

立法會
Legislative Council

LC Paper No. CB(1)856/17-18
(These minutes have been seen
by the Administration)

Ref : CB1/HS/2/16/1

Subcommittee on Issues Relating to Bazaars

**Minutes of the ninth meeting on
Tuesday, 13 June 2017, at 10:45 am
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 Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Jimmy NG Wing-ka, JP
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon KWONG Chun-yu
Hon Nathan LAW Kwun-chung
Dr Hon YIU Chung-yim

Members absent : Hon LEUNG Kwok-hung
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, JP

Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon LUK Chung-hung
Hon Jeremy TAM Man-ho

[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

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

Mr WONG Wing Hung, Stephen
Chief Manager / Management (Tuen Mun & Yuen Long)
Housing Department

Ms KONG Kit Lin, Carol
Acting Chief Estate Surveyor (Commercial Properties)
Housing Department

Mr HUI Wing Koon
Sr Engr / Gas Standards A2
Electrical and Mechanical Services Department

Mr CHAN Fu Shan
Acting Divisional Officer (Policy)1
Fire Services Department

Mr CHAN Suen To
Senior Divisional Officer (NT & K'E' Fire Protection
Regional Office)
Fire Services Department

Attendance by invitation : **Bazaar organizers**

Community Development Alliance

Miss CHIU Sin Ting
Project Officer

The Hong Kong Council of Social Service

Ms Dorothy WONG Wai-yin
Officer (Policy Research & Advocacy)

Concerning CSSA & Low Income Alliance

Mr LEE Tai Shing
統籌組織幹事

元朗農墟有限公司

Mr WONG Yuen Tai
Chairman

Supporting Grassroots' Bazaar Alliance

Miss NG Ching Yan
Community Organizer

North District Bazaar Alliance

Miss PANG Ching Shan
Spokesman

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 current procedures for making applications to establish bazaars

Meeting with bazaar organizers and the Administration

(LC Paper No. CB(1)1118/16-17(01) — Administration's paper on the current procedures for making applications to establish bazaars)

Submission from bazaar organizer attending the meeting

(LC Paper No. CB(1)1136/16-17(01) — Submission from The Hong Kong Council of Social Service (Chinese version only))

Follow-up to the meeting on 22 May 2017

(LC Paper No. CB(1)1118/16-17(02) — List of follow-up actions arising from the discussion at the meeting on 22 May 2017

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- LC Paper No. CB(1)1118/16-17(03) — Administration's response to issues raised at the meeting on 22 May 2017
- LC Paper No. CB(1)1118/16-17(04) — Supplementary information on the policies on bazaars in selected places prepared by the Research Office of Legislative Council Secretariat)

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 received views from six deputations attending the meeting (Index of proceedings attached at **Appendix**).

(Post-meeting note: A written submission tabled at the meeting (Chinese version only) was issued to members vide Lotus Notes e-mail on 13 June 2017.)

3. The Subcommittee noted the following views expressed by the deputations –

Applications for setting up bazaars

- (a) it was noted that different District Councils ("DCs") had different mechanisms in handling bazaar proposals (e.g. requiring the organizers to submit concrete proposals for consideration, approving in principle a venue for setting up bazaars which could be applied by all interested parties, serving only as a discussion platform without voting on the proposals);
- (b) it was suggested that the Administration should approve a bazaar proposal under the district-led approach if support had been obtained from the local DC members and no dissenting voices were received from local communities after consultation with

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stakeholders, such as the relevant Estate Management Advisory Committees, Owners Corporations and Mutual Aid Committees;

Measures to facilitate the setting up of bazaars

- (c) in view of the complicated application procedures (including the application for relevant licences) involving various departments, the Administration should deploy a co-ordinator to assist the organizers throughout the application process;
- (d) an inter-bureaux/departmental task force, to be led by a Secretary or Director, should be formed to co-ordinate relevant departments in handling bazaar applications;
- (e) the Administration should consider (i) establishing bazaars with special themes in various districts which could help attract tourists and shoppers and promote local economy, (ii) standardizing the procedures for applying different types of venues (including the venues under the management of the Leisure and Cultural Services Department) for setting up bazaars, (iii) developing a list of sites suitable for setting up bazaars to facilitate the public in making applications, and (iv) setting up a seed fund for application by non-profit-making organizations to promote the long-term development of bazaars;

Organization of bazaars in public rental housing estates

- (f) the Housing Department ("HD") should develop standard procedures and application forms to facilitate interested parties to set up bazaars in public rental housing ("PRH") estates, and inform estate management and frontline staff that bazaar-related applications would be processed in complement with Government's policy;
- (g) it was unclear whether fees would be required for organizing bazaars at venues in PRH estates (i.e. whether HD would charge \$600 regardless of the scale of the bazaars) and the maximum duration allowed for organizing each bazaar; and
- (h) HD should consider allowing bazaar organizers to collect views of the local communities through other channels as consulting the respective DCs and Estate Management Advisory Committees could be very time consuming.

Action

Follow-up actions to be taken by the Administration

4. The Administration was requested to provide information on:
- (a) the Administration's response to Subcommittee members' suggestion of developing a common standard to be adopted by 18 DCs and the District Environmental Hygiene Offices in determining how a bazaar proposal would be regarded as having obtained support from DC (e.g. no dissenting voice from DC members to the proposal, the proposal needed to be voted on at a DC meeting, written endorsement from DC had to be obtained, etc.);
 - (b) the general principles (通則) adopted by various departments in vetting and approving bazaar proposals, in particular the requirements of the Food and Environmental Hygiene Department on the contents of a concrete proposal (具體計劃書) (e.g. whether the proponent was required to attach the floor plan of the venue to the proposal);
 - (c) concrete measures to improve the existing application procedures for establishment of bazaars, including setting clear vetting criteria and enhancing communication among relevant departments;
 - (d) a copy of the new application form developed by HD for setting up bazaars in PRH estates (i.e. 慈善團體／機構在屋邨內進行臨時墟市活動申請書); and
 - (e) the Administration's response to the views raised by deputations at the meeting and in their submissions.

(Post meeting note: The Chinese and English versions of the Administration's written response were issued vide LC Paper Nos. CB(1)1457/16-17(02) on 6 October 2017 and 9 October 2017 respectively.)

(At 12:48 pm, the Chairman ordered that the meeting be extended for 15 minutes to 1:00 pm. At 1:00 pm, the Chairman suggested that the meeting be further extended for 10 minutes. Mr Steven HO raised objection and requested the Chairman to end the meeting.)

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II Any other business

5. There being no other business, the meeting ended at 1:04 pm.

Council Business Division 1
Legislative Council Secretariat
24 April 2018

**Proceedings of the ninth meeting of the
Subcommittee on Issues Relating to Bazaars
on Tuesday, 13 June 2017, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
001433 – 001748	Chairman	Introductory remarks	
001749 – 002132	Chairman Administration	Briefing by the Administration on the current situation of bazaar applications [LC Paper No. CB(1)1118/16-17(01)]	
002133 – 002548	Chairman Community Development Alliance ("CDA")	Presentation of views	
002549 – 002948	Chairman The Hong Kong Council of Social Service ("HKCSS")	Presentation of views [LC Paper No. CB(1)1136/16-17(01)]	
002949 – 003451	Chairman Concerning CSSA & Low Income Alliance ("CCLIA")	Presentation of views	
003452 – 003928	Chairman 元朗農墟有限公司	Presentation of views	
003929 – 004525	Chairman Supporting Grassroots' Bazaar Alliance	Presentation of views	
004526 – 005934	Chairman Administration	The Government's initial responses to deputations' views as follows – (a) under the existing bottom-up approach, 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 render assistance in	

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		<p>facilitating liaison with relevant bureaux/departments, provided that the proposal would not compromise public order and safety, food safety and environmental hygiene and obstruct public passageways;</p> <p>(b) the granting of relevant licences for setting up a bazaar involved professional vetting of the applications by departments concerned. HAD would co-ordinate with the DCs in arranging the proposal for consideration;</p> <p>(c) DCs would be an appropriate party to gauge the local sentiments as different stakeholders (including nearby residents and shop owners in the vicinity) might hold different views on individual sites;</p> <p>(d) different DCs might have different practices in handling bazaar proposals (e.g. discussing the proposals in a DC meeting or by a committee appointed by DC);</p> <p>(e) departments would review existing mechanisms on a regular basis with a view to identifying room for simplifying the approving procedures and enhancing the efficiency;</p> <p>(f) as regards the setting up of bazaars in public rental housing ("PRH") estates, the Housing Department ("HD") would examine the feasibility and impact of individual proposals taking into account the needs and actual circumstances of the estate concerned, including whether the proposals would cause nuisances to residents, environmental hygiene problems or obstruction of public passageways;</p> <p>(g) for PRH estates involving other owners and on lots subject to land leases and deeds of mutual covenant, HD would assist organizers to seek approval from the Lands Department and obtain consent</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>from other owners in taking forward the bazaar proposals;</p> <p>(h) according to the established mechanism for organizing activities in PRH estates, balloting might be arranged if more than one application was received for the holding of activities at the same time and venue. If more than one application was received for setting up bazaars in the same venue during the same period, HD would co-ordinate the applications, with a view to facilitating the implementation of the proposal by each organization/institution concerned. HD would also make reference to the Government's policy in handling bazaar applications; and</p> <p>(i) HD had already provided the relevant application forms to estate offices and informed frontline staff the proper procedures in handling bazaar applications.</p>	
<p>005935 – 010925</p>	<p>Chairman Mr LEUNG Yiu-chung CDA Administration</p>	<p>Mr LEUNG expressed concern about the need to obtain support from respective DCs or relevant local DC members before departments could approve a bazaar proposal. He requested the Administration to clarify whether DCs would need to give consent (a) for setting up a bazaar, or (b) for setting up the bazaar at a particular location.</p> <p>Mr LEUNG, the Chairman, and Miss CHIU of CDA considered that DCs should only act as a consultation platform and the Administration should be the approving authority of bazaar proposals. The Administration should take into consideration the requirements of various departments and the views and concerns of the local communities and respective DCs in making the final decision.</p> <p>The Government responded that bazaars in different forms might have different impacts (e.g. night markets would generate more nuisances to nearby residents than day-time</p>	

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		<p>bazaars), and hence DCs might require the organizer to submit a concrete proposal for consideration and the departments would need to be kept apprised of DCs' views before granting approval for the relevant licence applications. FEHD would assist bazaar organizers in taking forward the proposals after support from respective DCs had been obtained.</p>	
<p>010926 – 011557</p>	<p>Chairman Dr YIU Chung-yim Administration</p>	<p>Dr YIU commented on the case-by-case approach adopted by the Administration in handling bazaar applications and considered that the Administration should develop the principles and procedures in vetting and approving bazaar proposals, and inform the public of the details.</p> <p>The Government responded that –</p> <ul style="list-style-type: none"> (a) relevant departments would need to examine the details of a bazaar proposal to consider whether it could meet requirements of the respective departments; (b) open spaces in PRH estates were often public passageways, sitting-out areas or common spaces for use of residents; and (c) given that details of individual bazaar proposals would be different and that impacts of a proposal would vary depending on the actual circumstances of the estates concerned, HD had to handle each proposal on a case-by-case basis having regard to the situations of the estates concerned, including whether the proposal would cause environmental hygiene problems, obstruction of public passageways, nuisances to residents or the risk of drawing in illegal hawking activities, etc. 	
<p>011558 – 012349</p>	<p>Chairman Mr LEUNG Che-cheung Administration</p>	<p>Mr LEUNG commented that at times consultation of bazaar proposals at DC might arouse disputes among political parties, and shops in PRH estates could raise objection to the proposals.</p>	

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		<p>The Government advised that –</p> <ul style="list-style-type: none"> (a) for PRH estates involving other owners (e.g. the Link Real Estate Investment Trust ("Link REIT")), consent of other owners would be required for implementing a bazaar proposal; and (b) views and concerns of other stakeholders, such as the shop owners in the vicinity, would also need to be taken into account. <p>Mr LEUNG and the Chairman were of the view that the Administration should facilitate bazaar organizers to address the concerns of DCs and other stakeholders, in particular if they had opposing views.</p> <p>The Government reiterated that –</p> <ul style="list-style-type: none"> (a) FEHD would assist bazaar organizers in taking forward the proposals if support from respective DCs had been obtained; (b) some PRH estates were located on lots subject to land leases and deeds of mutual covenant and the Government had to observe the relevant conditions when considering proposals for setting up bazaars; and (c) HD would assist the organizers to consult residents and other stakeholders through the Estate Management Advisory Committee of the estate concerned with a view to reaching a consensus among various stakeholders. 	
012350 – 013045	Chairman Ms Claudia MO Administration	<p>Ms MO suggested that the Administration should inform the public of the reasons of approving or rejecting a bazaar proposal (e.g. through FEHD's website).</p> <p>The Chairman said that the Administration could consider making a summary of the views and concerns expressed by various stakeholders, together with the application results, so that the experience could be shared by other organizers.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Government advised that the bazaar organizer would be informed of the reasons for refusing an application, and very often the organizer would take follow-up action to resolve the problems. The Government would review the current application procedures with a view to simplifying the procedures and enhancing the efficiency in vetting applications.</p>	
013046 – 013856	Chairman Mr SHIU Ka-chun Administration	<p>Mr SHIU commented on the complicated application procedures for setting up bazaars and the Administration's case-by-case approach in handling applications. He urged the Administration to take a more active role in promoting the development of bazaars.</p> <p>The Government remarked that bazaars could appear in various forms and with different purposes, and different districts might have different circumstances and public sentiments, and hence the Government considered the bottom-up approach more desirable. Though bazaar proposals would be considered on a case-by-case basis, FEHD had established mechanism and guidelines in vetting and approving proposals.</p>	
013857 – 014459	Chairman Administration	<p>The Chairman asked if FEHD and the Home Affairs Department ("HAD") would consider deploying a co-ordinator to assist bazaar organizers throughout the application process, in particular in soliciting support from local communities and respective DCs and resolving problems encountered during the consultation process.</p> <p>The Government responded that FEHD would assist the organizers to submit proposals for consideration by respective DCs. The organizers might also be invited to join DCs' discussion. After obtaining support from DCs, FEHD would facilitate the organizers in applying for the relevant licences.</p>	
014500 – 014932	Chairman HKCSS Administration	<p>Ms WONG of HKCSS enquired whether the bazaar organizers should use the form "Application for Holding Charitable/Fund-raising Activities in</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Estates/Courts by Political Parties/Organisations" for setting up bazaars in PRH estates. According to the information provided in the form, free venue would be provided but the political parties/organizations were not allowed to collect cash/cheque at the venue.</p> <p>HD remarked that it had developed a new application form (i.e. 慈善團體／機構在屋邨內進行臨時墟市活動申請書) for setting up bazaars in PRH estates and bazaar organizers could collect the form from the estate offices.</p> <p>The Chairman requested HD to provide a copy of the new application form after the meeting. HD agreed.</p>	<p>The Administration to take action as paragraph 4(d) of the minutes</p>
<p>014933 – 020237</p>	<p>Chairman North District Bazaar Alliance ("NDBA") Administration</p>	<p>Presentation of views by NDBA</p> <p>The Chairman and Miss PANG of NDBA expressed concern on the difficulties encountered by bazaar organizers in obtaining DCs' support. She added that though the District Minor Works and Environmental Improvement Committee of the North DC had given support in principle to setting up bazaars at the location currently used for Morning Bazaar in Sheung Shui, the District Environmental Hygiene Office still requested the proposal to be discussed and voted on at a DC meeting.</p> <p>The Chairman urged the Administration to develop a common standard for adoption by 18 DCs and the District Environmental Hygiene Offices in determining how a bazaar proposal would be regarded as having obtained support from a DC.</p> <p>The Government reiterated the need to obtain support from respective DCs under the bottom-up approach for organizing bazaars. The Government would review the practices of various districts in determining how a bazaar proposal would be regarded as having</p>	<p>The Administration to take action as paragraph 4(a) of the minutes</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>obtained support from DC. As regards the application for setting up a bazaar in Sheung Shui, the Government said that –</p> <ul style="list-style-type: none"> (a) in September 2016, the North DC approved in principle the setting up of bazaars at the location currently used for Morning Bazaar; (b) FEHD had sought blessing from the Lands Department for using the land for establishing bazaars; (c) the North DC considered it more appropriate to discuss the proposal at a DC meeting as it was the first time the North DC received a bazaar proposal; and (d) the North DC had scheduled a meeting to discuss the proposal and the organizer would be invited to the meeting. 	
020238 – 020821	Chairman CDA Administration	<p>Miss CHIU of CDA queried the need to submit the bazaar proposal to the North DC again as the North DC had already approved in principle the setting up of bazaars at the location currently used for Morning Bazaar. She suggested that –</p> <ul style="list-style-type: none"> (a) the Administration should develop a list of suitable sites for setting up bazaars (including PRH estates and venues managed by the Leisure and Cultural Services Department) and seek views from respective DCs, including the types of bazaars that could be organized and suitable time for setting up bazaars at each of the site; and (b) HAD should facilitate bazaar organizers to liaise with relevant departments and other private owners of PRH estates if they had opposing views, in particular when support from DCs had already been obtained. 	

Time Marker	Speaker	Subject(s)	Action Required
020822 – 021306	Chairman CCLIA	Mr LEE of CCLIA strongly requested the Administration to set out clearly the principles and requirements adopted by various departments in vetting and approving bazaar proposals, and deploy a co-ordinator to assist the organizers throughout the application process.	
021307 – 022123	Chairman Administration	<p>The Chairman stressed the need for the Administration to (a) develop a common standard for determining how a bazaar proposal would be regarded as having obtained support from DC, (b) set out the general principles adopted by various departments in vetting and approving bazaar proposals, in particular FEHD's requirements on the content of a proposal (e.g. whether a floor plan of the bazaar needed to be included in the proposal), and (c) develop concrete measures to improve the existing application procedures for establishment of bazaars.</p> <p>The Government said that –</p> <ul style="list-style-type: none"> (a) the Secretary for Food and Health had met with DC Chairmen and Vice Chairmen and encouraged them to render active consideration to bazaar proposals received; (b) different DCs might have different practices in handling bazaar proposals, e.g. designating a committee to handle bazaar proposals, arranging the proposals to be discussed at a DC meeting; (c) DCs were consultative bodies but not approving authorities, and bazaar organizers should submit their proposals to respective DCs for discussion; and (d) the Government would review the general principles in vetting bazaar applications with a view to identifying room to simplify the procedures and improve the efficiency in vetting applications. 	The Administration to take action as paragraph 4(a) (b) and (c) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
022124 – 022312	Chairman Mr Steven HO	Extension of meeting time and closing remarks	

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Legislative Council Secretariat
24 April 2018