

立法會
Legislative Council

LC Paper No. CB(1)854/17-18

(These minutes have been seen
by the Administration)

Ref : CB1/HS/2/16/1

Subcommittee on Issues Relating to Bazaars

**Minutes of the seventh meeting on
Thursday, 20 April 2017, at 8:30 am
in Conference Room 2 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 Claudia MO
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Andrew WAN Siu-kin
Hon SHIU Ka-fai
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 LEUNG Kwok-hung
Hon Steven HO Chun-yin, BBS
Hon Kenneth LEUNG
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon CHU Hoi-dick

Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon SHIU Ka-chun
Hon Tanya CHAN
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 : 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 HUI Wing Koon
Sr Engr / Gas Standards A2
Electrical and Mechanical Services Department

Mr LI Chun Kit
Dep Chief Fire Officer (Licensing & Certification)
(Ag)
Fire Services Department

Mr CHAN Yu-cheong
Acting Assistant Director (3)
Home Affairs Department

Ms SHU So Wah, Josephine
Chief Estate Surveyor / Commercial Properties
Housing Department

Ms Daisy WONG
Chief Estate Surveyor (Estate Management)
Lands Department

Attendance by invitation : Deputations

Supporting Grassroots' Bazaar Alliance

Miss CHIU Sin Ting
Spokesman

Concerning CSSA & Low Income Alliance

Mr HO Chi Chung
Member

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

Action

I Review of licence application procedures for bazaar operation and the Government's support to operators

(LC Paper No. CB(1)842/16-17(01) — Administration's paper on current situation and experience of bazaar applications

Action

- LC Paper No. CB(1)855/16-17(01) — A list of trial sites for organizing bazaars provided by Dr Hon LAU Siu-lai (Chinese version only))

Follow-up to the meeting on 21 March 2017

- (LC Paper No. CB(1)842/16-17(02) — List of follow-up actions arising from the discussion at the meeting on 21 March 2017

- LC Paper No. CB(1)842/16-17(03) — Administration's response to issues raised at the meeting on 21 March 2017)

Other papers

- (LC Paper No. CB(1)842/16-17(04) — Letter dated 31 March 2017 jointly issued by Dr Hon LAU Siu-lai and Dr Hon KWOK Ka-ki to the Housing Department (Chinese version only)

- LC Paper No. CB(1)842/16-17(05) — Letter dated 7 April 2017 jointly issued by Dr Hon LAU Siu-lai and Dr Hon KWOK Ka-ki to the Leisure and Cultural Services Department (Chinese version only)

- LC Paper No. CB(1)842/16-17(06) — Reply letter dated 13 April 2017 from the Housing Department (Chinese version only))

Meeting with deputations and the Administration

Powerpoint presentation materials from deputation attending the meeting

- (LC Paper No. CB(1)856/16-17(01) — Submission from Supporting Grassroots' Bazaar Alliance (Chinese version only))

Action

The Chairman welcomed representatives of the Administration and deputations to the meeting, and reminded the deputations 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).

Discussion

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

Motions

3. At 10:27 am, the Chairman informed the Subcommittee that she had received two motions from Dr YIU Chung-yim and would deal with the motions after members finished asking questions. At 10:35 am, as no members raised further questions, the Chairman invited the Subcommittee to consider whether Dr YIU's motion should be proceeded with. Members had no objection.

4. Dr YIU Chung-yim spoke on his first motion. The terms of the motion were as follows –

"因各部門之間條例及政策有矛盾，以致墟市政策難有進展。就此，本小組委員會動議各部門檢討相關條例及政策，並要求各部門參與檢討會，與各持份者共同檢討如何改善墟市政策及申請流程。"

(Translation)

" Due to the contradictions in the legislation and policies among various departments, progress can hardly be made in the policy on bazaars. In this connection, this Subcommittee moves that various departments conduct a review on relevant legislation and policies and requests them to engage in the review meeting to examine in collaboration with various stakeholders how to improve the policy on bazaars and the application process."

5. The Chairman put Dr YIU's motion to vote. The motion was voted on and carried.

6. Dr YIU Chung-yim spoke on his second motion. The terms of the motion were as follows –

Action

"房屋署表示對墟市持開放態度，但前線職員卻不清楚相關決策，導致申請被拒。就此，本小組委員會動議房屋署發出正式通告，通知前線員工可接納墟市申請。即使現金交易亦有政策可以跟進。"

(Translation)

"The Housing Department advises that it keeps an open attitude towards bazaars, but its frontline staff is not aware of the policy concerned, resulting in applications being rejected. In this connection, this Subcommittee moves that the Housing Department should issue a formal notice informing frontline staff that bazaar-related applications can be accepted. A policy is even in place on cash-based transactions."

7. The Chairman put Dr YIU's motion to vote. The motion was voted on and carried.

(Post-meeting note: The terms of the motions were circulated to members vide LC Paper No. CB(1)854/16-17(01) on 21 April 2017.)

(At 10:27 am, the Chairman ordered that the meeting be extended for 15 minutes to 10:45 am. Members agreed.)

(At 10:29 am, the Chairman ordered that a voting bell be rung for 5 minutes for handling the motions.)

II Any other business

Date of next meeting

8. The Chairman reminded members that the next meeting would be held on 22 May 2017, at 2:30 pm, to meet with the Administration to discuss bazaar policies and experience of other cities.

9. There being no other business, the meeting ended at 10:38 am.

Council Business Division 1
Legislative Council Secretariat
24 April 2018

**Proceedings of the seventh meeting of the
Subcommittee on Issues Relating to Bazaars
on Thursday, 20 April 2017, at 8:30 am
in Conference Room 2 of the Legislative Council Complex**

| Time Marker | Speaker | Subject(s) | Action Required |
|--------------------|--|--|------------------------|
| 001028 – 001331 | Chairman | Introductory remarks | |
| 001332 – 001608 | Chairman Administration | Briefing by the Administration on the current situation and procedures of applications for the setting up of bazaars [LC Paper No. CB(1)842/16-17(01)] | |
| 001609 – 002439 | Chairman Supporting Grassroots' Bazaar Alliance ("SGBA") | Presentation of views [LC Paper No. CB(1)856/16-17(01)] | |
| 002440 – 003527 | Chairman Concerning CSSA & Low Income Alliance ("CCLIA") | Presentation of views [LC Paper No. CB(1)856/16-17(01)] | |
| 003528 – 005000 | Chairman Dr KWOK Ka-ki Administration | To promote the long-term development of bazaars, Dr KWOK suggested that – (a) the Administration should set up a designated office/committee or the Food and Health Bureau ("FHB")/the Food and Environmental Hygiene Department ("FEHD") should designate an officer to co-ordinate bazaar applications in all districts and provide one-stop service to project proponents during the application process, in particular to liaise with relevant departments on their requirements before bazaar organizers worked out the detailed proposals for consideration by District Councils ("DCs"); (b) the Fire Services Department ("FSD") should provide clear guidelines on common fire safety requirements applicable to different types of bazaars, including cooked food bazaars; and | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| | | <p>(c) in lieu of requiring bazaar operators to apply for different types of licences (e.g. Temporary Food Factory Licence, Temporary Places of Public Entertainment Licence, etc.), the Administration should develop a specific licence for bazaars.</p> <p>The Government advised that –</p> <ul style="list-style-type: none"> (a) bazaars were a neutral platform and the actual mooting of bazaar proposals might vary in the light of specific situations in each district; (b) stakeholders in individual districts might have different views on bazaar proposals, e.g. residents near the proposed bazaar sites might have concerns on noise and environmental hygiene problems, and hence the Government considered the bottom-up approach more appropriate; (c) FEHD would act as the co-ordinator and provide necessary assistance and advice to bazaar organizers in taking forward the proposals, particularly when applying for relevant licences; (d) FEHD had designated officers providing assistance to bazaar organizers in taking forward their proposals. The Licensing Office in each region would follow up on the proposals and the respective District Environmental Hygiene Superintendent of each region would assume the co-ordinating role for bazaars applications in the region. Currently, there was no plan to set up a committee to take up the duties relating to bazaars; and (e) upon receipt of an application for Temporary Places of Public Entertainment Licence referred from FEHD, FSD would arrange meetings with the bazaar organizers to explain the details on fire safety requirements. | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| 005001 – 010059 | Chairman Dr Fernando CHEUNG Administration | <p>Dr CHEUNG called on the Administration to take up a more active role in promoting the development of bazaars, including formulating relevant policies. He also suggested FHB to develop comprehensive guidelines (including the detailed application procedures and licences required) to facilitate the public in making applications.</p> <p>The Government advised that –</p> <ul style="list-style-type: none"> (a) details regarding the application of various types of licences that might be required for setting up bazaars were set out in Appendix to LC Paper No. CB(1)842/16-17(01); (b) general fire safety requirements for open-ground bazaar with cooked food stalls were available at FSD's website; (c) upon receipt of applications referred by the licensing authority, FSD would conduct inspection and fire risk assessment on the venues concerned; and (d) taking into account factors like the location, size and number of stalls in a bazaar, and the fuel to be used (if cooked food stalls were involved), FSD would formulate corresponding fire safety requirements (including the number of fire extinguishers required) for compliance by the organizers/operators. | |
| 010100 – 011430 | Chairman Dr YIU Chung-yim SGBA Administration | <p>Dr YIU suggested the Administration to develop guidelines, with samples of layout plans (making reference to "A Guide to Application for Restaurant Licences") so as to facilitate bazaar organizers in complying with various licensing requirements.</p> <p>Dr YIU enquired about the conditions for allowing cash transactions in bazaars organized in public rental housing ("PRH") estates. He invited the deputations to share the difficulties encountered by bazaar organizers in applying venues for setting up bazaars involving cash transactions.</p> | |

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| | | <p>Miss CHIU of SGBA said that –</p> <ul style="list-style-type: none"> (a) so far, no bazaar involving cash transactions had been successfully organized in PRH estates as Housing Department ("HD") did not allow commercial activities with cash transactions during activities carried out in public areas in PRH estates; (b) whether bazaars could be set up in PRH estates might depend on the terms and conditions of the land leases and HD would need to obtain the consent of other private owners in common areas jointly-owned by them; and (c) it was noted that 78 PRH estates managed by HD did not have any private owners. <p>On the setting up of bazaars in PRH estates, the Government responded that –</p> <ul style="list-style-type: none"> (a) HD would provide free venues to community organizations and non-governmental organizations for organizing community activities in PRH estates but commercial/advertisement activities and cash transactions at the venues were not allowed; (b) HD had also provided venues at a fee to organizations for the provision of various non-profit-making or commercial services as required by the residents, such as mobile Chinese medical clinics or physiotherapy vehicles, etc., in which cash transactions might be involved; (c) upon receipt of specific proposals to set up bazaars in PRH estates, HD would examine the feasibility of the proposals and their impact on the estates concerned; (d) for PRH estates located on land lots subject to land leases, approval from the Lands Department ("LandsD") would be required if the restrictions on floor area and use could not be met. HD had provided a list of 78 PRH estates managed | |

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| | | <p>by HD, which did not involve other owners or land lease;</p> <p>(e) consent from other owners must be obtained for setting up bazaars in common areas jointly-owned by them;</p> <p>(f) open spaces in PRH estates were often public passageways, sitting out areas or common spaces for use of residents; views of residents and other stakeholders on proposed changes in the usage of common areas should also be thoroughly considered; and</p> <p>(g) in accordance with the Government's policy on bazaars, the proponent would also need to obtain the support of the local communities and respective DCs.</p> <p>The Chairman was concerned that estate management and frontline staff of PRH estates were unaware of the Government's policy on bazaars. She asked if HD would remind estate management and frontline staff of PRH estates on the need to render assistance to organizations in setting up bazaars in the estates, and develop an application form to facilitate interested parties in making applications in PRH estates.</p> <p>The Government explained that HD handled bazaar proposals in PRH estates in complement with the Government's policy. If a proponent identified an appropriate venue in a PRH estate for setting up a bazaar, and support from local communities and the respective DCs had been obtained, HD would examine the feasibility and impact of the proposal and process the application according to the established mechanism.</p> | |
| 011431 – 012137 | Chairman Mr Jeremy TAM Administration | With reference to the cooked food bazaar recently organized at Kiu Kiang Street in Sham Shui Po, Mr TAM asked if the Administration would consider developing simple and practical guidelines to facilitate the public in making applications for setting up bazaars. | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| | | <p>The Government said that –</p> <ul style="list-style-type: none"> (a) it adopted a positive attitude towards bottom-up proposals for organizing bazaars; (b) after obtaining support from the local communities (including respective DCs), FEHD would act as the co-ordinator and facilitate the organizers in implementing their proposals; (c) the Government would review the application procedures and requirements of the bazaar set up in Kiu Kiang Street with a view to simplifying the procedures and enhancing efficiency of the vetting process; and (d) FEHD had established mechanism and guidelines for handling bazaar proposals and the Government would enhance publicity of the guidelines. | |
| 012138 – 012941 | Chairman Mr WONG Ting-kwong Administration | <p>Mr WONG pointed out that bazaar organizers might need to seek advice from professionals in order to resolve the technical issues encountered during the application process. He concurred that the Administration should develop practical guidelines to facilitate the public in making applications and comply with the statutory requirements.</p> <p>The Chairman suggested arranging a review meeting between relevant departments and bazaar organizers for exchanging views on the difficulties encountered during the application process and resolving technical issues relating to the current application procedures and requirements. The Administration agreed with the suggestion.</p> | |
| 012942 – 013645 | Chairman Mr LEUNG Yiu-chung Administration | <p>Mr LEUNG called on senior government officials to visit bazaars to better understand their operation and benefits for the local communities. He also suggested HD to liaise with private owners of PRH estates with a view to obtaining their consent for setting up bazaars in common areas in PRH estates.</p> | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| | | As regards the review meeting, Mr LEUNG suggested the Chairman to take the lead in arranging the meeting. The Chairman agreed. | |
| 013646 – 014208 | Chairman Administration | <p>The Chairman said that she had prepared a list of suitable sites for setting up bazaars (i.e. LC Paper No. CB(1)855/16-17(01)). The sites were vacant government land under the management of LandsD. She suggested that the Administration should implement a trial scheme to set up bazaars at these locations on a regular basis.</p> <p>The Government responded that LandsD would need to confirm with relevant District Lands Offices on the availability of the sites for setting up bazaars. If the sites were available (e.g. their long-term uses were yet to be determined or temporary uses were feasible), LandsD could allocate the land to a bureau/department for temporary use. Given that the nature and positioning of bazaars could be very different, the views from relevant departments would need to be sought upon receipt of bazaar proposals at the sites identified by the Chairman. Views of the local communities (including the respective DCs) and relevant stakeholders would also be considered.</p> | |
| 014209 – 020025 | Chairman SGBA CCLIA Administration | <p>Miss CHIU of SGBA and Mr HO of CCLIA shared their problems encountered in the setting up of bazaars. They pointed out that –</p> <ul style="list-style-type: none"> (a) organizers would need to consult different departments concerned on their requirements for setting up a bazaar; (b) FEHD would only assign an officer to co-ordinate bazaar applications that required licences issued by FEHD; and (c) the rules and regulations relating to the setting up of bazaars were outdated and inconsistent. | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| | | <p>Miss CHIU and Mr HO raised the following questions –</p> <ul style="list-style-type: none"> (a) whether FEHD would refuse granting relevant licences even if support from the DC on a bazaar proposal had been obtained; (b) if the fire safety requirements for setting up the cooked food bazaar at Kiu Kiang Street could be applicable to cooked food bazaars in other districts if the layout of venues were similar; and (c) would the Administration consider inviting bazaar organizers and professionals to review the rules and regulations relating to bazaars so as to identify necessary improvement and developing rules and regulations catering to the operation of bazaars. <p>The Government reiterated the bottom-up approach on the establishment of bazaars. If relevant bureaux wished to use this neutral platform to achieve their policy objectives, FHB would provide positive facilitation. FEHD would act as the co-ordinator in relation to applying for the relevant licences. The Government would review the established mechanism adopted by relevant departments in vetting bazaar applications with a view to simplifying the application procedures and enhancing efficiency of the vetting process.</p> <p>Regarding fire safety requirements on bazaars, the Government explained that detailed requirements in relation to the Temporary Places of Public Entertainment Licences were available at FSD's website. FSD would need to examine the details of a bazaar proposal, conduct site inspection and fire risk assessment in deciding necessary fire safety requirements of a particular bazaar. Most of the fire safety requirements for the open-ground bazaar with cooked food stalls at Kiu Kiang Street were standard fire safety requirements that should be applicable to other bazaar with cooked food stalls.</p> | |

| Time Marker | Speaker | Subject(s) | Action Required |
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| 020026 – 020447 | Chairman Mr LEUNG Che-cheung Administration | Mr LEUNG considered that the Administration should provide clear guidelines to facilitate the public in making applications for setting up bazaars. The Government reiterated that FEHD had established mechanism and guidelines for handling bazaar applications and it would study measures to enhance publicity of the guidelines, e.g. through FEHD's website. | |
| 020448 – 020639 | Chairman Mr Jeremy TAM Administration | Mr TAM enquired about HD's mechanism in handling applications for setting up cooked food bazaars with cash transactions in PRH estates. HD responded that it handled proposals to set up bazaars in PRH estates in accordance with the Government's bottom-up approach. If a proponent identified appropriate venue for setting up a bazaar and secured the support of local communities and the respective DCs, HD would examine the feasibility and impact of the proposal and process the application according to the established mechanism. | |
| 020640 – 020819 | Chairman Dr YIU Chung-yim | Voting on the two motions moved by Dr YIU Chung-yim | |
| 020820 – 020855 | Chairman | Date of next meeting and closing remarks | |

Council Business Division 1
Legislative Council Secretariat
24 April 2018