

立法會
Legislative Council

LC Paper No. CB(1)855/17-18
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by the Administration)

Ref : CB1/HS/2/16/1

Subcommittee on Issues Relating to Bazaars

**Minutes of the eighth meeting on
Monday, 22 May 2017, at 2:30 pm
in Conference Room 1 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 Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Martin LIAO Cheung-kong, SBS, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon HUI Chi-fung
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim

Members absent : Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon CHIANG Lai-wan, JP
Hon Tanya CHAN
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH

[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

Ms Rebecca KU
Senior Superintendent (Operations)2
Food and Environmental Hygiene Department

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

Staff in attendance : Ms Elyssa WONG
Head (Information Services)

Ms Ivy CHENG
Senior Council Researcher 3

Miss Sharon LO
Senior Council Secretary (1)9

Ms Sharon CHAN
Legislative Assistant (1)4

I Matters arising

Meeting for reviewing the procedures for making applications to establish bazaars

The Chairman briefed members on the background and proposed arrangements regarding the review meeting to be held by the Subcommittee with the Administration and bazaar organizers on the application procedures for setting up bazaars. To facilitate frank discussion among parties, she proposed to hold the meeting closed-door, and suggested inviting deputations including 關注綜緩低收入聯盟, 撐基層墟市聯盟, 關注墟市發展, 社區發展陣線, 北區墟市節聯席, 元朗農墟有限公司 and 香港社會服務聯會 to the meeting.

2. Mr CHAN Chi-chuen, Mr SHIU Ka-fai, Dr Fernando CHEUNG, Mr SHIU Ka-chun and Mr LEUNG Kwok-hung expressed reservation on the Chairman's proposal and considered that the review meeting should be held in public as discussion of the Subcommittee should be transparent. They opined that should there be any sensitive information that bazaar organizers did not want to disclose to the public, they could inform the Legislative Council Secretariat for making the necessary arrangement. Dr YIU Chung-yim said that the Subcommittee should consider holding the review meeting closed-door if bazaar organizers so requested.

3. The Chairman put to vote the question that the review meeting be held closed-door. The majority of members present voted against the question. The Chairman declared that the question was negated.

(Post-meeting note: Members were informed vide LC Paper No. CB(1)1001/16-17 on 23 May 2017 on the meeting arrangement.)

II Bazaar policies and experience of other cities

(LC Paper No. IN11/16-17

— Information note on "Policies on bazaars in selected places" prepared by the Research Office of Legislative Council Secretariat)

Action

Follow-up to the meeting on 20 April 2017

(LC Paper No. CB(1)973/16-17(01) — Administration's response to the motions passed at the meeting on 20 April 2017)

Discussion

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

(Post meeting note: The powerpoint presentation materials prepared by the Research Office of the Legislative Council Secretariat (LC Paper No. CB(1)996/16-17(01)) were issued to members vide Lotus Notes e-mail on 22 May 2017.)

Follow-up actions to be taken by the Administration

5. The Administration was requested to provide information on:
- (a) the Administration's response to members' suggestions of (i) conducting a study on the economic contribution of bazaars in Hong Kong, including the positive effect of bazaars on neighbouring business trade and (ii) allowing bazaars to be set up in public rental housing estates ("PRH") for providing basic necessities to the local communities, in particular in PRH estates where there were no shops or markets nearby (e.g. Tin Wan Estate);
 - (b) a list of bazaars established or participated by ethnic minorities in the past five years;
 - (c) measures the Administration would take to assist ethnic minorities in overcoming the difficulties in making applications to set up bazaars (e.g. understanding the complicated procedures, obtaining support from local communities and respective district councils, etc.); and
 - (d) the Administration's response to the information note on "Policies on bazaars in selected places" prepared by the Research Office of Legislative Council Secretariat.

(Post meeting note: The Administration's written response was issued vide LC Paper No. CB(1)1118/16-17(03) on 12 June 2017.)

Action

III Any other business

Date of next meeting

6. The Chairman said that the review meeting with the Administration and bazaar organizers on the procedures for making applications to establish bazaars would be held on 13 June 2017, at 10:45 am.
7. There being no other business, the meeting ended at 4:31 pm.

Council Business Division 1
Legislative Council Secretariat
24 April 2018

**Proceedings of the eighth meeting of the
Subcommittee on Issues Relating to Bazaars
on Monday, 22 May 2017, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
000452 – 000612	Chairman Administration	Introductory remarks	
000613 – 001936	Chairman Administration Mr CHAN Chi-chuen Mr SHIU Ka-fai Dr Fernando CHEUNG Mr SHIU Ka-chun Dr YIU Chung-yim Mr LEUNG Kwok-hung	Discussion on the arrangements for the review meeting with the Administration and bazaar organizers on the procedures for making applications to establish bazaars	
001937 – 003636	Chairman Head (Information Services), Legislative Council Secretariat ("H(IS)")	Briefing by the Information Services Division of the Legislative Council Secretariat ("ISD/LegCo") on bazaar policies and experience of other cities [LC Paper No. IN11/16-17]	
003637 – 004324	Chairman Ms Claudia MO Administration H(IS) Senior Council Researcher 3, Legislative Council Secretariat ("SCR3")	Given that bazaars could serve as an important source of self-employment for ethnic minorities, Ms MO enquired about the Administration's measures to assist ethnic minorities in making applications to set up bazaars (e.g. understanding the complicated procedures, obtaining support from the local communities and respective District Councils ("DCs")). The Government responded that – (a) it had adopted a positive attitude towards a bottom-up approach in coming up specific proposals for developing bazaars; and (b) when suitable sites had been identified by ethnic minorities for organizing bazaars and support from the local communities and respective DCs had been obtained, the Food and Environmental Hygiene	The Administration to take action as paragraph 5(c) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>Department ("FEHD") would provide necessary assistance to organizers.</p> <p>On the establishment of bazaars by ethnic minorities in London, H(IS) and SCR3 informed that –</p> <ul style="list-style-type: none"> (a) it was noted that markets in London could provide access to low-cost self-employment for ethnic minorities; and (b) 20 markets in London were currently located within the 33 opportunity and intensification areas, which had been identified by the Mayor as capable of providing many of the new homes, businesses, jobs and spaces that London would need to accommodate a rapidly expanding population in coming decades. <p>The Chairman urged the Administration, in particular the Home Affairs Department ("HAD"), to provide necessary assistance to ethnic minorities in making applications to set up bazaars.</p>	
004325 – 004620	Chairman Mr HO Kai-ming H(IS)	<p>In response to Mr HO, H(IS) explained that –</p> <ul style="list-style-type: none"> (a) to organize a bazaar in Hong Kong, the organizer would need to (i) identify a suitable site, (ii) obtain support from local communities and respective DCs, and (iii) ensure that the bazaar would not compromise public order and safety, food safety and environmental hygiene and obstruct public passageways; (b) the organizer would need to prepare a proposal for the consideration of relevant DC and government departments; (c) Sydney had adopted comprehensive measures to support the establishment of bazaars initiated by market operators or local community organizations, such as developing the Markets Policy and Guide to lead the potential market operators and deploying a markets coordinator to assist 	

Time Marker	Speaker	Subject(s)	Action Required
		<p>the applicants throughout the application process;</p> <p>(d) the local council of Sydney would discuss the proposal with the applicant concerned and review the suitability of the proposed event and the selected site; and</p> <p>(e) upon approval of the application to set up a bazaar in the selected venue, the applicant could apply for the necessary permits.</p>	
004621 – 010229	<p>Chairman Dr KWOK Ka-ki Mr LEUNG Yiu-chung H(IS) Administration</p>	<p>Dr KWOK sought further details from ISD/LegCo on –</p> <p>(a) the annual turnover of markets in the United Kingdom;</p> <p>(b) the comparison between the bazaar application procedures of Hong Kong and those of the four selected places (i.e. Sydney, London, Taipei and Singapore) covered in the study; and</p> <p>(c) whether bazaars in London and Sydney would be organized regularly in fixed venues.</p> <p>H(IS) replied that –</p> <p>(a) there were more than 17 regularly scheduled markets in Sydney, and Sydney also allowed the establishment of temporary markets (operating up to four occasions in a year);</p> <p>(b) there were 99 markets in central and inner London in 2014 and some boroughs allowed operators to hold one-off events or temporary markets on public land or at an existing market site; and</p> <p>(c) a table comparing the policies on bazaars of Hong Kong and the four selected places was included in the Information Note (LC Paper No. IN11/16-17).</p>	

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		<p>Dr KWOK requested the Administration to –</p> <ul style="list-style-type: none"> (a) provide statistics on the economic contribution of bazaars in Hong Kong; (b) consider providing assistance (e.g. providing financial assistance to the operators, enhancing the operating environment, etc.) to bazaar organizers; and (c) consider arranging a visit to some of the selected places for the Subcommittee to better understand the operations of bazaars in the selected places including the relevant application procedures. <p>The Government said that –</p> <ul style="list-style-type: none"> (a) Hong Kong had several regular bazaars, like the Temple Street Night Market and the Ladies' Market; (b) as regards temporary bazaars, the role of FEHD was to facilitate organizers to liaise with relevant departments during the application process, and DCs and HAD had their respective roles in the process; and (c) the Government would consider developing simple and practical guidelines to facilitate the public in making applications for setting up bazaars. <p>The Chairman commented that unlike the government of Singapore, the Hong Kong Government had failed to develop measures to enhance the sustainability of regular bazaars and no new hawker licences had been issued since the 1970s.</p> <p>Mr LEUNG urged the Administration to review its hawker policies and resume issuing hawker licences. In addition, Mr LEUNG referred to paragraph 3.4 of the Information Note and suggested that the Administration should conduct a study on the economic contribution</p>	<p>The Administration to take action as paragraph 5(a) of the minutes</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>of bazaars in Hong Kong, including the positive effect of bazaars on neighbouring retail business.</p> <p>The Government advised that –</p> <ul style="list-style-type: none"> (a) to improve the fire resistance capability and design of hawker stalls, the Government rolled out in 2013 a five-year Hawker Assistance Scheme for licensed hawkers operating in 43 fixed-pitch hawker areas; (b) financial assistance had been provided to relevant licensed hawkers for stall reconstruction and relocation, and a one-off ex-gratia payment would be offered if hawkers surrendered their licences; and (c) the Government would stock-take the number of vacant stalls and conduct a review on whether or not to issue new on-street fixed-pitch hawker licences. 	
010230 – 011520	Chairman Mr SHIU Ka-chun H(IS) Administration Clerk	<p>Mr SHIU enquired about the measures adopted by overseas governments to overcome problems in developing bazaars (e.g. resistance from local residents and shop owners in the vicinity) and requested ISD/LegCo to provide sample of the application forms for holding temporary markets or events in the selected places. He further requested the Administration to provide a list of bazaars established or participated by ethnic minorities in Hong Kong in the past five years.</p> <p>H(IS) explained that different places had different concerns regarding their policies on bazaars, such as the availability of financial resources to support the development of bazaars in London, how to attract newcomers to join the hawker trade in Singapore, etc. She undertook to provide sample of the application forms for holding temporary markets or events in some of the selected places after the meeting.</p>	The Administration to take action as paragraph 5(b) of the minutes

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		<p><i>(Post meeting note:</i> The supplementary information on the policies on bazaars in selected places prepared by ISD/LegCo was issued vide LC Paper No. CB(1)1118/16-17(04) on 12 June 2017.)</p> <p>As regards bazaars established or participated by ethnic minorities, the Government advised that ethnic minorities had participated in some bazaars organized in Sham Shui Po.</p> <p>The Chairman reiterated that the Administration, in particular HAD, should communicate with and provide necessary assistance to the ethnic minorities with a view to facilitating them in establishing bazaars.</p> <p>Regarding members' views on overseas duty visit, the Clerk advised that –</p> <ul style="list-style-type: none"> (a) prior approval of the House Committee was required for committees of LegCo to conduct overseas duty visits; (b) funding for the visit was to be charged to individual Members' Overseas Duty Visit accounts; and (c) it took time for the LegCo Secretariat to undertake preparatory work, e.g. work out the areas to be studied, the visit programme and liaise with parties to be met. <p>As the Subcommittee should complete its work within 12 months from its commencement, the Chairman opined that the feasibility of conducting an overseas duty visit required careful consideration.</p>	
011521 – 012130	Chairman Mr KWONG Chun-yu Administration	<p>Mr KWONG provided background information on the establishment of Tin Sau Bazaar and the problems encountered by operators of the bazaar (e.g. low visitor flow and low patronage, selling of meat and cooked food was limited).</p> <p>The Government said that Tin Sau Bazaar was promoted by HAD and run by the Tung Wah</p>	

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		<p>Group of Hospital. A few stalls in the Bazaar had obtained relevant licences for selling frozen meat and cooked food.</p>	
012131 – 012817	<p>Chairman Dr Fernando CHEUNG Administration</p>	<p>Dr CHEUNG was of the view that 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").</p> <p>The Government said that the Housing Department ("HD") had established mechanism for handling proposals for setting up bazaars in PRH estates. A bazaar would soon be established at Tin Yiu Estate with support by the relevant DC, and no objection from LINK REIT and the Lands Department.</p>	
012818 – 013607	<p>Chairman Mr LEUNG Kwok-hung Administration SCR3</p>	<p>Mr LEUNG urged the Administration to allow the use of "naked flame" for cooking food at bazaars as cooked food could help generate people flow.</p> <p>The Government responded that allowing the use of "naked flame" for reheating cooked food at bazaars might be considered, if the relevant requirements (including fire safety, food safety and environmental hygiene) could be met.</p> <p>In response to the Chairman, SCR3 advised that selling of cooked food in temporary bazaars using "naked flame" would be allowed in Singapore provided that proper supporting facilities were in place (e.g. a sink connected to clean pipe water supply and waste water discharge, and storage with temperature control). Otherwise, only pre-cooked food obtained from licensed sources would be allowed for sale.</p>	
013608 – 014041	<p>Chairman Mr HUI Chi-fung Administration</p>	<p>Mr HUI referred to the facilitation measures adopted in some of the selected places, such as provision of subsidized rentals and training to bazaar organizers and setting up designated offices to assist them, and asked if the Administration would consider implementing</p>	

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		<p>similar measures to assist bazaar organizers in Hong Kong.</p> <p>The Government responded that it would study the research study conducted by the LegCo Secretariat, and relevant bureaux/departments would review the established mechanism in handling bazaar applications and examine ways to simplifying the application procedures.</p>	
014042 – 014510	Chairman Dr YIU Chung-yim H(IS) SCR3	<p>Dr YIU sought information from ISD/LegCo on how overseas governments would address concerns of shop owners in the vicinity of the bazaars (e.g. competition for business from the bazaars).</p> <p>H(IS) and SCR3 advised that –</p> <p>(a) according to a research conducted in London, having a market had a positive effect on the neighbouring business trade, and;</p> <p>(b) the local council of Sydney would assist the bazaar organizers to consult the local communities, including the property owners, on the proposed bazaars and the organizers would need to revise their proposals to address the concerns raised by the local communities before the proposal would be formally approved.</p> <p>The Chairman was of the view that HAD should assist bazaar organizers in Hong Kong to consult the local communities regarding their proposals, in lieu of requiring the organizers to consult the DCs.</p>	
014511 – 015449	Chairman Mr Nathan LAW Administration	<p>Mr LAW asked how the Administration could strike a balance between addressing the concerns of shop owners of markets under the management of Link REIT and the needs of and benefits to local residents when processing a bazaar proposal. He also suggested the Administration to consider allowing bazaars in PRH estates for providing basic necessities to the local communities, in particular in PRH</p>	The Administration to take action as paragraph 5(a)

Time Marker	Speaker	Subject(s)	Action Required
		<p>estates where there were no public markets nearby (e.g. Tin Wan Estate).</p> <p>The Government responded that the best arrangements for handing a bottom-up bazaar proposal were for the DC concerned to gauge the local sentiments, in particular to reach a consensus regarding the bazaar site and obtain acceptance from nearby residents and shop owners. As regards setting up bazaars in PRH estates, Mr LAW's suggestion would be conveyed to HD for consideration.</p>	of the minutes
015450 – 015952	Chairman Mr CHU Hoi-dick SCR3	<p>Mr CHU sought information from ISD/LegCo regarding the mechanisms for transferring tenancy of stalls in the hawker centres in Singapore and determining the rentals for the transferred tenants.</p> <p>SCR3 explained that –</p> <ul style="list-style-type: none"> (a) stallholders in Singapore who were relocated from the streets in the early 1970s or those allocated with stalls under the government's hardship scheme were entitled to subsidized rents; (b) a subsidized stallholder might assign the stall to another person under the Enhanced Stall Assignment Scheme; (c) the assignee would be charged on a progressive basis from the subsidized rent to the market rent over a standard three-year tenancy term; (d) the market rent charged on the assigned stallholders was based on the assessment by professional valuers appointed by the National Environment Agency; and (e) at present, there were 110 hawker centres in Singapore, of which 107 were managed by the government and three by social enterprises. <p>The Chairman requested ISD/LegCo to provide supplementary information after the meeting on</p>	

Time Marker	Speaker	Subject(s)	Action Required
		(a) the management of hawker centres in Singapore; and (b) the regulatory requirements for stallholders selling cooked food at bazaars in the selected places. <i>(Post meeting note: The supplementary information on the policies on bazaars in selected places prepared by ISD/LegCo was issued vide LC Paper No. CB(1)1118/16-17(04) on 12 June 2017.)</i>	
015953 – 020108	Chairman	Date of next meeting and closing remarks	

Council Business Division 1
Legislative Council Secretariat
24 April 2018