

立法會

Legislative Council

LC Paper No. CB(2)337/16-17(04)

Ref : CB2/PL/FE

Panel on Food Safety and Environmental Hygiene

Information note prepared by the Legislative Council Secretariat for the meeting on 13 December 2016

Relocation of Yen Chow Street Temporary Hawker Bazaar

Commissioned in 1978, Yen Chow Street Temporary Hawker Bazaar ("cloth bazaar") has 192 hawker stalls selling mainly fabrics. The Administration has since 1981 earmarked the site occupied by the cloth bazaar for long-term residential development. In 2005, the change of land use of the site occupied by the cloth bazaar was discussed by the Sham Shui Po District Council ("SSPDC"). Subsequently, the Food and Environmental Hygiene Department ("FEHD") engaged the cloth hawkers conducting business there to discuss the relocation arrangements. In June 2013, the Planning Department briefed SSPDC on the proposed housing development strategy in the district, which included the proposed use of the site at 373 Lai Chi Kok Road (i.e. the site occupied by the cloth bazaar) for building Home Ownership Scheme flats.

2. According to the information provided by the Administration in February 2016, FEHD has, since March 2014, arranged meetings with the hawkers of the cloth bazaar to discuss the exit plans. The options open to them include moving to and continuing their business at stalls in non-cooked food hawker bazaars, on-street fixed pitch hawker stalls or non-cooked food stalls in public markets managed by FEHD. Alternatively, they may choose to surrender their hawker licences in return for an ex-gratia payment. FEHD has reached a general consensus with the licensed hawkers of the cloth bazaar regarding the exit arrangements, with some opting to surrender their hawker licences in return for an ex-gratia payment while others opting for continuation of business by moving to on-street fixed pitch hawker stalls.

3. The exit plans formulated for the licensed cloth hawkers, however, do not apply to the unlicensed operators of the cloth bazaar. According to the

Administration's explanation, from the policy as well as legal points of view, there does not exist a cogent basis for adopting the same arrangements for both licensed and unlicensed operators, or else the integrity of the licensing regime cannot be upheld. However, having regard to the fact that the cloth bazaar has been in operation for many years, the age of the operators, the contributions that they have made to Hong Kong's clothing, tailoring and related industries as well as the historical reasons underlying the presence of unlicensed operations at the cloth bazaar, the Administration is willing to consider special arrangements in this case and formulate a discretionary exit plan for eligible unlicensed cloth hawkers, on condition that existing FEHD facilities close to the cloth bazaar can be put to more optimal use with the hawkers concerned relocated collectively, thereby helping to preserve as far as practicable the original characteristics of the cloth bazaar whilst meeting the needs of the district, in a balanced manner, for other developments.

4. FEHD has come up with a proposal for consideration by eligible unlicensed hawkers. Under the proposal, they may stay in business by collectively relocating to the Tung Chau Street Temporary Market ("TCS Market") which is not far from the cloth bazaar. Located at 269 Tung Chau Street in Sham Shui Po, the market is about 10 minutes' walk from both the cloth bazaar and the nearby MTR station. It is also in close proximity to Ki Lung Street and Nam Cheong Street, where other cloth-related businesses are congregated. The Administration has also proposed to consolidate the stalls of TCS Market and vacate one or two blocks therein for conversion into a cloth bazaar, and let out the stalls to eligible cloth hawkers through restricted auctions with upset rent set at open market value. A sufficient number of vacant stalls will be made available in TCS Market to accommodate all the existing operators, whilst at the same time providing room for further development of the cloth bazaar.

5. According to the press releases issued by the Administration on 6 and 13 October 2016, in taking forward the relocation of the cloth bazaar, FEHD has conducted six on-site surveys between December 2013 and January 2014 to ascertain the number of persons operating at the bazaar without a licence. Any hawker confirmed to be operating at the bazaar during any of the on-site surveys were counted in. Eventually, 33 persons were confirmed to be operating without a licence (i.e. registered unlicensed operators). As 17 other persons also claimed that they had been operating cloth trading in the bazaar independently for a long period, FEHD invited those 17 persons to provide relevant information including business registration, tax information, operation period and mode as well as sources of their goods for verification of their status.

6. After rigorous study and verification of the information provided by those 17 persons, including contacting business operators with whom they claimed to

have business relationship, FEHD advised that there is no credible evidence to prove that they have bona fide operated independently at the bazaar for a long period. The information reveals that the majority of them are assistants, relatives or friends of licensed hawkers or registered unlicensed operators. As such, FEHD cannot treat them like the other 33 registered unlicensed operators. While they can continue to work as the assistants of their relatives or the vendors concerned after the relevant licensed operators or registered unlicensed operators have been relocated, if they wish to start their own business, they have to participate in the open bidding exercise for a tenancy agreement of other fabric stalls at TCS Market competing with other members of the public who are interested in joining the fabric trade in an impartial, open and fair manner.

7. In response to concerns raised by some cloth hawkers over the security and environmental hygiene issues in areas around TCS Market, the Administration advised that FEHD has been following up the matters with relevant departments including the Sham Shui Po District Office and the Police. With the provision of facilities such as toilets, fire prevention systems and fans, plus a car park nearby for loading and unloading goods, TCS Market would be equipped with better facilities as compared to the existing cloth bazaar on Yen Chow Street.

8. At the Panel meeting on 18 October 2016, there was a suggestion that the Panel should discuss issues relating to the relocation of the cloth bazaar and receive views from relevant stakeholders on the subject. The matter will be discussed at the meeting on 13 December 2016.