

Subcommittee on Issues Relating to Bazaars

Follow-up actions arising from the meeting on 21 February 2017

The Administration is requested to provide information on:

Measures to facilitate the setting up of bazaars

- (a) the updated list of vacant land for greening or community uses compiled by the Lands Department which are available for uses of community, institutional or non-profit making purposes on short term basis

Response:

The updated list of vacant land for greening or community uses as at 14 March 2017 is attached. Quarterly updates of the relevant sites are available for inspection at the respective District Lands Offices of Lands Department. 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 webpage (http://www.landsd.gov.hk/en/images/doc/guide_vgl.pdf).

- (b) the Administration's response to the Subcommittee members' suggestions / views as follows:
 - (i) using a test case to stimulate the application procedures for setting up bazaars with a view to simplifying the application procedures and developing a practical guidelines in facilitating the public in making applications;
 - (ii) developing a list of suitable sites for setting up bazaars based on past successful bazaar experience (e.g. bazaars set up at sites that were welcomed by the public and local residents);
 - (iii) regularizing the setting up of bazaars at fixed locations, particularly during the weekends; and
 - (iv) establishing an inter-bureaux/departmental working group to formulate policy on and promote the development of bazaars

Response:

The Government adopts a positive attitude towards bottom-up proposals for organising bazaars. If the organisations concerned have secured from the venue owners 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. In gist, each case is project-specific, with details vary from case to case.

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, and will consult relevant policy bureau and departments as appropriate.

The mechanism adopted by various departments have been established for years with a view to safeguarding public interest, such as proper use of the venue, public safety and order, and addressing the concerns of nearby residents on traffic, noise, environmental hygiene, etc. The application procedures and approving criteria are open and transparent. Furthermore, departments will review existing mechanism from time to time with a view to improving the efficiency and simplifying the approving procedures. On the premise of the above, the Government is willing to consider any specific proposals which are not against public interest.

The Government takes the view that the actual mooting of proposal may vary in the light of the specific situation in each district. Many a time, a Department's scrutiny of a proposal involves the exercise of its statutory functions and whose prerogative other Bureaux/Departments must respect. A working group may add to bureaucracy without adding any value or efficiency to the established inter-departmental coordination mechanism.

Against the above background, as each application is case-specific, a one-size-fits-all presumption may represent an over-simplification.

Bazaars involve buying and selling goods. In general, their venues are not permanent and their operation is non-recurrent and of short duration. Venues held by the Government have in general their long-term designated uses for serving the public and relevant stakeholders. If the use of venues held by the Government for bazaars is made regular, the relevant departments must carefully assess whether or not this would run counter to the original designated uses and affect the public and relevant stakeholders served by such venues.

The organization of bazaars in public housing estates

- (c) the Administration's response to Subcommittee members' suggestions / views that in order to facilitate applications for setting up bazaars in public housing estates, the Housing Department / the relevant departments should:
 - (i) remind public housing estate offices and frontline staff of the need to render assistance to organizations which intend to set up bazaars in the estates;
 - (ii) develop an application form to facilitate applications for setting up bazaars in public housing estates; and
 - (iii) relax the existing restriction of not allowing activities organizers to receive cash or cheque on-the-spot during the activities.

Response:

The Hong Kong Housing Authority (HA) handles proposals to set up bazaars in its public housing estates in complement with the Government's policy. If a proponent identifies appropriate venues for setting up bazaars, and secures the support of local communities and the respective District Councils, the Housing Department (HD) will, according to the needs and actual circumstances of the estate concerned, examine the feasibility and impact of individual proposal, including whether the proposal can ensure food safety and environmental hygiene, and will not cause obstruction to public passageways, etc.

At present, HD has an established mechanism for handling applications for organising activities in HA's public rental housing (PRH). As bazaars are temporary in nature, and factors for consideration will vary depending on circumstances of individual estates and details of the proposals, a standard application form may not be suitable. Nonetheless, should there be enquiries from organisations on setting up bazaars in PRH estates under HA, HD is prepared to offer views and explain the Government's policy as well as the relevant procedures.

HD has all along been supporting government departments and non-governmental organisations to organise various types of community activities in PRH estates in collaboration with the Mutual Aid Committees / Estate Management Advisory Committees and local organisations concerned, such as cultural programmes, educational promotion and exhibition activities, etc. Free venues are provided for these community activities, but commercial / advertising 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 organisations concerned for the provision of various non-profit making or commercial services as required by the residents, such as mobile Chinese medical clinics or physiotherapy vehicles, mobile banking, etc.

Generally speaking, PRH estates are densely populated and open spaces on the ground level are often used for public passageways, sitting-out areas or common spaces for residents' use. Some PRH estates involve other owners, and they are located on land lots subject to land leases and deeds of mutual covenant. Given the restrictions on floor areas and land use, approval from the Lands Department and consent of other owners may be required for the implementation of the proposals for setting up bazaars. Besides, regardless of whether or not the estates involve other owners, HD has to take into account the views of residents and other stakeholders, and to consider the impact of such proposals on the PRH estates, including whether the proposals would cause environmental hygiene problems, obstruction of public passageways, nuisances to residents or the risk of drawing in illegal hawking activities, etc.