## **Subcommittee on Issues Relating to Bazaars**

## Motions passed at the meetings

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20.12.2016	Agenda item II — Policies and issues relating to Lunar New Year bazaars	
	<ol> <li>The culture of bazaars boasts a long history, whereas on-street hawkers, street stalls, sidewalk vendor stalls and so on not only offer affordable alternatives of consumption to members of the public but have also become part of the collective memories and living culture of the people of Hong Kong at the same time; given the decadence of bazaars along with the development of the community, this Subcommittee urges the authorities to look into the prospect of selecting a Lunar New Year Fair from each of the five major constituencies of Hong Kong as trial points for the establishment of cooked food bazaars during Lunar New Year with a view to fostering community economy and preserving the unique local culture.</li> <li>That this Subcommittee urges the authorities to look into the prospect of assigning a pedestrian precinct for each of the five major constituencies of Hong Kong as pilot points for the establishment of cooked food bazaars during Lunar New Year.</li> </ol>	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.  (LC Paper No. CB(1)450/16-17(11) issued on 18 January 2017)

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	(3) That this Subcommittee urges the Administration to relax the enforcement actions against on-street hawking activities during Lunar New Year.	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.  (LC Paper No. CB(1)450/16-17(11) issued on 18 January 2017)
10.1 2017	Agenda item II — Economic benefits and social re	oles of bazaars
	(1) This Subcommittee regards the fact that relevant papers and information have not been prepared by the Government for the meeting to be attended coupled with the absence of political appointees from the meeting as an instance showing disregard for and disrespect to the Legislative Council. This Subcommittee expresses regret for and strong condemnation of this.	General The Government has always been paying close attention to, and supports, the development of bazaars. We also have high regard for, and attach great importance to, the views of the Legislative Council and the stakeholders.  At the meeting of the LegCo Subcommittee on Hawker Policy in March 2015, the Secretary for Food and Health explained the policies of the Government on the development of bazaars. As he has pointed out, it is support-worthy and desirable to pursue a district-led and bottom-up approach in coming up specific proposals for developing bazaars. 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 organisations concerned and that support from local communities and respective District Councils (DCs) have been obtained, the Government will facilitate liaison with relevant bureaux /

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		departments regarding the use of the sites.  The Food and Health Bureau (FHB), the Food and Environmental Hygiene Department (FEHD) and the relevant bureaux / departments have been actively participating in the discussions on bazaars held by the relevant LegCo panels or subcommittees, including the Subcommittee on Hawker Policy and the Subcommittee on Poverty, and we have been actively responding to the views and suggestions made by the Members. Taking the Subcommittee on Hawker Policy and the Subcommittee on Issues Relating to Public Markets as examples, the Secretary for Food and Health attended some of their meetings according to the work arrangement and when his work schedule permitted. Moreover, at a number of meetings with Chairmen of the DCs and Chairmen of its Committees relating to environmental hygiene held in the past two years, the Secretary for Food and Health has encouraged DCs to render active assistance in developing bazaars and asked DC Chairmen to discuss these proposals through the DCs as the platform.  The progress on bazaars since March 2015 is set out in paragraph 4 of the covering paper.  Official Representatives to Attend Meetings The assignment of official representatives to attend meetings depends on the overall situation and the work arrangement of the team.  Papers for the Meeting on 10 January 2017 In the LegCo's email sent to the Government on 28 December 2016, the Government was requested to provide a written response by 13 January 2017 to the follow-up actions arising from the meeting on 20 December 2016. On this, we have already given a written response.

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		Also, we have made clear beforehand that we have to know the views of the deputations before providing a written response. LegCo referred the deputations' written submissions to the Government by email on 9 January, 10 January and 13 January 2017. We have also listened to the deputations' supplementary views orally conveyed on 10 January 2017. We have given our written response vide the covering paper.  (LC Paper No. CB(1)525/16-17(02) issued on 6 February 2017)
21.1.2017	Agenda item II — Issues relating to markets and	wider issues relating to policies on bazaars
	(1) That the Government immediately conduct a comprehensive and accurate local consultation exercise to collect information on sites and venues across the districts in Hong Kong proposed by members of the public available for bazaar operation, and draw up a list of the aforesaid bazaar sites over the territory (including government sites and idle premises) and make it public, so as to tie in with the Government's existing policy on bazaars.	Further development of the hawker policy, including bazaars as one of its facets, should be premised on the following principles which have been supported by the Food Safety and Environmental Hygiene Panel of the last-term LegCo –  (a) we should not have a policy bent on eradicating hawking for the sake of eradicating it. Regulatory and supportive measures should be put in place with a view to facilitating the organisation of bazaars whilst upholding our commitment to ensuring food safety, and maintaining a clean and hygienic living environment for the people of Hong Kong, especially for those residing in the vicinity of areas designated for hawking;
	(2) That a territory-wide long-term bazaar and hawker policy be formulated, such that social welfare organizations and charitable bodies may apply for the use of sites for holding various kinds of bazaar activities in accordance with the outcomes of the local consultation exercise.	(b) we have not detected any significant support for introducing means-testing in the grant/renewal of hawker licences or for price control of goods/services sold by hawkers. Therefore, when seeking to deploy hawking policy as one of the means to promote small business (小本經營), we should avoid positioning the hawker trade as a form of social welfare for the disadvantaged or for poverty alleviation. Hawking should be seen as one of the modes of

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	(3)	That the Government should simplify and relax the existing application procedures for stalls in holiday bazaars and contribute to the development of community economy through initiatives that benefit the public.	(c)	economic transactions;  diversification of the local economy is a worthwhile cause, and hence, hawking should not be prohibited unless it runs counter to other public policies;
	(4)	I move that "this Subcommittee request the Government to devise a set of clear, standardized and simple procedures for community consultation and for bazaar application under the bottom-up approach and coordinate with various government departments in attending consultation	(d)	we should allow room for traditional or creative cultural activities and/or handicrafts. However, the promotion of culture and tradition should not be an excuse to justify insulation from market forces. A hawker would still have the primary responsibility to identify a mode of operation and a market niche that can sustain the hawking business in question;
	departments in attending consultation sessions to receive public views and provide information".	(e)	the Government would keep an open mind towards district-led proposals on local bazaars and their mode of their operation, so long as food safety and environmental hygiene would not be compromised and passageways would not be obstructed;	
			(f)	since the details of a hawking proposition (especially its location, hours and other conditions of operation) often affect different stakeholders in the local community differently, we see considerable benefits of a bottom-up approach. A proposal gestated within the local community would stand a much better chance of enjoying broad local support, local participation and ownership, in addition to meeting local needs;
			(g)	with district support, consideration may first be given to utilising existing fixed-pitch hawker areas, if any, in the district; and
			(h)	if district-led proposals with community consensus (see points (e) and (f) above) are put up, as long as they will not compromise public

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		order and safety, food safety and environmental hygiene, and will not obstruct public passageways, when suitable sites have been identified by the organisations concerned and support from local communities and respective District Councils have been obtained, the Government will facilitate liaison with relevant bureaux and departments regarding the use of the sites.
		The progress of the following proposals is set out below –
		(a) Review the case for issue of new fixed-pitch hawker licencesEnhance the operating environment of existing hawker areas
		Since June 2013, the Government has implemented an assistance scheme in 43 fixed-pitch hawker areas to reduce the fire risks and enhance the operating environment of such hawker areas. This has brought about a facelift, in terms of improved functionality and appearance of the stalls and better layout and design of such hawker areas.
		By end 2015, 496 hawker stalls which were located directly in front of staircase discharge points of adjacent buildings or obstructing emergency vehicular access had been relocated. Separately, in-situ reconstruction to meet specific fire service requirements is ongoing. The Government is continuing its communication with hawkers and encouraging them to make decisions early, i.e. either applying for reconstruction of their stalls or surrendering their licences for ex-gratia payments. We are monitoring closely the implementation of the assistance scheme.
		We will stock-take the number of vacant stalls and rationalise the overall layout of these existing hawker areas, and then conduct a review on whether or not to issue new licences for on-street hawker pitches. In the review, we will take account of the circumstances of individual hawker

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		areas, including their fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant District Councils and local residents.
		Since September 2016, we have been consulting various District Councils on the issue of licences to unlicensed street tradesmen with characteristics reminiscent of our local culture and heritage. Examples include cobblers, watch repairers, locksmiths, knife sharpeners, Chinese facial cosmeticians, letter writers etc. If it is not possible to licensing in-situ, consideration will be given to the option of licensing at another suitable site that is acceptable to the local community. By now, two District Councils (Tuen Mun and Kwun Tong) have conveyed support for the issue of a total of six licences to unlicensed street tradesmen; the Kowloon City District Council has deliberated one case with result pending; and two District Councils (Wan Chai and Tuen Mun) will discuss five cases soon.
		(b) Consider the issue of new "Dai Pai Tong" licences Consider converting existing public markets with low occupancy into off-street cooked food centres
		Subject to the support of the relevant District Councils, we are prepared to consider issuing new Dai Pai Tong licences in the respective Districts on a pilot basis. To minimise possible impact on food safety and environmental hygiene and avoid obstruction to public passageways, additional licensing conditions may be imposed in respect of the energy supply, discharge of waste water, oily emissions and cooking odour, demarcation of seating areas and construction materials of stalls etc. The pilot cases will be reviewed against such licensing conditions and community sentiments, including views of the District Councils concerned.

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		We may consider converting, on a pilot basis, an existing public market with a low occupancy rate into an off-street cooked food centre. We also keep an open mind towards allowing more flexibility in the management of the proposed cooked food centre. To safeguard public health and safety, stalls operating in the converted cooked food centre will be subject to fire, safety, hygiene and other prudential regulations and inspections.
		(c) Set up district-led open-air hawker bazaars and night markets
		(1) In Sham Shui Po, with the support of the District Council:
		<ul> <li>Since the summer of 2015, temporary bazaar activities were held twice on Kiu Kiang Street and once at Maple Street Playground.</li> </ul>
		- During the Lunar New Year in 2016, bazaar activities (including cooked food stalls) were held at Maple Street Playground. During the Lunar New Year in 2017, apart from the activities at Maple Street Playground, another Lunar New Year bazaar (including cooked food stalls) was held at the junction of Tung Chau Street and Yen Chow Street (near the space underneath the Western Kowloon Corridor).
		(2) In Islands District, the District Council has set up a working group to promote the work on bazaars:
		- At the meeting on 15 June 2016, support-in-principle was given to four proposals on short-term bazaars put forward by local organisations with proposed venues in Peng Chau and Tung Chung. Two local organisations have held bazaars so far.

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		- At the meeting on 21 November 2016, a proposal for organising an arts and crafts fair in Tung Chung on the Spring Lantern Festival (i.e. 11 February 2017) was endorsed.
		(3) In North District:
		- The relevant committee under the District Council passed a motion on the organisation of bazaars at the dawn market in Shek Wu Hui, Sheung Shui, on 19 September 2016.
		- The relevant working group under the District Council discussed the consultancy report on the establishment of bazaars and night markets in the North District on 16 January 2017.
		(4) In Yuen Long District:
		- If all goes well, a short-term bazaar proposal with the proposed venue at the Amphitheatre of Tin Yiu Estate put forward by a local organisation is scheduled to be put to the relevant Area Committee and the relevant Committee under the District Council in the first half of 2017.
		Bazaar proposals are handled and considered by relevant bureaux and departments on a case by case basis using their established procedures/practices (for details, please see the other paper for the Subcommittee meeting in February 2017), and a breakdown of their departmental resources relating to bazaar proposals is not available.

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		Sites for bazaar proposals and other issues will be discussed at the Subcommittee meetings in and beyond February 2017. Background information and detailed response will be given by the Government in that context.  (LC Paper No. CB(1)525/16-17(02) issued on 6 February 2017)
21.3.2017	Agenda item II — Current situation and experien	nce of applications for setting up of bazaars
	<ol> <li>This Subcommittee proposes that the Government set up for non-profit-making organizations a seed fund dedicated to bazaar applications and community economy with a view to promoting the long-term development of bazaars and community economy.</li> <li>This Subcommittee proposes that local consultation and in-depth study be immediately carried out with regard to the list of vacant land submitted by the Lands Department and the locations where bazaars were successfully held in the past by organizations to cater for the long-term development of bazaars.</li> </ol>	Details on the procedures involved in setting up bazaars are set out in the Sub-Committee paper CB(1)690/16-17(03).  The Government adopts a positive attitude towards specific proposals on bazaars put by individuals/organisations in the community (the proponents). If the proponents have secured approval from the relevant site owners for the use of the proposed sites and obtained support from the local community and District Councils, and provided that food safety and environmental hygiene are upheld and public passageways are not obstructed, the Food and Health Bureau (FHB) and the Food and Environmental Hygiene Department (FEHD) stand ready to facilitate liaison with relevant Government Bureaux and Departments regarding the use of the sites. Noteworthy is that whether and how concerns about public order and safety, etc. should be met remain the prerogative of the relevant regulatory authorities.  The nature and positioning of bazaars can be distinctly different from
	(3) This Subcommittee moves that the Government should optimize the use of idle markets by putting them to use as community kitchens, so that kaifongs can rent or borrow	each other. Some may aim at promoting cultural creativity, some for creating opportunities for grass-roots people to start their own businesses, some for boosting community economy and some for promoting tourism, etc. Bazaars can also appear in various forms, such as festive celebrative activities, farmers' bazaars and carnivals. In this connection, we should

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	the premises to prepare food to be sold at bazaars or markets without the need to go through the complicated licence application procedures, hence kaifongs with no access to capital can unleash their talent through community kitchens.
	(4) This Subcommittee proposes that the Government should proactively conduct studies and carry out local consultation to collect the views of the people of Hong Kong on the establishment of cooked food bazaars and explore various feasible initiatives.
	(5) (i) This Subcommittee urges the Government to develop a policy of establishing a bazaar for each of the 18 District Council districts in Hong Kong, and set out short, medium and long-term plans for bazaars, venues available for organizations to apply for bazaar operation and relevant complementary measures.
	(ii) This Subcommittee suggests streamlining the bazaar application mechanism, such as the Food and Environmental Hygiene Department acting as a coordinator for bazaars under the support of the District Officers and taking the initiative to coordinate with various government

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allow room and flexibility for the development of different types of bazaars. The Government considers it more appropriate for the proponents to identify and secure suitable locations for organising bazaars which they consider appropriate, taking account of the circumstances, development, culture and planning of the district concerned. 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 specific details of the case. 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.

District Councils and their Members are stakeholders that should know best the conditions and public sentiments of their own Districts and the neighborhood of the identified sites. Different stakeholders of individual Districts may hold different views on various bazaar proposals. Residents near the proposed bazaar sites will usually express their concerns over the possible problems of traffic, noise and environmental hygiene caused by the proposed bazaars. Shop owners in the immediate vicinity selling similar products/services may also have concern about possible business displacement. All the above concerns should be addressed appropriately. The Government believes that the District Councils are best placed to gauge public sentiments, assess the local acceptance towards bazaar proposals and reach a common understanding on the best arrangements for taking forward bazaar proposals.

In terms of the application procedures, the proponents may have to apply for the following licences depending on the details, including the place, form and nature of the activities concerned:

A places of public entertainment licence or a temporary places of public entertainment licence is required if the bazaar involves

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	departments (including but not limited to the Lands Department, Fire Services Department, Housing Department, Leisure and Cultural Services Department) in handling the bazaar applications from the 18 districts, and developing a specific and simplified application mechanism for handling the applications and operation of bazaars in a one-stop manner.  (iii) This Subcommittee proposes that the Administration set up a seed fund for application by non-profit-making organizations to promote the development of bazaars.	activities defined as "entertainment" under the Places of Public Entertainment Ordinance (Cap. 172).  A temporary food factory licence is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the selling of cooked food.  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.  A restricted food permit is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the sale of restricted foods.  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.  There is currently no plan to set up a dedicated team, conduct any studies, nor set up any seed funds.  Under the Food Business Regulation (Cap. 132X), any person who carries on any food business which involves the preparation of food for sale for human consumption off the premises must obtain a food factory licence from FEHD. The requirements and conditions imposed therein are to ensure that food is safe and fit for human consumption. It helps control food sold by the food business is to be prepared in premises which comply with the hygiene standards prescribed by law. The Government keeps an open mind towards community kitchens, so long as food safety

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		and environmental hygiene are not compromised. The Government has an established mechanism to deal with the future use of vacant government venues. FEHD will discuss with relevant Government departments on the long-term use of the market(s) to be closed.  (LC Paper No. CB(1)842/16-17(03) issued on 19 April 2017)
20.4.2017	Agenda item I — Review of licence application operators	n procedures for bazaar operation and the Government's support to
	(1) Due to the contradictions in the legislation and policies among various departments, progress can hardly be made in the policy on bazaars. In this connection, this Subcommittee moves that various departments conduct a review on relevant legislation and policies and requests them to engage in the review meeting to examine in collaboration with various stakeholders how to improve the policy on bazaars and the application process.	The Subcommittee on Issues Relating to Bazaars (the Subcommittee) under the House Committee of the Legislative Council has held a number of meetings to conduct in-depth discussions on issues related to bazaars since December 2016. The Government has submitted papers for various discussion items, and provided supplementary information and exchanged views with attendees at the meetings. The Subcommittee has on numerous occasions invited bazaar organisers and relevant departments to attend its meetings for the exchange and sharing of experience in areas of making applications and organising bazaars. Having regard to the discussion at the Subcommittee meeting on 20 April 2017, the Government considers it more appropriate to continue the discussion of the issues related to bazaars at the Subcommittee meetings.  (LC Paper No. CB(1)973/16-17(01) issued on 22 May 2017)
	(2) The Housing Department advises that it keeps an open attitude towards bazaars, but its frontline staff are not aware of the policy concerned, resulting in applications being rejected. In this connection, this Subcommittee moves that the Housing	As we have mentioned at various occasions, the Hong Kong Housing Authority (HA) will act in complement with the Government's policy on bazaars. The Government has been adopting a positive attitude towards specific proposals on bazaars put forward by individuals/organisations in the local community (the proponents). If the proponents have secured suitable sites and obtained support on their specific proposals from the

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	Department should issue a formal notice informing frontline staff that bazaar-related applications can be accepted. A policy is even in place on cash-based transactions.	local communities and respective District Councils (DCs), and provided that public order and safety, food safety and environmental hygiene are not compromised and public passageways are not obstructed, the Food and Health Bureau and the Food and Environmental Hygiene Department will liaise with relevant policy bureaux and departments regarding the use of sites (see Legislative Council Paper No. CB(1) 328/16-17(12)). Based on the above Government's policy, HA already has an established mechanism in handling applications for organising activities in its public rental housing (PRH) estates.  As we have indicated in previous papers submitted to the Subcommittee, in general, if a proponent put forward a specific proposal for setting up bazaar in a PRH estate, and has secured support from the local community and DC, the Housing Department (HD) will study the feasibility of the proposal and its impact in the light of the circumstances of the estate concerned. If the estate concerned involves land lease, deed of mutual covenant and other owner(s), approval from the Lands Department (LandsD) and consent of other owner(s) have to be obtained for the proposal. HD will assist the proponent to consult the owner(s) concerned and LandsD. Besides, HD has to consider the views of the residents and other stakeholders, as well as the impacts of such proposal on the estate concerned, such as whether it will cause damage to the environmental hygiene, whether it will obstruct public passageways or cause any nuisances to the residents; as well as whether it will draw in illegal hawking activities, etc. HD will assist the proponent to consult the residents and other stakeholders through the Estate Management Advisory Committee (EMAC) of the estate concerned. We have also promulgated the above considerations and principles in handling applications for organising bazaars in PRH estates to our frontline management staff.

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		Since details of individual proposals for setting up bazaars are different and their impacts also vary depending on the circumstances of the estates concerned, we have to handle specific proposal on a case-by-case basis, and consider their impacts in the light of the circumstances of the estates concerned. Recently, HD has approved a proposal for setting up a holiday bazaar in a PRH estate of HA in accordance with the above principles. The proposal has gained support from the relevant committee under DC and received no objection from EMAC of the estate concerned, other owner(s) concerned and LandsD. The proponent can implement the proposal once they have obtained the necessary permissions and licences.  (LC Paper No. CB(1)973/16-17(01) issued on 22 May 2017)
13.10.2017	Agenda item I — Policies and issues relating to Lunar New Year bazaars and cooked food bazaars	
	(1) Given the nature of Lunar New Year cooked food bazaars as traditional events, members of the public have keen demand in this regard. However, the methods of application provided by the Government in the past were confusing, so non-government organizations had all along encountered various difficulties in their application for setting up cooked food bazaars and did not find a way to operate them.	Awaiting Administration's response
	In this connection, I move that government departments identify in each of the five Legislative Council constituencies in Hong Kong a site used for Lunar New Year Fair and a pedestrian precinct for	

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	non-government organizations to apply for the setting up of cooked food bazaars, and conduct local consultations on such sites expeditiously.	
	(2) Chief Executive Carrie LAM states in her manifesto that "the development of district economy will be promoted, for example through studies on the establishment of bazaars with special features in various districts", but not a word is mentioned in the Policy Address. The Chief Executive should honour her manifesto by implementing a policy on bazaars, promoting the diversified development of bazaars as well as standardizing and simplifying the application procedures. Trial sites should be opened up across districts for the establishment of bazaars and no restriction should be imposed on the bazaar format, such as cooked food bazaars, dry good bazaars, handicraft markets etc., such that different groups may set up bazaars flexibly so as to achieve "multiple bazaars in a district".	Awaiting Administration's response
7.11.2017	Agenda item I — New-term Government's policy on bazaars	
	(1) It is proposed that an Advisory Committee on Bazaars be set up for the discussion of a long-term policy on bazaars, to allow regular discussion by different stakeholders on the	Awaiting Administration's response

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	future development of bazaars and promote a culture of bazaar in support of the grass-roots.	
	(2) This Subcommittee requests that the "Bazaar Information Guide" to be published by the Food and Health Bureau should set out the names and contacts of the officials responsible for handling bazaar applications, and include a department/official to facilitate and coordinate the entire application process for setting up bazaars, including discussing with the public, submitting the proposals of applicants for discussion of the District Councils concerned, as well as promoting the communication among various government departments to facilitate bazaar applications in various districts.	Awaiting Administration's response
	(3) It is proposed that the Government to provide funding for identification of sites with higher bazaar potential index across the districts as trial sites for community groups or organizations to organize bazaars regularly in order to realize the vision of "multiple bazaars in a district" and the reemergence of a cooked-food culture on the streets.	Awaiting Administration's response

Council Business Division 1
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24 November 2017