

The Definition of Bazaar and Related Issues

Purpose

This paper provides information for the meeting in February 2017 as requested by the Chairman of the Subcommittee on Issues Relating to Bazaars (see **Annex**).

Background

2. In the early post-war years, hawkers were generally regarded as a means of making a living for the grass-root and a convenient and non-expensive source of daily necessities. Many customers might also find on-street trading convenient. While on-street hawking became a feature of life in Hong Kong, the proliferation of hawkers was not without its problems because hawking could affect the life of those not in the hawking business. For the residents living nearby, on-street hawking activities might cause obstruction, environmental nuisance or even hazards relating to hygiene and fire risks. Shopkeepers selling similar and substitutable products in commercial premises nearby might consider rent-free on-street hawking activities an unfair competition. Noteworthy is that such shopkeepers could be small- and medium- sized enterprises many of which were operating with a small capital base. As the community became more affluent in the course of time, more people were looking to other forms of retail outlets and food premises. At the same time, we have seen rising community expectations favouring modern city management and a reduction in haphazard on-street hawking. Also relevant is the increasingly keen competition for land as population and economic activities grow.

3. It has been the Government's position since the early 1970s that no new hawker licences should normally be issued and that on-street licensed hawkers should be put into public market buildings or off-street hawker bazaars as far as practicable. Where streets were occupied by on-street hawkers, the situation should be brought under control and improved gradually by regularizing and regulating some of these

hawkers and allowing them to operate in properly allocated stalls in on-street fixed-pitch hawker areas or off-street hawker bazaars.

4. The decision of not issuing new hawker licences, coupled with the gradual changes in the shopping habits of the population and the growing competition from other retail outlets (especially chain stores) have led to a gradual reduction in the number of licensed hawkers. As at end-December 2016, the total number of licensed hawkers was about 5 911, compared with about 20 000 in the late 1980s.

The definition of bazaar and the differences between bazaar/market and hawker area

5. Terms like market / bazaar etc. do not have exact definition, nor is there any definition under statute in Hong Kong. In general, a market means, in a broad sense, a place for people to buy and sell goods. Therefore, it covers public market buildings (e.g. Pei Ho Street Market) and open-air markets (e.g. Tin Sau Bazaar).

6. Bazaars also involve buying and selling goods, but their venues are not permanent and their operation is non-recurrent and of short duration. The nature and positioning of bazaars can be very different. Some are festival celebrative events, some for promoting cultural creativity, some for providing opportunities to the grass roots to start their own business, and some for promoting local economy and tourism. Bazaars may take different forms to suit their own themes, such as carnivals, farm fests, arts fairs, etc.

7. As mentioned above, the regulated hawker areas (including on-street fixed-pitch hawker areas, off-street hawker bazaars etc.) have their historical background. Pursuant to the Public Health and Municipal Services Ordinance (Cap. 132) and Hawker Regulation (Cap. 132 sub. Leg. AI), the Government issues licences to hawkers to permit hawking at designated areas, subject to renewal annually.

Bazaar policy

8. The Government adopts a positive attitude towards specific bottom-up proposals for organising bazaars. When suitable sites have been identified by the organisations concerned (i.e. the venue owners have no in-principle objection to the proposed bazaars being held at their venues at the proposed time slots) and support from local communities and respective District Councils have been obtained, provided that the bazaar proposals will not compromise public order and safety, food safety and environmental hygiene, and will not obstruct public passageways, the Government will facilitate liaison with the relevant bureaux and departments regarding the use of the sites.

9. Depending on the specific details of bazaar proposals, the bureaux concerned will, according to the roles they play, give comments on matters related to their policy areas respectively. The departments concerned will process bazaar proposals according to their procedures and criteria.

Procedures and criteria of departments in charge of venues

List of vacant sites available for short-term greening or community uses

10. On processing an application for the use of unleased or unallocated Government land, the Lands Department (LandsD) will generally consider whether the land has already been planned, reserved or designated for long-term uses, whether there are specific development plans and timetables for such long-term uses, and the views of relevant departments on making available such land for the relevant use. Generally speaking, where there is unleased or unallocated government land available for use and its long-term uses are yet to be determined or are not yet due for implementation, LandsD will endeavour to put the land to appropriate temporary use, including letting the land for temporary use by way of a short term tenancy (STT) through tender, or with the support from the relevant bureau, letting the land directly to a party outside the Government for temporary use, or allocating the land through Temporary Government Land Allocation to a Government bureau / department for the relevant bureau / department to implement its policies.

11. The District Lands Offices will provide relevant District Offices, District Council Members and District Social Welfare Offices with an updated list of vacant land for greening or community uses on a quarterly basis. Interested parties may refer to the “Guidelines for Application for Use of Vacant Government Land that is available for Community, Institutional or Non-Profit Making Purposes on Short Term Basis” on this website (http://www.landsd.gov.hk/en/images/doc/guide_vgl.pdf). With the support from the relevant bureau, the District Lands Office will consult the relevant departments. If the application is approved, the applicant should abide by the terms and conditions of the short term tenancy. If there is no support from the relevant bureau for waiving charges, the applicant is required to pay market rent and administration fees. In applying for STT, the organisation concerned should also apply for the relevant licences required from the respective departments / licensing authorities separately.

12. Sites held by the Government have in general their long-term designated uses for serving the public and relevant stakeholders. They include parks, sitting-out areas, playgrounds, stadiums, sportsgrounds for various types of ball games, theatres, civic centre plazas, cultural centre, pet gardens, cycling parks, community centres, podiums or passageways of housing estates etc.

13. The relevant departments have their established mechanisms for processing applications for holding activities at their venues. Generally speaking, upon receipt of a specific application, having regard to the relevant factors (venue setting, remaining time slots, whether or not the applicant and the activity are non-profit-making and non-commercial in nature, the impact on the venue and the stakeholders), the department concerned will consider the nature, form, operation mode, date and time of the proposed activity to determine whether or not it is suitable to be held at the proposed venue, and whether there are other matters requiring attention in connection with the proposed activity or venue. If the application is approved, the applicant should abide by the terms and conditions of the use of the venue and pay the relevant fees. As to a bazaar activity, the proponent should give details about his/her specific proposal in the application for the use of the venue. During the process, other relevant departments will have the opportunity to give their

views on matters that concern them. The department in charge of the venue will consider and process each application on its own merits in accordance with their vetting criteria and the details of the case. In applying for the use of the venue, the organisation concerned should also apply for the relevant licences required from the respective departments / licensing authorities separately.

14. The mechanisms adopted by the various departments have been in place for years, with a view to safeguarding public interest. The application procedures and vetting criteria are open and transparent.

Food and Health Bureau

Food and Environmental Hygiene Department

February 2017

Information as requested by the Chairman of the Subcommittee on Issues
Relating to Bazaars for the Meeting in February 2017

- The definition of bazaar and the differences between bazaar, market and hawker area
- Existing policies in relation to bazaars, and the roles of relevant government bureaux and departments in implementing the policies (including the Food and Health Bureau, Commerce and Economic Development Bureau, Home Affairs Bureau (Home Affairs Department, Leisure and Cultural Services Department), Labour and Welfare Bureau, Development Bureau (Lands Department), Transport and Housing Bureau (Highways Department, Housing Department))
- The application criteria of different departments and their procedures for handling applications (the Government should set out the established mechanism and criteria adopted by various departments)
- The situation of vacant sites/public spaces across the districts, and how suitable vacant sites/public spaces may be used to cater for the establishment and development of bazaars (Government departments should provide a list of bazaar sites across the districts, including the Housing Department/Leisure and Cultural Services Department/ Highways Department/ Lands Department etc.)