



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref.:

26 January 2018

Clerk to Panel on Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong
(Attn.: Ms Wendy LO)

Dear Ms LO,

**Panel on Food Safety and Environmental Hygiene
Follow-up Actions Arising from the Meeting on 11 July 2017
Enforcement Strategy Relating to Hawker Control**

Regarding the follow-up items arising from the meeting of the Panel on Food and Environmental Hygiene (the Panel) on 11 July 2017 in relation to the agenda item “Enforcement Strategy Relating to Hawker Control”, our consolidated reply prepared according to the nature of the items is as follows:

- (a) To provide a consolidated response to the List of Follow-up Actions (please refer to items (10)(a) to (e) in LC Paper No. CB(2)606/17-18(02)), including a written response from the Government to the letter mentioned in item (10)(e) (please refer to LC Paper No. CB(2)1875/16-17(01)); and
- (b) To provide Members with a copy of the Government’s reply to the letter mentioned in LC Paper No. CB(2)1904/16-17(01).

Hawker Control Policy and Enforcement Strategy

2. Under the current hawker control policy, the Government endeavours to strike a proper balance between allowing legal hawking activities on the one hand and maintaining environmental hygiene, safeguarding food safety, ensuring public safety

and protecting the public from nuisance on the other.

3. The Food and Environmental Hygiene Department (FEHD) has a duty to keep main thoroughfares, areas of high pedestrian flow and the vicinity of markets/hawker bazaars free of illegal hawkers as far as possible. The strategy of carrying out immediate arrest and seizure of commodities and paraphernalia without prior warning will be adopted under the following scenarios:

- (a) sale of prohibited/restricted or cooked food; and
- (b) hawking in major thoroughfares, areas of high pedestrian flow (such as pedestrian precincts, Mass Transit Railway entrances/exits, bus terminals and ferry concourses, heavily used footbridges, overseas workers rendezvous and tourist spots) and places under substantiated and repeated complaints of hawking activities.

4. Upon receipt of complaints against unlicensed hawkers from the public, the FEHD will send staff to investigate at the location under complaint. When dealing with illegal hawking activities that do not involve the scenarios mentioned in paragraphs 3(a) and (b) above, the FEHD's frontline staff would, generally speaking, verbally warn the hawkers first and ask them to disperse. If the verbal warning is unheeded, prosecution action would follow. After prosecution action is taken by Hawker Control Teams (HCTs), whether the hawkers are liable on conviction to a fine or not is subject to the court's decision. The FEHD's guidelines clearly state that "The concept that hawker control operations are conducted with a view to scoring high arrest and prosecution figures is not correct as they are not a reliable guide to the success or failure of hawker control operations." Before taking corresponding enforcement actions, frontline staff should make observation and collect evidence by following the enforcement guidelines with the circumstances on the ground taken into account. In cases where aged or disabled hawkers are involved, the HCT members will exercise their power in a reasonable manner having regard to the circumstances at the scene. The HCT members will generally ask them to disperse and, if to no avail, give a verbal warning. If they refuse to comply, another verbal warning will be given. If the second verbal warning is not heeded, prosecution will be initiated by way of summons according to the circumstances on the ground and the evidence collected.

Enforcement Standards

5. Section 83(B)(1) of the Public Health and Municipal Services Ordinance (Chapter 132 of the Laws of Hong Kong) specifies that no person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A. It is the duty of the FEHD staff to take enforcement actions against offences. The laws should be enforced on a non-discriminatory basis. Under the existing legislation, no particular person is granted immunity from prosecution. Frontline staff are required to take appropriate actions in accordance with the guidelines having

regard to the actual circumstances. When uncertainties arise or clarification on legal issues is required, the FEHD staff will seek legal advice from the Department of Justice before making the prosecution decision.

6. Hawking is an issue of complex nature. On the one hand, hawking activities often cause various environmental nuisances and obstruction in public places. There have been demands from local residents for more stringent enforcement actions against such activities. On the other hand, some people in the community regard on-street hawking not only as a form of economic activity that provides a convenient means for the grassroot to earn a living, but also as part of Hong Kong's way of life.

7. The FEHD adopts an appropriate approach in performing its hawker control duty in the light of the actual circumstances. The enforcement decisions are made in a manner that shows understanding. In particular, the FEHD has put in place established guidelines to deal with aged or disabled hawkers who often get sympathy from the public. Enforcement officers are reminded to first ask them to disperse and, if they refuse to comply, give verbal warning. Prosecution actions will be taken by way of summons only if they refuse to comply and continue with the illegal hawking activities after repeated warnings.

8. According to the FEHD's records of prosecution against hawkers in 2016, over 2 600 cases involved the arrest of unlicensed hawkers, among which some 360 cases involved offenders who had reached the statutory age of retirement (i.e. aged 65 or above), accounting for only 14% of the total number of arrested unlicensed hawkers in 2016 (see Annex 1). In addition, the number of persons arrested and prosecuted for illegal hawking from 2014 to 2016 is set out at Annex 2 with a breakdown by age group (i.e. below the age of 55, between the age of 55 and 64, and at the age of 65 or above). As reflected by the statistics in Annex 1 and Annex 2, the FEHD's enforcement actions do not target on elderly people. The number of persons who were repeatedly prosecuted by the HCTs in each of the past three years is set out at Annex 3. The FEHD does not keep the statistics of the number of verbal warnings issued and the number of persons involved in cases where prosecution was withdrawn in relation to illegal hawking.

Establishment of Hawker Control Teams

9. The current establishment of the Hawker Control Officer (HCO) grade consists of five ranks, namely Principal Hawker Control Officer (PHCO), Chief Hawker Control Officer (CHCO), Senior Hawker Control Officer (SHCO), Hawker Control Officer (HCO) and Assistant Hawker Control Officer (AHCO). The FEHD will take account of the actual circumstances on the ground, including the number of licensed and unlicensed hawkers, the number of complaints, geographical conditions, etc. when deciding on the manpower deployment in each district.

Expenditure on Hawker Control

10. Information on the FEHD's annual expenditure on hawker management and control in the past three financial years (i.e. 2014-15, 2015-16 and 2016-17) is set out in Annex 4.

Assessment Criteria and Monitoring of Performance of Hawker Control Teams

11. To ensure that hawker control operations are effectively carried out, the FEHD has put in place operational guidelines covering issues such as safety consideration during raiding operations, arrest and prosecution procedures. The monitoring system of the daily work of the HCTs is also included. The HCT members' performance in discharging their duties is regularly checked and properly recorded by officers at various managerial levels to ensure strict compliance with the operational guidelines. Non-compliant staff are subject to the established disciplinary procedures.

12. The FEHD's Operational Manual for Hawker Control also contains instructions setting out clearly the training on discipline that the HCT members must receive as well as the regulations and procedures that all the HCT members are required to comply with. Cases of disciplinary offences committed by the HCT members will be handled by the FEHD in accordance with the Civil Service Regulations and the department's established procedures.

13. Promotion of staff in the FEHD is considered on the basis of character, ability and experience in accordance with the Civil Service Regulations, and is processed in a fair and impartial manner under the established procedures.

Training for Hawker Control Teams

14. Since the challenges to the HCTs' day-to-day work are multi-fold, the FEHD provides structured and tailor-made training to staff in the HCO grade. The training programmes include induction training, refresher courses and experience sharing sessions. The induction training covers an introduction to the operations of the department as a whole, law and legal procedures related to hawker control, occupational knowledge and skills, as well as practical training (including simulated training, mock court training, etc.). With a view to identifying scope for continuous improvement to the training, the FEHD evaluates the training through, among others, gauging the views of the trainees, so as to meet operational needs adequately and cope with the expectations that members of the public place on our work in hawker control and enforcement. The induction training also includes specific modules on personal effectiveness and management skills, including interpersonal skills, handling confrontational situations, emotional intelligence, stress management, risk assessment and crisis handling, self-defence, etc. In addition, refresher training courses and experience sharing sessions will be organised from time to time for staff in the HCO grade to reinforce their knowledge and skills and to share experience.

Development of “Hawker Permitted Areas” and Implementation of Hawker Assistance Scheme

15. At present, the Government has no plan to demolish any “Hawker Permitted Areas” (HPAs) except the Yen Chow Street Temporary Hawker Bazaar. In fact, there exists a general sentiment in the community recognising on-street hawking not only as a form of economic activity that provides a convenient means for the grassroots to earn a living, but also as part of Hong Kong’s way of life. In view of that, the HPAs will be preserved. Even if the HPAs are to be demolished, the Government will duly consult the stakeholders and arrange relocation of the affected hawkers to other locations or markets for them to continue doing business.

16. Currently, the Government has not put any new interpretation on the HPAs. Nevertheless, some hawkers have reconstructed their hawker stall structures under the Hawker Assistance Scheme for attaining a higher fire safety standard. At the same time, this enhances the functionality and appearance of their stalls, and improves the operating environment of individual hawker areas, bringing about a face-lift to the environment.

Monitoring of Fixed-Pitch Hawker Stalls

17. Inspection of fixed-pitch hawker areas is one of the duties of the HCTs. At present, the HCT members are required to conduct inspections twice a day on fixed-pitch hawker stalls in the Hawker Permitted Places and once a month on other fixed-pitch hawker stalls. Under normal circumstances, inspections should be conducted during the peak business hours. Inspection officers should, having regard to the actual situation, issue verbal warnings and/or take enforcement actions when irregularities or breach of licensing conditions are found. The number of prosecutions instituted against irregularities found in the 43 fixed-pitch hawker areas by the HCT members during the past two years (i.e. 2015 and 2016) is provided in [Annex 5](#).

Amount of Subsidy Paid under the Hawker Assistance Scheme

18. The FEHD has made good progress in implementing the five-year Hawker Assistance Scheme since its launch in June 2013. As at 30 June, among the 4 327 hawkers in the 43 hawker areas, 773 hawkers have applied for voluntary surrender of licence for ex-gratia payment (EGP). For the remaining 3 554 hawkers, 3 058 have applied for reconstruction grant and 2 563 of them have completed reconstruction of their stalls. Regarding the 496 hawkers in 19 hawker areas who have not yet applied for the reconstruction grant, 53 of them have completed stall reconstruction at their own expense. Moreover, 695 stall operators have surrendered their hawker licences for an EGP of HK\$120,000 (see [Annex 6](#)). As for the 443 stall operators who have yet to apply for the reconstruction grant or yet to have stalls reconstructed at their own expense, most of them are from fixed-pitch hawker areas in Tung Choi Street, Temple

Street and Nelson Street. The FEHD will continue to follow up with the remaining hawker stalls and encourage hawkers to reconstruct their stall structures to meet the required specifications before the scheme expires in June 2018. So far, an amount of around HK\$175,000,000 has been paid under the scheme.

Implementation of the Hawker Assistance Scheme

19. During the course of implementation of the scheme in the past four years, the FEHD has positively engaged hawker associations, hawker representatives, local District Council members and every individual hawker in each of the 43 hawker areas in 377 special forums and 108 Hawker Management Consultative Committee meetings. Stakeholders were clearly briefed of the scheme and the relevant details, including stall reconstruction specifications, reasons for relocating the stalls which are situated directly in front of buildings or which may obstruct the operation of fire engines or other emergency vehicles, as well as stall relocation proposals. The FEHD listened and responded to their views on the hawker relocation proposals and endeavoured to identify areas which could bring about enhancement to the hawking environment in the hawker areas. This included rationalising the overall layout of the concerned hawker areas where circumstances permit and enhancing safety of the fixed electrical installations to hawker stalls. The FEHD also reported the progress to the respective committees of the District Councils concerned on a total of 18 occasions and listened to their views. An interim update was submitted to the Panel in December 2015. Regarding hawker areas in which reconstruction of stalls was completed, the FEHD has regularly reported the work progress at the meetings of the Hawker Management Consultative Committee and the relevant committees of the District Councils, and has listened and responded to the views of members of the committees about the scheme. As for the outstanding work, the FEHD will continue to maintain liaison with and listen to the views of each of the stall operators and stakeholders. The FEHD will maintain highly transparent communication with stall operators and address their needs in a practical manner.

Public Consultation on Re-issue of Hawker Licences

20. On whether to re-issue new hawker licences to fill any vacant pitches in relevant hawker areas, the FEHD will carefully consider the case, taking into account the circumstances of individual hawker areas, including fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant District Council and local residents.

Bazaar Proposal at Shek Wu Hui Farmers' Produce Retailing Point

21. The Government takes a positive and open attitude towards the establishment of bazaars with local characteristics, so long as food safety and environmental hygiene are not compromised, public passageways are not obstructed and local community support is obtained. If suitable sites are identified, support from the relevant District Councils has been obtained and food safety and environmental hygiene are not

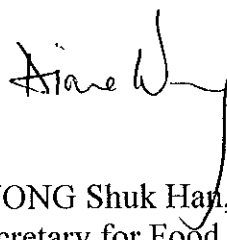
compromised, the FEHD stands ready to facilitate liaison with the relevant government departments. As regards the pilot scheme for the bazaar festival in North District to be held at Shek Wu Hui Farmers' Produce Retailing Point in Sheung Shui, the District Minor Works and Environmental Improvement Committee of the North District Council expressed support for the pilot scheme at the meeting on 17 July 2017. The FEHD has issued the Temporary Places of Public Entertainment Licence for the scheme. The scheme was implemented on 10, 17 and 24 September as well as 5 October in 2017.

To provide Members with a copy of the Government's reply to the letter mentioned in LC Paper No. CB(2)1904/16-17(01)(see paragraph 1(b) above).

22. Please refer to Annex 7.

23. Please feel free to contact the undersigned for further enquiries regarding the above issue.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Diane Wong". The signature is written in a cursive style with a long vertical stroke extending downwards from the end of the name.

(WONG Shuk Han, Diane)
for Secretary for Food and Health

c.c. Director of Food and Environmental Hygiene (Fax no.: 2530 1368)

**Number of prosecutions against unlicensed hawking
in suspected breach of section 83B of the
Public Health and Municipal Services Ordinance (Cap. 132) in 2016**

Age group	2016				2016 Total
	Arrest		Summons		
21 or below	42	2 286 (~86%)	21	1 115 (~90.7%)	63
21-30	246		173		419
31-40	390		230		620
41-50	588		259		847
51-60	816		280		1 096
61-64	204		152		356
65-70	229	363 (~14%)	83	115 (~9.3%)	312
71 or above	134		32		166
Sub-total	2 649		1 230		3 879

**Number of prosecutions against unlicensed hawking
in suspected breach of section 83B of the
Public Health and Municipal Services Ordinance (Cap. 132) in 2014-2016
(by age group)**

Age group	Below 55	55-64	65 or above	Total
2014				
Arrest	1 634	818	349	2 801
Summons	1 152	577	191	1 920
2014 Total	2 786	1 395	540	4 721
2015				
Arrest	1 890	912	437	3 239
Summons	1 208	516	162	1 886
2015 Total	3 098	1 428	599	5 125
2016				
Arrest	1 633	653	363	2 649
Summons	786	329	115	1 230
2016 Total	2 419	982	478	3 879

**Number of repeated prosecutions against unlicensed hawking
in suspected breach of section 83B of the
Public Health and Municipal Services Ordinance (Cap. 132)
in 2014-2016**

Calendar Year	2014	2015	2016
Number of persons who were repeatedly prosecuted	827	872	660

Annex 4

Financial year	Expenditure on hawker management and control (\$ million)
2014-15	951.8
2015-16	1,025.2
2016-17	1,075.8 (revised estimate)

Annex 5**Number of prosecutions instituted in each of the
43 fixed-pitch hawker areas in 2015 and 2016**

District	Location of stalls		No. of prosecutions instituted	
			2015	2016
Eastern	1	Chun Yeung Street	50	43
	2	Marble Street	16	1
	3	Kam Wa Street	77	53
	4	Tai Tak Street	6	9
	5	Mong Lung Street	19	11
Central & Western	6	Pottinger Street	4	0
	7	Graham Street	33	13
	8	Gage Street	6	5
	9	Li Yuen Street East	0	0
	10	Li Yuen Street West	0	0
	11	Peel Street	1	0
	12	Wing Kut Street	2	0
	13	Upper Lascar Row	3	7
	14	Man Wa Lane	6	0
Wan Chai	15	Gresson Street	0	1
	16	Cross Street	73	70
	17	Tai Yuen Street	9	6
	18	Jardine's Crescent	13	2
Yau Tsim	19	Reclamation Street	20	95
	20	Pak Hoi Street	0	1
	21	Saigon Street	0	0
	22	Canton Road	1	1
	23	Bowring Street	8	12
	24	Temple Street	2	16

District	Location of stalls		No. of prosecutions instituted	
			2015	2016
Mong Kok	25	Tung Choi Street	7	17
	26	Canton Road	37	34
	27	Fife Street	0	2
	28	Yin Chong Street	14	12
	29	Ki Lung Street	17	23
	30	Poplar Street	4	5
	31	Fa Yuen Street	110	81
	32	Nelson Street	16	25
Sham Shui Po	33	Wing Lung Street	15	13
	34	Fat Tseung Street	3	6
	35	Cheung Fat Street	0	12
	36	Fuk Wa Street	12	13
	37	Fuk Wing Street	45	16
	38	Pei Ho Street	52	21
	39	Apliu Street	254	190
	40	Ki Lung Street	58	17
	41	Tai Nan Street	8	15
	42	Kweilin Street	38	15
Kowloon City	43	Pau Chung Street	5	4

**Voluntary surrender of hawker licences
under the Hawker Assistance Scheme
(From 3 June 2013 to 30 June 2017)**

Year	“Cabinet-type” hawker stalls		“Hawker Permitted Places” hawker stalls	
	No. of applications	No. of hawker licences surrendered	No. of applications	No. of hawker licences surrendered
2013 (3.6-31.12)	156	139	68	65
2014 (1.1-31.12)	98	103	46	49
2015 (1.1-31.12)	85	68	64	57
2016 (1.1-31.12)	91	72	92	74
2017 (1.1-30.6)	18	15	55	53
Total	448	397	325	298



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Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

(Translation)

Our Ref.:

26 January 2018

Ms LAU Siu-lai
(Email: hksiulai@gmail.com)

Dear Ms LAU,

**Follow up Issues on
Enforcement Strategy Relating to Hawker Control**

Thank you for your letter of 12 July 2017 regarding the above subject. Our response is as follows.

Assessment Criteria and Monitoring of Performance

2. To ensure that hawker control operations are effectively carried out, the Food and Environmental Hygiene Department (FEHD) has put in place operational guidelines covering issues such as safety consideration during raiding operations, arrest and prosecution procedures. The monitoring system of the daily work of Hawker Control Teams (HCTs) is also included. The HCT members' performance in discharging their duties is regularly checked and properly recorded by officers at various managerial levels to ensure strict compliance with the operational guidelines. Non-compliant staff are subject to the established disciplinary procedures.

3. The FEHD's Operational Manual for Hawker Control also contains instructions setting out clearly the training on discipline that the HCT members must receive as well as the regulations and procedures that all HCT members are required to comply with. Cases of disciplinary offences committed by the HCT members will be handled by the FEHD in accordance with the Civil Service Regulations and the department's established procedures.

4. The FEHD must stress that it has no such practice of "meeting target quota" or "forcing staff to meet target quota". Neither has the department ever set any target figures of enforcement actions for frontline staff to meet. Taking the work of hawker control as an example, the relevant operational guidelines clearly state that "The concept that hawker control operations are conducted with a view to scoring high arrest and prosecution figures is not correct as they are not a reliable guide to the success or failure of hawker control operations." During the meeting of the Legislative Council Panel on Food Safety and Environmental Hygiene (the Panel) held on 11 July 2017, the FEHD already clarified that it did not have any culture of "meeting target quota".

5. As regards a sample of the 2008-2009 appraisal report and a standard score sheet mentioned in your letter, which were alleged to be provided by frontline staff of the FEHD in support of the allegation of the department's practice of "meeting target quota", the FEHD noticed that the said sample and the standard score sheet were not in the standard format for performance appraisal of the Hawker Control Officer grade. In fact, when assessing the performance of an appraisee, the appraising officer should look at the actual achievements and objectively determine the effectiveness of the appraisee in performing the key objectives/responsibilities, including but not limited to the enforcement work. Moreover, by setting up assessment panels (APs) to undertake reviewing, levelling and moderation work among appraisal reports in accordance with established procedures, the FEHD ensures that a consistent set of assessment standards apply to appraisees of the same rank and that the assessments are conducted objectively. It would certainly be impossible for a performance appraisal report to pass the assessment standard set by the APs if the appraising officer concerned should evaluate the appraisee's performance on the basis of the numbers of prosecutions instituted, arrests actions taken, penalty tickets issued and goods confiscated.

6. The FEHD encourages its staff to give their best in discharging their duties and their performance will be reflected in performance appraisal reports. In selecting officers for promotion, the FEHD follows the requirements set out in the Civil Service Regulations. Promotion will be made on the basis of character, ability and experience and the promotion exercise will be conducted according to established procedures in a fair and impartial manner.

7. The FEHD will, through different channels, remind supervisors of various sections/district offices that the department has no such practice of forcing staff to meet target quota in relation to enforcement.

Statistics

8. Section 83(B)(1) of the Public Health and Municipal Services Ordinance (Chapter 132 of the Laws of Hong Kong) specifies that no person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A. It is the duty of the FEHD staff to take enforcement actions against offences. The laws should be enforced on a non-discriminatory basis. Under the existing legislation, no particular person is granted immunity from prosecution. Frontline staff are required to take appropriate actions in accordance with the guidelines having regard to the actual circumstances. When uncertainties arise or clarification on legal issues is required, the FEHD staff will seek legal advice from the Department of Justice before making the prosecution decision.

9. Hawking is an issue of complex nature. On the one hand, hawking activities often cause various environmental nuisances and obstruction in public places. There have been demands from local residents for more stringent enforcement actions against such activities. On the other hand, some people in the community regard on-street hawking not only as a form of economic activity that provides a convenient means for the grassroot to earn a living, but also as part of Hong Kong's way of life.

10. The FEHD adopts an appropriate approach in performing its hawker control duty in the light of the actual circumstances. The enforcement decisions are made in a manner that shows understanding. In particular, the FEHD has put in place established guidelines to deal with aged or disabled

hawkers who often get sympathy from the public. Enforcement officers are reminded to first ask them to disperse and, if they refuse to comply, give verbal warning. Prosecution actions will be taken by way of summons only if they refuse to comply and continue with the illegal hawking activities after repeated warnings.

11. According to the FEHD's records of prosecution against hawkers in 2016, over 2 600 cases involved the arrest of unlicensed hawkers, among which some 360 cases involved offenders who had reached the statutory age of retirement (i.e. aged 65 or above), accounting for only 14% of the total number of arrested unlicensed hawkers in 2016 (see Annex 1). In addition, the number of persons arrested and prosecuted for illegal hawking from 2014 to 2016 is set out at Annex 2 with a breakdown by age group (i.e. below the age of 55, between the age of 55 and 64, and at the age of 65 or above). As reflected by the statistics in Annex 1 and Annex 2, the FEHD's enforcement actions do not target on elderly people. The number of persons who were repeatedly prosecuted by the HCTs in each of the past three years is set out at Annex 3. The FEHD does not keep the statistics of the number of verbal warnings issued and the number of persons involved in cases where prosecution was withdrawn in relation to illegal hawking.

Development of “Hawker Permitted Areas” and Implementation of Hawker Assistance Scheme

12. At present, the Government has no plan to demolish any “Hawker Permitted Areas” (HPAs) except the Yen Chow Street Temporary Hawker Bazaar. In fact, there exists a general sentiment in the community recognising on-street hawking not only as a form of economic activity that provides a convenient means for the grassroot to earn a living, but also as part of Hong Kong's way of life. In view of that, the HPAs will be preserved. Even if the HPAs are to be demolished, the Government will duly consult the stakeholders and arrange relocation of the affected hawkers to other locations or markets for them to continue doing business.

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appearance of their stalls, and improves the operating environment of individual hawker areas, bringing about a face-lift to the environment.

Monitoring of Fixed-Pitch Hawker Stalls

14. Inspection of fixed-pitch hawker areas is one of the duties of the HCTs. At present, the HCT members are required to conduct inspections twice a day on fixed-pitch hawker stalls in the Hawker Permitted Places and once a month on other fixed-pitch hawker stalls. Under normal circumstances, inspections should be conducted during the peak business hours. Inspection officers should, having regard to the actual situation, issue verbal warnings and/or take enforcement actions when irregularities or breach of licensing conditions are found. The number of prosecutions instituted against irregularities found in the 43 fixed-pitch hawker areas by the HCT members during the past two years (i.e. 2015 and 2016) is provided in Annex 4.

Amount of Subsidy Paid under the Hawker Assistance Scheme

15. The FEHD has made good progress in implementing the five-year Hawker Assistance Scheme since its launch in June 2013. As at 30 June, among the 4 327 hawkers in the 43 hawker areas, 773 hawkers have applied for voluntary surrender of licence for ex-gratia payment (EGP). For the remaining 3 554 hawkers, 3 058 have applied for reconstruction grant and 2 563 of them have completed reconstruction of their stalls. Regarding the 496 hawkers in 19 hawker areas who have not yet applied for the reconstruction grant, 53 of them have completed stall reconstruction at their own expense. Moreover, 695 stall operators have surrendered their hawker licences for an EGP of HK\$120,000 (see Annex 5). As for the 443 stall operators who have yet to apply for the reconstruction grant or yet to have stalls reconstructed at their own expense, most of them are from fixed-pitch hawker areas in Tung Choi Street, Temple Street and Nelson Street. The FEHD will continue to follow up with the remaining hawker stalls and encourage hawkers to reconstruct their stall structures to meet the required specifications before the scheme expires in June 2018. So far, an amount of around HK\$175,000,000 has been paid under the scheme.

Implementation of the Hawker Assistance Scheme

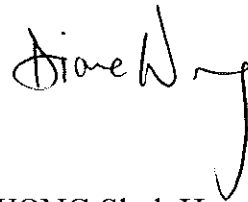
16. During the course of implementation of the scheme in the past four years, the FEHD has positively engaged hawker associations, hawker representatives, local District Council members and every individual hawker in each of the 43 hawker areas in 377 special forums and 108 Hawker Management Consultative Committee meetings. Stakeholders were clearly briefed of the scheme and the relevant details, including stall reconstruction specifications, reasons for relocating the stalls which are situated directly in front of buildings or which may obstruct the operation of fire engines or other emergency vehicles, as well as stall relocation proposals. The FEHD listened and responded to their views on the hawker relocation proposals and endeavoured to identify areas which could bring about enhancement to the hawking environment in the hawker areas. This included rationalising the overall layout of the concerned hawker areas where circumstances permit and enhancing safety of the fixed electrical installations to hawker stalls. The FEHD also reported the progress to the respective committees of the District Councils concerned on a total of 18 occasions and listened to their views. An interim update was submitted to the Panel in December 2015. Regarding hawker areas in which reconstruction of stalls was completed, the FEHD has regularly reported the work progress at the meetings of the Hawker Management Consultative Committee and the relevant committees of the District Councils, and has listened and responded to the views of members of the committees about the scheme. As for the outstanding work, the FEHD will continue to maintain liaison with and listen to the views of each of the stall operators and stakeholders. The FEHD will maintain highly transparent communication with stall operators and address their needs in a practical manner.

Public Consultation on Re-issue of Hawker Licences

17. On whether to re-issue new hawker licences to fill any vacant pitches in relevant hawker areas, the FEHD will carefully consider the case, taking into account the circumstances of individual hawker areas, including fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant District Council and local residents.

18. Please feel free to contact the undersigned for further enquiries regarding the above issue.

Yours sincerely,

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(WONG Shuk Han, Diane)
for Secretary for Food and Health

c.c. Director of Food and Environmental Hygiene (Fax no.: 2530 1368)

Annex 1

**Number of prosecutions against unlicensed hawking
in suspected breach of section 83B of the
Public Health and Municipal Services Ordinance (Cap. 132) in 2016**

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65-70	229	363 (~14%)	83	115 (~9.3%)	312
71 or above	134		32		166
Sub-total	2 649		1 230		3 879

Annex 2

**Number of prosecutions against unlicensed hawking
in suspected breach of section 83B of the
Public Health and Municipal Services Ordinance (Cap. 132) in 2014-2016
(by age group)**

Age group	Below 55	55-64	65 or above	Total
2014				
Arrest	1 634	818	349	2 801
Summons	1 152	577	191	1 920
2014 Total	2 786	1 395	540	4 721
2015				
Arrest	1 890	912	437	3 239
Summons	1 208	516	162	1 886
2015 Total	3 098	1 428	599	5 125
2016				
Arrest	1 633	653	363	2 649
Summons	786	329	115	1 230
2016 Total	2 419	982	478	3 879

**Number of repeated prosecutions against unlicensed hawking
in suspected breach of section 83B of the
Public Health and Municipal Services Ordinance (Cap. 132)
in 2014-2016**

Calendar Year	2014	2015	2016
Number of persons who were repeatedly prosecuted	827	872	660

Annex 4**Number of prosecutions instituted in each of the
43 fixed-pitch hawker areas in 2015 and 2016**

District	Location of stalls		No. of prosecutions instituted	
			2015	2016
Eastern	1	Chun Yeung Street	50	43
	2	Marble Street	16	1
	3	Kam Wa Street	77	53
	4	Tai Tak Street	6	9
	5	Mong Lung Street	19	11
Central & Western	6	Pottinger Street	4	0
	7	Graham Street	33	13
	8	Gage Street	6	5
	9	Li Yuen Street East	0	0
	10	Li Yuen Street West	0	0
	11	Peel Street	1	0
	12	Wing Kut Street	2	0
	13	Upper Lascar Row	3	7
	14	Man Wa Lane	6	0
Wan Chai	15	Gresson Street	0	1
	16	Cross Street	73	70
	17	Tai Yuen Street	9	6
	18	Jardine's Crescent	13	2
Yau Tsim	19	Reclamation Street	20	95
	20	Pak Hoi Street	0	1
	21	Saigon Street	0	0
	22	Canton Road	1	1
	23	Bowring Street	8	12
	24	Temple Street	2	16

District	Location of stalls		No. of prosecutions instituted	
			2015	2016
Mong Kok	25	Tung Choi Street	7	17
	26	Canton Road	37	34
	27	Fife Street	0	2
	28	Yin Chong Street	14	12
	29	Ki Lung Street	17	23
	30	Poplar Street	4	5
	31	Fa Yuen Street	110	81
	32	Nelson Street	16	25
Sham Shui Po	33	Wing Lung Street	15	13
	34	Fat Tseung Street	3	6
	35	Cheung Fat Street	0	12
	36	Fuk Wa Street	12	13
	37	Fuk Wing Street	45	16
	38	Pei Ho Street	52	21
	39	Apliu Street	254	190
	40	Ki Lung Street	58	17
	41	Tai Nan Street	8	15
	42	Kweilin Street	38	15
Kowloon City	43	Pau Chung Street	5	4

**Voluntary surrender of hawker licences
under the Hawker Assistance Scheme
(From 3 June 2013 to 30 June 2017)**

Year	“Cabinet-type” hawker stalls		“Hawker Permitted Places” hawker stalls	
	No. of applications	No. of hawker licences surrendered	No. of applications	No. of hawker licences surrendered
2013 (3.6-31.12)	156	139	68	65
2014 (1.1-31.12)	98	103	46	49
2015 (1.1-31.12)	85	68	64	57
2016 (1.1-31.12)	91	72	92	74
2017 (1.1-30.6)	18	15	55	53
Total	448	397	325	298