

Hong Kong, 27 March 2015

Chairman and Members  
Subcommittee on Hawker Policy  
Legislative Council

**Principles for formulation of hawker policy and proposed measures**

Honorable Steven HO Chun-yin,

**1. *We support the proposed principles for Hong Kong's hawker policy.***

The diversification of the local economy is a worthwhile cause and hawking should be seen as one of the modes of economic transactions.

**2. *We urge for an additional principle***

Hawkers together with Shop Extensions and Outdoor Seating Arrangements allow the commercial use of public space to enhance vibrancy, enjoyment and livability – as long as nuisance, obstruction and pollution can be avoided or mitigated.

**3. *We support the measures proposed by government***

- a. Review the case for issue of new fixed-pitch hawker licences;
- b. Enhance the operating environment of existing hawker areas;
- c. Consider the issue of new “Dai Pai Tong” licences
- d. Consider converting existing public market with low occupancy into off-street cooked food centre:
- e. Set up district-led open-air hawker bazaars and night markets.

**4. *Hawker trade is not welfare***

Avoid positioning the hawker trade as a form of social welfare for the disadvantaged or for poverty alleviation. Hawker licenses should have a limited term and be reviewed regularly and should not be transferable. However, the applicant's hawker record should be taken into account in the marking scheme for the review and approval of hawker licenses.

5. ***District led proposals should be promoted – hawkers, shop extensions and outdoor seating***

The following general process should apply for all three commercial uses of public space:

***Step 1: District-led designation of areas, operating hours and usage guidelines***

- a. Each District Council should create a *District Enhancement Plan* which identifies public space and other areas currently used for, and those deemed suitable for, commercial use, including for hawkers, shop extensions and outdoor seating. For this they should be supported by the Planning Department and Lands Department, as well as the FEHD.
- b. The designated areas can include streets, pavements, parks, promenades, public space in private developments, and so forth. The areas can include existing areas used for hawkers, shop extensions and outdoor seating, as well as new ones.
- c. The designated area can be a small spot or pitch, a street or a wider area.
- d. The District Council can for each designated area identify and recommend permitted uses, operating hours and usage guidelines subject to local circumstances and community aspirations.
- e. The community, government departments, police and fire services should be consulted in the formulation of the District Enhancement Plan.
- f. Subsequent changes in the designation of areas and usage guidelines can be initiated by applicants, district council and government. The District Enhancement Plan is reviewed annually.

***Step 2: Licensing applications and approvals by the FEHD***

The responsibility for the licensing and evaluation of individual applicants for the commercial use of the designated areas remains with the Licensing Authority. Operators apply for the relevant hawker licensing, shop extensions and outdoor seating arrangements to the same Licensing Authority.

***Step 3: Fees and Charges – subject to land status***

Land status of public space including ownership and management can vary significantly in Hong Kong. Partly because increasingly public space is not only at street level, and public space can be found on both government and private land.

Streets and pavements are under the remit of the Transport and Highways Department. Parks and promenades are under the Leisure and Cultural Services Department. Significant areas of public space are under the Housing Authority' West Kowloon Cultural District Authority, future Harbourfront Authority, and others. Public space in private developments can vary, including non-built area, public space, private space, set-back, etc.

The variation in land status should not prohibit commercial use, but may be reflected in the management responsibility and the fees and charges may vary. These matters are outside the remit of the District Councils.

Sincerely yours,

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*Paul Zimmerman*