

Subcommittee on Issues Relating to Bazaars
Follow-up actions arising from the meeting on 20 December 2016

The response of the Food and Health Bureau (“FHB”) and the Food and Environmental Hygiene Department (“FEHD”) regarding the subject issues is as follows:

- (a) Details of the application procedures for setting up bazaars in various districts, and factors and criteria adopted by the Administration in vetting the applications.

The development of bazaars should be district-based. Hence, the Government considers it support-worthy and desirable to pursue a district-led and bottom-up approach in coming up specific proposals for developing bazaars. The proponents should identify suitable locations for organising bazaars as they consider appropriate, taking account of the circumstances, development, culture and planning of the district concerned. Provided that public order and safety, food safety and environmental hygiene are not compromised, and that public passageways are not obstructed, if suitable sites can be identified by the organisations concerned and support from local communities and respective District Councils (DCs) have been obtained, the Government will render assistance in facilitating liaison with relevant bureaux / departments. The relevant Government departments will offer advice and handle the bazaar proposals in accordance with the established mechanism. In terms of the application procedures, the proponents may have to apply for the following licences depending on the details, including the location, operation mode and nature, of the activities concerned:

- (a) A places of public entertainment licence or a temporary places of public entertainment licence is required if the bazaar involves activities defined as “entertainment” under the Places of Public Entertainment Ordinance (Cap. 172).

- (b) A temporary food factory licence is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the selling of cooked food.
 - (c) A restricted food permit is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the sale of restricted foods.
 - (d) A fresh provision shop licence is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the selling of fresh, chilled or frozen meats, fish, poultry, etc.
- (b) Whether applications for setting up bazaars or Poon Choi feasts involving heating activities using “naked flame” are subject to different application procedures; details on the types of licences required, the consultation processes, and the factors and criteria adopted by the Administration in vetting such applications.

During the three-year period from 2014 to 2016, FEHD had issued 82 temporary food factory licenses. Electricity was used for reheating food collectively within the licensed area. As regards the area used for sit-down dining purpose, departments concerned will consider the number of people for each table, the distance between the tables, and the use of only liquefied petroleum gas (LPG) cartridges (0.55 litre) (which heating power, gas capacity, fuel combustion duration and the quantity of food reheated are limited). In fact, considering the efficiency of using LPG cartridges and operational needs of the activities, it is unlikely that bazaar proponents would opt for LPG cartridges (0.55 litre) for reheating food.

Bazaars attract flocks of people. There are a rich variety of food and diversity of cooking methods. It might involve the use of boiling oil or boiling soup. We must therefore recognise the potential safety hazards associated with reheating food using naked flame in bazaars. At present, due to fire precaution and concerns for the safety of stall operators, customers and the public, the Government still encourages the use of electricity for reheating food for sale in cooked food bazaars. Cooked food stalls can be found in bazaars, as well as Lunar New Year

Fairs and the Hong Kong Brands and Products Expos, but the operators are required to obtain temporary food factory licences from FEHD, and they are only allowed to reheat food items with electricity for sale. Reheating food with naked flame not only poses safety hazards but also causes emission of oily fume. The departments concerned must take a careful look at public safety and bear in mind the acceptability of such practices to the public and the affected residents. Subject to the pre-requisites that public safety is not jeopardised and public acceptance is obtained, the Government remains open-minded towards whether it is possible in future to allow reheating food with naked flame in bazaars. It requires careful examination in a holistic manner by taking a basket of factors into account, in order to determine whether it is appropriate against the circumstances concerned.

- (c) The Administration's response to Subcommittee members' suggestion of establishing a one-stop platform to facilitate the public in making applications for setting up bazaars.

The development of bazaars should be district-based and able to meet the needs of the districts concerned. It is observed that the nature and positioning of bazaars can be distinctly different. They may aim at promoting cultural creativity, creating opportunities for grass-root people to start their own businesses, or boosting local economy and tourism. Bazaars can also take various forms, such as farmers' bazaars and carnivals. In view of this, we should allow more room and flexibility for the development of different types of bazaars.

The Government takes the provisional view that the actual mooting of proposal may vary in the light of the specific situation in each district. To have a communication platform rigidly imposed and established by the Government may run counter to the district-led and bottom-up approach. Generally speaking, it has all along been our practice that irrespective of whether proposals are submitted to the relevant District Councils (DCs) or the relevant bureaux / departments, they will be circulated, according to the specific details of the proposals, for comments by the relevant bureau / departments during the process of formulating the reply. At present, the Government has established mechanisms to handle bazaar proposals.

- (d) Please provide a list of bazaars applications submitted to the 18 DCs in the past three years and their results of applications, including whether the applications involved heating activities using naked flame.

The available information shows that the Government has received bazaar proposals from a number of organisations since end 2015. The proposed locations include Sham Shui Po, North district, Tung Chung, and Tin Shui Wai¹. Among these districts, bazaars have already been successfully held in Sham Shui Po district and the Islands district. The Chinese New Year bazaars (with cooked food stalls) organised in Sham Shui Po were using electricity for reheating food. The relevant DCs are following up the local bazaar proposals.

- (e) Are there any suitable sites among the 18 districts for the setting up of bazaars? What criteria will be adopted in considering whether a site is suitable to set up a bazaar?

The development of bazaars should district-based and initiated having regard to the needs of the local communities. The selection of site is an important element in the development of bazaars. DCs and their Members know the circumstances and public sentiments of their own districts best. Different stakeholders of various districts may hold different views on individual sites. The Government hopes that the 18 DCs could discuss / examine such proposals for organising bazaars in the respective districts, so as to achieve local consensus on such proposals, in particular able to reach consensus, hopefully, regarding the bazaar sites, concerns of the nearby residents, public health, public safety and other concerns. Residents near the proposed bazaar site will usually express their concerns over the possible problems of traffic, noise and environmental hygiene caused by the proposed bazaar. These concerns should be addressed appropriately. The best arrangements for handling a bottom-up bazaar proposal are for the DC concerned to gauge the local sentiments, take a view on which sites are suited to be used as the venue, and obtain acceptance from nearby residents towards the bazaar proposal.

¹ As far as we know, there are also a number of bazaars which have been or will be discussed by the District Councils. Examples include Peng Chau, Central and Western district, Eastern district.

- (f) The Government's policy on community kitchens

Under the Food Business Regulation (Cap. 132X) ("FBR"), any person who carries on any food business involving the preparation of food for sale for human consumption off the premises must obtain a food factory licence from the Director of Food and Environmental Hygiene. The requirements and conditions imposed therein are to ensure that food is safe and fit for human consumption. Besides, the FBR prohibits preparation of food in domestic premises so that food sold by the food business is to be prepared in premises which comply with the hygiene standards prescribed by law. The Government adopts a positive and open attitude regarding community kitchens, so long as food safety and environmental hygiene would not be compromised.

- (g) The Administration's response to the three motions passed at the meeting.

- (i) Dr Hon KWOK Ka-ki – Relax the enforcement actions against street hawking activities during Lunar New Year;

Government's response: Safety is our first and foremost consideration when taking enforcement actions, which includes the safety of enforcement officers, hawkers, customers and the general public. Should illegal hawking involving selling dry goods be found obstructing pedestrian passageways, verbal warning will be given to the hawkers concerned and dispersal action will be taken in normal circumstances. However, considering public safety, food safety and environmental hygiene, if illegal hawking of cooked food, prohibited food or restricted food is found, particularly the sale of cooked food using naked flame on crowded passageways, FEHD staff will take enforcement action depending on the on-site situation.

- (ii) Hon Nathan LAW Kwun-chung – In each of the five major geographical constituencies for the direct elections of the Legislative Council (namely New Territories West, New Territories

East, Hong Kong Island, Kowloon West and Kowloon East), select a Lunar New Year Fair as the pilot site for setting up the cooked food bazaar during Lunar New Year period;

- (iii) Hon LEUNG Kwok-hung – In each of the five major geographical constituencies for the direct elections of the Legislative Council (namely New Territories West, New Territories East, Hong Kong Island, Kowloon West and Kowloon East), set up a pedestrian precinct as the pilot site for setting up the cooked food bazaar during Lunar New Year period.

Government's response: Just like other bazaar proposals, the Government is positive about the proposal of selecting a Lunar New Year Fair in each of the five constituencies and organising bazaars in pedestrian precincts. Subject to consensus from DCs on the chosen sites and operation mode of the bazaars reached, the Government stands ready to facilitate. After making enquiries, we are advised that among the 15 Lunar New Year Fairs, only 4 fair sites will be still available from the first day to the fourth day of Lunar New Year continuously. Among the 4 fairs, there are no cooked food stalls in 2 fairs, and only one cooked food stall in each of the remaining 2 fairs. Therefore, the technical conditions do not seem to permit the conversion of the 4 sites, immediately after the end of the Lunar New Year Fairs, to cooked food bazaars.

- (h) The Administration's response to the views raised by deputations at the meeting and concerns in their submissions.

The Government adopts a positive attitude towards specific bottom-up proposals for organising bazaars, and considers 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 obstruct public passageways, when suitable sites have been identified by the proponents concerned and that support from local communities and respective DCs have been obtained, the Government will render

assistance in facilitating liaison with the concerned bureaux / departments.

Just like other bazaar proposals, the Government is positive about any proposals to set up bazaars during the Lunar New Year. A cooked food bazaar has been tried out by a community organisation on Maple Street Playground, Sham Shui Po, during the Lunar New Year in early 2016. The same organisation is planning to hold a cooked food bazaar again on Maple Street Playground, during the Lunar New Year in 2017. In addition, a bazaar at the junction between Tung Chau Street and Yen Chow Street (a nearby area that is underneath the West Kowloon Corridor) proposed by another organisation for the Lunar New Year in 2017 has recently been supported by the respective DC. These are successful examples of projects initiated by the local community and supported by the DC and local residents.

In November 2016, the Government initiated raising a proposal of organising a cooked food bazaar at MacPherson Playground in the Yau Tsim Mong District during the Lunar New Year. While the Yau Tsim Mong DC supported the concept of organising a cooked food bazaar in Mong Kok during the Lunar New Year, there were divergent views about the venue for organising the bazaar. The proposal of choosing MacPherson Playground as the bazaar venue was voted down by the Yau Tsim Mong DC in the end. It can be seen from the above that different stakeholders of different districts may have diverse views on the venue for organising a bazaar.

Food and Health Bureau

Food and Environmental Hygiene Department

January 2017