



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

(English Translation)

Clerk to Panel on Food Safety and Environmental Hygiene
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Road
Central
Hong Kong
(Attn: Ms Josephine SO)

11 September 2018

Dear Ms SO,

Panel on Food Safety and Environmental Hygiene

Thank you for your letter dated 18 July 2018. As regards the “Government’s policy on bazaar activities” in the list of outstanding items for discussion, an information paper is enclosed for Members’ reference at the **Annex**.

[signed]
(Gilford LAW)
for Secretary for Food and Health

c.c.: Secretary General, Legislative Council (Attn: Ms Ivy NGAI)

Bazaar Development

As set up by the Legislative Council (“LegCo”) to study the development of bazaars, the Subcommittee on Issues Relating to Bazaars has completed its work and submitted its report. At the LegCo sitting on 27 June 2018, the motion raised by Hon KWOK Ka-ki at the LegCo meeting on “Report of the Subcommittee of Issues Relating to Bazaars” was passed. At the same meeting, the Under Secretary for Food and Health already responded to the major issues mentioned in the report and questions raised by LegCo Members. A report on the follow-up actions is provided below.

Bazaar Development

2. The Government is open-minded to specific proposals for organising bazaars in a bottom-up approach. With suitable sites identified by the organisers concerned and support from local communities and respective District Councils (“DCs”) obtained, as long as the bazaar proposals would not compromise law and order, food safety and environmental hygiene, or cause obstruction to public passageways, the Government will assist the organisers in liaising with the relevant departments for application of the necessary permits or licences.

Local Bazaars and Marketplaces

3. It is observed that numerous bottom-up bazaar applications serving different purposes and taking varied forms were supported by DCs and held in the past few years. Bazaars are neutral platforms in an ad hoc nature that involve sale and purchase of goods, and that their venues are not permanent and their operation of short duration. Depending on the characteristics, development, culture and planning of individual districts, the nature and positioning of bazaars can vary considerably. Some are festival celebrative events, some for promoting cultural creativity, some for enhancing local economy and tourism, and some for providing start-up opportunities to the grass roots for their own business and even for alleviating poverty. Bazaars may take different forms to cater for their own themes, such as carnivals, farm fests, arts fairs, etc.

4. As announced in the Policy Agenda 2017, the Energizing Kowloon East

Office of the Development Bureau would select suitable non-profit-making organisations (“NGOs”) to operate a weekend flea market on the Tourism Node site at the former airport runway tip prior to the disposal of the site, with a view to bringing more vibrancy to the area and providing opportunities for parties interested, in particular young people. The relevant departments have sounded out the idea with various NGOs and made reference to their bazaar experience. They have also consulted and obtained support-in-principle from the Kowloon City District Council and the Task Force on Kai Tak Harbourfront Development of the Harbourfront Commission in May 2018 regarding the weekend flea market. The Government plans to operate the weekend flea market on a theme basis and to invite NGOs to submit proposals in the second half of 2018.

Application Guidelines for Setting Up Bazaars

5. For better understanding by applicants on matters that require their attention in organising bazaars, we have formulated the Application Guidelines for Setting Up Bazaars, the draft of which was discussed at the Subcommittee meeting of 7 November 2017. We will continue to consolidate the information on bazaars provided by respective departments where necessary.

Use of Naked Flame at Cooked Food Bazaars

6. We understand that some organisers wish to sell cooked food at bazaars. Since mid-2017, some temporary food factories operating in bazaars have obtained the approval for using portable liquefied petroleum gas cassette cookers to reheat pre-cooked food with naked flame, as compared to the past when only electricity was allowed for reheating food at cooked food bazaars. The relevant departments will keep in view the situation and look into individual cases where necessary.

Resuming the Issue of Hawker Licences

7. The five-year Hawker Assistance Scheme for Hawkers in Fixed-pitch Hawker Areas (“HAS”) came to an end in June 2018. An information paper was provided to the Panel on Food Safety and Environmental Hygiene in July 2018 to report the progress of the HAS. The Government will consider and review whether or not to issue new on-street fixed-pitch hawker licences to fill vacant pitches available, as well as whether and how to address the issues related to registered assistants. The circumstances of individual hawker areas including their fire safety and environmental hygiene, business environment, comments of

relevant departments, as well as the views of the relevant DCs and local communities will be taken into account in the process.

Organising Bazaars in Public Housing Estates

8. With respect to the proposals for organising bazaars in public rental housing estates (“PRH estates”), the Housing Authority (“HA”) works in complement with the Government’s directions on bazaar development. On receipt of a specific proposal to set up bazaars in HA’s PRH estate, HA will, study its feasibility and impact on the estate concerned. HA will assist the proponent to consult the residents and other stakeholders through the Estate Management Advisory Committee. If the concerned estate involves land lease, Deed of Mutual Covenant and other owner(s), HA will also assist the proponent to consult the owner(s) concerned and the Lands Department. Besides, the proponent has to secure support from the local community and the DC concerned in accordance with the Government’s directions on bazaar development. In sum, the proposal can be implemented if the venue is technically feasible, and the proponent has obtained support from stakeholders of the estate concerned as well as from the local community and DC.

9. A new application form for setting up bazaars in PRH estates has been drawn up by HA with a view to facilitating organisations to apply for setting up bazaars in PRH estates. If organisations have any questions about bazaar activities to be held in PRH estates under HA, for example the relevant approving procedures, matters and principles to be considered by HA, the management staff of the estates concerned are prepared to explain to them.

10. As regards the concern relating to cash transactions at bazaars held in PRH estates, free venues will be provided to community organisations and NGOs 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 under HA’s prevailing practice. Depending on the needs and circumstances of individual estates, HA will also provide the venue at a fee to the organisations 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. In respect of bazaar activities, , if the proponent is a charitable organisation, and if the nature of the bazaar activities are non-profit-making, HA will determine the fees on a concessionary basis instead of the market level regardless of whether cash transactions are involved.

11. Under the above mechanism, some organisations have organised bazaars in Tin Yiu Estate in Tin Shui Wai, Ching Ho Estate in Sheung Shui and Hoi Lai

Estate in Cheung Sha Wan. HA would continue to complement with the Government's directions on bazaar development, and process the proposals for organising bazaars in PRH estates under the relevant mechanism.

Food and Health Bureau
September 2018