (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Hon WONG Ting-kwong, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon YUNG Hoi-yan  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH  
Hon KWONG Chun-yu

Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim

**Members absent** : Hon James TO Kun-sun  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Jimmy NG Wing-ka, JP  
Hon HO Kai-ming  
Hon Wilson OR Chong-shing, MH  
Hon LUK Chung-hung

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public officers attending** : Miss Diane WONG  
Principal Assistant Secretary for Food and Health  
(Food)<sup>2</sup>

Mr LAM Wing Hong  
Assistant Director (Operations)<sup>2</sup>  
Food and Environmental Hygiene Department

Mr FORK Ping-lam  
Assistant Director (Operations)<sup>3</sup>  
Food and Environmental Hygiene Department

Miss Maggie CHOW  
Tourism Commission Assistant Commissioner for  
Tourism <sup>3</sup>  
Commerce and Economic Development Bureau

Mr Howard YAM  
Assistant Director (3)  
Home Affairs Department

**Attendance by invitation** : **Academics/Experts**

Department of Applied Social Sciences, the Hong Kong Polytechnic University

Dr LEUNG Chi-yuen

Department of Applied Social Sciences, the Hong Kong Polytechnic University

Mr CHOW Sung-ming

Department of Cultural Studies, Lingnan University

Prof MA Kwok-ming

Department of Geography and Resource Management, Chinese University of Hong Kong

Prof NG Mee-kam

Master of Social Science in Global Political Economy Program, Chinese University of Hong Kong

Mr Stephen WONG  
Adjunct Lecturer

**Clerk in attendance** : Ms Connie SZETO  
Chief Council Secretary (1)4

**Staff in attendance** : Miss Sharon LO  
Senior Council Secretary (1)9

Ms Sharon CHAN  
Legislative Assistant (1)4

Ms Vivian CHAN  
Clerical Assistant (1)4

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Action

**I Confirmation of minutes**

(LC Paper No. CB(1)398/16-17 — Minutes of meeting on 6 December 2016)

The minutes of the meeting held on 6 December 2016 were confirmed.

**II Economic benefits and social roles of bazaars**

Meeting with academics and experts and the Administration

*Submissions from academics/experts attending the meeting*

(LC Paper No. CB(1)413/16-17(02) — Submission from Mr Stephen WONG, Adjunct Lecturer, Master of Social Science in Global Political Economy Program, Chinese University of Hong Kong (Chinese version only)

LC Paper No. CB(1)413/16-17(03) — Submission from Professor NG Mee-kam, Department of Geography and Resource Management, Chinese University of Hong Kong (Chinese version only)

LC Paper No. CB(1)427/16-17(01) — Submission from Dr LEUNG Chi-yuen, Department of Applied Social Sciences, the Hong Kong Polytechnic University (Chinese version only))

*Submission from academic/expert not attending the meeting*

(LC Paper No. CB(1)413/16-17(01) — Submission from Professor IP Iam-chong, Department of Cultural Studies, Lingnan University (Chinese version only))

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Discussion

2. The Chairman welcomed representatives of the Administration and academics/experts to the meeting and reminded them that their written submissions and views presented at the meeting would not be covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

3. The Subcommittee received views from five academics/experts attending the meeting, and noted the written submission provided by an academic/expert who had not attended the meeting (Index of proceedings attached at **Appendix**).

*(Post meeting note: A written submission from Mr CHOW Sung-ming, Department of Applied Social Sciences, the Hong Kong Polytechnic University (Chinese version only) was issued to members vide LC Paper No. CB(1)430/16-17(01) on 13 January 2017.)*

4. The Subcommittee noted the following views expressed by academics/experts –

- (a) bazaars were part of Hong Kong's culture and could help diversify local economy and create job opportunities;
- (b) bazaars provided a venue for non-purposive social interaction which could facilitate the development of social capital, communication network and local culture;
- (c) bazaars formed an indispensable part of community facilities which could help people fulfill their needs in belongingness, esteem and self-actualization, and develop a low carbon community;
- (d) bazaars could be regarded as a kind of informal economy that would allow the grass-root people, who were unable to participate in the formal economy, to support their living and shop for basic necessities at affordable prices;
- (e) bazaars were indeed formed by hawkers and hawkers would share their knowledge and experiences during the selling process;
- (f) timing was one of the crucial factors for setting up bazaars (e.g. during festive periods like Lunar New Year bazaars and early in the morning like morning bazaars);

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- (g) the setting up of bazaars should be initiated by the community rather than determined by the Government, like the Tin Sau Bazaar in Tin Shui Wai which was unsuccessful;
- (h) diversified economic activities could be easily found in the community in the past which allowed grass-root people to make use of the public spaces to support their living; however, economic activities nowadays, particularly those in public rental housing estates, were centralized in shopping arcades and markets monopolized by the Link Real Estate Investment Trust;
- (i) the Government should consider releasing public spaces under the management of the Housing Department or idle sites under the management of the Lands Department for setting up bazaars;
- (j) the Government should consider including the development of bazaars in the Hong Kong Planning Standards and Guidelines; and
- (k) the Government should make reference to the concept of "Regulatory Sandbox" when formulating bazaar policies, in particular in considering issuing more hawker licences and allowing the setting up of bazaars "anywhere except the restricted areas".

Motions

5. At 5:49 pm, the Chairman informed the Subcommittee that she had received a motion proposed by Dr KWOK Ka-ki and seconded by Dr Fernando CHEUNG. The Chairman considered that the proposed motion directly related to the agenda item. The terms of the motion were as follows –

"本委員會就政府在出席會議，並無預備相關文件及資料，以及問責官員缺席會議，是漠視及不尊重立法會。就此本委員會表示遺憾及予以強烈譴責。"

(Translation)

"This Subcommittee regards the fact that relevant papers and information have not been prepared by the Government for the meeting to be attended coupled with the absence of political appointees from the meeting as an instance showing disregard for and disrespect to the Legislative Council. This Subcommittee expresses regret for and strong condemnation of this."

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6. As the Subcommittee did not have a quorum at the material time, the Chairman requested the Clerk to ring the voting bell for five minutes. A quorum was presented at 5:55 pm. Members agreed to deal with the motion moved by Dr KWOK Ka-ki.

7. Upon the Chairman's invitation, Dr KWOK Ka-ki spoke on his motion.

8. The Chairman put Dr KWOK Ka-ki's motion to vote. Thirteen members voted for, six members voted against the motion, and no member abstained. The Chairman declared that the motion was passed.

*(Post-meeting note: The terms of the motion were circulated to members vide LC Paper No. CB(1)426/16-17(01) on 11 January 2017.)*

Follow-up actions to be taken by the Administration

9. The Administration was requested to provide information on:

- (a) progress of implementation of the five hawker management proposals (as listed below) put forward by the Administration to the Subcommittee on Hawker Policy in March 2015;
  - (i) Review the case for issue of new fixed-pitch hawker licences
  - (ii) Enhance the operating environment of existing hawker areas
  - (iii) Consider the issue of new "Dai Pai Tong" licences
  - (iv) Consider converting existing public market with low occupancy into off-street cooked food centre
  - (v) Set up district-led open-air hawker bazaars and night markets
- (b) the Administration's views on the social roles, positioning and economic benefits of bazaars;
- (c) the policies and resources of relevant government bureaux and departments (e.g. Food and Health Bureau, Home Affairs Bureau, Commerce and Economic Development Bureau, Lands Department, Housing Department, Leisure and Cultural Services Department, etc.) in facilitating the development of bazaars, such as identifying suitable public open space, including idle sports facilities, for setting up bazaars;

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- (d) the Administration's response to the motion passed at the meeting;  
and
- (e) the Administration's response to the views raised by academics/experts at the meeting and in their submissions.

*(Post-meeting note: The English version and Chinese version of the Administration's written response was issued vide LC Paper No. CB(1)252/16-17(02) on 6 February and 8 February 2017 respectively.)*

*(At 6:26 pm, the Chairman ordered that the meeting be extended for 15 minutes to 6:45 pm. Members did not object.)*

**III Any other business**

Date of next meeting

10. The Chairman reminded members that the next meeting would be held on 21 January 2017, from 9:00 am to 1:00 pm, to meet with deputations/individuals and the Administration to discuss issues relating to markets and wider issues relating to policies on bazaars.

11. There being no other business, the meeting ended at 6:54 pm.

Council Business Division 1  
Legislative Council Secretariat  
29 March 2018



**Proceedings of the third meeting of the  
Subcommittee on Issues Relating to Bazaars  
on Tuesday, 10 January 2017, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
<b>Agenda item I — Confirmation of minutes</b>			
000703 – 000837	Chairman	Introductory remarks	
000838 – 002732	Chairman Dr KWOK Ka-ki Dr CHIANG Lai-wan Dr Fernando CHEUNG Mr Andrew WAN Administration	<p data-bbox="600 703 1224 775"><u>Attendance of political appointees and provision of information papers</u></p> <p data-bbox="600 815 1224 1066">The Chairman, Dr KWOK, Dr CHEUNG and Mr WAN expressed strong dissatisfaction and condemnation that the Administration had not provided any papers for the meeting and neither the Secretary for Food and Health nor the Under Secretary for Food and Health attended the meeting.</p> <p data-bbox="600 1106 1224 1249">Dr CHIANG said that the Subcommittee should prepare a list of items for discussion so that the Administration would provide papers to facilitate members' discussion.</p> <p data-bbox="600 1290 1224 1433">The Chairman advised that the agenda of the second, third and fourth meetings were agreed at the first meeting and the Administration had been informed accordingly.</p> <p data-bbox="600 1473 1007 1505">The Government advised that –</p> <p data-bbox="600 1545 1224 1688">(a) it had provided a list of discussion items for the Subcommittee's consideration and had also provided a paper for the second meeting on 20 December 2016;</p> <p data-bbox="600 1729 1224 2020">(b) two meetings were scheduled for January 2017 (on 10 and 21 January) to receive views from academics/experts and the public and interested parties. The Government would provide written responses after hearing the views of attending academics and deputations at the two meetings;</p>	

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		<p>(c) the Government would provide in due course written responses to issues raised at the meeting on 20 December 2016; and</p> <p>(d) owing to clash of meeting schedule, the Under Secretary for Food and Health could not attend the present meeting.</p> <p>Commerce and Economic Development Bureau ("CEDB") responded that the bureau together with the Hong Kong Tourism Board would assist in promoting bazaars to tourists. CEDB was requested to receive views from the academics/experts and hence it had not prepared an information paper for the meeting.</p>	
<b>Agenda item II — Economic benefits and social roles of bazaars</b>			
<b>Presentation of views by academics/experts and the Administration's responses</b>			
002733 – 002929	Chairman	Introductory remarks	
002930 – 003602	Dr LEUNG Chi-yuen, the Hong Kong Polytechnic University ("HKPU") Chairman	Presentation of views [LC Paper No. CB(1)427/16-17(01) (Chinese version only)]	
003603 – 004302	Mr CHOW Sung-ming, HKPU Chairman	Presentation of views [LC Paper No. CB(1)430/16-17(01) (Chinese version only)]	
004303 – 005032	Prof MA Kwok-ming, Lingnan University ("LU") Chairman	Presentation of views	
005033 – 005816	Prof NG Mee-kam, Chinese University of Hong Kong ("CUHK") Chairman	Presentation of views [LC Paper No. CB(1)413/16-17(03) (Chinese version only)]	
005817 – 010338	Mr Stephen WONG, CUHK	Presentation of views [LC Paper No. CB(1)413/16-17(02) (Chinese version only)]	

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010339 – 011935	Chairman Administration	<p>The Administration's initial responses to the views of the academics/experts as follows –</p> <ul style="list-style-type: none"> <li>(a) hawker trade should not be positioned as a form of social welfare for the disadvantaged or a means to alleviate poverty but should be regarded as a mode of economic activity;</li> <li>(b) the Government adopted a positive attitude towards a bottom-up approach in coming up specific proposals for developing bazaars, provided that food safety and environmental hygiene would not be compromised, and no obstructions would be caused to passageways;</li> <li>(c) when suitable sites had been identified by organizations for establishing bazaars and support from local communities and respective District Councils ("DCs") had been obtained, the Government would liaise with relevant bureaux and departments regarding the use of the sites and required licences;</li> <li>(d) since operation of a bazaar (e.g. location and duration) might have different impacts on stakeholders in the local community, a proposal developed within the local community would better meet local needs, gain wider local participation and win broader local support;</li> <li>(e) since June 2013, a Hawker Assistance Scheme was introduced in 43 fixed-pitch hawker areas to minimize fire risks and enhance the operating environment of such hawker areas;</li> <li>(f) the Government would stock-take the number of vacant stalls, and review the need of issuing new on-street fixed-pitch hawker licences;</li> <li>(g) the Government had been consulting various DCs on licensing unlicensed street tradesmen with characteristics reminiscent of Hong Kong's local culture and heritage;</li> </ul>	

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		<p>(h) the Government might consider converting public markets with low occupancy into off-street cooked food centres; and</p> <p>(i) subject to the support of the relevant DCs, the Government might consider issuing new "Dai Pai Tong" licences on a pilot basis.</p>	
011936 – 013055	Chairman Dr KWOK Ka-ki Administration	Voting on the motion moved by Dr KWOK Ka-ki	
013056 – 014602	Chairman Dr Fernando CHEUNG Mr Stephen WONG, CUHK Dr LEUNG Chi-yuen, HKPU Prof MA Kwok-ming, LU Mr CHOW Sung-ming, HKPU	<p>Dr CHEUNG sought views from the academics/experts on improvement to the bottom-up approach for developing bazaars.</p> <p>Mr WONG of CUHK clarified that his proposal of a "Regulatory Sandbox" approach was similar to a "Negative List" mechanism under which the Administration needed to set out conditions/locations where the establishment of bazaars would not be allowed.</p> <p>Prof MA of LU suggested that the Administration should designate restricted areas where no bazaars were permitted, and allowed parties to set up bazaars in areas except the restricted areas. The Government should also consider issuing more hawker licences.</p> <p>Mr LEUNG of HKPU remarked that –</p> <p>(a) according to a report issued by the Indian Government in 2009, hawking was a fundamental human right;</p> <p>(b) the Administration had not put forward concrete proposals on hawker policies for gauging public views, making it difficult for stakeholders to give views on the subject; and</p> <p>(c) the number of fixed-pitch hawker licences had decreased substantially in recent years ; and the Administration should examine measures to resolve the succession problem of "Dai Pai Tong" licences.</p> <p>Prof NG of CUHK was of the view that public spaces could be better utilized for developing</p>	

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		<p>economic activities and social relation as well as for improving living standards (e.g. for setting up bazaars), which could contribute to the sustainable development of the community and local residents. She also supported adopting the "Regulatory Sandbox" approach in formulating bazaar policies.</p> <p>Mr CHOW of HKPU suggested that –</p> <p>(a) instead of relying on DCs, the Administration should set up communication platforms to facilitate relevant stakeholders to exchange views on bazaar proposals; and</p> <p>(b) DCs should coordinate with the Food and Environmental Hygiene Department in identifying suitable sites for setting up bazaars, rather than making a final decision on individual bazaar proposal (i.e. taking the role of an enabler instead of a decision maker).</p>	
014603 – 015818	<p>Mr KWONG Chun-yu Prof NG Mee-kam, CUHK Mr CHOW Sung-ming, HKPU Mr Stephen WONG, CUHK Dr LEUNG Chi-yuen, HKPU Prof MA Kwok-ming, LU</p>	<p>Mr KWONG sought views from the academics/experts on possible improvement to the operation and management of bazaars using Tin Sau Bazaar as an example.</p> <p>Prof NG of CUHK advised that –</p> <p>(a) Tin Sau Bazaar was situated at a location with low patronage;</p> <p>(b) the location and operation mode (i.e. short period of time) of morning bazaars in Tin Shui Wai were more suitable for the local community and bazaar operators; and</p> <p>(c) flexibility should be provided to bazaar operators in determining their own operating time.</p> <p>Mr CHOW of HKPU said that –</p> <p>(a) the Administration should consider setting up bazaars of different nature in various locations in Tin Shui Wai; and</p>	

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		<p>(b) instead of entrusting the operation of bazaars to a non-governmental organization, the Administration should consider engaging social enterprises, co-operative societies and local residents in managing bazaars.</p> <p>Mr WONG of CUHK responded that –</p> <p>(a) bazaars should be set up voluntarily by operators at suitable locations identified by themselves instead of at locations designated by the Administration;</p> <p>(b) the Administration should consider issuing more itinerant hawker licences;</p> <p>(c) the "Negative List" mechanism should be adopted so that interested parties could set up bazaars anywhere except the restricted areas; and</p> <p>(d) the Administration should consider launching a pilot scheme to explore the feasibility of the "Negative List" mechanism.</p> <p>Mr LEUNG of HKPU pointed out that Tin Sau Bazaar was not successful as it was operated in the same way as shopping arcades. The Administration should consult relevant stakeholders in determining the mode of operation of bazaars and facilities required by operators. He also supported the "Regulatory Sandbox" approach.</p> <p>Prof MA of LU commented that Tin Sau Bazaar was not a district-led bazaar. The Administration should consult hawkers, instead of DCs, when setting up bazaars because hawkers were more familiar with hawking activities in the district and the needs of local residents.</p>	
015819 – 020319	Mr LAU Kwok-fan Mr CHOW Sung-ming, HKPU Chairman	<p>Mr LAU opined that –</p> <p>(a) DCs provided a communication platform to facilitate stakeholders' discussion on bazaar proposals;</p>	

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		<p>(b) the North DC had arranged focus group discussion to gauge stakeholders' views on setting up bazaars and night markets in the District;</p> <p>(c) the Sham Shui Po DC had collaborated with local organizations in putting forward several bazaar proposals;</p> <p>(d) interested parties should be allowed to set up bazaars anywhere except the restricted areas;</p> <p>(e) hawker trade should not be positioned as a form of social welfare but a kind of economic activities; and</p> <p>(f) it was necessary to strike a balance between facilitating the development of bazaars and addressing the concerns of local residents.</p> <p>Mr CHOW of HKPU emphasized the need to consult the local community in addition to DCs when considering bazaar proposals.</p>	
020320 – 020755	Mr LEUNG Kwok-hung Chairman	<p>Mr LEUNG was of the view that –</p> <p>(a) DCs did not have real power in regulating bazaars or approving bazaar proposals;</p> <p>(b) bazaars were a venue for people to exchange products (including farm products) made by themselves and the stalls in bazaars should be run by owners or their family members; and</p> <p>(c) the setting up of bazaars should be allowed anywhere except the restricted areas with proper control by the Administration.</p>	
020756 – 021347	Chairman Prof MA Kwok-ming, LU Dr LEUNG Chi-yuen, HKPU Prof NG Mee-kam, CUHK	<p>Prof MA of LU commented on the enforcement actions against illegal hawking which included not only financial penalty but also the seizure of hawker equipment and commodities.</p> <p>Dr LEUNG of HKPU disagreed with the Administration's view that hawker trade should</p>	

Time Marker	Speaker	Subject(s)	Action Required
	<p>Mr CHOW Sung-ming, HKPU Mr Stephen WONG, CUHK</p>	<p>not be positioned as a form of social welfare. Hawker trade could help the grass-root people to support their living. Bazaars in Hong Kong could be further developed for promoting local farm products, local culture and heritage.</p> <p>Prof NG of CUHK emphasized the importance of promoting cultural diversity in Hong Kong and urged the Administration to allow flexibility in land use planning to facilitate the development of bazaars, in particular to enable interested parties to set up bazaars in non-restricted areas.</p> <p>Mr CHOW of HKPU pointed out that land management was one of the factors that hindered the development of bazaars. Given that a large amount of land at prime locations were under the management of the Housing Department, Lands Department and Leisure and Cultural Services Department, it would be important to review the land management policies of these departments so that more suitable sites would be released for setting up bazaars.</p> <p>Mr WONG of CUHK opined that enhancing collaboration among relevant bureaux and departments, particularly on land management and land use matters could help promote the development of bazaars in Hong Kong.</p>	
<p>021348 – 022047</p>	<p>Chairman Administration</p>	<p>The Chairman's summary on the social roles of bazaars presented by the academics/experts which included, among others, building of social relationship, alleviating poverty, forestalling monopoly, boosting local economy and tourism and fulfilling people's needs in self-actualization.</p>	
<p>022048 – 022417</p>	<p>Chairman Administration</p>	<p>The Chairman requested the Administration to provide further responses to views expressed by members and academics.</p> <p>The Government's responses as follows –</p> <p>(a) more than 200 new fixed-pitch hawker licences had been issued since 2008 and the Government would conduct a review on the need of issuing new on-street fixed-pitch</p>	



Time Marker	Speaker	Subject(s)	Action Required
		<p>hawker licences after stock-taking the number of vacant stalls surrendered under the Hawker Assistance Scheme;</p> <p>(b) residents near the bazaar site might have concerns over possible traffic, noise and environmental hygiene problems caused by the bazaar, and hence the best arrangement would be for the DC concerned to gauge the local sentiments and reach a consensus among different stakeholders on the bazaar proposal;</p> <p>(c) depending on the on-site situation, the Government might take enforcement actions against morning bazaars if selling of cooked food, prohibited food or restricted food was found, there was obstruction to public passageways, or complaints were received from local residents. Only very limited enforcement actions had been taken against morning bazaars in the past; and</p> <p>(d) the Government adopted a positive attitude in identifying suitable land for the development of bazaars, and relevant bureaux and departments would review policies on land use and land management where necessary.</p> <p>The Chairman requested the Administration to provide written responses to the views raised by academics/experts at the meeting and in their submissions.</p>	<p>The Administration to take action as paragraph 9 of the minutes</p>