

Subcommittee on Issues Relating to Bazaars

Follow-up actions arising from the meeting on 13 October 2017

As requested by the Subcommittee, the Government's responses to the follow-up items (**Annex**) arising from the meeting on 13 October 2017 are as follows:

Procedures in 2017 and 2018 for applying for Lunar New Year bazaars

2. The Food and Environmental Hygiene Department (FEHD) has now allowed some operators holding temporary food factory licensees to use liquefied petroleum gas (LPG) cassette cookers for reheating pre-cooked food, after having sought the views of departments concerned and formulated the licensing requirements and conditions for compliance by the operators.

Setting Up Bazaars in Five Legislative Council Constituencies

3. 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.

Organizing Bazaars at Public Rental Housing Estates

4. In various documents submitted to the Subcommittee, the Government has set out how the Hong Kong Housing Authority (HA) complements with the Government's policy on bazaars, as well as the mechanism, considerations and principles in handling applications for organising activities in HA's public rental housing (PRH) estates. In response to the questions raised by the Subcommittee at its meeting on 13 October 2017, Members may refer to the document submitted by the Government which provides supplementary information requested by the Subcommittee at its meetings on 13 June and 4 July 2017 (Paper No. CB(1)1457/16-17(02)).

5. Regarding the issue of cash transactions, the Housing Department (HD) has already explained the details in Paper No. CB(1)842/16-17(03) submitted to the Subcommittee on 19 April 2017 and Paper No. CB(1)1118/16-17(01) submitted on 12 June 2017. In fact, HD receives applications from community

organisations from time to time, seeking to organise various types of community activities in PRH estates under HA. Interested organisations may submit their applications for organising such activities to the respective estate management offices. If such applications are approved, free venues would be provided on the condition that commercial/advertising activities and cash transactions will not be conducted at the venues. Besides, depending on the needs and circumstances of individual estates, HD would also provide venues at a fee to relevant organisations for the provision of various non-profit making or commercial services to residents which may involve cash transactions, such as mobile Chinese medical clinics or physiotherapy vehicles, mobile banks, etc.

6. As the proponent of the holiday bazaar held in Tin Yiu Estate was a charitable organisation and the operation of the bazaar was non-profit in nature, HD charged the venue fee on a concessionary basis instead of at market level.

7. Regarding the proposal for organising bazaar in Hoi Lai Estate, the estate management staff of HD has been closely liaising with the applicant. Upon receipt of the supplementary details of the proposal by the applicant, HD would assist the organisation to consult the residents and other stakeholders through the Estate Management Advisory Committee. As we understand, the organisation has just obtained support from the relevant subcommittee under the relevant District Council in accordance with the established mechanism.

Proposal of Organizing a Bazaar at Boundary Street

8. At the Yau Tsim Mong District Council meeting on 13 July 2017, some members proposed to set up a festive cooked food bazaar on the pavement of Boundary Street outside Mong Kok Stadium and requested departments concerned to assess the feasibility. However, up to now, Government departments are not aware of any organization which will undertake to organize the event at the proposed location. We consider that a proposal should be in the form of a bottom-up approach. The proponent of a bazaar proposal should provide details of his/her specific proposal, and with the support from relevant District Councils. Provided that food safety and environmental hygiene are not compromised, FEHD stands ready to facilitate liaison with relevant government departments. At present, for some bazaars involving applications for temporary places of public entertainment or food business licences from FEHD, FEHD has already provided a one-stop service in processing the licence applications to facilitate the operators to obtain the professional views and to comply with the licensing requirements stipulated by concerned departments. For the proposed bazaar at Boundary Street, FEHD has not received any proposal from a project proponent for organizing a bazaar at Boundary Street.

Fire Safety and Electricity Requirements for Bazaars with Cooked Food Stalls

9. In respect of cooked food, the primary concern of the Government is to ensure that food safety, environmental hygiene and fire safety would not be compromised. In response to the proposal raised by organizer of the recent bazaar activity held in Sham Shui Po District for using naked flame for reheating of pre-cooked food, FEHD, after having consulted concerned departments and the imposition of related licensing requirements, allowed operators of the licensed temporary food factories to use naked flame for reheating of pre-cooked food.

10. In assessing an application for a temporary food factory licence, FEHD considers also the nature of the proposed food items to be sold. To minimise possible impact on food safety and environmental hygiene, FEHD upon consultation with concerned departments may need to impose additional licensing requirements in respect of the food storage, fuel supply, discharge of waste water, oily emissions and cooking odour etc. for compliance by the applicant before issuing a licence.

11. Under the extant licensing mechanism, 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. size of bazaar area, 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.

12. According to the Electrical and Mechanical Services Department, if a proposed bazaar involves any cooked food stall using portable LPG cassette cookers, the bazaar organizer is required to provide relevant information on the proposed cookers in their application to FEHD for the temporary food factory licence, such as the name of the manufacturer and the model, etc. Additionally, the stall operator must use a LPG cassette cooker bearing the GU mark with the written approval of the Gas Authority, and comply with the relevant safety instructions, including avoid using oversize pans which extend over the edge of the cartridge cover, etc. The LPG cylinders (including empty cylinders) stored are subject to a cap on the total nominal water capacity. The organiser should not store too many spare cartridges. For the sake of safety, it is recommended not to store more than a certain number of cartridges. EMSD will provide advice to FEHD from a gas safety point of view. Generally, the organiser is not required to make a separate application to EMSD for gas safety matters.

Food and Health Bureau
November 2017

Follow-up items arising from the meeting on 13 October 2017

- (a) a comparison of the procedures in 2017 and 2018 for organizations/operators to apply for setting up Lunar New Year bazaars, with a view to demonstrating measures taken by the Government in streamlining the application procedures and enhancing the processing of applications;
- (b) the conditions under which the Housing Department would allow a bazaar with cash transactions (whether the organizer is a non-profit making organization or not; and whether the bazaar is non-profit making in nature or not) to be set up in public rental housing estates using the recent Tin Yiu Estate Bazaar as an example;
- (c) the case of a recent bazaar organized in To Kwa Wan where cash transactions was not allowed at the bazaar;
- (d) the progress of the Administration in taking forward the proposal of setting up a festival bazaar at the "Goldfish Street" dawn market near the Mong Kok Stadium which has been considered by the Yau Tsim Mong District Council;
- (e) how the Administration would facilitate the selling of cooked food (e.g. steamed rice-rolls) in bazaars, e.g. by allowing the use of relevant heating facilities; and
- (f) the fire safety requirements in respect of a cooked food bazaar using electricity and that using naked flame, e.g. the requirements in the type and number of fire extinguishers.

The Administration is requested to provide responses to:

- (a) the views raised by deputations/individuals at the meeting and in their submissions; and
- (b) the two motions passed at the meeting, including the suggestions for the Government to: (i) set up Lunar New Year bazaars and cooked food bazaars at each of the five Legislative Council constituencies; and (ii) set up cooked food bazaars at pedestrian precincts.