

**Subcommittee on Issues Relating to Bazaars**  
**Follow-up actions arising from the meeting on 10 January 2017**  
**and the motions passed at the meeting on 21 January 2017**

On 19 and 23 January 2017, the Government is requested to provide information as set out in **Annex 1** (with the motion at **Appendix 1** and our response at **Appendix 2**) and to respond to the motions at **Annex 2** respectively. We set out the requested information in the ensuing paragraphs.

As explained on previous occasions, the Government adopts a positive attitude towards specific bottom-up proposals for organising bazaars, and consider that we should continue to pursue a district-led approach. As long as they will not compromise public order and safety, food safety and environmental hygiene, and will not obstruct public passageways, when suitable sites have been identified by the organisations concerned and support from local communities and respective District Councils have been obtained, the Government will facilitate liaison with relevant bureaux and departments regarding the use of the sites.

Further development of the hawker policy, including bazaars as one of its facets, should be premised on the following principles which have been supported by the Food Safety and Environmental Hygiene Panel of the last-term LegCo –

- (a) we should not have a policy bent on eradicating hawking for the sake of eradicating it. Regulatory and supportive measures should be put in place with a view to facilitating the organisation of bazaars whilst upholding our commitment to ensuring food safety, and maintaining a clean and hygienic living environment for the people of Hong Kong, especially for those residing in the vicinity of areas designated for hawking;
- (b) we have not detected any significant support for introducing means-testing in the grant/renewal of hawker licences or for price control of goods/services sold by hawkers. Therefore, when seeking to deploy hawking policy as one of the means to promote small business (小本經營), we should avoid positioning the hawker trade as a form of social welfare for the disadvantaged or for poverty alleviation. Hawking should be seen as one of the modes of economic transactions;

- (c) diversification of the local economy is a worthwhile cause, and hence, hawking should not be prohibited unless it runs counter to other public policies;
- (d) we should allow room for traditional or creative cultural activities and/or handicrafts. However, the promotion of culture and tradition should not be an excuse to justify insulation from market forces. A hawker would still have the primary responsibility to identify a mode of operation and a market niche that can sustain the hawking business in question;
- (e) the Government would keep an open mind towards district-led proposals on local bazaars and their mode of their operation, so long as food safety and environmental hygiene would not be compromised and passageways would not be obstructed;
- (f) since the details of a hawking proposition (especially its location, hours and other conditions of operation) often affect different stakeholders in the local community differently, we see considerable benefits of a bottom-up approach. A proposal gestated within the local community would stand a much better chance of enjoying broad local support, local participation and ownership, in addition to meeting local needs;
- (g) with district support, consideration may first be given to utilising existing fixed-pitch hawker areas, if any, in the district; and
- (h) if district-led proposals with community consensus (see points (e) and (f) above) are put up, as long as they will not compromise public order and safety, food safety and environmental hygiene, and will not obstruct public passageways, when suitable sites have been identified by the organisations concerned and support from local communities and respective District Councils have been obtained, the Government will facilitate liaison with relevant bureaux and departments regarding the use of the sites.

The progress of the following proposals is set out below –

(a) Review the case for issue of new fixed-pitch hawker licences  
Enhance the operating environment of existing hawker areas

Since June 2013, the Government has implemented an assistance scheme in 43 fixed-pitch hawker areas to reduce the fire risks and enhance the operating environment of such hawker areas. This has brought about a facelift, in terms of improved functionality and appearance of the stalls and better layout and design of such hawker areas.

By end 2015, 496 hawker stalls which were located directly in front of staircase discharge points of adjacent buildings or obstructing emergency vehicular access had been relocated. Separately, in-situ reconstruction to meet specific fire service requirements is ongoing. The Government is continuing its communication with hawkers and encouraging them to make decisions early, i.e. either applying for reconstruction of their stalls or surrendering their licences for ex-gratia payments. We are monitoring closely the implementation of the assistance scheme.

We will stock-take the number of vacant stalls and rationalise the overall layout of these existing hawker areas, and then conduct a review on whether or not to issue new licences for on-street hawker pitches. In the review, we will take account of the circumstances of individual hawker areas, including their fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant District Councils and local residents.

Since September 2016, we have been consulting various District Councils on the issue of licences to unlicensed street tradesmen with characteristics reminiscent of our local culture and heritage. Examples include cobblers, watch repairers, locksmiths, knife sharpeners, Chinese facial cosmeticians, letter writers etc. If it is not possible to licensing in-situ, consideration will be given to the option of licensing at another suitable site that is acceptable to the local community. By now, two District Councils (Tuen Mun and Kwun Tong) have conveyed support for the issue of a total of six licences to unlicensed street tradesmen; the Kowloon City District Council has deliberated one case with result pending; and two District Councils (Wan Chai and Tuen Mun) will discuss five cases soon.

(b) Consider the issue of new “Dai Pai Tong” licences

Consider converting existing public markets with low occupancy into off-street cooked food centres

Subject to the support of the relevant District Councils, we are prepared to consider issuing new Dai Pai Tong licences in the respective Districts on a pilot basis. To minimise possible impact on food safety and environmental hygiene<sup>1</sup> and avoid obstruction to public passageways, additional licensing conditions may be imposed in respect of the energy supply, discharge of waste water, oily emissions and cooking odour, demarcation of seating areas and construction materials of stalls etc. The pilot cases will be reviewed against such licensing conditions and community sentiments, including views of the District Councils concerned.

We may consider converting, on a pilot basis, an existing public market with a low occupancy rate into an off-street cooked food centre. We also keep an open mind towards allowing more flexibility in the management of the proposed cooked food centre. To safeguard public health and safety, stalls operating in the converted cooked food centre will be subject to fire, safety, hygiene and other prudential regulations and inspections.

(c) Set up district-led open-air hawker bazaars and night markets

(1) In Sham Shui Po, with the support of the District Council:

- Since the summer of 2015, temporary bazaar activities were held twice on Kiu Kiang Street and once at Maple Street Playground.
- During the Lunar New Year in 2016, bazaar activities (including cooked food stalls) were held at Maple Street Playground. During the Lunar New Year in 2017, apart from

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<sup>1</sup> As transpired from experience in 2010, with the support of the Central and Western District Council, improvement works could be made to the ten Dai Pai Tongs in that District in respect of the discharge of waste water, water supply, energy supply, seating areas, stall materials etc.

the activities at Maple Street Playground, another Lunar New Year bazaar (including cooked food stalls) was held at the junction of Tung Chau Street and Yen Chow Street (near the space underneath the Western Kowloon Corridor).

(2) In Islands District, the District Council has set up a working group to promote the work on bazaars:

- At the meeting on 15 June 2016, support-in-principle was given to four proposals on short-term bazaars put forward by local organisations with proposed venues in Peng Chau and Tung Chung. Two local organisations have held bazaars so far.
- At the meeting on 21 November 2016, a proposal for organising an arts and crafts fair in Tung Chung on the Spring Lantern Festival (i.e. 11 February 2017) was endorsed.

(3) In North District:

- The relevant committee under the District Council passed a motion on the organisation of bazaars at the dawn market in Shek Wu Hui, Sheung Shui, on 19 September 2016.
- The relevant working group under the District Council discussed the consultancy report on the establishment of bazaars and night markets in the North District on 16 January 2017.

(4) In Yuen Long District:

- If all goes well, a short-term bazaar proposal with the proposed venue at the Amphitheatre of Tin Yiu Estate put forward by a local organisation is scheduled to be put to the relevant Area Committee and the relevant Committee under the District Council in the first half of 2017.

Bazaar proposals are handled and considered by relevant bureaux and departments on a case by case basis using their established procedures/practices (for details, please see the other paper for the Subcommittee meeting in February 2017), and a breakdown of their departmental resources relating to bazaar proposals is not available.

Sites for bazaar proposals and other issues will be discussed at the Subcommittee meetings in and beyond February 2017. Background information and detailed response will be given by the Government in that context.

Food and Health Bureau

Food and Environmental Hygiene Department

February 2017

**Subcommittee on Issues Relating to Bazaars**

**Follow-up actions arising from the meeting on 10 January 2017**

The Administration is requested to provide information on:

- (a) progress of implementation of the five hawker management proposals (as listed below) put forward by the Administration to the Subcommittee on Hawker Policy in March 2015;
  - (i) Review the case for issue of new fixed-pitch hawker licences
  - (ii) Enhance the operating environment of existing hawker areas
  - (iii) Consider the issue of new "Dai Pai Tong" licences
  - (iv) Consider converting existing public market with low occupancy into off-street cooked food centre
  - (v) Set up district-led open-air hawker bazaars and night markets
- (b) the Administration's views on the social roles, positioning and economic benefits of bazaars;
- (c) the policies and resources of relevant government bureaux and departments (e.g. Food and Health Bureau, Home Affairs Bureau, Commerce and Economic Development Bureau, Lands Department, Housing Department, Leisure and Cultural Services Department, etc.) in facilitating the development of bazaars, such as identifying suitable public open space, including idle sports facilities, for setting up bazaars;
- (d) the Administration's response to the motion passed at the meeting (Appendix 1); and
- (e) the Administration's response to the views raised by academics/experts at the meeting and in their submissions.

(Translation)

**Subcommittee on Issues Relating to Bazaars**

**Motion passed at the meeting on 10 January 2017**

**I. Moved by: Dr Hon KWOK Ka-ki**

“This Subcommittee regards the fact that relevant papers and information have not been prepared by the Government for the meeting to be attended coupled with the absence of political appointees from the meeting as an instance showing disregard for and disrespect to the Legislative Council. This Subcommittee expresses regret for and strong condemnation of this.”

(Translation)

**Subcommittee on Issues Relating to Bazaars**

**Motion passed at the meeting on 10 January 2017**

**Response by the Government**

**General**

The Government has always been paying close attention to, and supports, the development of bazaars. We also have high regard for, and attach great importance to, the views of the Legislative Council and the stakeholders.

At the meeting of the LegCo Subcommittee on Hawker Policy in March 2015, the Secretary for Food and Health explained the policies of the Government on the development of bazaars. As he has pointed out, it is support-worthy and desirable to pursue a district-led and bottom-up approach in coming up specific proposals for developing bazaars. As long as they will not compromise public order and safety, food safety and environmental hygiene and obstruct public passageways, when suitable sites have been identified by the organisations concerned and that support from local communities and respective District Councils (DCs) have been obtained, the Government will facilitate liaison with relevant bureaux / departments regarding the use of the sites.

The Food and Health Bureau (FHB), the Food and Environmental Hygiene Department (FEHD) and the relevant bureaux / departments have been actively participating in the discussions on bazaars held by the relevant LegCo panels or subcommittees, including the Subcommittee on Hawker Policy and the Subcommittee on Poverty, and we have been actively responding to the views and suggestions made by the Members. Taking the Subcommittee on Hawker Policy and the Subcommittee on Issues Relating to Public Markets as examples, the Secretary for Food and Health attended some of their meetings according to the work arrangement and when his work schedule permitted. Moreover, at a number of meetings with Chairmen of the DCs and Chairmen of its Committees relating to environmental hygiene held in the past two years, the Secretary for Food and Health has encouraged DCs to render active assistance in developing bazaars and asked DC Chairmen to discuss these proposals through the DCs as the platform.

The progress on bazaars since March 2015 is set out in paragraph 4 of the covering paper.

### **Official Representatives to Attend Meetings**

The assignment of official representatives to attend meetings depends on the overall situation and the work arrangement of the team.

### **Papers for the Meeting on 10 January 2017**

In the LegCo's email sent to the Government on 28 December 2016, the Government was requested to provide a written response by 13 January 2017 to the follow-up actions arising from the meeting on 20 December 2016. On this, we have already given a written response.

Also, we have made clear beforehand that we have to know the views of the deputations before providing a written response. LegCo referred the deputations' written submissions to the Government by email on 9 January, 10 January and 13 January 2017. We have also listened to the deputations' supplementary views orally conveyed on 10 January 2017. We have given our written response vide the covering paper.

(Translation)

**Subcommittee on Issues Relating to Bazaars**

**Motions passed at the meeting on 21 January 2017**

**I. Moved by: Hon Andrew WAN Siu-kin**

“That the Government immediately conduct a comprehensive and accurate local consultation exercise to collect information on sites and venues across the districts in Hong Kong proposed by members of the public available for bazaar operation, and draw up a list of the aforesaid bazaar sites over the territory (including government sites and idle premises) and make it public, so as to tie in with the Government's existing policy on bazaars.”

**II. Moved by: Hon LEUNG Kwok-hung**

“That a territory-wide long-term bazaar and hawker policy be formulated, such that social welfare organizations and charitable bodies may apply for the use of sites for holding various kinds of bazaar activities in accordance with the outcomes of the local consultation exercise.”

**III. Moved by: Hon Claudia MO**

“That the Government should simplify and relax the existing application procedures for stalls in holiday bazaars and contribute to the development of community economy through initiatives that benefit the public.”

**IV. Moved by: Hon Nathan LAW Kwun-chung**

“I move that ‘this Subcommittee request the Government to devise a set of clear, standardized and simple procedures for community consultation and for bazaar application under the bottom-up approach and coordinate with various government departments in attending consultation sessions to receive public views and provide information’.”