

立法會
Legislative Council

LC Paper No. CB(1)946/17-18
(These minutes have been seen
by the Administration)

Ref : CB1/HS/2/16/1

Subcommittee on Issues Relating to Bazaars

**Minutes of the thirteenth meeting on
Tuesday, 24 October 2017 at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Dr Hon KWOK Ka-ki (Chairman)
Hon LEUNG Yiu-chung
Hon WONG Ting-kwong, GBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
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 HO Kai-ming
Hon SHIU Ka-fai
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LAU Kwok-fan, MH
Hon Jeremy TAM Man-ho

Members absent : Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHU Hoi-dick
Hon SHIU Ka-chun
Hon LUK Chung-hung
Hon KWONG Chun-yu

**Public officers
attending**

: Agenda item II

Dr CHUI Tak-yi, 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

Miss Maggie CHOW
Assistant Commissioner for Tourism (3)
Tourism Commission
Commerce and Economic Development Bureau

Miss LEE Suk-yee, Ruth
Senior Estate Surveyor/SD1 (Estate Management
Section)
Lands Department

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

Mr LEE Kwok-hung, Damian, JP
District Officer (Sham Shui Po)
Home Affairs Department

Mr LIU Wai Shing, Simon
Chief Leisure Manager
Leisure and Cultural Services Department

Agenda item III

Ms CHOR Kin-lan, Anna
Assistant Director
Home Affairs Department

Miss MAK Ka-ying, Carren
Assistant District Officer
Yuen Long District Office

Attendance by invitation : Agenda item III

Ms Margaret WONG Fung Yee
Assistant Community Services Secretary (Youth & Family)
Tung Wah Group of Hospitals

Ms Angie TANG Wai Kwan
Community Services Officer (Youth & Family)
Tung Wah Group of Hospitals

Ms LAU Wing Yu
Project Officer(Tin Sau Bazaar)
Tung Wah Group of Hospitals

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

Action

I Arrangements of the two meetings in November 2017

(LC Paper No. CB(1)93/17-18(01) — Letter received from Hon Jeremy TAM Man-ho on 18 October 2017 requesting to discuss issues relating to organizing bazaars in public rental housing estates (Chinese version only))

Action

The Chairman referred members to the letter from Mr Jeremy TAM on 18 October 2017 requesting the Subcommittee to discuss issues relating to organizing bazaars in public rental housing estates. The Chairman suggested discussing the item at the meeting scheduled for 27 November 2017. To allow sufficient time for discussion, the end time for the meeting would be extended from 12:45pm to 1:15pm. Members agreed to the meeting arrangements as proposed by the Chairman.

(Post meeting note: The revised agenda of the meeting on 27 November 2017 was issued to members vide LC Paper No. CB(1)177/17-18 on 3 November 2017.)

II New-term Government's views on the policy on bazaars

(LC Paper No. CB(1)93/17-18(02) — Administration's paper on new-term Government's views on the policy on bazaars)

Discussion

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

Follow-up actions to be taken by the Administration

3. The Administration was requested to provide before the next Subcommittee meeting scheduled for 7 November 2017, information on:

- (a) a copy of the new guidelines developed by the Administration to facilitate the public in making applications for setting up bazaars; and
- (b) details and implementation timetable regarding the initiative to "select suitable non-profit-making organization to operate a weekend flea market on the Tourism Node site at the former airport runway tip" as announced in the Policy Agenda 2017 to be taken forward by the Development Bureau.

4. The Administration was requested to provide information on :

- (c) a list of open spaces at the rooftop of public markets that were
 - (i) managed by the Food and Environmental Hygiene Department;
 - (ii) used by other departments for designated purposes (e.g. leisure

Action

venues managed by the Leisure and Cultural Services Department) and (iii) used for installing facilities (e.g. electrical and mechanical facilities); and

- (d) the Administration's response on whether the new-term Government would develop a concrete policy on bazaars.

(Post meeting note: The Chinese and English versions of the Administration's written response was issued vide LC Paper No. CB(1)187/17-18(03) on 6 November 2017 and 24 November 2017 respectively.)

III Government's review on the operation of Tin Sau Bazaar and the way forward of the Bazaar

(LC Paper No. CB(1)93/17-18(03) — Administration's paper on Tung Wah Group of Hospitals Tin Sau Bazaar in Tin Shui Wai)

Discussion

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

(At 12:42 pm, the Chairman ordered that the meeting be extended for 15 minutes to 1:00 pm. Members agreed.)

IV Any other business

Date of next meeting

6. The Chairman reminded members that the next meeting would be held on 7 November 2017, at 8:30 am, to meet with deputations/individuals and the Administration to discuss new-term Government's policy on bazaars.

7. There being no other business, the meeting ended at 12:56 pm.

**Proceedings of the thirteenth meeting of the
Subcommittee on Issues Relating to Bazaars
on Tuesday, 24 October 2017, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
Agenda item I — Arrangements of the two meetings in November 2017			
001056 – 001358	Chairman Mr Jeremy TAM Administration	Introductory remarks Discussion on Mr TAM's request for discussing issues relating to organizing bazaars in public rental housing ("PRH") estates [LC Paper No. CB(1)93/17-18(01)]	
Agenda item II — New-term Government's views on the policy on bazaars			
001359 – 002016	Chairman Administration	Briefing by the Administration on new-term Government's views on the policy on bazaars [LC Paper No. CB(1)93/17-18(02)] Discussion on the Administration's attendance for the meeting	
002017 – 003715	Chairman Mr LEUNG Yiu-chung Administration	Mr LEUNG asked if the Administration would – (a) consider facilitating the establishment of bazaars at locations with high visitor flow by making reference to the successful bazaars held in Sham Shui Po; and (b) develop a list of suitable sites for setting up bazaars in various districts to facilitate the public in making applications and to expedite the vetting process. As regards suitable sites for setting up bazaars, the Chairman enquired if the Administration would consider – (a) facilitating the establishment of bazaars in venues under the management of the Leisure and Cultural Services Department ("LCSD"); and	

Time Marker	Speaker	Subject(s)	Action Required
		<p>(b) converting the sites used for Lunar New Year ("LNY") Fairs for organization of LNY bazaars.</p> <p>The Government responded that –</p> <p>(a) the nature and positioning of bazaars could be distinctly different, and hence bazaar organizers could better identify suitable sites appropriate for their use;</p> <p>(b) after receiving the proposals from bazaar organizers, relevant departments would assess the feasibility of such proposals taking into consideration factors like whether there would be obstruction to public vehicular access or pedestrian passageways, and the possible nuisance caused to the local communities;</p> <p>(c) leisure venues managed by LCSD were primarily for designated recreational purposes and there was great public demand for use of recreational grounds and leisure facilities managed by LCSD;</p> <p>(d) LCSD was aware that the public might wish to use LCSD's venues for other community purposes, such as organization of district community events, cultural activities or charitable functions;</p> <p>(e) in the event that an organization applied to use a venue under LCSD's management to organize short-term bazaar like activities, LCSD would consider the application on a case-by-case basis following the established procedure as set out in the Guidelines for Use of Leisure Venues for Non-designated Use; and</p> <p>(f) the stall operators of the LNY Fairs were responsible for the setting up, decoration and removal of their stalls and hence the Government could not convert the stalls for use by the operators of LNY bazaars.</p>	

Time Marker	Speaker	Subject(s)	Action Required
003716 – 004557	Chairman Mr HUI Chi-fung Administration	<p>Mr HUI asked if the Administration would consider adopting a top-down approach to promote the development of bazaars, and developing measures to help bazaar organizers in making applications as he understood that a lot of the organizers had encountered difficulties in the process (e.g. identifying suitable sites, seeking support from local communities, etc.).</p> <p>The Government advised that –</p> <ul style="list-style-type: none"> (a) a list of vacant land for greening or community uses compiled by the Lands Department had been provided to the Subcommittee; (b) the Housing Department had provided to the Subcommittee details regarding the application procedures for setting up bazaars in PRH estates and a copy of the relevant new application form ; (c) the Government was preparing a resource guide for bazaar applications ("Resource Guide") with a view to facilitating the public in making applications for setting up bazaars and complying with various requirements of the departments; (d) the Government had put forward a proposal of organizing a LNY cooked food bazaar at MacPherson Playground during LNY 2017 but the proposal was voted down by the Yau Tsim Mong District Council ("DC") in the end; and (e) in the Policy Agenda 2017, the Chief Executive announced an initiative to select suitable non-profit-making organization to operate a weekend flea market on the Tourism Node site at the former airport runway tip to bring more vibrancy to the area when the site was pending land disposal, which would be taken forward by the Development Bureau. <p>In response to the Chairman, the Government advised that relevant departments were</p>	<p>The Administration</p>

Time Marker	Speaker	Subject(s)	Action Required
		<p>expected to complete reviewing the draft Resource Guide by end of October and it aimed to provide the draft to the Subcommittee before the next meeting scheduled for 7 November 2017.</p>	<p>to take action as paragraph 3(a) of the minutes</p>
<p>004558 – 005140</p>	<p>Chairman Mr HO Kai-ming Administration</p>	<p>Mr HO's views and enquiries as follows –</p> <ul style="list-style-type: none"> (a) different stakeholders including bazaar organizers, the local communities and relevant departments, might have different views on whether a site was suitable for setting up bazaars; (b) the development of bazaars required concerted efforts and collaboration among various bureaux and departments; and (c) whether the Government would consider establishing an inter-bureaux/departmental task force to take the lead in promoting the development of bazaars. <p>The Government's responses as follows –</p> <ul style="list-style-type: none"> (a) different stakeholders might have different views on individual sites. After reviewing the list of suitable sites for holding bazaars as identified by a community group, relevant departments considered that some of the sites were indeed unsuitable for setting up bazaars (e.g. the roof top of factory buildings); and (b) when suitable sites were identified by the organizations concerned and support from local communities and respective DCs were obtained, the Government would facilitate liaison with the relevant bureaux and departments regarding the use of the sites. <p>The Chairman asked if the Food and Health Bureau ("FHB") would invite and liaise with community groups for setting up bazaars in various districts (in addition to the six districts as listed out in paragraph 6 of LC Paper No. CB(1)93/17-18(02)).</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Government replied that it was appropriate to adopt a bottom-up approach in generating specific proposals for developing bazaars. The former Secretary for Food and Health had also encouraged DCs to render active consideration to bazaar proposals received, in meeting with DC Chairmen and Vice Chairmen.</p>	
005141 – 010146	Chairman Mr CHAN Chi-chuen Administration	<p>Mr CHAN expressed disappointment that while the Chief Executive had stated in her manifesto that "the development of district economy would be promoted, for example through studies on the establishment of bazaars with special features in various districts" and "we would consider establishing weekend flea markets for interested young people to sell their handicrafts", there was no mention of any bazaar related policy in her 2017 Policy Address. He considered that an inter-bureaux/departmental task force, with representatives from the Commerce and Economic Development Bureau ("CEDB") and the Home Affairs Bureau ("HAB"), should be established to promote the development of bazaars, in particular from the perspective of promoting district economy.</p> <p>The Government said that FHB would continue to co-ordinate with relevant bureaux/departments with a view to facilitating the public in making applications for setting up bazaars. FHB would circulate the Resource Guide to the bureaux/departments concerned and, where necessary, exchange information and views with other bureaux/departments.</p> <p>Mr CHAN suggested that the Subcommittee should invite the Secretaries or Under Secretaries of CEDB and HAB to attend meetings of the Subcommittee to give their views on the new-term Government's policy on bazaars. The Chairman agreed.</p>	
010147 – 011509	Chairman Mr SHIU Ka-fai Administration	<p>Mr SHIU's views as follows –</p> <p>(a) the Administration should develop bazaars and night markets in suitable locations and allow the use of naked flame for cooking</p>	

Time Marker	Speaker	Subject(s)	Action Required
		<p>food in bazaars with proper fire safety measures in place;</p> <p>(b) the Administration had to strike a balance between facilitating the development of bazaars and addressing the concerns of other stakeholders, such as the residents and shop owners in the vicinity of the bazaars; and</p> <p>(c) the Administration should develop measures to regulate noise nuisance caused by bazaar operators and street performers in order to address the concern of local communities.</p> <p>The Government said that –</p> <p>(a) naked flame was allowed for reheating cooked food in cooked food bazaars recently organized in Sham Shui Po;</p> <p>(b) when the Food and Environmental Hygiene Department ("FEHD") received applications for using naked flame to reheat cooked food for sale in bazaars, it would consult other departments concerned, such as the Fire Services Department; and</p> <p>(c) taking into account factors like food safety, environmental hygiene, fire risk and public safety, more stringent requirements would be imposed for using naked flame for cooking food instead of reheating cooked food, in bazaars.</p>	
011510 – 012900	Chairman Ms Claudia MO Administration	Ms MO sought clarification on (a) the meaning of bazaars as a "neutral platform"; and (b) the details and implementation timetable regarding the initiative to operate a weekend flea market on the Tourism Node site at the former airport runway tip as announced in the Policy Agenda 2017. She urged the Administration to formulate a policy and devise relevant measures to promote the development of bazaars, and provide a one-stop platform to facilitate the public in making applications for setting up bazaars.	The Administration to take action as paragraph 3(b) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Government replied that –</p> <ul style="list-style-type: none"> (a) bazaars were a neutral platform and relevant bureaux might make use of this platform for their respective needs, such as development of district economy and youth development; (b) the Energizing Kowloon East Office ("EKEO") under the Development Bureau would invite non-profit-making organizations to submit proposals on developing a weekend flea market on the Tourism Node site with a view to selecting a suitable operator. The initiative would provide opportunities for interested parties, young people in particular, to participate, and serve as a leisure event for public enjoyment during weekends and public holidays; (c) EKEO would discuss with relevant departments and work out the details in due course; and (d) FEHD would continue to provide a one-stop service in assisting bazaar operators to liaise with relevant departments. <p>As regards establishing weekend flea markets for interested young people to sell their handicrafts as mentioned in the Chief Executive's manifesto, the Government advised that based on the information provided by the relevant bureaux, according to past experience and the discussions and views of DCs, bazaars with special themes or features which successfully attracted patrons could promote the development of district economy. Nevertheless, the operation of bazaars might cause nuisance or inconvenience to nearby residents. Hence, relevant bureaux and DCs would need to strike a proper balance between bazaar proposals and all other factors (including local views).</p>	

Time Marker	Speaker	Subject(s)	Action Required
012901 – 013619	Chairman Mr Andrew WAN Administration	<p>Mr WAN expressed disappointment that the 2017 Policy Address had not included any new initiative relating to bazaars. He asked whether FHB would take the lead in co-ordinating relevant bureaux/departments to handle bazaar applications and promote the development of bazaars using a top-down approach. He also requested the Administration to (a) consider establishing bazaars at the rooftop of public markets; and (b) provide a list of open spaces at the rooftop of public markets that were (i) managed by the FEHD; (ii) used by other departments for designated purposes (e.g. leisure venues managed by LCSD); and (iii) used for installing facilities (e.g. electrical and mechanical facilities).</p> <p>The Government responded as follows –</p> <p>(a) FHB would continue to co-ordinate with relevant bureaux/departments with a view to facilitating the public in making applications for setting up bazaars; and</p> <p>(b) most of the rooftop of public markets were used for installing facilities or managed by LCSD for leisure use. LCSD had approved an application from an organization to hold a bazaar activity at the Wing Fong Street Market Roof Top Children's Playground. In view of the local concerns and complaints received on the bazaar activity, LCSD would review whether the same leisure venue could be used for non-designated purpose in future.</p> <p>In response to the Chairman's request, the Government confirmed that it would convey the Subcommittee's invitation to the Secretaries or Under Secretaries of CEDB and HAB for them to attend the meeting on 7 November 2017.</p>	The Administration to take action as paragraph 4(c) of the minutes
013620 – 014129	Chairman Mr LEUNG Yiu-chung Administration	<p>Mr LEUNG's enquiries as follows –</p> <p>(a) whether the new-term Government would develop a policy on bazaars and assign a bureau/department responsible for</p>	The Administration to take action as paragraph 4(d) of the minutes

Time Marker	Speaker	Subject(s)	Action Required
		<p>promoting the development of bazaars; and</p> <p>(b) whether the Administration would identify suitable locations, like the Ladies Market and Temple Street, for establishing weekend flea markets on a regular basis with a view to developing them into tourist attractions for both local and overseas visitors.</p> <p>The Government reiterated that FEHD would continue to co-ordinate with concerned departments when suitable sites had been identified by the organizations concerned and support from local communities and respective DCs had been obtained.</p>	
Agenda item III — Government's review on the operation of Tin Sau Bazaar and the way forward of the Bazaar			
014130 – 014817	Chairman Administration	Briefing by the Administration and Tung Wah Group of Hospitals ("TWGHs") on the current situation of Tin Sau Bazaar [LC Paper No. CB(1)93/17-18(03)]	
014818 – 015040	Chairman Mr Andrew WAN Administration TWGHs	<p>Mr WAN sought information on the operational data (e.g. the profit and loss) of Tin Sau Bazaar and the number of complaints received from the local communities since its establishment.</p> <p>The Government and TWGHs advised that –</p> <p>(a) around one third of the operators had been operating stalls in Tin Sau Bazaar since its establishment;</p> <p>(b) the number of visitors to Tin Sau Bazaar had been on the rise since 2013;</p> <p>(c) positive feedback was received when TWGHs invited applications for the vacant stalls; and</p> <p>(d) a total of 17 complaints had been received.</p>	
015041 – 015614	Chairman Mr LEUNG Yiu-chung Administration TWGHs	Mr LEUNG sought details regarding the stall vacancy rates and the turnover rate of stall operators.	

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Government advised that the stall vacancy rates were at 7%, 14% and 4.5% respectively taking July in 2013, 2015 and 2017 as examples.</p> <p>As regards the turnover rate of stalls TWGHs responded that –</p> <ul style="list-style-type: none"> (a) the total number of applications for leasing the vacant stalls received by Tin Sau Bazaar were 100 in 2014 and 224 in 2016; (b) the turnover rate of front stalls and food stalls was lower than the rest of stalls; and (c) the reasons that the stall operators did not renew their tenancies included health reason, taking up new employment and starting their own businesses in other places (e.g. shopping malls). 	
015615 – 020141	Chairman Ms Claudia MO Administration TWGHs	<p>Ms MO enquired about the viability of stall operators, e.g. average net profit made by an operator.</p> <p>TWGHs explained that information on stall operators' earnings was not gathered. However, it was noted that most operators would like to continue their businesses in Tin Sau Bazaar.</p> <p>Ms MO suggested that the Administration should share out the successful experience of Tin Sau Bazaar in order to promote the development of bazaars in other places like PRH estates.</p> <p>The Government reiterated that bazaars were a neutral platform and relevant bureaux might wish to make use of it to achieve their policy objectives, taking into consideration the views of local communities and the DCs concerned. The Home Affairs Department ("HAD") would provide necessary assistance to facilitate bazaar organizers in the consultation with the local communities and respective DCs.</p> <p>In response to the Chairman's enquiry, TWGHs agreed that the successful experience of</p>	

Time Marker	Speaker	Subject(s)	Action Required
		Tin Sau Bazaar could be shared with various districts to promote the development of bazaars.	
020142 – 020513	Chairman Mr Andrew WAN Administration TWGHs	<p>Mr WAN enquired about the nature of the 17 complaints received on Tin Sau Bazaar.</p> <p>TWGHs advised that most of the complaints were related to site and the operational arrangements of Tin Sau Bazaar. Upon receipt of the complaints, TWGHs had studied ways to optimize the related facilities and arrangements. For examples, an additional entrance had been built, shading facilities and outdoor fans had been installed for improving the comfort of shoppers, and the operating hours had been extended to 10:00 pm (the original operating hours being 8:00 am to 8:00 pm) since July 2017, with flexibility during festive seasons.</p> <p>The Government added that the Yuen Long District Office had not received complaints from the local communities on Tin Sau Bazaar.</p>	
020514 – 021519	Chairman Administration TWGHs	<p>The Chairman enquired about –</p> <ul style="list-style-type: none"> (a) details regarding disputes between stall operators; (b) whether TWGHs had any plan to increase the number of cooked food stalls, particularly during the weekends and festive seasons; (c) whether TWGHs would consider setting up more stalls during festive seasons for application by operators on a short-term basis; and (d) whether there had been improvement in the operating environment of Tin Sau Bazaar as it was noted from a news report that only 70% of the stalls were in operation in March 2017 with limited number of visitors on weekdays. 	

Time Marker	Speaker	Subject(s)	Action Required
		<p>The Government advised that –</p> <ul style="list-style-type: none"> (a) the evaluation report on the effectiveness of Tin Sau Bazaar supported providing more snacks stalls so as to attract more visitors; (b) a total of six snacks stalls had been set up in Tin Sau Bazaar so far; and (c) TWGHs had arranged the weekly "Tin Sau Weekend Market" featuring arts performance and street stalls in order to attract more visitors. <p>TWGHs supplemented that –</p> <ul style="list-style-type: none"> (a) Except for one or two cases which the police was involved, all disputes cases were settled among stall operators; (b) currently a maximum of 25 street stalls could be set up in the weekly "Tin Sau Weekend Market"; (c) interested parties could download an application form from the relevant website and submit to TWGHs for setting up street stalls in the "Tin Sau Weekend Market"; (d) TWGHs would study the feasibility of increasing the number of snacks stalls in Tin Sau Bazaar taking into account factors like size of the stalls, electricity and water supplies, waste water discharge, etc.; and (e) the operating hours of Tin Sau Bazaar might be extended during festive seasons (e.g. during the LNY period). <p>The Chairman urged TWGHs and the Administration to consider setting up more cooked food stalls selling featured snacks in Tin Sau Bazaar. He was of the view that HAD should assist in improving the facilities and operating environment of Tin Sau Bazaar.</p>	

Time Marker	Speaker	Subject(s)	Action Required
Agenda item IV — Any other business			
021520 – 021530	Chairman	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
11 May 2018