

**立法會**  
**Legislative Council**

LC Paper No. CB(1)759/17-18  
(These minutes have been seen  
by the Administration)

Ref : CB1/HS/2/16/1

**Subcommittee on Issues Relating to Bazaars**

**Minutes of the fifth meeting on  
Tuesday, 21 February 2017, at 8:30 am  
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  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon YIU Si-wing, BBS  
Hon CHAN Chi-chuen  
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 Wilson OR Chong-shing, MH  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon LAU Kwok-fan, MH  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim

**Member attending** : Hon LAM Cheuk-ting

**Members absent** : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon CHAN Han-pan, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Jimmy NG Wing-ka, JP  
Hon HO Kai-ming  
Hon SHIU Ka-chun  
Hon LUK Chung-hung  
Hon KWONG Chun-yu

[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** : Prof Sophia CHAN, JP  
Under Secretary for Food and Health

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

Mr LAM Wing Hong  
Assistant Director (Operations)2  
Food and Environmental Hygiene Department

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

Mr Howard YAM, JP  
Assistant Director (3)  
Home Affairs Department

**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

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Action

**I Roles of various departments under the existing policy on bazaars as well as the provision of land for relevant use**

(LC Paper No. CB(1)570/16-17(01) — Paper provided by the Administration)

Follow-up to the meetings on 20 December 2016, 10 January and 21 January 2017

(LC Paper No. CB(1)450/16-17(10) — List of follow-up actions arising from the discussion at the meeting on 20 December 2016

LC Paper No. CB(1)450/16-17(11) — Administration's response to issues raised at the meeting on 20 December 2016

LC Paper No. CB(1)525/16-17(01) — List of follow-up actions arising from the discussion at the meeting on 10 January 2017 ("the follow-up list")

LC Paper No. CB(1)525/16-17(02) — Administration's written response to the follow-up list and the motions passed at the meeting on 21 January 2017

LC Paper No. CB(1)570/16-17(02) — List of follow-up actions arising from the discussion at the meeting on 21 January 2017

Action

LC Paper No. CB(1)570/16-17(03) — Administration's response to issues raised at the meeting on 21 January 2017)

Other papers

(LC Paper No. CB(1)533/16-17(01) — List of information and statistics related to hawker and hawker stall as requested by the Chairman

LC Paper No. CB(1)533/16-17(02) — Administration's paper on information and statistics related to hawker and hawker stall)

Discussion

The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

2. The Administration was requested to provide information on:

*Measures to facilitate the setting up of bazaars*

- (a) the updated list of vacant land for greening or community uses compiled by the Lands Department which were available for uses of community, institutional or non-profit making purposes on short term basis;
- (b) the Administration's response to Subcommittee members' suggestions/views as follows:
  - (i) using a test case to simulate the application procedures for setting up bazaars with a view to simplifying the application procedures and developing a practical guidelines in facilitating the public in making applications;
  - (ii) developing a list of suitable sites for setting up bazaars based on past successful bazaar experience (e.g. bazaars set up at sites that were welcomed by the public and local residents);

Action

(iii) formalizing the setting up of bazaars at fixed locations, particularly during the weekends; and

(iv) establishing an inter-bureaux/departamental task force to formulate policy on and promote the development of bazaars;

*The organization of bazaars in public rental housing estates*

(c) the Administration's response to Subcommittee members' suggestions/views that in order to facilitate applications for setting up bazaars in public rental housing ("PRH") estates, the Housing Department/the relevant departments should:

(i) remind PRH estate offices and frontline staff of the need to render assistance to organizations which intended to set up bazaars in the estates;

(ii) develop an application form to facilitate applications for setting up bazaars in PRH estates; and

(iii) relax the existing restriction of not allowing activities organizers to receive cash or cheque on-the-spot during the activities.

*(Post meeting note: The Administration's written response was issued vide LC Paper No. CB(1)690/16-17(05) on 17 March 2017.)*

*(At 10:29 am, the Chairman ordered that the meeting be extended for 15 minutes to 10:45 am. Members agreed.)*

**II Any other business**

Date of next meeting

3. The Chairman reminded members that the next meeting would be held on 21 March 2017, at 2:30 pm, to meet with the Administration to discuss the current situation and experience of applications for setting up bazaars.

Action

4. There being no other business, the meeting ended at 10:45 am.

Council Business Division 1  
Legislative Council Secretariat  
29 March 2018

**Proceedings of the fifth meeting of the  
Subcommittee on Issues Relating to Bazaars  
on Tuesday, 21 February 2017, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
001020 – 001157	Chairman	Introductory remarks	
001158 – 002010	Administration	Briefing by the Administration on the definition of bazaar, the Government's bazaar policy, procedures and criteria adopted by departments in charge of venues in vetting bazaar proposals, and the use of vacant land for setting up bazaars [LC Paper No. CB(1)570/16-17(01)]	
002011 – 002426	Chairman Administration	The Chairman expressed concern about late submission of the discussion paper ( LC Paper No. CB(1)570/16-17(01)) and the lack of substantive contents (e.g. no information on the detailed application procedures for setting up bazaars).  The Government responded that the discussion paper restated the Government's bottom-up approach adopted for the establishment of bazaars. It took time for the Food and Health Bureau ("FHB") to collect and consolidate information from other relevant departments, in particular information relating to the application procedures and criteria for the use of venues managed by various departments.	
002427 – 003316	Mr LEUNG Yiu-chung Administration Chairman	Mr LEUNG considered that the Administration should promote the development of bazaars as they could help preserve local culture and tradition, promote creative industries, alleviate poverty, provide opportunities for people to start their business and boost local economy. The Administration should facilitate the development of bazaars in public rental housing ("PRH") estates to counter the monopoly of the Link Real Estate Investment Trust ("Link REIT"). He questioned how	

Time Marker	Speaker	Subject(s)	Action Required
		<p>bazaars could be operated in PRH estates given the existing policy of not allowing cash transactions during such events.</p> <p>The Government responded that –</p> <ul style="list-style-type: none"> <li>(a) the nature and positioning of bazaars could be very different: some were festive celebrative events, some were for promoting cultural creativity, some provided opportunities to the grass-root people to start their business, and some were for promoting local economy and tourism;</li> <li>(b) the Government adopted a positive attitude towards a bottom-up approach in coming up specific proposals for developing bazaars;</li> <li>(c) when suitable sites had been identified by organizations for setting up bazaars and support from local communities and respective District Councils ("DCs") had been obtained, the Food and Environmental Hygiene Department ("FEHD") would facilitate liaison with relevant departments, provided that the bazaars would not compromise public order and safety, food safety and environmental hygiene and obstruct public passageways;</li> <li>(d) the Housing Department ("HD") had received proposals from community organizations in the past for setting up bazaars at various locations, including the recent proposal for setting up a bazaar at Tin Yiu Estate;</li> <li>(e) HD would examine the feasibility and the impact of bazaar proposals in accordance with the established mechanism; and</li> <li>(f) FHB would convey to HD the Subcommittee's suggestion of relaxing the existing restriction of not allowing activities involving on-the-spot receipt of</li> </ul>	



Time Marker	Speaker	Subject(s)	Action Required
		cash or cheque in bazaars set up in PRH estates.	
003317 – 005141	Mr YIU Si-wing Administration Chairman	<p>Mr YIU expressed concern on the bottom-up approach adopted in handling bazaar proposals. He enquired about –</p> <ul style="list-style-type: none"> <li>(a) the Administration's assistance to bazaar organizers during the application process; and</li> <li>(b) actions the Administration would take if negative feedback was received from relevant department(s) on a bazaar proposal or if the local communities expressed concern on the proposal (e.g. the use of leisure venue for setting up the bazaar).</li> </ul> <p>The Government responded that –</p> <ul style="list-style-type: none"> <li>(a) different stakeholders in a district might hold different views on a bazaar proposal, e.g. residents near the proposed site might have concerns over possible noise and environmental hygiene problems;</li> <li>(b) DCs would be an appropriate party to gauge public sentiments, assess the local acceptance towards the proposal and reach a common understanding on the best arrangements for taking forward the proposal;</li> <li>(c) there were designated officers in FEHD to provide a one-stop service to assist bazaar organizers in taking forward their proposals;</li> <li>(d) after obtaining details of a bazaar proposal, FEHD would consult relevant departments, including the department in charge of the proposed venue, on matters under their respective purview;</li> <li>(e) FEHD would also liaise with the Home Affairs Department in soliciting support</li> </ul>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>from local communities and the relevant DC;</p> <p>(f) FEHD would convey the requirements of relevant departments to the bazaar organizers and time would be allowed for organizers to submit revised proposals where necessary; and</p> <p>(g) leisure venues managed by the Leisure and Cultural Services Department ("LCSD") were primarily for designated recreational purposes and were governed by the Pleasure Grounds Regulation (Cap. 132BC). In handling applications for using leisure venues to organize bazaars, LCSD would consider the applications on a case-by-case basis according to the established procedures set out in the Guidelines for Use of Leisure Venues for Non-designated Use.</p> <p>The Chairman expressed grave concern on the difficulties encountered by bazaar organizers during the application process, in particular the late issuance of licences.</p> <p>The Government explained that before issuing a place of public entertainment licence ("PPE licence") or a temporary PPE licence, FEHD had to ensure the applicant had fully complied with the necessary licensing conditions imposed by relevant departments. Departments concerned could only confirm this after the organizer had completed setting up the venue to enable the departments to conduct site inspections.</p>	
005142 – 005744	Dr YIU Chung-yim Administration Chairman	<p>Dr YIU urged the Administration to consider his views as follows –</p> <p>(a) FEHD should consider granting approval in principle to bazaar organizers if they could fulfill the requirements imposed by relevant departments and no objection had been received from the departments while the PPE licence or temporary PPE licence could be issued after site inspections;</p>	The Administration to take action as paragraph 2(a) and (b) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>(b) use a test case to simulate the application procedures for setting up a bazaar so as to identify areas to simplify the procedures and develop practical guidelines to facilitate the public in making applications; and</p> <p>(c) provide the updated list of vacant land for greening or community uses compiled by the Lands Department which were available for uses of community, institutional or non-profit making purposes on short term basis.</p> <p>The Chairman urged the Administration to develop comprehensive guidelines (including the detailed procedures and licences required) to facilitate the public in making applications for setting up bazaars.</p> <p>The Government responded that –</p> <p>(a) if relevant departments did not raise objection to an application, FEHD would issue a Letter of Requirements to the bazaar applicant usually two weeks before the event date informing the party the requirements imposed by relevant departments;</p> <p>(b) the Government appreciated the suggestion of using a test case to simulate the application procedures for setting up bazaars;</p> <p>(c) the District Lands Offices would provide an updated list of vacant land for greening or community uses to relevant District Offices, DC Members and District Social Welfare Offices on a quarterly basis, and the Government would provide the updated list to the Subcommittee; and</p> <p>(d) the Government would consider consolidating the returns of relevant departments on their approval criteria and requirements, with a view to developing guidelines for organizing bazaars.</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005745 – 011456	Mr LEUNG Yiu-chung Administration Chairman	<p>Mr LEUNG questioned the need to consult DC for setting up bazaars in PRH estates, and opined that it would be more appropriate to consult the relevant DC members instead.</p> <p>The Government said that different DCs might have different practices and arrangements in considering bazaar proposals. DCs would be an appropriate party in engaging local communities to reach a consensus. In addition to DCs, HD might also seek views from the relevant Estate Management Advisory Committees to better assess the impact of the proposals.</p> <p>Mr LEUNG enquired about the procedures for submitting bazaar proposals to DCs, and expressed concern about the complicated and time consuming procedures (e.g. some DCs would hold meetings once every two months) in seeking views and support from local communities and DCs.</p> <p>The Chairman urged the Administration to consider simplifying the current procedure for obtaining support from DCs (e.g. a committee appointed by DCs instead of the entire DC should discuss bazaar proposals).</p> <p>The Government said that upon receiving a bazaar proposal, FEHD would liaise with the relevant District Office for arranging the proposal for DC's consideration. Individual DCs would decide how to handle a proposal, e.g. arranging the proposal to be considered by the relevant area committee, a committee appointed by DC and/or at a DC meeting.</p>	
011457 – 012801	Chairman Administration	<p>The Chairman suggested that the Administration should consider –</p> <p>(a) allowing organizers to obtain support from the local DC members instead of the DC for setting up bazaars in PRH estates;</p> <p>(b) developing clear and practical guidelines (listing out the requirements of various</p>	The Administration to take action as paragraph 2(b) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>departments) to facilitate the public in making applications;</p> <p>(c) arranging regular meetings to facilitate communication between relevant departments and bazaar organizers;</p> <p>(d) developing a list of suitable sites for setting up bazaars based on past successful bazaar experience (e.g. bazaars set up at sites that were welcomed by the public and local residents); and</p> <p>(e) formalizing bazaars at fixed locations, particularly during weekends.</p> <p>The Government responded that FEHD and relevant departments would review the current application procedures and approving criteria with a view to simplifying the procedures and improving the efficiency in vetting applications.</p> <p>The Government remarked that bazaars were temporary in nature and usually of short duration. The list of vacant land for greening or community uses compiled by the Lands Department had already provided details on vacant government land available for use on short term basis, including the setting up of bazaars.</p>	
012802 – 013733	Mr Nathan LAW Administration Chairman	<p>Mr LAW pointed out that PRH estate officers and frontline staff were unaware of the Administration's supportive attitude towards setting up bazaars and did not allow activities involving cash transactions to be organized at PRH estates. The Administration should remind PRH estate offices and frontline staff of the need to render assistance to organizations intended to set up bazaars in the estates.</p> <p>The Government reiterated its positive attitude towards specific bottom-up proposals for organizing bazaars. The Secretary for Food and Health had also encouraged DCs to render active consideration to bazaar proposals received, during his meeting with DC</p>	The Administration to take action as paragraph 2(c) of the minutes



Time Marker	Speaker	Subject(s)	Action Required
013734 – 014239	Mr LAM Cheuk-ting Administration Chairman	<p>Mr LAM shared the successful experience of bazaars organized at Shek Wu Hui in the North District. It was important for bazaar organizers to maintain communication with local communities and relevant departments so as to allay their concerns. Bazaar organizers were co-operative and willing to address the issues raised by stakeholders.</p> <p>The Government advised that a number of proposals for organizing bazaars at potential sites in Sham Shui Po, North District and Islands District had been received and FEHD would render necessary assistance in taking forward the proposals.</p>	
014240 – 014855	Mr Andrew WAN Administration Chairman	<p>Mr WAN suggested that the Administration should arrange a meeting for exchanging views between relevant departments and bazaar organizers on the difficulties encountered during the application procedures and resolving technical issues.</p> <p>The Government said that in the light of views expressed by deputations at previous meetings, FHB had liaised with relevant departments to better understand their respective roles and mechanisms adopted for vetting bazaar applications, as well as convey deputations' concerns to them. The Government would review the current application procedures and consider developing clear and practical guidelines to facilitate the public in making applications for setting up bazaars.</p>	
014856 – 015507	Mr YIU Si-wing Administration Chairman	<p>Mr YIU suggested that the Administration should set up a designated office (making reference to the one set up for the food truck pilot scheme) to promote the development of bazaars and formalize bazaars at fixed locations particularly during weekends. Districts, such as Sham Tseng and Lei Yu Mun, welcomed the setting up of regular bazaars to help attract tourists and boost the local economy.</p> <p>The Government reiterated that bazaars were temporary in nature and their operation was non-recurrent and of short duration. It would</p>	The Administration to take action as paragraph 2(b) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>be appropriate for DCs to consider each application on a case-by-case basis taking into account impacts of the proposal on stakeholders. If bazaars were to be made regular at Government venues, the relevant departments had to carefully assess whether this would adversely affect the designated uses of the venues and affect users.</p>	
015508 – 020118	Dr CHIANG Lai-wan Administration Chairman	<p>Dr CHIANG said that the Democratic Alliance for the Betterment and Progress of Hong Kong supported the development of bazaars in suitable locations to help boost local economy, diversify the tourism industry and assist the grass-root people to support their living. She suggested that the Administration should consider –</p> <ul style="list-style-type: none"> <li>(a) formalizing bazaars during weekends and holidays at locations which would not affect local residents and shop owners in the vicinity (e.g. in parks or at the waterfront); and</li> <li>(b) licences should be issued to bazaar operators on a time-limited basis.</li> </ul> <p>The Government responded that depending on the venue, form and nature of the activities concerned, bazaar operators would need to apply for different licences which were temporary in nature. As regards setting up bazaars in parks, LCSD would handle and consider the application on a case-by-case basis in accordance with the established procedures.</p>	
020119 – 020703	Dr KWOK Ka-ki Administration Chairman	<p>Dr KWOK opined that the Administration should –</p> <ul style="list-style-type: none"> <li>(a) review the current hawker policy and issue new hawker licences on a time-limited basis; and</li> <li>(b) establish an inter-bureaux/departmental task force to formulate the policy on bazaars and promote their development.</li> </ul>	The Administration to take action as paragraph 2(b) of the minutes



Time Marker	Speaker	Subject(s)	Action Required
		<p>The Government reiterated that FEHD would assign designated officers to provide a one-stop service to bazaar organizers in taking forward their proposals. The Government would review the established mechanism adopted by relevant departments in vetting bazaar applications with a view to simplifying the procedures and improving the efficiency in vetting applications.</p>	
020704 – 021127	Mr SHIU Ka-fai Chairman	<p>Mr SHIU supported setting up bazaars during weekends and holidays, and developing night markets in suitable locations (e.g. at sites which would not cause nuisance to local residents and affect the businesses of shop owners nearby). The use of "naked flame" should be allowed in cooked food bazaars and the Administration should look into the matter. He also urged the Administration to control noise nuisance caused by street performers and bazaar operators to the local communities.</p>	
021128 – 021516	Mr CHU Hoi-dick Administration	<p>Mr CHU requested the Administration to consider –</p> <ul style="list-style-type: none"> <li>(a) issuing new hawker licences on a time-limited and regular basis; and</li> <li>(b) allowing bazaar organizers to obtain support from local DC members and the relevant Estate Management Advisory Committees, instead of DCs, for setting up bazaars in PRH estates under the Hong Kong Housing Authority which did not involve other owners.</li> </ul>	
021517 – 021637	Chairman	<p>The Chairman summarized Subcommittee members' suggestions and requests as follows –</p> <ul style="list-style-type: none"> <li>(a) the Administration should consider formalizing bazaars at fixed locations, particularly during the weekends;</li> <li>(b) HD should relax the existing restriction of not allowing activity organizers to receive cash or cheque on-the-spot during the activities;</li> </ul>	<p>The Administration to take action as paragraph 2(b) and (c) of the minutes</p>

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		<p>(c) the Administration should review and simplify the current application procedures for setting up bazaars and develop practical guidelines to facilitate the public in making applications; and</p> <p>(d) the Administration should arrange a meeting between relevant departments and bazaar organizers for exchanging view on the current application procedures.</p>	

Council Business Division 1  
Legislative Council Secretariat  
29 March 2018