

**For discussion
on 9 July 2019**

**Legislative Council Panel on Food Safety and Environmental Hygiene
Re-allocation of Fixed Hawker Pitches and Issues Relating to Bazaars**

PURPOSE

This paper briefs Members on the outcome of consultation with District Councils on the re-allocation of existing suitable fixed hawker pitches and the application arrangement concerned; and the latest development of issues relating to bazaars.

RE-ALLOCATION OF FIXED HAWKER PITCHES

Background

2. On 11 December 2018, the Food and Environmental Hygiene Department (“FEHD”) briefed the Panel on the review outcome of the Hawker Assistance Scheme for licensed fixed-pitch hawkers and the proposed arrangement for re-allocation of suitable hawker pitches. Based on certain basic principles¹, we plan to apportion the suitable hawker pitches equally among four categories of applicants, namely licensed newspaper hawkers, licensed itinerant hawkers², currently registered assistants with five years or more experience³ and members of the general public satisfying certain basic criteria⁴. To promote

¹ The basic principles are as follows: The pitch allocation mechanism must be fair, impartial and transparent. All eligible persons should be given a reasonable opportunity to enter the hawker trade; 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; 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 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.

² They are holders of Itinerant Hawker Licence (Other Classes) and Itinerant Hawker Licence (Newspaper).

³ The experience of these assistants is calculated in terms of registration at the same hawker pitch and on a cumulative basis. The change of hawker licensee of the pitch will not affect the calculation of experience of the registered assistant concerned. At the same time, these assistants also have to satisfy the basic criteria of members of the general public.

⁴ The basic 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 FEHD; and none of his/her parents, spouse or children is a current holder of any valid hawker licence.

healthy turnover of hawker licences and create opportunity for anyone interested to join the trade, we also consider specifying a licence operation validity period for new hawker licences, say five years⁵.

3. The Panel listened to the views of 27 deputations/individuals on the proposed arrangement for re-allocation of suitable hawker pitches at the special meeting on 28 January 2019.

4. As stated at the above Panel meeting, apart from consulting the trade on the proposed arrangement for pitch allocation, the FEHD also consulted seven District Councils (or their committees) concerned⁶ between January and May 2019. The views collected in these local consultations are summarised as follows:

(a) Re-allocation of suitable pitches and issuance of new hawker licences

Members/members were generally in support of the re-allocation of suitable fixed hawker pitches to interested parties and issuance of new Fixed Pitch (Other Classes) Hawker Licences.

(b) Proposed arrangement and methods of pitch allocation

Some Members/members supported the FEHD in apportioning the vacant pitches equally among four categories of applicants, namely licensed newspaper hawkers, licensed itinerant hawkers, currently registered assistants with five years or more experience and members of the general public satisfying certain basic criteria. A District Council member took the view that the FEHD might consider according priority to applications by registered assistants who acquired certain experience after being in the trade for years. Some Members/members reflected the views of traders that in handling the applications, the remaining quotas in the newspaper hawkers category and/or itinerant hawkers category should be first given to applicants under the category of registered assistants. Meanwhile, some Members/members opined that both registered assistants and other

⁵ Please refer to LC Paper No. CB(2)383/18-19(03) for details.

⁶ These seven District Councils or their Committees include: Eastern District Council Food, Environment and Hygiene Committee, Central & Western District Council Food, Environment, Hygiene & Works Committee, Yau Tsim Mong District Council Food, Environmental Hygiene and Public Works Committee, Wan Chai District Council Food & Environmental Hygiene Committee, Kowloon City District Council Food and Environmental Hygiene Committee, Tsuen Wan District Council and Sham Shui Po District Council Environment and Hygiene Committee.

members of the general public fulfilled the basic criteria for the application for suitable pitches, registered assistants should not be given priority in the allocation of pitches. All pitches should be allocated to applicants under a fair and impartial mechanism regardless of categories.

Besides, the District Councils concerned raised no objection to determining the applicants' priority of hawker pitch selection by the combination of computer random sequencing and manual ballot.

(c) Hawker licence operation validity period

Members/members held diverse views on specifying a licence operation validity period for newly issued hawker licences. Some of them conveyed the strong views of traders that people in the hawker trade made thin profits and it took time for new operators to familiarise themselves with the trade's operation, and to make and recover their investment. Hawkers would face unemployment upon the end of the operation validity period. Some Members/members suggested the FEHD to consider imposing more stringent conditions for licence renewal and rejecting licence renewal for those in breach of such conditions. Besides, there were views that the FEHD might consider renewing the licence of particular trades (such as tradesmen), so that local culture could be preserved.

Some Members/members supported a licence operation validity period of three to five years, and opined that such practice could positively address the problem of stall subletting by hawker licensees and create more opportunities for people to join the trade under a fair mechanism, thus promoting healthy turnover of hawker licences and pitches. Nevertheless, there were also some Members/members who worried that implementing different hawker management policies in the same hawker area might cause confusion.

Application arrangement for allocation of suitable hawker pitches

5. As at 31 May 2019, there were 435 hawker pitches within or outside the 43 fixed-pitch hawker areas which are released through the surrender of

hawker licences under the Hawker Assistance Scheme⁷ or due to other reasons, and thus suitable for re-allocation⁸ (details are set out in **Annex I**).

6. We will apportion all 435 suitable pitches equally among the four categories of applicants through a fair and impartial pitch allocation mechanism, so as to provide them with a reasonable opportunity to enter the hawking trade⁹. If any short-listed applicants give up their right to select a pitch, standby applicants will be able to select the released vacant pitches according to the number of such pitches for their category and their priority order on the waiting list for that category. Subsequently, if the number of applicants in individual categories is less than the quota of pitches, the remaining standby applicants will be able to select the released pitches according to their priority order on the waiting list.

7. As for licensed newspaper hawkers and licensed itinerant hawkers, application for allocation of suitable hawker pitches is meant to be voluntary. It will be up to them to consider whether to lodge an application in the FEHD's allocation exercise, or to continue their existing business under their original licences.

8. We are aware of the aspiration of registered assistants. Yet, registered assistants are merely assistants to their hawker licensees. The only purpose of the hawker registration system is to differentiate 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 cannot personally attend to the hawking activity at the pitches concerned due to reasonable cause. In other words, the implementation of the registration system is purely

⁷ Two major fires broke out at the hawker stalls at Fa Yuen Street in Mongkok in December 2010 and November 2011, with the latter causing a considerable number of casualties in the adjoining buildings. The fire risks reflected in these two fires related not only to enforcement management and the materials used for construction of stalls, but also to the stalls which are located directly in front of staircase discharge points of buildings or emergency vehicular access. When a fire breaks out, the fire may easily spread to the staircase discharge points of nearby buildings while the dense smoke will create the "chimney effect", posing serious threats to the lives and property of the residents living upstairs. In view of this, the Government implemented the Hawker Assistance Scheme which sought to improve the fire resisting capability and design of hawker stalls, and to relocate stalls away from staircase discharge points of buildings or emergency vehicular access, so as to reduce the loss of lives and property in the event of a fire.

⁸ The figure does not include pitches with a higher risk which are unsuitable for setting up stalls (including pitches located within a radial distance of six metres in front of building staircase discharge points and within 1.5 metres of fire hydrants/located at emergency vehicular access), earmarked to accommodate stalls that require relocation due to fire safety considerations, absorbed in the course of rationalisation of the overall layout of hawker areas, and reserved for resite commitments due to other needs.

⁹ Each applicant will be given an individual application number specific to each category of applicants. The priority of the applicants in different categories is determined by means of computer random sequencing. The application numbers of the four categories of applicants within and outside the quota will then be grouped together for priority setting by computer random sequencing for five times, followed by manual ballot to determine a sequence as the final priority order for pitch selection.

enforcement-based. We do not acknowledge the status of assistants as equivalent to hawkers. We estimate that a large number of members of the public would participate in the upcoming exercise for allocating suitable hawker pitches. To strike a balance between fair allocation and the needs of all parties, we have included registered assistant as an independent category and set aside one-fourth of the suitable hawker pitches for eligible registered assistants. In this way, they are already treated more favourably than members of the public and given a greater chance of being allocated a pitch.

9. We consider that specifying an operation validity period for new hawker licences for the registered assistant and general public categories will have a positive impact on promoting the turnover of hawker licence, facilitating the turnover of hawker pitches and allowing admission of new traders. Taking into account that operators allocated with the pitches are required to set up their stalls at their own expense to meet their mode of operation, the operation validity period will be extended to seven years¹⁰ to help licensees develop their business and create more opportunity for anyone interested in hawking to join the trade.

10. Taking account of the views of the Panel, the Government will consider offering suitable hawker pitches vacated in the future for allocation to interested parties on a regular basis to optimise the use of public resources and maintain an overall vibrant operating environment of the hawker areas. The list setting out applicants who are not invited to select pitches in the upcoming exercise will be kept for three years for pitch allocation purpose. We will announce the details of the list together with announcing the invitation of application. Around the expiry of the three-year period, the Government will announce the application and allocation arrangements separately, with a view to updating the list to enable future interested parties to be given an opportunity to submit application.

ISSUES RELATING TO BAZAARS

11. Bazaars are a neutral platform which may take different forms under various modes of operation. Depending on the characteristics, development, culture and planning of individual districts, the nature and positioning of bazaars can vary considerably. Some bazaars celebrate festivals and events, some for promoting cultural creativity, some for enhancing local economy and tourism, some for providing start-up opportunities to the grass roots for their own business, and some for alleviating poverty. Bazaars may take different forms to cater for

¹⁰ The arrangement regarding operation validity period does not apply to applicants under the categories of licensed newspaper hawker and licensed itinerant hawker because there is no such period set for their original licences either.

their own themes. For different development needs such as district economy development and youth, the relevant bureaux or organisations may make use of this platform for promotion.

12. At the local level, the operation of bazaars (including sale of goods and entertainment performances) may cause nuisance or inconvenience to the nearby residents and affect shop operators in the vicinity. Also, bazaar venues are generally not designed for organising activities. Therefore, we should strike a right balance between bazaar proposals and all other factors (including local views).

13. The Government always adopts an open mind towards specific bottom-up proposals by local residents/organisations for organising bazaars. Besides, we have formulated the Application Guidelines for Setting Up Bazaars to set out matters requiring attention for organising bazaars.

14. When suitable sites have been identified by the proponent organisations (i.e. the venue 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, provided that the bazaar proposals will not compromise public order and safety, food safety and environmental hygiene, and will not obstruct public passageways, the Government will facilitate liaison with the relevant departments. Apart from applying for using a site, the proponent organisation concerned should also apply for the relevant licences¹¹ required from the respective departments/licensing authorities separately. At present, for licence applications (such as Temporary Places of Public Entertainment Licence or Temporary Food Factory Licence) from particular organisations which organise multiple bazaars at the same venue within a short period of time, the FEHD will handle the applications concerned at the same time and approve them in one go as far as practicable.

15. Record shows that there were many bottom-up bazaars held in recent years. These bazaars served different purposes and took different forms. Examples of bazaars proposed and held by applicant organisations in various districts from 2016 to April 2019 are set out in **Annex II**.

¹¹ We understand that some organisers wish to sell more types of food at bazaars. Since 2017, in response to the organisers' request to reheat cooked food with naked flame, the FEHD has granted approval to some temporary food factories operating in bazaars, subject to compliance with the licensing conditions set out by relevant departments, 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 cooked food for sale at bazaars. In addition, there were organisers who were issued with the permit for the sale of fresh provision, on the conditions that the relevant food safety and environmental hygiene requirements were met, at recent bazaars.

CONCLUSION

16. Members are invited to note the contents of this paper. Regarding the allocation of suitable fixed hawker pitches, the implementation details are being finalised and we plan to invite applications in the third quarter of this year. Details of the application arrangements will be announced through different channels in due course. We will also continue to liaise with relevant departments and actively follow up on bazaar proposals.

**Food and Health Bureau
Food and Environmental Hygiene Department
July 2019**

Summary of Available Vacant Fixed Hawker Pitches
Suitable for Allocation
(As at 31.5.2019)

District	Serial No	Hawker Street/Bazaar	Total number of vacant fixed hawker pitches
Eastern	1	Chun Yeung Street	1
	2	Marble Road	11
	3	Kam Wa Street	6
	4	Tai Tak Street	4
		Sub-total	22
Central and Western	1	Pottinger Street	3
	2	Graham Street	6
	3	Peel Street	4
	4	Upper Lascar Row	1
	5	Aberdeen Street	1
	6	Douglas Lane	1
	7	Elgin Street	2
	8	Unnamed lane connecting Pedder Street and Theatre Lane	1
	9	Gilman's Bazaar	1
	10	Findlay Road	2
	Sub-total	22	
Wan Chai	1	Gresson Street	7
	2	Cross Street	2
	3	Tai Yuen Street	3
	4	Jardine's Crescent	22
	5	Wun Sha Street	26
		Sub-total	60
Yau Tsim	1	Reclamation Street	22
	2	Canton Road	14

District	Serial No	Hawker Street/Bazaar	Total number of vacant fixed hawker pitches
	3	Bowring Street	5
	4	Temple Street	70
	5	Pitt Street	2
		Sub-total	113
Mongkok	1	Tung Choi Street	29
	2	Canton Road	31
	3	Fife Street	8
	4	Yin Chong Street	4
	5	Ki Lung Street	5
	6	Poplar Street	3
	7	Nelson Street	3
	8	Nam Tau Street	1
		Sub-total	84
Sham Shui Po	1	Wing Lung Street	37
	2	Fat Tseung Street	6
	3	Cheung Fat Street	14
	4	Fuk Wing Street	1
	5	Pei Ho Street	1
	6	Apliu Street	4
	7	Ki Lung Street	2
		Sub-total	65
Kowloon City	1	Pau Chung Street	18
		Sub-total	18
Tsuen Wan	1	Hau Tei Square Hawker Bazaar	51
		Sub-total	51
		Total	435

Note:

1. The number of pitches suitable for re-allocation does not include pitches with a higher risk which are unsuitable for setting up stalls (including pitches located within a radial distance of six metres in front of building staircase discharge points and within 1.5 metres of fire hydrants/located at emergency vehicular access), earmarked to accommodate stalls that require relocation due to fire safety considerations, absorbed in the course

of rationalisation of the overall layout of hawker areas, and reserved for resite commitments due to other needs.

2. For hawker pitches with size between less than 1.1 m² and up to 2.2 m², the annual fee ranges from \$4,347 to \$6,715, depending on the area of the pitch.
3. The pitches can be used to sell either Class II commodities (food-related dry goods/preserved food, fresh fruits, prepacked food and drinks, bread, cakes and confectioneries, Chinese herbs and medicines, etc.) or Class III commodities (non-food-related dry goods) and provide related services.
4. An applicant who is granted a licence shall design and construct the stall at his/her own expense in accordance with the specifications approved by the FEHD and conduct the business at the stall. If the applicant fails to construct the stall in accordance with the specifications within the specified time limit, the applicant is in breach of licence condition and shall be subject to consequences of such breach, furthermore, renewal of licence will not be allowed.

Annex II

Bazaar Activities successfully held in various districts
from 2016 to April 2019
(including cases involving or not involving the issue of
Temporary Places of Public Entertainment Licences and/or
Temporary Food Factory Licences and/or relevant permits)

District	Bazaar[#]	Location
2016		
Islands	逸東邨墟市體驗日	Golden Bull Plaza at Yat Tung Estate in Tung Chung
	(no former name for the bazaar activity concerned)	Pavements adjacent to Chau Yat House and Fuk Yat House of Yat Tung Estate in Tung Chung
	坪洲墟市日	Open space outside Peng Chau Tin Hau Temple Plaza
Sham Shui Po	2016 深水埗基層見光墟	Open space at junction of Kiu Kiang Street and Hai Tan Street
2017		
Islands	(no former name for the bazaar activity concerned)	Pavements adjacent to Chau Yat House and Fuk Yat House of Yat Tung Estate in Tung Chung
	元宵藝墟	Tat Tung Road Garden in Tung Chung
Sham Shui Po	農曆年熟食墟市 2017	Under footbridge of Yen Chow Street

District	Bazaar[#]	Location
	深水埗・深水情·街坊節 2017 暨新春美食墟市	Maple Street Playground
	趁墟・趁 2017 復活墟市 @ 深水埗	Open space at junction of Kiu Kiang Street and Hai Tan Street
	夏日見光墟	Open space in front of No.5 Wai Chi Street
	深水埗中秋濃情見光墟	Open space at junction of Kiu Kiang Street and Hai Tan Street
	聖誕暖笠笠墟市	Wai Chi Street Playground
Kwun Tong	懷舊 x 活力社區經濟嘉 年華@觀塘	Upper Ngau Tau Kok Estate
Wong Tai Sin	趁墟・趁熱鬧玩樂墟@ 黃大仙	Upper Wong Tai Sin Estate
Yuen Long	元朗農墟	Amphitheatre of Tin Yiu Estate in Tin Shui Wai
North	北區墟市節	Shek Wu Hui Farmers' Produce Retailing Point
	清河有個墟	Ching Ho Estate
Wanchai	上班一族打氣墟	Gloucester Road Garden
2018		
Islands	2018 年離島元宵藝墟	Tat Tung Road Garden in Tung Chung
	農墟	Adjacent to the roundabout at Exit A of Tung Chung

District	Bazaar[#]	Location
		MTR Station on Lantau Island
	(no former name for the bazaar activity concerned)	Pavements adjacent to Chau Yat House and Fuk Yat House of Yat Tung (1) Estate in Tung Chung on Lantau Island
	坪洲墟市日	Open space outside Peng Chau Tin Hau Temple
	東涌有墟市	Tat Tung Road Garden in Tung Chung
Sham Shui Po	新春食通街	Open space near Tung Chau Street Temporary Market at No.269 Tung Chau Street
	深水埗・深水情・街坊節 2018 暨新春美食墟市	Maple Street Playground and the pavement in Maple Street
	2018 復活・墟市	Maple Street Playground
	女人墟	Open space at junction of Kiu Kiang Street and Hai Tan Street
	深水埗見光墟市	Wai Chi Street Playground
Kwun Tong	型活墟	126 Hoi Bun Road
Wong Tai Sin	黃大仙繽紛美食墟	Wong Tai Sin Square
Yuen Long	新春美食嘉年華	Open space in the vicinity of Lam Hau Tsuen

District	Bazaar[#]	Location
North	清河有個墟	Ching Ho Estate
	北區墟市節	Shek Wu Hui Farmers' Produce Retailing Point
Tai Po	聖誕音樂嘉年華@林村	Lam Tsuen The Wishing Square
2019 (as at April)		
Islands	坪洲墟市日	Open space outside Peng Chau Tin Hau Temple
Sham Shui Po	香港墟市節 2018 閉幕禮	Maple Street Playground
	深水埗農曆新年見光墟	Po On Road Playground
	深水埗·深水情·新春美食墟市	Maple Street Playground
	2019 深水埗復活墟市	Wai Chi Street Playground
Wong Tai Sin	趁墟@黃大仙	Wong Tai Sin Square
	黃大仙繽紛美食墟	Wong Tai Sin Square
North	北區墟市節	Shek Wu Hui Farmers' Produce Retailing Point
	清河有個墟	Ching Ho Estate
Central / Western	西區墟市	Under Flyover of Hill Road
Sha Tin	M.O.S.市集	7-a-side soccer pitch of Chung On Estate in Ma On Shan

#Only Chinese names of the Bazaar are available.