



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

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[English Translation]

10 January 2019

Clerk to Panel on Food Safety and Environmental Hygiene  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Miss Josephine SO)  
(Fax: 2509 9055)

Dear Miss SO,

**Panel on Food Safety and Environmental Hygiene**  
**Motions passed at the meeting on 11 December 2018**

Thank you for your letter dated 13 December 2018 concerning the captioned matter. With regard to the motions on hawker management raised by Members, our consolidated reply is as follows:

(1) Formulate a blueprint for the development of the hawking trade

The Government's hawker policy is to sustain the vibrancy of licensed hawking activity on one hand and to ensure food safety, environmental hygiene and public safety on the other hand while paying attention to other genuine concerns, thus striking a sensible balance in all.

Between April 2014 and October 2015, the Subcommittee on Hawker Policy set up under the Legislative Council Food Safety and Environmental Hygiene Panel discussed the hawker policy in Hong Kong. At that time, the

Government stated that further development of the hawker policy should be premised on the following principles –

- (a) we should not have a policy bent on eradicating hawking for the sake of eradicating it. Regulatory and supportive measures should be put in place with a view to upholding the Government's commitment to ensuring food safety, and maintaining a clean and hygienic living environment for the people of Hong Kong, especially those residing in the vicinity of areas designated for hawking;
- (b) we should avoid positioning the hawker trade as a form of social welfare for the disadvantaged or for poverty alleviation as hawking policy is deployed as one of the means to promote small business;
- (c) diversification of the local economy is a worthwhile cause and hence, hawking should not be prohibited unless it runs counter to other public policies;
- (d) while we should allow room for traditional or creative cultural activities and/or handicrafts, their promotion should not be an excuse to justify insulation from market forces. The hawker concerned should identify a mode of operation and a market niche to sustain the hawking business in question;
- (e) the Government should keep an open mind towards district-led proposals on local bazaars and the mode of their operation, so long as food safety and environmental hygiene would not be compromised;
- (f) proposals on setting up local hawker bazaars and night markets gestated within the local community, i.e. a bottom-up approach, would stand a much better chance of enjoying broad local support, local participation and ownership, in addition to meeting local needs;
- (g) with district support, consideration may first be given to utilising existing fixed-pitch hawker areas, if any, in the district; and
- (h) if district-led proposals on setting up local hawker bazaars and night markets with community consensus are put up, we are happy to facilitate liaison with the relevant bureaux/departments.

Based on the above principles, the Government reviewed the actual situation of the existing policy on hawker control and management and made some proposals to –

- (a) review the need for the issue of new fixed-pitch hawker licences so as to deal with the vacant pitches possibly made available as a result of the conclusion of the relocation arrangements in the implementation of the five-year Hawker Assistance Scheme (HAS) for fixed-pitch hawkers;
  - (b) enhance the operating environment of the existing hawker areas; and
  - (c) follow up the matters on issuing licences to unlicensed tradesmen with characteristics reminiscent of local culture and heritage.
- (3) Improve the business environment of bazaars and hawker areas and set up new hawker areas

With the implementation of the five-year HAS, the Government has relocated hawker stalls directly in front of staircase discharge points of adjacent buildings or obstructing emergency vehicle access to reduce fire risks in hawker areas. Besides, we provided one-off financial assistance to hawkers for reconstruction of their stall structures with the aim to achieve higher fire safety standard, and, at the same time, to enhance the functionality and appearance of stalls to bring about a face-lift to the hawker areas. We have also collaborated with the power supply companies so that hawker stalls are provided with safe power supply, thereby lowering fire risks and improving the hawking environment. Furthermore, where circumstances permitted, we rationalised the overall layout of hawker areas to allow more space for passages, thus improving the operating environment.

As regards the issue of new fixed-pitch hawker licences, having considered the fire safety and environmental hygiene situations of the pitches and the concerns of traders, we propose, after careful review of the business environment, to apportion the vacant pitches that are suitable for re-allocation equally among four categories of applicants, namely licensed newspaper hawkers, licensed itinerant hawkers, registered assistants with five years or more

experience<sup>1</sup> and members of the general public satisfying some basic criteria<sup>2</sup>. We will adhere to the following principles in allocating pitches –

- (a) hawker pitches are mostly situated in the much-needed busy urban areas. The pitch allocation mechanism must be fair, impartial and transparent. All eligible persons should be given a reasonable opportunity to enter the hawker trade;
- (b) given the limited number of vacant hawker pitches suitable for re-allocation, pitch allocation and licensing conditions (such as licence tenure) should complement each other and be conducive to sustaining the vibrant development of the trade;
- (c) both sentiments of the hawker trade and views of the general public will be taken into account and properly balanced in the design of the pitch allocation mechanism; and
- (d) bearing in mind that the employment relationship between a hawker and his/her assistant is fundamentally private in nature, the Government is not in a position to intervene.

We also consider specifying a licence operation validity period for new hawker licences (say five years), thereby facilitating the turnover of vacant hawker pitches, promoting healthy turnover of hawker licences, allowing admission of new traders and creating more opportunity for anyone interested in hawking to join the trade.

Our priority task is to expeditiously implement the re-allocation of existing vacant pitches so as to respond to the stakeholders' request. We are going to present the above proposals to the seven District Councils concerned and our tentative plan is to invite applications in the third quarter of 2019.

As regards the setting up of new hawker areas or night markets, we have

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<sup>1</sup> The experience of these assistants is calculated in terms of registration at the same hawker pitch and on a cumulative basis.

<sup>2</sup> The basis criteria include: Hong Kong resident of 18 years of age or above on or before the deadline of application; not a current holder of any valid hawker licence; has not participated in any hawker licence voluntary surrender scheme; has not entered into any market stall tenancy agreement that remains in force with the Food and Environmental Hygiene Department; and none of his/her parents, spouse or children is a current holder of any valid hawker licence.

no plan to do so in individual districts. Nevertheless, the Government adopts a positive attitude towards specific bottom-up proposals for organising bazaars. When suitable sites have been identified by the organisations 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 have been obtained, so long as the bazaar proposals would not compromise public order and safety, food safety and environment hygiene, or cause obstruction to the public passageways, the Government would facilitate liaison with other relevant bureaux and departments on the use of the sites.

(4) Consider a waiver for licence fees

The purpose of issuing hawker licences is to regulate hawking activities. Hawker licence fees should be charged on a full cost recovery basis. Nevertheless, the Government had, taking into account the economic situation and business environment in some financial years, waived licence fees related to food and beverages and other related retail businesses, including hawker licence fees. The relevant proposal has been forwarded to the policy bureau concerned for consideration.

(5) Issue more hawker licences and relax the conditions for succession of hawker licences

At present, there are more than 5,100 fixed-pitch hawker licences and 380 itinerant hawker licences in the territory. These licences are categorised into different types such as cooked food or light refreshment, newspaper, tradesman, barber, frozen confections, etc. Basically, the aforesaid categories of licences have embraced all small-scale business activities suitable for on-street trading. We have no plan to expand these licence categories.

On succession of hawker licences, for hawker licences issued before 21 May 2010, if the licensed hawker passed away, his immediate family members (i.e. parents, spouses or children) may apply for succession to the hawker licence. If a hawker licence holder is of old age or poor health, he may apply for transfer of the licence to his immediate family members. With effect from 21 May 2010, for all newly issued hawker licences, no succession or transfer arrangement is allowed.

We are aware of the aspirations of some registered assistants. Yet, according to the standing hawker policy, registered assistants are assistant to their hawker licensees and their employment relationship is fundamentally private in nature. The implementation of the registration system by the Government is only for the purpose of differentiating those assistants employed by licensed hawkers to assist in the business from others to avoid them being prosecuted for unlicensed hawking when the hawker licensees could not personally attend to the hawking activity at the pitch concerned due to reasonable cause (for example, away for meal or ordering goods). The implementation of the registration system by the Government is purely enforcement-based. We do not accept that the status of assistants is equivalent to hawkers. We also would not intervene in the relationship between the hawker licensee and his assistant. In fact, the Food and Environmental Hygiene Department will consider all relevant factors in detail when processing each application for succession to or transfer of a hawker licence. In particular, the Department will decide whether discretionary consideration could be given to those applications which are not from an immediate family member of the licensee (for example, registered assistant of the licensee).

(6) Set up hawker areas in Tin Shui Wai and Tung Chung

As mentioned above, we do not have plan to set up new fixed-pitch hawker areas. As announced in the 2017 Policy Address, we will build new public markets in Tin Shui Wai and Tung Chung to provide more shopping choices to members of the public. The market stalls in these new markets will be let out to individuals as small trades, thus suitable for small-scale businesses.

(7) Conserve the hawking trade

As mentioned above, we will re-allocate the suitable vacant hawker pitches. Apart from the hawker pitches made available as a result of the implementation of the HAS, there are also vacant hawker pitches available for re-allocation due to other reasons within or outside the hawker areas. The existing 423 vacant hawker pitches will all be made available for re-allocation.

As regards the development of bazaars, the Government adopts a positive attitude towards specific bottom-up proposals for organising bazaars. When suitable sites have been identified by the organisations 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 have been obtained, so long as the bazaar proposals would not compromise public order and safety, food safety and environment hygiene, or cause obstruction to the public passageways, the Government would facilitate liaison with other relevant bureaux and departments on the use of the sites.

Yours sincerely,

[signed]

(Miss Irene CHEUNG)

For Secretary for Food and Health

c.c. Director of Food and Environmental Hygiene