

## **Situation and Experience of Bazaar Applications**

### **Purpose**

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

### **Modus Operandi and Experience**

2. The project proponent of a bazaar proposal should provide details of his/her specific proposal in the application for permission to use the venue. If the owner/department in charge of the venue gives the consent, the project proponent would need to apply for the relevant licences/permits required from the respective departments separately. The procedures provided by the various departments in charge of the venue are at **Annex B**. Information provided by various other departments on issues that are of concern to them in considering a bazaar proposal is at **Annex C**.

### **Bazaars already held**

3. According to Government's records, no separate breakdown on bazaar activities is kept. However, since the end of 2015, some organisations have come up with bazaar proposals. The proposed locations include Sham Shui Po, Islands, North and Yuen Long Districts. Thus far, bazaars have already been successfully held in Sham Shui Po and the Islands Districts. The majority are not cooked food bazaars. Hitherto, all cooked food bazaars held have used electricity only.

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

**Current situation and experience of bazaar application**

- List of applications submitted to the 18 DCs in relation to the establishment of bazaars over the past three years and their details (including whether heating activities using "naked flame" were involved in the applications), results of the applications (including reasons for applications being rejected), issues of concern raised by DCs, latest development of the approved cases, and the situation of applications still under consideration
- Modus operandi and experience of existing bazaars and successfully held ones
- Review of current procedures for bazaar application and effectiveness of bottom-up, district-led policies

**Procedures and Criteria of Departments in Charge of Venues**

**(A) Lands Department (LandsD)**

On processing an application for the use of unleased or unallocated Government land, the 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.

2. The District Lands Offices will provide relevant District Offices (DOs), 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](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 STT. 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.

**(B) Housing Department (HD)**

3. HD receives applications from community organisations from time to time, seeking to organise various types of community activities in public rental housing (PRH) estates under the Housing Authority (HA). Organisations intending to

organise such activities may submit their applications to the respective estate management offices. If such applications are approved, free venues are provided for such activities, but commercial / advertisement activities and cash transactions at the venues are not allowed. Apart from that, HD has also been, depending on the needs and circumstances of individual estates, providing venues at a fee to the organisations concerned for the provision of various non-profit-making or commercial services as required by its residents, such as mobile Chinese medical clinics or physiotherapy vehicles, mobile banking, etc. The estate management offices will process the applications in accordance with the established procedures and requirements.

4. Regarding proposals to set up bazaars in PRH estates managed by HD, the HD will examine the feasibility of such proposals and their impact on the estates concerned, in light of the needs and actual circumstances of the estates concerned. As for the common areas jointly-owned by HA and other private owners, consent from other owners is required for the establishment of bazaars in such areas.

5. PRH estates are, in general, densely populated. Open spaces on the ground level are often used for public passageways, sitting-out areas or common spaces for residents' use. Therefore, HA should consider the impact of individual proposals on the estates. The considerations include:

- (a) Some PRH estates are located on land lots subject to land leases, and there are restrictions on the floor areas for various facilities under the land leases. If the maximum floor area is exceeded, approval from LandsD is required;
- (b) Consent from other owners must be obtained for setting up bazaars in common areas of PRH estates. Views of residents, other stakeholders and the local community on the change in the use of common areas should also be thoroughly considered;
- (c) HA's established policy and on-going work of prohibiting hawkers in PRH estates to minimise nuisances to the residents;
- (d) the public and emergency access must not be obstructed; and
- (e) the goods for sale, in particular fresh food, must not affect food safety and environmental hygiene.

6. If the applications are approved, the applicants should abide by the terms and conditions of use of the venues and pay the relevant fees.

**(C) Leisure and Cultural Services Department (LCSD)**

7. Leisure venues managed by the LCSD are primarily for designated recreational purposes and are governed by the Pleasure Grounds Regulation (Cap. 132BC), under which trading is normally not allowed without prior approval. As a matter of fact, there is great public demand for use of recreational grounds and leisure facilities managed by LCSD. In this high-density city featuring skyscrapers everywhere with thriving commercial activities but limited living space, it is especially important that pleasure grounds or public space are provided in all districts for public enjoyment or for the public to carry out various recreational activities.

8. On the other hand, LCSD understands that the public may sometimes wish to use its venues for other community purposes such as organisation of district community events, cultural activities or charitable functions, some of which are co-organised with the District Councils (DCs) or district organisations. Most of these events are of one-off nature held once a year. In the event that an organisation applies to use a venue under its management to organise short-term bazaar like activities, LCSD will consider and vet the application on a case by case basis using the established procedure as set out in the Guidelines for Use of Leisure Venues for Non-designated Use. Besides, it will consult relevant departments and the subject DC on the applications.

9. To balance the public demand for leisure venues to conduct recreational and leisure activities and the demand of organisations for these venues to organise activities, each application for non-designated use of LCSD's leisure venues generally should not last more than three days or be on a recurrent basis, unless under exceptional circumstances. This long-established practice is well known and accepted by DCs. Consultation with stakeholders particularly DCs will be necessary for any proposed changes to the uses and management modes of public pleasure grounds.

10. The performing arts venues managed by LCSD aim to promote performing arts through the provision of professional facilities and services for performances. All performing arts venues are governed by the Civic Centres Regulation (Cap.132F), under which commercial activities are normally not allowed without prior approval.

11. All along, fairness and openness are enshrined in the hiring policy for performing arts venues. To achieve LCSD's mission of promoting culture and arts, the prevailing hiring policy accords priorities to applications for events of art nature or related to the designated use of individual venues. For open-air plazas outside the venues in the New Territories, only applications from non-profit-making organisations will be accepted for holding non-commercial activities which do not involve commercial transactions of goods and services. If users intend to apply for the use of open-air plazas of LCSD's performing arts venues for organising short-term bazaars, the department will handle the applications in accordance with the established procedures and the vetting criteria and processes. The vetting procedures, criteria and weighting factors are clearly set out in the Booking Arrangements leaflets available at the venues and on the respective webpages. The Booking Arrangements have been in use for many years, and the booking procedures and vetting criteria are well known to applicants.

12. If the applications are approved, the applicants should abide by the terms and conditions of use of the venues and pay the relevant fees.

**(D) Home Affairs Department (HAD)**

13. The HAD receives applications from community organisations from time to time for holding different activities in community centres/halls under its purview. Eligible organisations intending to hire relevant venues and equipment may submit their applications to the respective DOs, which will process the applications in accordance with the established application procedure and schedule.

14. Community halls/centres play an important role in community building by providing venues for locals to organise various kinds of activities. In general, the DOs will not approve applications from commercial organisations or allow the conduct of commercial activities in community centres/halls.

15. If the applications are approved, the applicants should abide by the terms and conditions of use of the venues and pay the relevant fees.

**Issues of Concern to Various Other Departments  
in Considering Bazaar Proposals**

The relevant government departments will handle the bazaar proposals in accordance with the established mechanisms. The issues of concerns to the departments concerned when considering bazaar proposals are set out below.

**(A) Food and Environmental Hygiene Department**

2. Depending on the details, including the location, operation mode and nature, of the activities concerned, the project proponents may be required to apply for the following licences:

- (a) a places of public entertainment licence or a temporary places of public entertainment licence is required to operate or use a place of public entertainment if the bazaar involves any event, activity or other thing as referred to in the definition of “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 or written permission is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the sale of restricted foods; and
- (d) a fresh provision shop licence or a restricted food permit, depending on the actual trading mode and the venue conditions, is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the selling of fresh, chilled or frozen meats or fish etc.

If the applicable applications are approved, the applicants should operate business in accordance with the relevant legislation, and should abide by the licence conditions and pay the relevant licence/permit fees.

**(B) Home Affairs Department (HAD)**

3. Like handling other district issues, the HAD would promote communication between bureaux/departments and the stakeholders and facilitate their consultation with District Councils, so that the views of different parties could be fully considered.

**(C) Fire Services Department (FSD)**

4. Upon receipt of referrals of applications for bazaar activities from the licensing authority, FSD will conduct site inspection of the premises concerned and carry out fire risk assessment. The factors to be considered include location (e.g. emergency vehicular access, fire hydrants), venue layout (e.g. area size of bazaars, number of stalls), construction material of stalls, the fuel used (if cooked food stalls are involved), and other performances carried out at the venue. After the assessment, FSD will set out corresponding fire safety requirements for compliance by the organisers/operators.

**(D) Buildings Department (BD)**

5. If necessary, BD would, in processing a places of public entertainment licence or a temporary places of public entertainment licence, offer views on safety of structures.

**(E) Electrical and Mechanical Services Department (EMSD)**

6. If necessary, EMSD would, in processing a places of public entertainment licence or a temporary places of public entertainment licence, offer views on electrical and mechanical safety matters.

7. If necessary, the EMSD will offer views on gas safety.

**(F) Transport Department (TD)**

8. Depending on the details of the proposed activities, including the location, operation and management of the bazaar, TD will offer views on whether there will be obstruction to public vehicular or pedestrian access.



**(G) Hong Kong Police Force (HKPF)**

9. Depending on the details of the proposed activities, including the location, operation and management of the bazaar, HKPF will offer views on whether there will be obstruction to public vehicular or pedestrian access.

10. If necessary, HKPF will offer views on public order and safety matters.

**(H) Highways Department (HyD)**

11. If necessary, HyD will offer views on whether the transport infrastructure maintained by the department will be affected by bazaar proposals.

**(I) Environmental Protection Department (EPD)**

12. Depending on the details of the proposed activities, including the location, operation and management of the bazaar, EPD will offer views on environmental legislation (e.g. noise pollution, sewage disposal, air emissions (if applicable)).

**Details about applications for the relevant licences**

	<p align="center"><b>Places of Public Entertainment Licence / Temporary Places of Public Entertainment Licence</b></p>	<p align="center"><b>Temporary Food Factory Licence</b></p>	<p align="center"><b>Restricted Food Permit or Written Permission</b></p>	<p align="center"><b>Fresh Provision Shop Licence</b></p>
<p>Application documents required</p>	<p><u>Places of Public Entertainment Licence (Other Than Cinemas and Theatres):</u></p> <ul style="list-style-type: none"> <li>• application form (FEHB 104);</li> <li>• complete plans showing elevations and sections;</li> <li>• such information and specifications as the Buildings Department / Independent Checking Unit of the Housing Department, the Fire Services Department and the Licensing Authority may consider necessary; and</li> <li>• If a temporary structure is to</li> </ul>	<ul style="list-style-type: none"> <li>• application form (FEHB 201);</li> <li>• proposed layout plan of the premises; and</li> <li>• food supplier’s certificate.</li> </ul>	<ul style="list-style-type: none"> <li>• application for written permission (should be submitted together with the application for the relevant food business licence) – application form (FEHB 94/FEHB 94A); and</li> <li>• application for permit – application form (FEHB 95/FEHB 95A).</li> </ul>	<ul style="list-style-type: none"> <li>• application form (FEHB 94);</li> <li>• declaration on premises in compliance with Government lease conditions; and</li> <li>• proposed layout plan of the premises.</li> </ul>

	<p>be used/erected at the proposed place of public entertainment, the submission drawings should illustrate the proposed construction method(s), spacing and scantling of each structural element</p> <p><u>Temporary Places of Public Entertainment Licence:</u></p> <ul style="list-style-type: none"> <li>• submit an application form (FEHB 104) in 4 copies together with 4 copies of the required plans to the Licensing Authority; and</li> <li>• If a temporary structure is to be used/erected at the proposed place of public entertainment, the submission drawings should illustrate the proposed construction method(s), spacing and scantling of each structural element.</li> </ul>			
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<p>Fee payable for application</p>	<ul style="list-style-type: none"> <li>• fee payable for a licence in respect of a place of public entertainment other than cinema and theatre that is valid for a period of: <ul style="list-style-type: none"> <li>(a) not exceeding 1 month (licence fee: \$1,655);</li> <li>(b) exceeding 1 month but not exceeding 3 months (licence fee: \$4,945);</li> <li>(c) exceeding 3 months but not exceeding 6 months (licence fee: \$9,910); and</li> <li>(d) exceeding 6 months but not exceeding 12 months (licence fee: \$16,510)</li> </ul> </li> <li>• The licence fee payable in respect of any licence may be reduced to a nominal sum of \$140, when it appears to the Licensing Authority that a place of public entertainment is kept or used by any of the following</li> </ul>	<p>a Temporary Food Factory Licence is valid for a period not exceeding 7 days and the fee payable is \$220.</p>	<ul style="list-style-type: none"> <li>• fee payable for a Restricted Food Permit (other than the permit for sale of food by means of a vending machine) valid for 1 year is \$540;</li> <li>• fee payable for a permit for sale of food by means of a vending machine valid for 1 year is \$1,360;</li> <li>• free of charge if the permit is granted to an applicant who is already in possession of a valid food licence.</li> </ul>	<ul style="list-style-type: none"> <li>• fee payable is \$3,600 per year for sale of food specified under one of the following: <ul style="list-style-type: none"> <li>■ beef;</li> <li>■ mutton;</li> <li>■ pork;</li> <li>■ reptiles (including live reptiles);</li> <li>■ fish (including live fish); and</li> <li>■ poultry (including live poultry)</li> </ul> </li> <li>• fee payable is \$7,200 per year for sale of any 2 of the food items specified above;</li> <li>• fee payable is \$10,800 per year for sale of any 3 of the food items specified above;</li> <li>• fee payable is \$14,400 per year for sale of any 4 or more of the food items</li> </ul>
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	<p>–</p> <p>(a) a religious, charitable, welfare body, organization or institution recommended by the Director of Home Affairs; and</p> <p>(b) an educational institution or organization recommended by the Permanent Secretary for Education.</p> <ul style="list-style-type: none"> <li>• A fee of \$1,190 will be charged for the issue of Fire Services Certificate for places of public entertainment activities other than cinema/theatre.</li> </ul>			<p>specified above; and</p> <ul style="list-style-type: none"> <li>• half of the prescribed fee for a full licence for grant of a Provisional Fresh Provision Shop Licence.</li> </ul>
Relevant departments involved	<ul style="list-style-type: none"> <li>• the Hong Kong Police Force;</li> <li>• the Fire Services Department;</li> <li>• the Housing Department (application in respect of any places under the management of the Hong Kong Housing Authority);</li> <li>• the Marine Department</li> </ul>	<ul style="list-style-type: none"> <li>• Applications will be referred to the Fire Services Department for comment if the gross floor area of the premises is larger than 100m<sup>2</sup>, fuel other than electricity or open fire will be used, or deep frying</li> </ul>	<ul style="list-style-type: none"> <li>• In general, referral of an application to other departments for comments is not necessary; and</li> <li>• Depending on the circumstances of individual cases, applications may be referred to other departments</li> </ul>	<ul style="list-style-type: none"> <li>• Planning Department; and</li> <li>• Depending on the circumstances of individual cases, applications may be referred to the Buildings Department for comment (if the premises are not rested on soil and structural</li> </ul>

	<p>(application in respect of any vessels);</p> <ul style="list-style-type: none"> <li>• the Building Authority (application in respect of any other places); and</li> <li>• the Electrical and Mechanical Services Department (application in respect of any places involving the installation or proposed installation of laser equipment).</li> </ul>	<p>activities will take place; and</p> <ul style="list-style-type: none"> <li>• Applications will be referred to the Electrical and Mechanical Services Department for comment if gaseous fuel is used.</li> </ul>	<p>for comments such as the Buildings Department (if structural alterations to the premises are involved); the relevant District Lands Office (if lease conditions of the premises are involved); or the Fire Service Department (if fire safety of the premises is involved), etc.</p>	<p>alterations are involved).</p>
<p>Time for processing applications</p>	<ul style="list-style-type: none"> <li>• Applications for Places of Public Entertainment Licence ( Other Than Cinemas and Theatres) shall be submitted to the Licensing Authority not less than 42 days before the commencement of the proposed entertainment, or such lesser period as the Licensing Authority may allow;</li> <li>• Applications for Temporary Places of Public Entertainment Licences and the required plans shall be submitted to the Licensing Authority not later</li> </ul>	<ul style="list-style-type: none"> <li>• Applications shall be submitted to FEHD at least 12 working days before the proposed commencement date of the Temporary Food Factory Licence;</li> <li>• If consultation with relevant government departments is required, the processing time may be longer.</li> </ul>	<ul style="list-style-type: none"> <li>• Statistics not available.</li> </ul>	<ul style="list-style-type: none"> <li>• Statistics not available.</li> </ul>

	<p>than:</p> <ul style="list-style-type: none"><li>(a) 42 days before the commencement of the proposed entertainment for a function requiring erection of any temporary structure; or</li><li>(b) 18 days before the commencement of the proposed entertainment for a function other than dance party not requiring erection of any temporary structure; or</li><li>(c) 7 working days before the commencement of the proposed entertainment for a dance party not requiring erection of any temporary structure.</li></ul> <p>Otherwise, the application will be rejected.</p>			
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<p>Requirements imposed by relevant departments</p>	<p>The primary purpose of requiring the submission of a licence application is to ensure public safety and orderliness at places of entertainment where members of the public gather together and covering various aspects such as fire safety, building safety, electrical and mechanical equipment, ventilation, crowd management and hygiene. All places of public entertainment shall comply with the requirements imposed by FEHD and the relevant departments (e.g. the Fire Services Department, the Buildings Department, the Electrical and Mechanical Services Department and the Hong Kong Police Force).</p>	<p><u>Standard requirements</u></p> <ul style="list-style-type: none"> <li>• Source of food supply: All pre-cooked food sold on the premises shall be obtained from a licensed food factory or other lawful sources. Documentary proof to this effect shall be furnished to FEHD for retention.</li> <li>• Fuel: Only electricity shall be used as fuel on the premises and no cooking other than warming of food shall be allowed.</li> </ul> <p><u>Standard conditions</u></p> <ul style="list-style-type: none"> <li>• Except with approval or otherwise specified, the premises must not be used for any other purpose or class of business.</li> <li>• The licence shall remain valid only if the activities in the immediate surroundings of the licensed premises and</li> </ul>	<ul style="list-style-type: none"> <li>• Depending on the type of restricted foods sold, licensing requirements for each written permission/permit may vary. Generally speaking, they relate to requirements on facilities to maintain hygienic condition of the premises and food.</li> <li>• For applications for the sale of Chinese herb tea, the formulary and dosage of each ingredient in the formulary of each type of Chinese herb tea sold on the premises shall be submitted to the Director of Health for vetting and approval.</li> <li>• For applications involving the sale of sashimi, sushi, oysters/meat to be eaten in raw state, frozen confections, etc., Food Supplier's Certificates and relevant</li> </ul>	<ul style="list-style-type: none"> <li>• Mainly related to health requirements, building structure and means of escape.</li> </ul>
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		<p>the conditions thereat are of such a nature as not to prejudice the hygienic operation of the licensed business.</p> <ul style="list-style-type: none"> <li>• All water used in connection with the licensed business must be drawn from public mains or such other sources as approved by FEHD.</li> <li>• Sufficient containers must be provided for the transportation, storage or display of all open food which must be protected, as far as possible, against contamination from dust and vermin.</li> <li>• Only food supplied by licensed food factories or from other lawful sources shall be sold on the premises.</li> <li>• No cooking other than heating up of pre-cooked food obtained from licensed</li> </ul>	<p>health certificates shall be submitted.</p> <ul style="list-style-type: none"> <li>• For applications involving the sale of non-bottled drinks in pressurized containers by means of a manual dispensing machine, chilled/frozen shellfish, food sold by means of vending machine, etc., a sketch showing the approved location of the machine/refrigerator shall be submitted.</li> </ul>	
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		<p>food factories or other lawful sources shall be allowed on the premises.</p> <ul style="list-style-type: none"><li>• Only clean new wrapping materials and disposable paper or plastic eating and drinking utensils shall be used in the sale of take-away food on the premises.</li><li>• All drinking straws (or tubes) shall be supplied to customers in the manufacturer's original dust-proof wrappings or other dust-proof containers.</li><li>• All unused disposable utensils shall be stored in dust and vermin-proof cupboards or containers.</li><li>• Sufficient dust-bins with close-fitting lids must be provided for the storage of all refuse and other waste matter awaiting disposal.</li><li>• Sufficient clean overalls or</li></ul>		
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		<p>outer garments must be provided for all employees on duty.</p> <ul style="list-style-type: none"><li>• No scullery work shall be carried out on the premises.</li><li>• No seating accommodation for customers shall be provided on the premises.</li><li>• Only electricity shall be used as fuel on the premises.</li><li>• The licensee, or a manager nominated by the licensee in writing and acceptable to FEHD, shall conduct the business in person on the licensed premises.</li><li>• Purchase invoices showing the date of food supply, descriptions and quantities of food, name and address of the food supplier shall be kept during the entire licence period and be readily available for inspection and for making copies by any</li></ul>		
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		health inspector on demand at all times.		
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