

立法會

Legislative Council

Paper for the House Committee meeting on 18 May 2018

Report of the Subcommittee on Issues Relating to Bazaars

Purpose

This report reports on the work of the Subcommittee on Issues Relating to Bazaars ("the Subcommittee").

Background

2. Bazaars usually take place in an open space with hawkers or stall vendors selling goods, but their venues are not permanent and their operation is non-recurrent and of short duration. Bazaars are a longstanding feature of local communities in Hong Kong. It has been the Government's official position since the early 1970s that no new hawker licences should normally be issued and that on-street licensed hawkers should be put into public market buildings or off-street hawker bazaars as far as practicable.

3. The nature and positioning of bazaars can be very different. Some are festival celebrative events, some for promoting cultural creativity, some for providing opportunities to the grass roots, and some for promoting local economy and tourism. For instance, the temporary bazaar activities organized in Sham Shui Po and the cooked food bazaar at Maple Street Playground (also in Sham Shui Po) set up during the Lunar New Year ("LNY") in 2016 and 2017, as well as the bazaar held in Sheung Shui (in North District) in 2017, attracted many visitors. Besides providing enjoyment to the public during weekends and festive periods as well as serving as tourism attractions, bazaars also create employment opportunities for the grass-root people.

4. In recent years, there have been views in society advocating the establishment of bazaars in various districts, including in public rental housing ("PRH") estates where the retail facilities have been divested through Link Real Estate Investment Trust ("the Link ") in 2005. There have also been criticisms that the operations of the divested properties have driven away traditional shops and markets in PRH estates by bringing in chain stores selling goods at higher prices, and views that establishing bazaars would provide an alternative for

PRH residents to shop for basic necessities in order to counteract monopoly of the divested properties.

The Subcommittee

5. At the House Committee meeting held on 28 October 2016, Members agreed to appoint the Subcommittee under the House Committee to study issues relating to bazaars as such issues straddled several policy areas including food safety and environmental hygiene, land administration, home affairs and tourism. The Subcommittee commenced work on 6 December 2016. The terms of reference and membership of the Subcommittee are given in **Appendices I and II** respectively.

6. Under the chairmanship of Dr Hon KWOK Ka-ki,¹ the Subcommittee has held 15 meetings to exchange views with the Administration, including eight meetings to receive views from deputations, academics and experts. The list of deputations and individuals which/who have provided views to the Subcommittee is in **Appendix III**.

Deliberations of the Subcommittee

7. The deliberations of the Subcommittee and its recommendations on the following major issues are set out in the ensuing paragraphs:

- (a) economic benefits and social roles of bazaars;
- (b) the policy on bazaars and issues relating to markets;
- (c) roles of various departments under the existing policy on bazaars, and the provision of land for relevant use;
- (d) application procedures for establishing bazaars and the Government's support measures;

¹ Dr LAU Siu-lai was the Chairman of the Subcommittee from 6 December 2016 to 14 July 2017. According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, Dr LAU has been disqualified from assuming the office of a member of the Legislative Council ("LegCo"), and has vacated the same since 12 October 2016, and is not entitled to act as a member of LegCo. At the meeting of the Subcommittee on 27 September 2017, Dr Hon KWOK Ka-ki was elected the Chairman of the Subcommittee.

- (e) policies and issues relating to LNY bazaars and cook food bazaars;
- (f) issues relating to organizing bazaars in PRH estates;
- (g) new-term Government's views on the policy on bazaars; and
- (h) bazaar policies and experience of other cities.

8. The Subcommittee has requested the Research Office of the Legislative Council Secretariat to study the policies and government's support measures on the development of bazaars in overseas places.² The Subcommittee has passed 22 motions urging the Administration to take actions on various matters relating to bazaars. A list of the motions passed by the Subcommittee is in **Appendix IV**.

Roles and benefits of bazaars

9. In a broad sense, bazaars refer to a place where stall vendors sell goods to other people. Bazaars may take different forms in terms of (a) the regularity of operation (regularly held or temporary); (b) the time of operation (daytime, night-time, weekends or a few days during festive occasions); (c) the place of operation (marketplace, an enclosed area or street); (d) the themes or objectives (serving as a convenient access to affordable goods and services necessities, developing local economy and tourism, celebrating festive events, or fostering cultural creativity); and (e) the types of goods sold (cooked food, fresh produce, daily necessities, handicrafts and/or other specialty goods).

10. The Subcommittee has met with academics and experts to exchange views on the roles and economic benefits of bazaars. Academics and experts have highlighted that bazaar is a kind of informal economy that would allow the grass-root people and the ethnic minorities, who are unable to participate in the formal economy, to support their living and shop for basic necessities at affordable prices. Bazaars are also part of community facilities which help people fulfil their needs in seeking a sense of belonging, esteem and self-actualization. Moreover, bazaars could facilitate the development of social capital, communication network and local culture. The Subcommittee further notes the suggestions of some of the academics and experts for the Administration to consider re-issuing hawker licences, and allowing the setting up of bazaars "anywhere except the restricted areas".

² The selected overseas places are Sydney, London, Singapore and Taipei. The information note and supplementary information are available at <http://www.legco.gov.hk/research-publications/english/1617in11-policies-on-bazaars-in-selected-places-20170519-e.pdf>, http://www.legco.gov.hk/yr16-17/english/hc/sub_com/hs02/papers/hs0220170613cb1-1118-4-e.pdf.

Subcommittee's recommendations

11. The Subcommittee considers that the benefits of bazaars are multi-faceted. Besides promoting the local economy and providing job opportunities for the grass-root people and ethnic minorities to earn their living, and for young people to foster creativity and small scale business start-ups to develop, bazaars also help enhance Hong Kong's culture and characteristics, as well as promote tourism. The Subcommittee recommends that the Administration should conduct studies on the economic contributions made by bazaars and provide support for ethnic minorities to establish bazaars.

Administration's responses

12. The Government has pointed out that bazaars are a neutral platform and the venues of bazaars are not permanent and their operation is non-recurrent and of short duration. For different policies such as district economy development and youth, the relevant policy bureaux or organizations may make use of this platform for promoting their respective objectives. The Government has responded that while it does not have any plan to conduct study on the economic contributions of bazaars, it will take note of any study conducted by organizations in the community in this regard. The Government has further pointed out that bazaar proponents (including ethnic minorities) could freely choose the goods and the operators (including ethnic minorities) to be included in the bazaars according to their objectives (e.g. poverty alleviation, community inclusiveness etc.). The Government does not maintain information on bazaar participation by ethnic minorities in the past.

Government's policy on and approach to bazaars

13. The Government has explained that it adopts a positive attitude towards specific bottom-up proposals for organizing bazaars. When suitable sites have been identified by the organizations concerned (i.e. the site 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 ("DCs") has been obtained, as long as the bazaar proposals would not compromise public order and safety, food safety and environmental hygiene, or cause obstruction to public passageways, the Food and Health Bureau and the Food and Environmental Hygiene Department ("FEHD") would facilitate liaison with other relevant bureaux and departments on the use of the sites.

Subcommittee's recommendations

14. The Subcommittee considers the Administration's current attitude not conducive to the development of bazaars. In view of the various benefits of

bazaars, the Subcommittee recommends that the Administration should formulate a comprehensive policy on the development of bazaars. The Subcommittee also recommends that the Administration should set up an advisory committee on bazaars to engage the community and various stakeholders in formulating a policy on bazaars and support measures for bazaar organizers.

15. Noting that the Chief Executive ("CE") has pointed out in her Election Manifesto that the development of district economy will be promoted including through studies on the establishment of bazaars and establishment of weekend flea markets for interested young people to sell their handicrafts, the Subcommittee has expectation that for the new-term Government, the CE's 2017 Policy Address will provide a clear policy on the development of bazaars. To the Subcommittee's disappointment, there was no mention of any bazaar related policy in the CE's 2017 Policy Address delivered in October 2017.

16. The Subcommittee has urged the CE to honour her manifesto by implementing a policy on bazaars. The Subcommittee recommends that the Administration should identify trial sites over the territory for community groups and organizations to establish various forms of bazaars on a regular basis in order to achieve "multiple bazaars in a district".

Administration's responses

17. The Government has pointed out that many bottom-up bazaar applications serving different purposes and taking different forms that were supported by DCs have been successfully held in recent years. Examples of bazaars held in various districts from 2016 to end September 2017 are provided in **Appendix V**. Taking Sham Shui Po District as an example, bazaars activities, especially LNY bazaars, held in recent years have become a popular event for local residents and visitors outside the district to spend the holidays, making the festive days enjoyable. Moreover, many stall operators at these bazaars were from the grassroots, who made use of the business opportunities of bazaars to support their livelihood. Given that bazaar activities would inevitably cause inconvenience and impacts such as obstruction, noise nuisance and environmental hygiene problems, and affect the nearby residents and business of the shops in the vicinity to various extent, the relevant District Office(s) would facilitate consultation by Bureaux/Departments at the district level so that views and suggestions of the stakeholders could be duly taken into account.

18. The Government has advised that in October 2017, the Policy Agenda announced a new initiative to select suitable non-profit-making organizations to operate a weekend flea market on the Tourism Node site at the former airport runway tip. The new initiative aims to achieve better utilization of land when

the site is pending land disposal and bring more vibrancy to the area, provide opportunities for participation by those who are interested, young people in particular, and a leisure place for public enjoyment during weekends and public holidays. The Energizing Kowloon East Office ("EKEO") under the Development Bureau will openly invite non-profit-making organizations to submit proposals with a view to selecting a suitable organization as the operator for the market within 2018. In working out further details of the initiative, EKEO has consulted some non-profit-making organizations with experience in organizing weekend flea markets.

19. As regards the suggestion for the Government to set up bazaars on a regular basis, the Government has re-iterated that the operation of bazaars is non-recurrent and of short duration, and their venues are not permanent. Venues held by the Government in general have their long-term designated uses for serving the public and relevant stakeholders. If Government's venues are to be provided for establishing bazaars on a regular basis, 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 the venues.

Procedures for setting up bazaars and Government's support

20. The Government has explained that under the existing bottom-up approach in coming up specific proposals for developing bazaars, the proponents have to identify suitable sites/venues they consider appropriate for holding the bazaars and obtain the support from site owners, local communities and respective DCs. The proponents have to apply for the use of the sites/venues from the relevant bureaux/departments as well as apply for the relevant licences required from the respective departments/licensing authorities separately. Depending on the details including the location, operation mode and nature of the activities of the bazaars concerned, the proponents may have to apply for the following licences:

- (a) a places of public entertainment licence or a temporary places of public entertainment licence is required if the bazaar involves activities defined as "entertainment" under the Places of Public Entertainment Ordinance (Cap. 172);
- (b) a temporary food factory licence is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the selling of cooked food;
- (c) a restricted food permit is required under the Food Business Regulation (Cap. 132X) if the bazaar activities involve the sale of restricted foods; and/or

- (d) 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.

Subcommittee's recommendations

21. The Subcommittee notes the grave concern expressed by bazaar organizers that the current application procedures for establishing bazaars are complicated and non-transparent, and that the processing of applications often takes a long time. For instance, various departments have adopted different criteria for determining whether a site/venue is suitable for setting up bazaars, and may not inform the applicants of the vetting process and the reasons for approving or rejecting the applications. Deputations have also pointed out that it may take a long time to obtain the support of local communities and respective DCs on bazaar proposals. Moreover, different DCs may have different mechanisms for handling bazaar proposals. Some DCs may set up designated committees to examine the bazaar proposals while some DCs only serve as a discussion platform for bazaar proposals without making a decision as to whether they support the proposals. Some DCs require organizers to submit concrete bazaar proposals for their consideration while some DCs give approval in principle sites for setting up bazaars which can be applied by all interested parties.

22. In order to facilitate interested parties in setting up bazaars, the Subcommittee recommends that the Administration should streamline the application procedures and vetting mechanism, develop clear and standardized community consultation procedures, create a designated office (e.g. Commissioner for Bazaars) to co-ordinate the responsible departments during the application process and provide a one-stop platform for the applicants. Furthermore, the Subcommittee recommends that the Administration should review relevant existing legislation and policies to remove obstacles hindering the development of bazaars, and develop a "bazaar licence" in lieu of requiring a bazaar organizer to apply for various licences in setting up a bazaar.

23. To enhance transparency of the application process, the Subcommittee recommends that the Administration should make public the reasons for approving or rejecting an application for setting up a bazaar. This will also facilitate interested parties in making new proposals in future or the applicant concerned in revising the proposal to address concerns raised by stakeholders.

24. In view that many bazaar organizers are local community bodies with limited financial and manpower resources, the Subcommittee recommends that the Administration should set up a seed fund to provide financial support to non-profit making organizations in organizing bazaars.

Administration's responses

25. The Government has responded that relevant bureaux/departments will assist bazaar proponents in the liaison on the use of sites. Depending on the specific details of a bazaar proposal, the bureau concerned will, according to the roles they play, give comments on matters related to their policy areas. The departments concerned will process bazaar proposals according to their procedures and criteria. Generally speaking, upon receipt of a specific application, having regard to the relevant factors (e.g. 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 in charge of the site will consider the nature, form, operation mode, date and time of the proposed activity to determine whether or not the bazaar is suitable to be held at the site, and whether there are other matters requiring attention in connection with the proposed activity or site. As to specific activities to be included in a bazaar, the proponent should give details about his/her specific proposal during the application for the use of the site. During the process, other relevant departments will have the opportunity to give their views on matters that concern them. The department in charge of the site will consider and process each application on its own merits in accordance with their vetting criteria.

26. The Government has stressed that the mechanisms adopted by various departments have been established for years with a view to safeguarding public interest, including those on public safety, food safety and environmental hygiene and proper use of public space. The application procedures and approving criteria are open and transparent. Furthermore, departments will review existing mechanisms from time to time with a view to improving the efficiency and simplifying the approving procedures. The Government also takes the view that the actual mooting of proposal may vary in the light of the specific situation in each district. A department's scrutiny of a proposal involves the exercise of its statutory functions and whose prerogative other bureaux or departments must respect. Imposing a communication platform rigidly on the relevant departments responsible for vetting bazaar proposals may run counter to the bottom-up approach. Creating a designated office on bazaars may add to bureaucracy without adding any value or efficiency to the established inter-departmental coordination mechanism. The Government has also advised that currently it has no plan to set up a seed fund for the development of bazaars.

27. As regards the role of DCs in respect of bazaar proposals, the Government has re-iterated that DCs do not have the role to approve relevant licenses related to bazaars. As the circumstances of different districts vary, DCs have their standing orders made in accordance with the District Councils Ordinance (Cap. 547) and meeting procedures governing the conduct of

meetings. Different DCs may handle bazaar proposals differently reflecting the circumstances of their own districts and the neighborhood, and public sentiments on the particulars of the proposals.

Resource Handbook for Bazaar Applications

Subcommittee's recommendations

28. The Subcommittee recommends that the Administration should develop a comprehensive information guide setting out the application procedures for establishment of bazaars, the licences/permits to be required for various types of bazaar activities, the roles of various departments involved and their criteria for vetting bazaar proposals, as well as the names and contact details of the official responsible for handling bazaar applications.

Administration's responses

29. In response to the concerns raised by the Subcommittee and deputations in making applications for setting up bazaars, the Government developed a draft Resource Handbook for Bazaar Applications ("the Handbook") during the summer of 2017. The Subcommittee discussed the draft Handbook at the meeting on 7 November 2017. Some Subcommittee members consider that the draft Handbook is only a collection of existing materials relating to bazaars kept by various departments and has no new information.

30. The Government has pointed out that the draft Handbook has set out the procedures for establishing bazaars, and the major considerations of various departments in handling bazaar applications with a view to helping bazaar organizers better understand the situation. The Government recognizes that there is room to refine the draft Handbook, and welcomes views from interested parties and Subcommittee members in this regard. The Government will continue to consolidate information relating to bazaars provided by departments, and listen to the views of stakeholders in finalizing the Handbook for issuance in future.

Sites for setting up bazaars

31. Many deputations have conveyed to the Subcommittee the difficulty and time-consuming process for bazaars organizers to identify suitable sites for setting up bazaars. The Subcommittee notes that while community bodies may apply to use the sites in the list of vacant land for greening or community uses provided by the District Lands Offices ("LandsD's list") for holding bazaars, many bazaar organizers have pointed out that the list is not useful. It is because the list does not have details of the sites (e.g. the exact locations), and most of the sites therein have constraints (e.g. small in size or have slopes)

which are not suitable for setting up bazaars.³ Moreover, bazaar organizers have found that venues under the management of the Leisure and Cultural Services Department ("LCSD") are often unavailable for holding bazaars due to great public demand for use of leisure venues for recreational purpose. LCSD regards bazaars as non-designated use of leisure venues, and hence does not give priority to bazaars in considering applications for use of LCSD venues.

Subcommittee's recommendations

32. To facilitate the public in identifying sites for setting up bazaars, the Subcommittee recommends that the Administration should conduct local consultation in order to compile a list of sites in various districts suitable for establishing bazaars making reference to LandsD's list and sites where bazaars have been successfully held. To cater for interested organizations in making applications, the list should include information on the locations and sizes of the sites, and assessment of the possible bazaar activities that may be organized at the sites.

Administration's responses

33. The Government has responded that bazaars are different from one another in nature and positioning, and bazaars can appear in various forms. The Government considers it more appropriate for the proponents to identify and secure suitable sites for organizing bazaars, taking account of the circumstances, development, culture, and planning of the district concerned. The respective departments in charge of the sites will consider and process each application on its own merits in accordance with their vetting criteria and the specific details of the case.

34. As regards using government land for establishing bazaars, the Lands Department ("LandsD") has advised that where there is unleased or unallocated government land available for use and its long-term uses are yet to be determined or are not yet due for implementation, LandsD will endeavour to put the land to appropriate temporary use, including letting the land for temporary use by way of a short term tenancy through tender, or with the support from the relevant bureau, letting the land directly to a party outside the Government for temporary use, or allocating the land through Temporary Government Land Allocation to a bureau/department for it to implement its policies. 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 website

³ According to the Administration, the list of vacant sites for greening or community use has been available on the website of the Lands Department for public inspection since November 2017 with map showing location of the sites (<http://www.map.gov.hk/gih3/index.jsp?tab=320&lg=en>).

(http://www.landsd.gov.hk/en/images/doc/guide_vgl.pdf) for details of these sites. With the support from the relevant bureau, the District Lands Office will consult the relevant departments in considering an application.

35. In respect of using leisure venues managed by LCSD for establishing bazaars, LCSD has stressed that its venues are primarily for designated recreational purposes and are governed by the Pleasure Grounds Regulation (Cap. 132BC), under which trading is normally not allowed without prior approval. Moreover, there is great public demand for use of recreational grounds and leisure facilities managed by LCSD. If members of the public wish to use LCSD's venues for organizing short-term bazaar like activities, LCSD will consider and vet relevant applications on a case-by-case basis according to the established procedure as set out in the Guidelines for Use of Leisure Venues for Non-designated Use. Besides, it will consult relevant departments and the subject DC on the application. Each application for non-designated use of LCSD's leisure venues generally should not last more than three days or be on a recurrent basis, unless under exceptional circumstances. This long-established practice is well known and accepted by DCs.

Lunar New Year Bazaars and cooked food bazaars

Sites for holding Lunar New Year Bazaars and Lunar New Year cooked food bazaars

Subcommittee's recommendations

36. The Subcommittee supports establishing bazaars including cooked food bazaars in districts during LNY as events for the public to celebrate the festive season. On-street cooked food hawkers form part of the collective memories of the people of Hong Kong and cooked food bazaars would enable the re-emergence of a cook-food culture on the streets.

37. The Subcommittee recommends that the Administration should allow the public to set up bazaars during the first three days of LNY. The Administration should convert the sites used for LNY Fairs for organizing LNY bazaars and invite tenders for holding bazaars at such sites adopting the same arrangement of tendering stalls in LNY Fairs. The Administration should also select a LNY Fair venue and a pedestrian precinct from each of the five major constituencies of Hong Kong for establishing cooked food bazaars during LNY (i.e. establishing 10 LNY bazaars at the five major constituencies of Hong Kong "五區十市"). Some members further recommend that before a comprehensive bazaar policy is in place, the Administration should adopt a lenient approach and exercise discretion in taking enforcement actions against street hawking

activities during LNY. To obviate the need for operators of cooked food bazaars to apply for the various food licences, the Subcommittee recommends that the Administration should convert vacant markets into community kitchens for operators to prepare food for sale at cooked food bazaars.

Administration's responses

38. The Government has responded that it maintains a positive attitude towards proposals of LNY bazaars adopting the same bottom-up approach. A number of LNY bazaars have been successfully held by local organizations in recent years. For instance, LNY cooked food bazaars were organized by different community organizations in Sham Shui Po, namely on Maple Street in 2016 and 2017 (the first three days of LNY) and on Tung Chau Street in 2017 (the eve and the first two days of LNY). These bazaars have attracted large numbers of visitors and the local community has generally been appreciative of the fact that local residents have a good place to go to during the festive holidays. Besides, an arts and crafts fair was organized in Tung Chung in February 2017 for the Spring Lantern Festival on the 15th Day of LNY.

39. On converting the 2017 LNY Fair sites for organizing LNY bazaars or cooked food bazaars, the Government has pointed out that among the 15 LNY Fairs, only four fair sites will still be available from the first day to the fourth day of LNY continuously. Among the four Fairs, there are no cooked food stalls in two Fairs, and only one cooked food stall in each of the remaining two Fairs. Therefore, the technical conditions of the four LNY Fair sites do not seem to permit their conversion into cooked food bazaars. There are also constraints in converting the LNY Fair sites into LNY bazaars immediately after the end of the Fairs as LNY Fairs operators will dismantle their stalls and it takes time for LNY bazaar operators to set up their stalls and the relevant departments to conduct the necessary inspections.

40. Regarding the proposal of setting up community kitchens, the Government has pointed out that it adopts a positive and open attitude towards the matter so long as food safety and environmental hygiene would not be compromised. Under the Food Business Regulation (Cap. 132X), any person who carries on any food business involving the preparation of food for sale for human consumption off the premises must obtain a food factory licence from the Director of Food and Environmental Hygiene. The licensing requirements and conditions imposed therein are to protect public health and food safety. Besides, the Regulation prohibits preparation of food in domestic premises so that food sold by the food business is to be prepared in premises which has complied with the prescribed hygiene standards.

41. As regards handling street hawking activities during LNY, the Government has advised that when taking enforcement actions, safety of

enforcement officers, hawkers, customers and the general public is the first and foremost consideration. Lower priority will be accorded to hawkers selling dry goods at locations other than main thoroughfares and areas of heavy pedestrian flow, tourist spots, MTR exits etc, where verbal warning will be issued first before enforcement. However, for the sake of protection of public health, 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 actual circumstances.

The use of naked flame at cooked food bazaars

42. The Administration has advised that cooked food stalls may be allowed in bazaars and LNY Fairs where appropriate. The operators concerned are required to obtain temporary food factory licences as well as temporary places of public entertainment licences from FEHD, and they are usually only allowed to reheat food items with electricity for sale due to safety consideration for stall operators, customers and the public, as well as nuisance caused by emission of oily fume.

43. The Administration has explained that upon receipt of referrals of applications for bazaar activities from the licensing authority, the Fire Services Department ("FSD") will conduct on-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 formulate corresponding fire safety requirements/recommendations for compliance by the organizers/operators subject to each individual application. The prescribed fire safety requirements/recommendations applicable to openground bazaar with cooked food stalls as provided by FSD are in **Appendix VI**.

44. In addition, according to the Electrical and Mechanical Services Department ("EMSD"), if a proposed bazaar involves any cooked food stall using portable Liquefied Petroleum Gas ("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, and comply with the relevant safety instructions. EMSD will provide advice to FEHD from a gas safety point of view. Generally, the organizer is not required to make a separate application to EMSD for gas safety matters.

Subcommittee's recommendations

45. The Subcommittee recommends that the Administration should allow the use of naked flame, in addition to electricity and LPG cassette cookers, in cooked food bazaars so that "featured snacks" that need to be cooked by naked flame on spot can be sold at the bazaars. Subcommittee members consider that with proper crowd control arrangements and fire safety measures in place, concerns about public safety could be addressed.

46. The Subcommittee notes bazaar organizers' concern about the stringent fire safety requirements for cooked food bazaars. For instance, the requirement of one meter between each stove used in a food stall has posed difficulty for operators in preparing cooked food as only one stove can be used in each stall given the limited size of the stall. The Subcommittee recommends that FSD should relax the requirements (e.g. the requirement of one 4.5kg CO₂ gas type fire extinguisher and one 9-litre water type fire extinguisher are required at each food stall) taking into account the temporary nature of bazaars and the limited resources of bazaar organizers.

Administration's responses

47. The Government has re-iterated that bazaars attract flocks of people. The wide variety of food and diversity of cooking methods may involve the use of boiling oil or soup. Allowing the use of naked flame in bazaars may therefore poses life and/or fire risks. In considering whether to allow the use of naked flame for reheating food at bazaars, the departments concerned must take a careful look at public safety and bear in mind the acceptance or otherwise of the public and the affected residents. Subject to the pre-requisites that public safety is not jeopardized and public acceptance is obtained, as well as taking into account the nature and venue of individual bazaar proposals, the Government keeps an open mind towards whether it is possible to allow selling of cooked food in bazaars using naked flame. Indeed in response to the proposal raised by the organizer of a bazaar activity held in Sham Shui Po District in 2017 for using naked flame, FEHD, 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. Moreover, in assessing an application for a temporary food factory licence, FEHD also considers the nature of the proposed food items to be sold. To minimize 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.

48. Regarding fire safety requirements/recommendations for openground bazaar with cooked food stalls, the Government has advised that for the cooked food bazaars organized in Sham Shui Po in 2017, FSD has conducted on-site risk assessment and formulated a set of fire safety requirements/recommendations including the provision of fire extinguishers and fire blankets with a view to addressing the potential fire risk inherent in the bazaar.

Bazaars in public rental housing estates

49. Many bazaar organizers have found common areas, open spaces and playgrounds in PRH estates ideal for holding bazaars not only because of the potential patronage from the large population of residents but also the abundant employment opportunities to be created for residents.

50. The Administration has explained that the Hong Kong Housing Authority ("HA") has been complementing the Government's policy on bazaars. Upon receipt of specific proposals to set up bazaars in PRH estates under its purview, HA will examine the feasibility of such proposals and their impact on the estates concerned, in light of the needs and actual circumstances of these estates. Support from the local communities and respective DCs must be obtained for these specific proposals. 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. As for the common areas jointly-owned by HA and other private owners, consent from other owners is required for the establishment of bazaars in such areas. In addition, if the land lots are subject to land leases and deeds of mutual covenant with restrictions on floor areas and land use, approval from LandsD may be required for the implementation of the bazaar proposals. Regardless of whether or not the estates involve other owners, HA 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. HA will assist the proponent to consult the residents and other stakeholders of the estate through the Estate Management Advisory Committee ("EMAC") of the estate concerned.

Subcommittee's recommendations

51. The Subcommittee notes the concern expressed by many bazaar organizers that estate offices and frontline staff of the Housing Department ("HD") are not aware of the bazaar application procedures. Organizers also consider it unreasonable that HA does not allow cash transactions at bazaars held in PRH estates. Some members have further questioned the need to

consult the relevant DC on a bazaar proposal as it should suffice to obtain the support of the local DC members and the Mutual Aid Committees of the estates concerned. Moreover, bazaar organizers have encountered great difficulty in obtaining the consent of other owners (e.g. the Link) for establishing bazaars in the common areas of PRH estates.

52. The Subcommittee recommends that HA should increase its manpower for handling bazaar applications in PRH estates, provide training to the relevant staff including the circumstances under which cash transactions would be allowed at bazaars. HA should also strengthen its assistance to bazaar organizers in the liaison with DCs and EMACs and other owners. Furthermore, noting that there are 78 PRH estates which do not involve other owners ("the 78 PRH estates"), the Subcommittee recommends that HA should compile a list of suitable venues for setting up bazaars in these estates.

Administration's responses

53. The Government has advised that a new application form for setting up bazaars in PRH estates (i.e. 慈善團體／機構在屋邨內進行臨時墟市活動申請書) has been developed by HA with a view to facilitating organizations to apply for the setting up of bazaars in PRH estates. The estate management staff has been clearly informed of the considerations and principles in processing bazaar applications. If organizations have any questions about temporary bazaar activities to be held in PRH estates under HA, the management staff of the estates concerned is prepared to explain the Government's policy on bazaars and the relevant approving procedures to them. HA will also consider whether refinement to the application form is required taking into account the practical experience in processing bazaar applications.

54. On the concern relating to cash transactions at bazaars held in PRH estates, the Government has responded that the prevailing practice of HA is that free venues will be provided to community organizations and non-government organizations for the holding of community activities in PRH estates, on the condition that commercial/advertisement activities and cash transactions will not be involved at the venues. Depending on the needs and circumstances of individual estates, HA will also provide the venue at a fee to the organization concerned for the provision of non-profit-making or commercial services as required by estate residents, such as mobile Chinese medical clinics or physiotherapy vehicles, mobile banking, etc., and cash transactions at the venue may be involved.

55. Regarding consultation with the local community and other owners, the Government has re-iterated that if objections to the bazaar proposal are raised by owners or other stakeholders in the estate, HA will carry out coordination work, aiming to reduce differences and bring about consensus between the

proponent and the owners or stakeholders so that the proposal can be implemented.

56. In respect of the suggestion to provide a list of suitable sites for setting up bazaars in the 78 PRH estates, the Government has re-iterated that specific bazaar proposals has to be considered on a case-by-case basis taking into account the nature and impact of individual bazaar proposals and the views of residents and other stakeholders of the estate concerned. Hence, it is not feasible to compile a list of suitable venues for setting up bazaars in these estates.

Issues relating to hawker licences

Subcommittee's recommendations

57. The Subcommittee recommends that the Administration should consider re-issuing hawker licences. Subcommittee members have also urged the Administration to formulate measures facilitating holders of "registered assistant permit" to apply for (including to apply for the transfer of/succession to) hawker licences with a view to solving the "succession problem" as a result of the cessation of issuance of new hawker licences since the early 1970s.

Administration's responses

58. The Government has advised that a five-year Hawker Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas ("HAS") was introduced in June 2013 to provide the hawkers concerned with financial incentives to further reduce fire risks posed by on-street hawking activities in the hawker areas. Under HAS, apart from granting subsidy to hawkers to reconstruct their stalls and continue operating, hawkers will be granted an ex-gratia payment if they opt to surrender the licences and vacate the respective pitches. The Government will consider the optimal time for conducting a review on whether or not to issue new on-street fixed-pitch hawker licences to fill vacant pitches available, as well as whether and how to handle the case of registered assistants. During the review, the circumstances of individual hawker areas including their fire safety and environmental hygiene situations, the business environment, comments of relevant departments, as well as the views of the relevant DCs and local residents will be taken into account.

Bazaar policies and experience of other cities

Subcommittee's observations and recommendations

59. The Subcommittee notes from the study on bazaars policies conducted by the Research Office of the Legislative Council Secretariat that bazaars exist in different forms and operating modes in overseas places. For instance, both regularly held bazaars and temporary open-air markets are found in Sydney. There are regularly held street markets in London, government-built markets and hawker centres in Singapore, and night cooked food markets in Taipei.

60. The Subcommittee notes that Singapore, Taipei, and London have adopted a top-down approach where the sites for holding bazaars and the number of bazaars to be developed are decided by the responsible authorities under their respective bazaar policy frameworks, whereas Sydney has adopted a bottom-up approach where the proposals for the establishment of markets are driven by the market operators or local community organizations and subject to the approval of the local council. The applicants for holding temporary bazaars in Sydney, Singapore and London have to obtain approval for holding the bazaars in the proposed sites, and apply for the relevant permits or licences before the temporary bazaars can commence operation.

61. As regards assistance to bazaar organizations, the Subcommittee notes that Sydney has put in place comprehensive measures to support the establishment of bazaars initiated by market operators or local community organizations, such as developing the Markets Policy and Guide to lead the potential market operators and deploying a markets coordinator to assist the applicants throughout the application process. The local council of Sydney will discuss the proposal with the applicant concerned, review the suitability of the proposed event and the selected site, and assist the bazaar organizer to consult the local communities including the property owners, on the proposed bazaar. The local authority of London (i.e. the City of London Corporation) has laid down a set of guidelines on holding special events including temporary markets in the city. The events team of the City of London Corporation is responsible for coordinating with other relevant authorities/agencies in conducting assessment of the application. Applicants for holding temporary bazaars in Sydney, London and Singapore are required to fill in an application form instead of submitting a detailed market proposal as in the case of Hong Kong. Besides, information on the approval process and criteria, and relevant permits or licences required is provided to the applicants in the form of a guideline to guide them through the application process.

62. On measures to promote bazaars and improve their facilities, the Subcommittee notes that the Taipei City government and the local council in Sydney has been disseminating updated information on hawker markets in their

cities through dedicated market portals. The Taipei City government also publishes a handbook about the major night markets in the city for tourists and organizes promotion events to stimulate visits to the markets. Singapore, London and Taipei have also implemented programmes to improve the environment, hygiene, facilities, services and image of their night markets.

63. As regards the use of naked flame for selling cooked food in bazaars, the Subcommittee notes that Singapore, Sydney, London and Taipei permit the selling of cooked food in temporary bazaars using naked flame subject to approval by the relevant authorities and operators' compliance with the relevant fire safety regulations. Furthermore, cooked food stall operators in bazaars in the above places are required to comply with relevant food hygiene legislation.

64. The Subcommittee recommends that the Administration should study the policies on bazaars of overseas places and the support measures provided by the respective governments to bazaar organizers.

65. The Subcommittee considers it worthwhile for Legislative Council Members to conduct a duty visit to overseas places to better understand their policies on bazaars, experience in managing bazaars, and support measures in promoting bazaars. Members understand that the Subcommittee has to complete its work within 12 months in December 2017 and taking into account the time required to make preparation for the proposed duty visit, the Subcommittee recommends that the relevant Panels, such as the Panel on Food Safety and Environmental Hygiene, should consider conducting an overseas duty visit on matters relating to bazaars in future.

Administration's responses

66. The Government has responded that it would make reference to the study of the Research Office of the Legislative Council Secretariat. The Government has re-iterated that there are quite a number of business operations in Hong Kong which are being run in a mode similar to bazaars, e.g. hawker bazaars, fixed-pitch hawker areas, hawker permitted areas, and markets or bazaars operated by private parties or non-governmental organizations, such as Stanley Market, Kam Sheung Road Flea Market. It is noted that in all the overseas places studied, operators of cooked food stalls at regularly held or temporary bazaars are required to obtain a hawker licence/permit from or register with the responsible authorities, and comply with the relevant food hygiene and fire safety requirements. As each place has its own characteristics and development pattern, the Government considers that bazaar development is unique from place to place. Therefore, it may not be appropriate to apply the bazaar development models of other places directly to the Hong Kong context.

Way forward and advice sought

67. The Subcommittee has concluded its work and the relevant Panels are invited to follow up policy issues relating to bazaars under their respective purviews.

68. Members are invited to note the deliberations and recommendations of the Subcommittee set out above. In view of the wide public concern on matters relating to bazaars, the Subcommittee has agreed to seek the House Committee's approval for priority allocation of a debate slot under rule 14A(h) of the House Rules for Dr Hon KWOK Ka-ki, the Subcommittee Chairman, to move a motion to take note the Subcommittee's report and recommendations at the Council meeting of 13 June 2018.

Council Business Division 1
Legislative Council Secretariat
17 May 2018

Appendix I

Subcommittee on Issues Relating to Bazaars

Terms of Reference

"To study and discuss the allocation of sites within idle lands and suitable public space in various districts for local residents to set up bazaars to alleviate people's hardship arising from the monopolization of local economy by consortiums; to improve the policy on the establishment of bazaars to cater for the needs of the grass-roots community; and to lease the sites to shop operators at affordable rents, so as to rebuild the local economy and enable grass-roots people to procure goods and services at prices they can afford."

Subcommittee on Issues Relating to Bazaars

Membership list*

Chairman

Dr Hon KWOK Ka-ki

Members

Hon LEUNG Yiu-chung
Hon WONG Ting-kwong, GBS, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, JP
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon HO Kai-ming
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Total : 24 Members

Clerk

Ms Connie SZETO

Legal Adviser

Ms Wendy KAN

*Changes in membership are shown in Annex to Appendix II.

Subcommittee on Issues Relating to Bazaars**Changes in membership**

Member	Relevant date
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 7 December 2016
Hon WU Chi-wai, MH	Up to 7 December 2016
Hon CHAN Chun-ying	Up to 7 December 2016
Hon LAM Cheuk-ting	Up to 12 December 2016
Hon IP Kin-yuen	Up to 18 December 2016
Hon Alvin YEUNG	Up to 20 December 2016
Dr Hon Junius HO Kwan-yiu, JP	Up to 20 December 2016
Hon Charles Peter MOK, JP	Up to 21 December 2016
Dr Hon Helena WONG Pik-wan	Up to 2 January 2017
Hon YUNG Hoi-yan	Up to 19 January 2017
Hon Jeremy TAM Man-ho	Up to 23 January 2017 Re-join on 21 March 2017
Hon James TO Kun-sun	Up to 5 February 2017
Hon CHEUNG Kwok-kwan, JP	Up to 19 February 2017
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP	Up to 22 February 2017
Hon Holden CHOW Ho-ding	Up to 23 February 2017
Hon Wilson OR Chong-shing, MH	Up to 23 February 2017
Hon CHAN Han-pan, JP	Up to 24 March 2017
Hon Jimmy NG Wing-ka, JP	Up to 28 September 2017

According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.

Subcommittee on Issues Relating to Bazaars

**List of deputations and individuals
who have submitted views to the Subcommittee**

Deputations

1. Captain O
2. Catholic Diocese of Hong Kong Pastoral Centre for Workers (Hong Kong Island)
3. The Civic Party
4. Collective Purchase Platform for Grassroots
5. Community Development Alliance
6. Community Joint Development Council
7. Community March
8. Concerning CSSA Low Income Alliance
9. Concerning Tin Shui Wan Vendor Alliance
10. Democratic Alliance for the Betterment and Progress of Hong Kong
11. Democracy Groundwork
12. Demosisto
13. Education Bazaars of the Nonsense Foundation
14. Ha Pak Tin Peanuts Alliance
15. Hong Kong Ample Love Society Ltd
16. The Hong Kong Council of Social Service
17. Hong Kong Women Workers' Association
18. MK Love Night market
19. Labour Party
20. League of Social Democrats
21. Liberal Party
22. Liberal Party Youth Committee
23. Link Properties Limited
24. Momentum 107
25. North District Bazaar Alliance
26. North District Employment Concern Group
27. North District Friends of the Grassroots
28. North District Market Joint
29. Northern District Grassroots Welfare Alliance
30. Pang Jai Concern Group
31. Pak Tin People's Livelihood Concern Group
32. People Service Centre
33. Supporting Grassroots' Bazaar Alliance
34. Tin Zi Zok Wai
35. Office of Chan Yuen-sum Sumly, Tsuen Wan District Council Members

36. Tuen Mun Community Network
37. Tung Chung Community Development Alliance
38. United Hawkers Development Platform
39. We want bazaar policy!
40. Women 's Employment Concern Group
41. The Young Civics
42. 天主教香港教區教區勞工牧民中心(港島)
43. 廣東大笪地協會
44. 西貢漁民艇仔乾貨小販
45. 銅鑼灣渣甸坊市集
46. 有機墟市聯盟
47. 深水埗見光墟關注組
48. 塔冷通墟市關注組
49. 青年民協
50. 北區墟市節聯席
51. 我撐平民美食車
52. 禮義廉屁股決定腦袋專賣店
53. 東涌社區發展陣線
54. 天水圍社區發展陣線
55. 欽州街布販市場商販關注組
56. 葵青基層墟市關注組
57. 元朗農墟有限公司
58. 基層共同購買網絡
59. 香港經濟民生聯盟青年事務委員會
60. 關注綜援低收入聯盟
61. 重現街道熟食文化關注組
62. 關注街道熟食文化工作組
63. 推動本土美食關注組
64. 基層小販關注組
65. 平民熟食墟市商會
66. 瘋狂填表關注組
67. 超瘋狂填表關注組
68. 煮食男女
69. 重奪公共空間關注組
70. 師奶擺檔搵食大聯盟
71. 一檔兩樽關注組
72. 深水埗中秋濃情見光墟
73. 北區基層權益聯盟
74. 北區基層墟市關注組
75. 聖雅各福群會 北區墟市聯席
76. 香港天主教正義和平委員會

77. 民社服務中心
78. 關注東涌墟市居民組
79. 爭取墟市整體政策關注組
80. 由生變熟至醒目街頭風味要延續關注組
81. 爭取落實墟市政策大聯盟
82. 街頭食蒲團
83. 有牌邊個想做小販聯會
84. 我要墟市種子基金關注組
85. 平民墟市商會
86. 民間青年倡議墟市政策平台
87. 煮無赦關注組
88. 我要真腸粉關注組
89. 我要統一又簡易墟市申請程序關注組
90. 基層墟市都係特色墟我要區區有墟市關注組
91. 港九勞工社團聯會
92. 麗閣婦女墟市擺檔群組
93. 東區墟市關注組

Academics/experts

94. Professor NG Mee-kam, Vice-Chairman, Department of Geography and Resource Management, Chinese University of Hong Kong
95. Mr Stephen WONG, Adjunct Lecturer, Master of Social Science in Global Political Economy Program, Chinese University of Hong Kong
96. Mr CHOW Sung-ming, Department of Applied Social Sciences, the Hong Kong Polytechnic University
97. Dr LEUNG Chi-yuen, Teaching Fellow, Department of Applied Social Sciences, Hong Kong Polytechnic University
98. Prof MA Kwok-ming, Department of Cultural Studies, Lingnan University
99. Professor IP Iam-chong, Assistant Professor, Department of Cultural Studies, Lingnan University

Individuals

100. Mr CHAN Chi-wing
101. Mr CHENG Wai, Noah
102. Mr CHEUNG Yin
103. Dr CHOU Kwok-ping
104. Mr CHUI Chi-kin
105. Ms FONG Kwok-shan Christine
106. Mr HO Chi-chung

107. Miss HON Kin-lam
108. Mr LAM Ming-yat
109. Mr LAU Ki-wang
110. Mr LAW Cheuk-yung
111. Mr LEE Kok-man
112. Mr LEE Simon
113. Mr LEUNG Ming-yu
114. Mr TO Ka-lun, Yuen Long District Councilor
115. Miss TO Sze-nga
116. Mr TSANG Kin-sun
117. Mr WANG Hongyu
118. Mr WONG Nick
119. Ms WONG Shu-ming, Yau Tsim Mong District Councilor
120. Mr YEUNG Chun-yuen
121. Mr YEUNG Harris
122. Miss YEUNG Suet-ying, Wan Chai District Councilor
123. 陳黃莉莉女士
124. 張瑞麗女士
125. 趙秀霞女士
126. 何健榮先生
127. 何初寒先生
128. 林仲稀先生
129. 劉彥昭先生
130. 羅焯勇先生
131. 吳業康先生
132. 潘麗珊女士
133. 曾韋健先生
134. 黃曉鷗先生
135. 黃嘯虎先生
136. 余燕青女士

Subcommittee on Issues Relating to Bazaars

Motions passed at the meetings

<u>Meeting date</u>	<u>Motion</u>
20.12.2016	Agenda item II — Policies and issues relating to Lunar New Year bazaars
	(1) 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.
	(2) 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.
	(3) That this Subcommittee urges the Administration to relax the enforcement actions against on-street hawking activities during Lunar New Year.
10.1.2017	Agenda item II — Economic benefits and social roles of bazaars
	(4) 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.

21.1.2017	<p>Agenda item II — Issues relating to markets and wider issues relating to policies on bazaars</p> <p>(5) 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.</p> <p>(6) That a territory-wide long-term bazaar andhawker 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.</p> <p>(7) 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.</p> <p>(8) 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 sessions to receive public views and provide information".</p>
21.3.2017	<p>Agenda item II — Current situation and experience of applications for setting up of bazaars</p> <p>(9) 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.</p> <p>(10) 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.</p>

	<p>(11) 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 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.</p>
	<p>(12) 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.</p>
	<p>(13)(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.</p> <p>(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 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.</p> <p>(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.</p>

20.4.2017	<p>Agenda item I — Review of licence application procedures for bazaar operation and the Government's support to operators</p> <p>(14) 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.</p> <p>(15) 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 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.</p>
13.10.2017	<p>Agenda item I — Policies and issues relating to Lunar New Year bazaars and cooked food bazaars</p> <p>(16) 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.</p> <p>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 non-government organizations to apply for the setting up of cooked food bazaars, and conduct local consultations on such sites expeditiously.</p>

	<p>(17)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".</p>
7.11.2017	<p>Agenda item I — New-term Government's policy on bazaars</p>
	<p>(18)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 future development of bazaars and promote a culture of bazaar in support of the grass-roots.</p>
	<p>(19)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.</p>
	<p>(20)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 re-emergence of a cooked-food culture on the streets.</p>

27.11.2017	<p>Agenda item I — Issues relating to organizing bazaars in public rental housing estates</p> <p>(21) This Subcommittee urges the Housing Department to consider increasing the manpower in charge of coordination and district consultation in handling applications for setting up bazaars in housing estates, such as submitting proposals to District Councils or Estate Management Advisory Committees, etc.</p> <p>Agenda item II — Concluding the work of the Subcommittee</p> <p>(22) Under rule 22(p) of the House Rules, I move that:</p> <p style="padding-left: 40px;">the following suggestions be included in the report of the Subcommittee on Issues Relating to Bazaars:</p> <ol style="list-style-type: none"> 1. requesting the Food and Environmental Hygiene Department ("FEHD") to exercise discretion in handling hawking activities during festivals; 2. requesting the Leisure and Cultural Services Department ("LCSD") and FEHD to actively make arrangements after Lunar New Year Fairs to optimizing the use of resources available in the venues by providing them to groups to organize bazaars; 3. proposing that the Government implement the proposal of "establishing 10 bazaars in the five major constituencies of Hong Kong", that is, selecting in each of the five geographical constituencies of the Legislative Council a venue for the Lunar New Year Fair and a pedestrian precinct for community groups to apply for the establishment of Lunar New Year cooked food bazaars; 4. proposing that the Government apply the mode of operation of Lunar New Year Fairs to bazaars, that is, tenders for holding bazaars will be invited upon completion of the procedures among departments; 5. proposing that the Government provide a list of sites suitable and available for bazaar applications, including that LCSD should make public the usage of venues, and that the Lands Department should conduct evaluation on the "updated list of vacant land for greening or community uses" published earlier with a view to selecting prime sites having a value for public money as trial sites for organizing bazaars; 6. proposing the development of a standardized application procedure, application form as well as vetting mechanism, with the Food and Health Bureau coordinating the application workflow;
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	<ol style="list-style-type: none"> 7. proposing that the Government announce to the public its justifications for approving or rejecting a bazaar application; 8. proposing the establishment of a mechanism for appeal or complaint for organizations to revise their proposals so as to facilitate their next bazaar applications; 9. proposing that the Housing Department assist organizers in liaising with other owners; 10. proposing that the Housing Department increase manpower dedicated to handling the bazaar applications in various districts; 11. proposing that hawker licences be re-issued; 12. developing a "bazaar licence" to make up for the deficiencies in the existing food licences; 13. proposing the provision of financial assistance to bazaar organizers (such as the establishment of a seed fund); 14. proposing the provision of support for ethnic minorities to apply for the establishment of bazaars; 15. proposing the use of vacant market stalls as community kitchens; 16. proposing the creation of a Commissioner for Bazaars ("墟市專員") to render assistance in bazaar applications.
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Examples of bazaars held by the applicant organisations in various districts from 2016 to end September 2017

	District	Proponent	Time	Venue	Name and Mode
1	Yuen Long District (Tin Shui Wai)	Farmket Limited	Held on every Sunday from 28 May 2017 to late July 2017 (except that it was held on Saturday (i.e. 10 June) on the second week of June, while it was cancelled on 23 July due to typhoon)	Amphitheatre of Tin Yiu Estate	「天耀·農情墟市」 – About 20 stalls erected with canvas, selling vegetables, chilled meat and dry goods
2	North District	St. James' Settlement	Held on every Sunday from 10 September 2017 to 5 October 2017 (i.e. 10 September, 17 September and 5 October, while it was cancelled on 24 September due to typhoon)	Shek Wu Hui Farmers' Produce Retailing Point	Pilot Scheme for “Bazaars in North District” (Sheung Shui District) – About 36 stalls, selling handicrafts and artworks, traditional food, agricultural products, etc.
3	Islands District (Tung Chung)	Working Group on Promotion of Bazaar Development	10 July 2016	Golden Bull Plaza at Yat Tung Estate, Tung Chung	「逸東邨墟市體驗日」 – Swapping of goods for environmental protection

	District	Proponent	Time	Venue	Name and Mode
		in Islands District			
4	Islands District (Tung Chung)	Tung Chung Community Development Front	Held on every Saturday from 29 October 2016 to 25 February 2017	Pavements adjacent to Chau Yat House and Fuk Yat House of Yat Tung Estate, Tung Chung	<ul style="list-style-type: none"> About 30 stalls, selling dry goods
5	Islands District (Peng Chau)	Peng Chau Rural Committee	18 December 2016	Open space outside Peng Chau Tin Hau Temple Plaza	<ul style="list-style-type: none"> About 40 stalls on handicraft making, promotion of cultural activities, specialty gourmet food, second-hand markets and charity sales
6	Islands District (Tung Chung)	Working Group on Promotion of Bazaar Development in Islands District	11 February 2017	Tat Tung Road Garden, Tung Chung	<p>Bazaar on the Spring Lantern Festival (「元宵藝墟」)</p> <ul style="list-style-type: none"> Stalls selling handicrafts and artworks, showing arts and cultural displays and giving related performances

	District	Proponent	Time	Venue	Name and Mode
7	Sham Shui Po	Concern For Grassroots Livelihood Alliance Limited	Except that the first round of bazaar activities originally scheduled for 12 June 2016 was cancelled due to inclement weather, the subsequent activities were held on the following dates (26 June, 10 July, 11 September, 25 September and 9 October)	Open space at the junction of Kiu Kiang Street and Hai Tan Street	<p>Scheme for temporary bazaar activities in Sham Shui Po (深水埗見光墟地區墟市活動計劃)</p> <ul style="list-style-type: none"> About 45 stalls selling dry goods only, and the activities included exhibitions, booth games, talks, etc.
8	Sham Shui Po	Concern For Grassroots Livelihood Alliance Limited	17 September 2016	Maple Street Playground	<p>Interim scheme for temporary bazaar activities in Sham Shui Po (深水埗見光墟中期計劃)</p> <ul style="list-style-type: none"> Types of goods included non-cooked food and dry goods, etc. (According to its proposal submitted to DC, it was said that there were 100 to 120 stalls)
9	Sham Shui Po	Shamshuipo Kai Fong Welfare Advancement Association	<p>From 8 to 10 February 2016 (the first three days of the Lunar New Year)</p> <p>28 to 30 January 2017 (the first three days of the Lunar New Year)</p>	Maple Street Playground	<p>「深水埗·深水情·街坊節 2016」暨新春美食墟市</p> <ul style="list-style-type: none"> Featured a carnival, variety shows, a castle-themed children's playground and a bazaar with stalls. A food bazaar was set up

	District	Proponent	Time	Venue	Name and Mode
					<p>in the basketball court, with about 6 cooked food stalls</p> <p>「深水埗·深水情·街坊節 2017」暨新春美食墟市</p> <ul style="list-style-type: none"> – Featured a carnival, variety shows, a castle-themed children's playground and a bazaar with stalls. A food bazaar was set up in the basketball court, with about 12 cooked food stalls
10	Sham Shui Po	Concern For Grassroots Livelihood Alliance Limited	27 to 29 January 2017 (from Lunar New Year's Eve to the second day of the Lunar New Year)	Pavements along both sides of Yen Chow Street underneath the Western Kowloon Corridor	<p>Activities and Exhibitions for “Lunar Year Cooked Food Bazaar 2017” (「農曆年熟食墟市 2017」活動及展覽)</p> <ul style="list-style-type: none"> – Promoted holiday cooked food bazaar schemes through exhibition panels and cooked food stalls (about 14 such stalls in total)

11	Sham Shui Po	Concern For Grassroots Livelihood Alliance Limited	15 and 16 April 2017	Open space at the junction of Kiu Kiang Street and Hai Tan Street	<ul style="list-style-type: none"> - Cooked food bazaar and bazaar activities, which introduced street and bazaar culture with the provision of dry goods stalls and about 14 cooked food stalls
12	Wong Tai Sin	The Hong Kong Council of Social Service and The Salvation Army Chuk Yuen Children and Youth Centre	29 April 2017	The playground and amphitheatre of Upper Wong Tai Sin Estate	<ul style="list-style-type: none"> - Activities included exhibitions, musical performances, booth games and folk craftsmanship, etc.
13	Sham Shui Po	Concern For Grassroots Livelihood Alliance Limited	10 June 2017	Open space outside the ground floor of the Assembly Of Shek Kip Mei Church, 5 Wai Chi Street, Shek Kip Mei and the first floor	<ul style="list-style-type: none"> - Cooked food bazaar and bazaar activities, which introduced street and bazaar culture with the provision of dry goods and cooked food stalls - Comprised 15 cooked food stalls and 35 dry goods stalls - Other activities at the venue included exhibitions, performances, booth games, etc.

14	Sham Shui Po	Concern For Grassroots Livelihood Alliance Limited	30 September and 1 October 2017	Open space at the junction of Kiu Kiang Street and Hai Tan Street	– Cooked food bazaar and bazaar activities, which introduced street and bazaar culture with the provision of dry goods and about 16 cooked food stalls
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This document is for reference only. Detailed fire safety requirements will be separately issued subject to the result of on-site assessment.



FIRE SERVICES DEPARTMENT
Fire Safety Requirements / Recommendations
for
Openground Bazaar with Cooked Food Stalls

Introduction

The fire safety requirements/recommendations imposed on your application are based on the information you provided and our on-site risk assessment. Should there be any deviation from the actual situation or changes in the information provided, or any essential information omitted in your application, you should inform this Department for further risk assessment. Additional fire safety requirements/recommendations may be imposed on your application if necessary.

Standard Requirements / Recommendations

1. All fire service installations and equipment provided for the premises shall be retained and maintained in efficient working order. For all maintenance, alterations and additions, such works shall be carried out by a Registered FSI Contractor who shall issue Certificate(s) of Fire Service Installations and Equipment (FS 251) to the owner with copies forwarded to the Director of Fire Services within 14 days after completion of the works.
2. Portable fire fighting equipment of the approved type shall be provided as follows:
 - 2.1 General
 - 2.1.1 9L water type fire extinguisher
 - (i) _____ Nos. at ____< Location >_____
 - (ii) _____ Nos. at ____< Location >_____
 - 2.1.2 4.5 kg CO₂ gas type fire extinguisher
 - (i) _____ Nos. at ____< Location >_____
 - (ii) _____ Nos. at ____< Location >_____
 - 2.2 Cooked Food Stalls
 - 2.2.1 One 1.44 m² fire blanket shall be provided at each cooked food stall if deep fryer being used; and
 - 2.2.2 One 4.5 kg CO₂ type fire extinguisher shall be provided within hand reach of the stall operator if electricity or Liquefied Petroleum Gas (LPG) is used.

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3. Adequate clear passageways shall be maintained throughout the bazaar.
4. Only electric lights shall be used for illumination.
5. The use of flammable and/or combustible substances (e.g. gases, vapours, mists, dusts, powders, etc.) which may produce an explosive atmosphere in the event venue is prohibited.
6. Chairs, if provided, shall be tied together in group(s) of not less than four and not more than fourteen per row.
7. A free passageway of not less than 1 m in width shall be provided and maintained between each row or column of chairs.
8. A clearance of not less than 1 m in width between each cooked food stalls (except the use of electricity) to be maintained and kept free from obstruction at all times.
9. All electric wiring shall be arranged in such a way that it shall not impede any passageway.
10. No storage or use of Dangerous Goods (DG) in excess of the exempt quantity within the meaning of the Dangerous Goods (General) Regulations (Cap.295B) is permitted without a licence or approval granted by the Director of Fire Services.
11. No loose inflammable material shall be left in, on, under or near the structure.
12. All combustible materials used for false ceilings, partitions or wall furnishings shall conform to British Standard 476:Part7 Class 1 or 2 Rate of Surface Spread of Flame or to any standard acceptable to the Director of Fire Services, or shall be brought up to any of those standards by treating with a fire retardant paint or solution acceptable to the Director of Fire Services. In the latter case, the work shall be carried out by a Class 2 Registered Fire Service Installations Contractor and a certificate (FS251) to this effect from the Contractor shall be forwarded to this Department as documentary proof of compliance.
13. All draperies and curtains, if installed, shall be made of fire resistant material and conform to British Standard 5867:Part2 (Type B performance requirements) when tested in accordance with British Standard EN ISO15025:2002 or to any other standard acceptable to the Director of Fire Services, or shall be brought up to any of those standards by treating with a fire retardant solution acceptable to the Director of Fire Services. In the latter case, the work shall be carried out by a Class 2 Registered Fire Service Installations Contractor and a certificate (FS251) to this effect from the Contractor shall be forwarded to this Department as documentary proof of compliance.
14. All Marquees and similar textile structures shall be of fire resistant fabric and shall conform with British Standard 7837 when tested in accordance with British Standard 5438, or to any other standard acceptable to the Director of Fire Services, or shall be brought up to any of those standards by treating with a fire retardant solution acceptable to the Director of Fire Services. In the latter case, the work shall be carried out by a Class 2 Registered Fire Service Installations Contractor and a certificate (FS251) to this effect from the Contractor shall be forwarded to this Department as documentary proof of compliance.
15. All designated exits shall be indicated by 'EXIT' signs readily discernible from a distance of 7.5 m in English and Chinese characters.
16. A minimum safety distance of 6 m shall be maintained between the designated cooked food stall area and the non-cooked food stall area.

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17. The minimum safety distance from the boundary of any DG store of 6 m shall be maintained. If the DG store is for Cat. 5 Class 1 DG i.e. kerosene or liquids giving off flammable vapour at a temperature of less than 23°C, the distance shall be increased to 12 m.
18. No obstruction shall be caused to any Emergency Vehicular Access (EVA) or the operation of Fire Services aerial appliance equipment. In this connection, a clear passageway of not less than 3.5 m in width and 4.5 m clear headroom for access to Fire Services appliances shall be maintained.
19. No obstruction to any building fire service inlets, sprinkler inlets, fire hydrant, hydrant ground valve or notice plate. In this connection, a clear zone of not less than 1.5 m shall be maintained.

20. Gas-filled Balloon

20.1 No selling / displaying of hydrogen filled balloon shall be permitted.

20.2 If helium gas is used on the premises, the following recommendations shall be adhered to:

- 20.2.1 Only ONE cylinder of helium gas is allowed to be stored / used at specified stalls where a safety distance of 6 m between each cylinder shall be maintained. Additional cylinders shall be kept inside a temporary DG store;
- 20.2.2 Temporary DG store(s) for helium gas cylinders (Cat. 2 DG), if applicable, shall be provided in accordance with the fire safety requirements issued by the Dangerous Goods Division of the Fire Services Department (FSD); and
- 20.2.3 An application for a licence of a temporary DG store shall be made and submitted separately to the Dangerous Goods Division of the FSD.

21. Electricity Generators

Petrol-driven generator is not allowed. If diesel-driven generator set is used, the following are to be adhered to:

- 21.1 Only diesel-driven generator set with built-in tank is allowed to be used;
- 21.2 Generator set shall be attended by competent operators at all times; and
- 21.3 One 4.5kg CO₂ gas type fire extinguisher of the approved type to be provided for the generator set.

22. Cooked Food Stalls

- 22.1 Cooking bench shall be constructed by non-combustible materials and the food stall shall be fixed within the designated area;
- 22.2 Stoves should be of such a design that the whole set-up would not be overturned when cooking activity is in progress;
- 22.3 If portable stoves with specified fuels to be used, the Fire Safety Requirements/Recommendations for fuels as listed in the **Appendix** shall be observed;
- 22.4 For any cooking activities using naked flames, a shield of not less than 0.5 m in height and a width sufficient to cover the entire set of stove and cooking utensils shall be erected on the cooking bench of the stall; and
- 22.5 For any cooking activities involving deep frying, a shield of not less than 0.5 m in height and a width sufficient to cover the entire set of stove and cooking utensils shall be erected on the cooking bench of the stall; or a non-combustible cover corresponding to the size of the cooking utensils shall be provided at the cooking bench to prevent the hot particles/oil from splashing onto patrons.

23. Emergency Procedures

- 23.1 The applicant is required to prepare an emergency plan for staff to assist in the evacuation of patrons in case of emergency.
- 23.2 A designated staff shall be present inside the bazaar at all times to attend any possible conjuncture related to the area.
- 23.3 A safety officer, in conspicuous vest for easy identification shall be detailed to wait at the entrance of the licensed area in case of emergency to direct the emergency appliances.
- 23.4 All staff / operators of the cooked food stall shall be made aware of the emergency procedures to be taken in the event of a fire. These include:
 - 23.4.1 Giving warning to patrons or operating the manual fire alarm if provided;
 - 23.4.2 Assisting to evacuate patrons;
 - 23.4.3 Reporting to the FSD through “999”;
 - 23.4.4 Using portable fire-fighting equipment provided in the bazaar properly; and
 - 23.4.5 Attempting to extinguish the fire with the portable fire-fighting equipment if it is safe to do so.

24. Additional Requirements/Recommendations (if any) :

Fire Services Department (10/2017)

Appendix



Fire Safety Requirements/Recommendations for fuels used in Openground Bazaar with Cooked Food Stalls

1. Scope

This document specifies the fuels that may be used in cooked food bazaar and prescribes the relevant fire safety requirements/recommendations.

2. Restriction

The following fuels may be used in the cooked food stall without any restriction:

2.1 Electricity; and

2.2 Liquefied Petroleum Gas (LPG) in cartridge type cylinders each does not contain more than 500 grams of LPG.

3. LPG in cartridge type cylinders

3.1 Portable LPG cassette cookers shall be of the type approved by the Director of Electrical and Mechanical Services; and

3.2 The quantity of disposable LPG cartridge on site shall not exceed that allowed by the Director of Electrical and Mechanical Services.

3.3 Blow torch is not allowed.

Fire Services Department (10/2017)