

# LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM	TITLE
2	What are We Abandoning: Scavengers or Trash
MEMBERS	Ip Yun Yi, Angela Wai Lok Yan, Venisa
SCHOOL	The University of Hong Kong

## 1 INTRODUCTION: A RENEWED FOCUS ON THE CONFLICT BETWEEN SCAVENGERS AND HAWKER CONTROL OFFICERS

Earlier this year, an elderly woman, surnamed Chu, was arrested for selling cardboards to a foreign domestic helper for HK\$1.<sup>1</sup> Accused of trading without a hawker license and obstructing public space, Chu was brought to the Food and Environmental Hygiene Department (“FEHD”) office and the police station where she paid HK\$30 to be released on bail, with only HK\$34 in her purse.<sup>2</sup> Following public flare-up, the charges were dropped before it reached the court.<sup>3</sup>

Debate was reopened and yet shifted to the moral facet: critics accused the officers of taking disproportionate enforcement actions against Chu who sold only a piece of cardboard for HK\$1.<sup>4</sup> However, the root of the problem merits a closer look: Are scavengers like Chu aware of the legislation charged against them? Was there evidence collection before the arrest? How do they obtain suitable legal assistance?

### Defining the Conflict

For decades, tensions between scavengers and hawker control officers have been a thorn in FEHD’s hawker management policy.

On one hand, scavengers who collect and resell waste as a living are generally ignorant to their legal responsibilities.<sup>5</sup> Even if they do, there is a lack of enabling environment that allows them to legally collect waste, for example, they are left with no choice but to cut the cardboards on the street although this may invoke prosecution for public space obstruction.

On the other hand, inconsistency could be found in the frontline staff’s law enforcement action. Taking Chu’s case as an example, no evidence collection was done by the FEHD officers before the arrest.<sup>6</sup> This uncovers possible abuse of law enforcement power by the hawker control officers.

This evolves into a situation which results in scavengers coming into conflicts with the law and the lack of policy coherence further magnifies the impact of their legal troubles – these will be further discussed in Part I of this proposal.

### Why is there a Renewed Focus Now?

First, current efforts to solve the conflict have been focused on advocacy. After Chu was being prosecuted, around 30 people protested outside the FEHD office, holding cardholders with slogans written on them that accused the department of “bullying a granny” and being “cold blooded”<sup>7</sup>

However, this proposal argues that current advocacy that only focuses on moral facet of law enforcement do no good in mitigating the conflict: it is not possible for the FEHD to admit that their law enforcement efforts are unjustifiable only because they are morally wrong for not considering subjective factors such as a defendant’s background. It also creates an illusion that it is not necessary for scavengers to assume legal responsibilities to follow the law. As a result, a deadlock of the conflict is produced which further prolongs the tension between the two parties. Also, attempts to create an enabling environment for scavengers to fulfill their legal responsibilities and to advocate against misuse of power are also coated. **At the time of writing there is no specific non-governmental organization (“NGO”) that addresses legal needs of scavengers.**<sup>8</sup>

This proposal holds that the root and solution of the conflict rest in the legal arena. Only by putting the issue on a right track could the acute needs of the scavengers be addressed. Part I of this proposal will first analysis the inequalities and social injustice surrounding scavengers which underline the cause of this conflict. Part II of the proposal presents a plan that uses law as a tool to address the inequalities found.

2.1 Legal and Policy Context

Recognising the conflict as a legal conflict, it is important to first set out the legal and policy context.

Legislation

Under existing legislations, scavengers can be charged either by (1) causing street obstruction or (2) hawking without a license by the FEHD hawker control officers.

The power of officers to remove articles on streets is stipulated in Section 22(2)(a) of the Public Health and Municipal Services Ordinance (Cap 132). When the relevant authority, FEHD officers in the case, thinks that any articles or things placed by the scavengers cause or are likely to cause obstruction to any street sweeper acting, the officers may detain, seize and carry away such articles or things if they are still not removed within a period of time (usually a period of 4 hours) after a notice is served to the scavengers. The scavengers can get back the detained commodities within 7 days upon payment of any expenses incurred in the seizure. The scavengers can also be charged under Section 4A of the Summary Offences Ordinance (Cap 228) when they leave any matters which obstructs any places or vehicle in a public place. The maximum penalty for the offence is a fine of \$5000 or an imprisonment for 3 months.

Alternatively, the FEHD officers are empowered to enforce hawker control under the Public Health and Municipal Services Ordinance (Cap 132) and its subsidiary regulations, the Hawker regulation (Cap. 132 AI). Section 83(B)(1) of the Ordinance states that no person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A. The officers may charge the scavengers with this piece of legislation by arguing that they observed and found the scavengers traded with other parties.

Hawker Management Strategy

To steer the law enforcement work, an operational guideline has been adopted since late 2001.<sup>9,10</sup> According to the guideline, when dealing with illegal hawking activities that do not involve i) sale of prohibited/restricted or cooked food and; ii) hawking in hygiene “blackspots”,<sup>11</sup> frontline staff would verbally

warn the hawkers first. Prosecution action would ensue if the warning is unheeded. Moreover, before the arrest they will gather evidence on site and take appropriate enforcement actions on the basis of facts and circumstantial factors.<sup>12</sup>

2.2 Analysis of Inequality Affecting Scavengers

At the time of writing, Dr. Vivian Lou Wei-qun’s 2006 research is the only study done on elderly scavengers in Hong Kong.<sup>13</sup> Although quantitative data on the subject is limited, in-depth interviews conducted in Lou’s report provide invaluable insights into their scavenging difficulties and living conditions.

Lack of access to information and legal awareness

Access to information is an international human rights norm. According to Article 19 of both the United Nations Declaration on Human Rights and the International Covenant on Civil and Political Rights, the right to freedom of expression includes not only freedom to impart ideas, but also freedom to “seek” and “receive” them.<sup>14</sup>

In Hong Kong, the deprivations that this low-income group encounter – illiteracy, language barriers, social welfare exclusion and a lack of zeal among the NGOs<sup>15</sup> – contribute to obstacles in gaining access to information like legislations, FEHD’s hawker control strategy, and availability of legal aid and remedies. At the time of writing, FEHD’s publicity materials, i.e. pamphlets, include only “warnings” and legal consequence of violating the law. Other information is also not readily accessible as it is distributed largely through the online platform where scavengers have limited access to.

This contributes to a low level of legal literacy of their rights and responsibilities and thus, scavengers often come into conflicts with the law – which is often the case for illegal hawking – and are unable to seek redress. The public’s ignorance also contributes to the problem – people who buy cardboards from elderly out of sympathy are often unaware of the possibility of invoking prosecution.<sup>16</sup>

Lack of access to legal aid services

Under the current framework, the Duty Lawyer Scheme does not offer representation for hawking offences in Magistrates’ Courts. Hence, if scavengers were charged under hawkers related offences, namely Section 83(B)(1) of Cap 132, they will not have free legal representation in court. As a result, they will have to defend themselves which would often place the defendants in a disadvantageous position. This has revealed the inequality in the access of law by the scavengers when they are faced with hawkers’ charges. Without free legal representation, scavengers can hardly seek professional legal advice from lawyers due to the lack of connections and poor financial conditions. Even if there are free legal services provide by societal organizations, the scavengers may lack confidence and trust in those services. Hence, the problem of unequal access to legal services still cannot be resolved.

Abuse of power in discretionary law enforcement

There has even been speculation that internal policy of the FEHD aligns staff performance with the number of prosecutions<sup>17</sup> Setting aside credibility of such claim, a lack of vertical policy coherence and clarity could also be observed. Legislative Council Paper reports that there have been instances of selective enforcement.<sup>18</sup> Moreover, in Chu’s case, there was no evidence collection prior to the arrest which is against their operational guideline (see the Hawker Management Strategy above).<sup>19</sup> Judging from facts available and our interview with Lai Chi-keong, the District Councillor who assisted in Chu’s case, evidence of illegal hawking appears to be weak as Chu did not engage in any bargaining and the cardboard was given to the foreign helper initially free of charge. The \$1 was only a form of gratuity given to Chu after the handover. The case sparked concerns of misuse of discretionary power which may be caused by administrative loopholes such as unclear guideline or insufficient staff training.

An abuse of law enforcement undoubtedly generates gaps in the system that perpetuate structural inequalities among scavengers. As mentioned above, the lack of legal awareness and literacy aggravate scavengers’ vulnerability as they are unaware of when law enforcement has been misused.

2.3 Analysis of the Broader Social Justice Issue

Most scavengers in Hong Kong are part of a group of elderly people who fall through the cracks of an inadequate care system, including reluctance to employ senior citizens amid rising cost of living and social exclusion.

According to Lou’s study, 70 percent of the scavengers interviewed collected waste because of financial reasons (33.3% for making a living and 40.9% for getting supplementary income).<sup>20</sup> Only around 10% of the respondents were CSSA recipients.<sup>21</sup> Many of them refused to be financially dependent on the government and hence chose not to apply for CSSA. However, there is current no comprehensive policies for elderly re-employment or integrating cardboard sellers into the recycling industry. As a result, they must collect rubbish to support themselves.

This situation is further complicated by the fact that the city lacks a comprehensive recycling scheme. Earlier this year, China’s ban on waste imports leads to significant drop in cardboard selling price.<sup>22</sup> Structural problem of recycling market places scavengers into even more vulnerable positions.

Gaps in the pension, poverty and recycling policies create social injustice as scavengers are forced to collect waste which is not an official employment- meaning that they are not protected by any trade union or NGO in Hong Kong (political exclusion). They are also plagued by other kinds of social exclusion including social relation exclusion (being discriminated because of being involved in waste-collecting activities) and social welfare exclusion (not accessible to social services).<sup>23</sup>

Due to limited resource, this project does not aim to solve the deep-rooted poverty and related issues in the city. However, we want to engage the community and create links to the social/ legal services such that the abovementioned social exclusion can be mitigated, but not resolved.

### 3 PART II: PILOTING THE “LAW FOR CHANGE” PROJECT

#### 3.1 Project Objectives and Expected Outcomes

The overarching objective of this project is to strengthen access to justice for scavengers in Hong Kong through legal empowerment and improved legal protection without compromising public health and hygiene.

Following the human rights-based approach,<sup>24</sup> the expected outcomes of this project are three-fold: For scavengers as rights holders:

- **Outcome 1: Scavengers and their community counterpart are more aware of their legal rights and responsibilities**
- **Outcome 2: Scavengers benefit from improved access to legal aid services, i.e. availability to legal advice and representation**

For FEHD hawker control team as duty-bearers:

- **Outcome 3: FEHD hawker control officers misuse of power is addressed, thus enhancing transparency and accountability to law enforcement**

#### 3.2 Project Overview

Most discussions of tackling social injustice proceeds from the assumption that the best way to remedy this problem is to amend the law. Yet, given the city's bureaucratic polity and executive-legislative gridlock, this proposal posits that only through legal empowerment of the vulnerable ones and their community counterparts could acute social mishaps be duly addressed, if not resolved. It also seeks to fulfill the overarching objective of our project: to strike a balance between public hygiene and rights protection of scavengers. It is recognized that legal education alone could not address the inequality ingrained in the system; intervention II and III of our project aim at supplementing this gap. Intervention II addresses unequal access to legal services while stage III deals with inequality entrenched in the government policy (see Figure 1).

#### Intervention I – Civic Education

- **Output 1: Increased awareness and knowledge regarding rights entitled and responsibilities assumed for scavengers, storeowners and general public through civic education**

Intervention I is a kind of self-help intervention that aims at empowering scavengers and creating an enabling environment for them to assume their responsibilities to maintain public hygiene. It also enables them to claim their respective legal rights.

**Education on scavengers.** It focuses on their legal responsibilities assumed and rights entitled. Responsibilities include maintaining street cleanliness and avoiding illegal trade. Publicity material distributed will hence detail waste-collecting activities that may fall into the scope of illegal hawking and public place obstruction, and how they could avoid those potential prosecutions. It will also include their respective rights entitled, e.g. right to legal aid and the right to make a claim in case their equipment or commodity have been seized under Section 86B of the Public Health and Municipal Services Ordinance (Cap 132).

**Education on storeowners and public.** It is difficult for scavengers alone to exercise their legal responsibilities, particularly in avoiding street obstruction. Hence, it is important to create an enabling environment with support from their community counterparts. According to Lou's report, the most common waste collected is cardboard (80.2 percent).<sup>25</sup> Main source of cardboards is from stores such as retail shops. If storeowners are aware of the legal needs of the scavengers and hence i) cutting cardboards before handing them over to scavengers, ii) keeping cardboards inside their shops until scavengers come to “claim” them, or iii) giving cardboards to scavengers for free, both street obstruction and unlicensed hawking allegations could be greatly avoided. Education on public mainly focuses on the last aspect.

#### Intervention II – Facilitate Access to Legal Aid Services

- **Output 2: Increased access to legal aid services for scavengers through strengthening connection between pro bono lawyers and scavengers**

As identified in Part I of this proposal, scavengers have limited access to legal aid services. This project could act as a conduit between the two parties through connecting the vulnerable with District Councilors for legal advice/ representation schemes upon receiving complaints and opinions from them. District councilors can gain trust from the scavengers easier given they are engaged in serving the community. Hence, they can act as intermediate between the scavengers and lawyers to facilitate scavengers' access to legal service (legal advice and representation). This intervention could also address scavengers' lack of access to information and contribute to outcome 1 of this project as the vulnerable community would be more aware of their rights to legal aids. This stage could address the structural inequalities in access to law through creating accessible legal aid services.

#### Intervention III – Advocacy in the Legislative Council

- **Output 3: Abuse of power by FEHD hawker control officers addressed through advocacy in the Legislative Council**

Intervention III involves a close examination on individual cases where FEHD officers' misuse of power is found. The aggregated opinions and evidence collected from scavengers could be reflected to Legislative Councilors in our target community. In fact, Legislative Councilors are always active in reflecting social problems in Council meetings as reflected by Chu's case in which much public attention has been aroused<sup>26,27</sup>. By submitting relevant motions in the Legislative Council meetings and putting the matter on the discussion table, Intervention III aims at achieving outcome 3 of the project: relevant government departments will be pressurized to redress abuse through measures like improving staff training. Although it is an informal way to file complaints to administrative bodies, this

is believed to be a more effective way to enhance transparency of FEHD guidelines and accountability to law enforcement than filing complaints directly to FEHD by individual scavengers.<sup>28</sup>

#### 3.3 Project Proposal

##### Intervention I – Civic Education

##### Strategy

Recognising target group's limited access to the online resources, legal education will be conducted in the traditional way: pamphlet distribution, followed by a teaching session.

The Western District has been chosen as the targeted area because it is featured by the large number of dried seafood stores where relatively more scavengers can be found. Coordination work could also be facilitated as the district is also where the University of Hong Kong is located in.

Secondary school volunteers will be recruited. This project can be counted into their Student Learning Profile (“SLP”) as part of the Other Learning Experiences (“OLE”) in the New Senior Secondary (“NSS”) Curriculum.<sup>29</sup> The advantages of recruiting these volunteers are three-fold: i) increase cost effectiveness of the project, ii) ensure commitment of volunteers, and iii) provide moral and civic education.

Training workshops on all volunteers will be conducted by social workers. Teams of volunteers will be divided into three branches with different target groups allocated: scavengers, storeowners and general public.

##### Target groups

Scavengers, storeowners and general public in the Western District

##### Stakeholders

##### 1. Secondary school volunteers

Their main responsibilities include distributing pamphlets to target groups and conducting teaching session.

**2. Social work students studying in university**

Their responsibilities include designing teaching materials and leading teams of secondary school volunteers. Each team of secondary school volunteers will be guided by one social work student.

**3. Social workers from NGO**

They can assist in i) locating possible targets and scavenging areas; ii) providing advice on designing teaching materials and iii) providing guidance to volunteers when they approach the target group. Also, they can follow up on cases that require special attention.

**Possible partnership**

1. Secondary schools in Western District
2. Social Work and Social Administration Society, Social Sciences Society, The University of Hong Kong Students' Union
3. Caritas Youth & Community Service that assisted in Lou's research or NGOs that have capacity in providing social services to the scavengers in the Western District

**Intervention II – Facilitate Access to Legal Aid Services**

**Strategy**

Intervention II is composed of three elements: i) reaching out to pro bono lawyers who are interested in scavenging issues; ii) recruiting District Councillors who have the capacity and are willing to help establishing connections between scavengers and pro bono lawyers; and iii) informing scavengers of such supporting network. Details of the free legal service network will be included in the pamphlets distributed to scavengers in Intervention I and introduced to them during the teaching session. Hence, the third component and Intervention I of this project will be simultaneous.

Although District Councillors may have established their own legal service providing network, it may be limited and the connected lawyers may not be particularly interested in such human right issue. Hence, recognising PILnet's extensive connections with pro

bono lawyers in Hong Kong, its support will facilitate our coordination work and further expand the pool of legal service providers.

**Target groups**

Scavengers in the Western District (same as those who engage in Intervention I)

**Stakeholders**

**1. District Councillors**

Their main responsibilities are to help contacting legal aid services who are experienced and interested in scavenging issues.

**2. PILnet Hong Kong**

It can act as an intermediate and facilitate connections between pro bono lawyers and the project, hence expanding the legal service providing network.

**Possible partnership**

1. District Councillors in Hong Kong island, e.g. Lai Chi Keong who assisted Chu in finding legal aid
2. PILnet Hong Kong

**Intervention III – Advocacy in the Legislative Council**

**Strategy**

Intervention III is about in-depth interviews of scavengers whereby evidence of abuses could be collected. Scavengers may be unwilling to disclose such information to avoid getting into troubles. Hence, this stage will be conducted after Intervention I where volunteers have established rapport with the target group. Moreover, scavengers who are more willing to engage in our project will be identified and invited to participate in the interviews.

Legislative Councillors from the Civic Party will be contacted as it has always been involved in scavenger issues – the main advocacy input in Chu's case was also provided by its party members.<sup>30</sup>

**Target groups**

Scavengers in the Western District (same as those who engage in Intervention I & II)

**1. Student volunteers**

The teams of volunteers who are responsible for conducting teaching sessions with scavengers will be the interviewers.

**2. Social workers from NGO (same as those in Intervention I)**

They can assist in i) providing advice on interview design; ii) providing guidance to volunteers when

they approach the target group, and iii) following up on cases that require special attention.

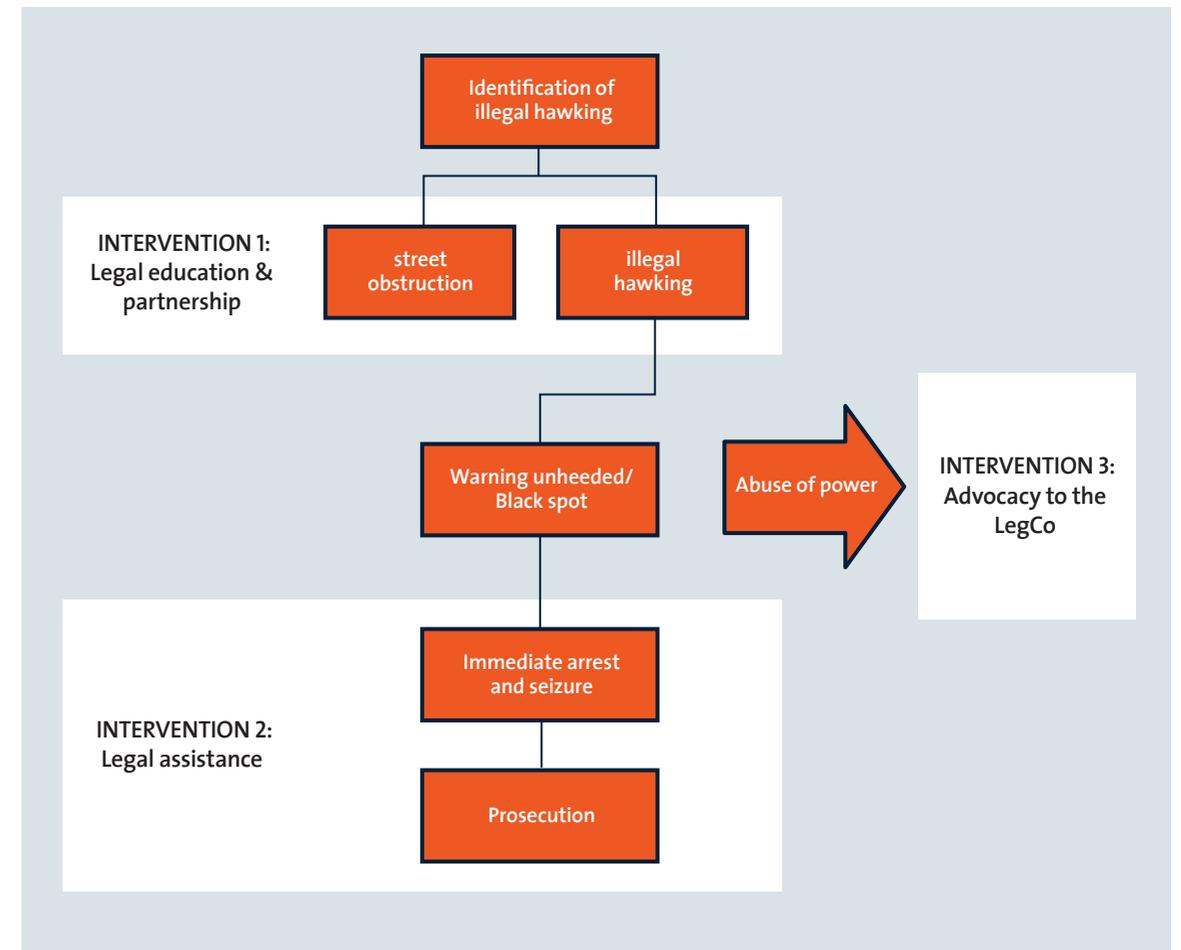
**3. Legislative Councillors**

Their role is to help submitting the motion and supporting advocacy in the Legislative Council.

**Possible partnership**

Legislative Councillors from the Civic Party

**FIGURE 1**  
**Project Flow**



### 3.4 Workplan and Budget

**Output 1:** Increased awareness and knowledge regarding legal rights entitled and responsibilities assumed for scavengers, storeowners and general public through civic education

COMPONENTS	PLANNED ACTIVITIES	IMMEDIATE RESULTS INDICATORS AND TARGETS	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST	DURATION
Project initiation	Contacting partners	<b>Indicator:</b> partnerships established <b>Target:</b> 1 NGO, 1 secondary school, Social Work and Social Administration Society, Social Sciences Society, HKUSU	Angela and Venisa	N/A	\$0	3 months
	Recruiting and grouping volunteers	<b>Indicator:</b> # volunteers recruited and groups formed <b>Target:</b> around 40 secondary school students, 10 university social work students. Each team: 3-4 secondary school students + 1 social work student (as group leader)	Angela and Venisa, secondary school teacher, committee members of the Social Work and Social Administration Society, Social Sciences Society, HKUSU	N/A	\$0	
Project implementation	Designing teaching materials (pamphlets)	<b>Indicator:</b> pamphlets formulated <b>Target:</b> three types of pamphlets designed	University student volunteers, social workers (from NGO), Angela and Venisa	Discussion room	\$0 (room available in HKU)	3 weeks
	Printing pamphlets	<b>Indicator:</b> # pamphlets published <b>Target:</b> 450 pamphlets produced (3 types for scavengers, storeowners and public)	Angela and Venisa	Printed pamphlets	\$340 <sup>31</sup>	1 week
	Training workshops for volunteers	<b>Indicator:</b> # workshops <b>Target:</b> 2 one-day workshops	Social workers (from NGO)	Workshop	\$0 (venue support from NGO)	1 month
	Pamphlet distribution and teaching session (scavengers)	<b>Indicator:</b> # pamphlets distributed <b>Target:</b> 10 / session	5 teams of secondary school volunteers led by group leaders	N/A	\$0	Biweekly sessions within 3 months
	Pamphlet distribution and teaching session (storeowners)	<b>Indicator:</b> # pamphlets distributed <b>Target:</b> 10 / session	5 teams of secondary school volunteers led by group leaders	N/A	\$0	Biweekly sessions within 3 months
	Pamphlet distribution and teaching session (public)	<b>Indicator:</b> # pamphlets distributed <b>Target:</b> 50 / session	2-3 teams of secondary school volunteers led by group leaders	N/A	\$0	Biweekly sessions within 3 months
<b>TOTAL COST:</b>					<b>\$340</b>	

**Output 2:** Increased access to legal aid services for scavengers through strengthening connection between pro bono lawyers and scavengers

COMPONENTS	PLANNED ACTIVITIES	IMMEDIATE RESULTS INDICATORS AND TARGETS	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST	DURATION
Project initiation	Contacting partners	<b>Indicator:</b> partnerships established <b>Target:</b> PILnet, 3 District Councilors, 10 pro bono lawyers	Angela and Venisa	N/A	\$0	3 months
Project implementation (simultaneous with Intervention I)	Designing pamphlets	<b>Indicator:</b> pamphlets formulated <b>Target:</b> pamphlets to be distributed to scavengers designed to include info on the networking	University student volunteers, social workers (from NGO), Angela and Venisa	Discussion room	\$0 (room available in HKU)	3 weeks
	Printing and distributing pamphlets (scavengers)	Same as Intervention I				
<b>TOTAL COST:</b>					<b>\$0</b>	

**Output 3:** Abuse of power by FEHD hawker control officers addressed through advocacy in the Legislative Council

COMPONENTS	PLANNED ACTIVITIES	IMMEDIATE RESULTS INDICATORS AND TARGETS	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST	DURATION
Project initiation	Contacting partners	<b>Indicator:</b> partnerships established <b>Target:</b> Legislative Councilors from the Civic Party	Angela and Venisa	N/A	\$0	3 months
	Recruiting volunteers as interviewers	<b>Indicator:</b> # volunteers recruited <b>Target:</b> 5 teams (should be the same as those who engage in conducting teaching session on scavengers)	Angela and Venisa	N/A	\$0	3 months
Project implementation	Designing interview questions	<b>Indicator:</b> interview questions designed <b>Target:</b> interview questions guides interviewees to share their cases	University student volunteers, social workers (from NGO), Angela and Venisa	Discussion room	\$0 (room available in HKU)	2 weeks
	Conducting interviews with scavengers	<b>Indicator:</b> # scavengers reached <b>Target:</b> 10	The 5 teams of volunteers allocated to teaching scavengers in Intervention I	N/A	\$0	1 month
	Analysing data and drafting motion	<b>Indicator:</b> motion drafted <b>Target:</b> motion clearly presents results of interviews to reflect the abuse of power in FEHD law enforcement	Angela and Venisa	N/A	\$0	2 weeks
	Submitting motion to Legislative Council	<b>Indicator:</b> motion submitted <b>Target:</b> motion submitted allows FEHD to review its hawker control management	Legislative Councilors	N/A	\$0	1 month
	<b>TOTAL COST:</b>					<b>\$0</b>

### 3.5 Monitoring and Evaluation

The project will be monitored through the following:

- **Survey.** Online questionnaires will be used to evaluate the effectiveness of the project. Beneficiaries including student volunteers, scavengers, storeowners and general public will be asked to complete a questionnaire after each teaching session/ training workshop. Data will be analysed and included as part of the final project review.
- **Half-year review report.** A half-year review report shall be prepared by Angela and Venisa and shared with the donor- PILnet Hong Kong. It is a summary of results achieved against pre-defined targets at the output level (see workplan above).
- **Final project review and assessment.** A final review report shall be prepared by Angela and Venisa and shared with the donor- PILnet Hong Kong. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

#### M&E Activities

PLANNED ACTIVITIES	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST
Surveys	Angela and Venisa	Online questionnaires	\$0
Half-year review report	Angela and Venisa	N/A	N/A
Final project review and assessment	Angela and Venisa	N/A	N/A
TOTAL COST:			\$0

### 3.6 Sustainability / Multiplier

#### Intervention I: Continued community participation.

The community will be involved to create an enabling environment for scavengers to assume their legal responsibilities. It also acts as a kind of moral and civic education on student volunteers: an impact which is beyond the scope of this project.

**Intervention II: Continued operation.** The network of pro bono lawyers and District Councillors could be maintained during the project’s projected life time.

**Intervention III: Continued institutional change and public awareness.** It is assumed that Intervention III could pressurize FEHD to redress abuse through measures like improving staff training. Submitting a motion to the Legislative Council also create a multiplier effect: raising public awareness and concerns on the issue.

### 3.7 Project Timeline

IMPLEMENTATION CALENDAR	PLANNED ACTIVITIES
1 <sup>st</sup> month	
2 <sup>nd</sup> month	Project initiation of all Interventions
3 <sup>rd</sup> month	
4 <sup>th</sup> month	Designing and printing pamphlets
5 <sup>th</sup> month	Workshop for volunteers
6 <sup>th</sup> month	Implementation of Intervention I (pamphlet distribution and teaching session) & II + half-year review
7 <sup>th</sup> month	Implementation of Intervention I (pamphlet distribution and teaching session) & II
8 <sup>th</sup> month	Implementation of Intervention I (pamphlet distribution and teaching session) & II
9 <sup>th</sup> month	Implementation of Intervention III (designing interviews and conducting interviews)
10 <sup>th</sup> month	Implementation of Intervention III (conducting interviews)
11 <sup>th</sup> month	Implementation of Intervention III (drafting and submitting motion to Legislative Council)
12 <sup>th</sup> month	Implementation of Intervention III (submitting motion to Legislative Council)
Post implementation period	Final project review and assessment

## 4 | ENDNOTE

In Hong Kong, there is a severe lack of NGOs and no policy has been developed to facilitate a concerted effort to protect the rights and empower the scavengers. Discussion around policy remains undeveloped, disintegrated, and service models remain ad hoc and peripheral in nature. Also, advocacy focus has been placed on moral aspect of the issue, ignoring the legal needs of empowering the vulnerable group. Although we recognize that this proposal could not address the root of the scavenger issue- such as poverty and poor government policy, and educating the scavengers may be difficult, it is needed to address the legal conflict. ■

# NOTES

---

1. Jeffie Lam. (2017, June 20). Arrested for making HK\$1, elderly cardboard seller wins hearts, minds and the all-clear. *South China Morning Post*. Retrieved from <http://www.scmp.com/news/hong-kong/education-community/article/2099065/arrested-making-hk1-elderly-cardboard-seller-wins>
2. Ibid.
3. See n 1 above.
4. Ellie Ng. (2017, June 19). Unfair to accuse hygiene officers of bullying elderly cardboard collectors, says ex-hawker control leader. *Hong Kong Free Press*. Retrieved from <https://www.hongkongfp.com/2017/06/19/unfair-accuse-hygiene-officers-bullying-elderly-cardboard-collectors-says-ex-hawker-control-leader/>
5. Ibid.
6. Interview with Lai Chi-keong, Chai Wan District Councillor.
7. Catherine Lai. (2017, June 19). 'Bullying a granny': Protesters rally in support of woman prosecuted for selling cardboard for HK\$1. *Hong Kong Free Press*. Retrieved from <https://www.hongkongfp.com/2017/06/19/bullying-granny-protesters-rally-support-woman-prosecuted-selling-cardboard-hk1/>
8. Vivian Lou. (2014, October 25). Cardboard dreams: a day with an elderly Hong Kong woman who must scavenge to survive. *South China Morning Post*. Retrieved from <http://www.scmp.com/news/hong-kong/article/1624253/cardboard-dreams-day-hong-kong-elderly-woman-who-must-scavenge>
9. Legislative Council of the HKSAR. (2017, July 11). *Panel on Food and Environment Hygiene: Enforcement Strategy Relating to Hawker Control*. (LC Paper No. CB(2)1809/16-17(03)). Retrieved from <http://www.legco.gov.hk/yr16-17/english/panels/fseh/papers/fseh20170711cb2-1809-3-e.pdf>
10. Food and Hygiene Department. (2017). *Control of Licensed and unlicensed hawkers*. Retrieved from [http://www.fehd.gov.hk/english/pleasant\\_environment/hawker/control.html](http://www.fehd.gov.hk/english/pleasant_environment/hawker/control.html)
11. "Major thoroughfares, areas of high pedestrian flow (for example, heavily used footbridges, MTR Lines/West Rail Lines/Light Rail Lines entrances/exits, ferry concourse and bus termini, tourist spots and pedestrian precincts, etc) and places under repeated complaints of hawking activities." FEDH (n.d.). *Control of licensed and unlicensed hawkers*. Retrieved from [http://www.fehd.gov.hk/english/pleasant\\_environment/hawker/control.html](http://www.fehd.gov.hk/english/pleasant_environment/hawker/control.html)
12. See n 9 above.
13. Lou V.W.Q. (2006). *Needs and profile of elderly scavengers in Hong Kong*. Retrieved from <http://www.legco.gov.hk/yr99-00/english/panels/ea/hygiene/papers/2107e02.pdf>
14. GSDRC. (n.d.). *Access to information- and its constraints*. Retrieved from: [http://www.gsdr.org/topic\\_guides/communication-and-governance/access-to-information-and-its-constraints/](http://www.gsdr.org/topic_guides/communication-and-governance/access-to-information-and-its-constraints/)
15. See n 13 above.
16. As reflected in Chu's case.
17. HKO1 (2017, June 23). *FEHD staff revealed: number of prosecutions as promotion criteria*. Retrieved from <https://tinyurl.com/ydhfbsns>
18. LegCo panel on Environmental Affairs (2000). *Review of Hawker Control Operations- ICAC Assignment Study*. (LC Paper No. CB(2)2107/99-00(02)). Retrieved from <http://www.legco.gov.hk/yr99-00/english/panels/ea/hygiene/papers/2107e02.pdf>
19. Interview with Lai Chi-keong, Chai Wan District Councillor.
20. See n 13 above.
21. See n 13 above.
22. Pak Yiu (2017, September 28). China ban on waste imports leads to piles of paper abroad, surging prices in China. *Reuters*. Retrieved from <https://www.reuters.com/article/us-china-hongkong-paperrecycling/china-ban-on-waste-imports-leads-to-piles-of-paper-abroad-surging-prices-in-china-idUSKCN1C3oGR>
23. Ibid.
24. "A human rights-based approach identifies rightsholders and their entitlements and corresponding duty-bearers and their obligations, and works towards strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations." UN Practitioners' Portal on Human Rights Based Approaches to Programming (n.d.). *What is human rights based approach?* Retrieved from: <http://hrbaportal.org/faq/what-is-a-human-rights-based-approach> (visited 30 Nov 2017).
25. Gloria Chan. (2014, October 25). Cardboard dreams: a day with an elderly Hong Kong woman who must scavenge to survive. *South China Morning Post*. Retrieved from <http://www.scmp.com/news/hong-kong/article/1624253/cardboard-dreams-day-hong-kong-elderly-woman-who-must-scavenge>
26. Hon KWONG Chun-yu. (2017). *Letter expressing concern over the enforcement and prosecution actions of the Food and Environmental Hygiene Department against hawking activities*. (LC Paper Nos. CB(2)1705/16-17(01)). Retrieved from <http://www.legco.gov.hk/yr16-17/chinese/panels/fseh/papers/fsehcb2-1705-1-c.pdf>
27. HON Leung Kwok Hung. (2017). *Letter expressing concern over the enforcement and prosecution actions of the Food and Environmental Hygiene Department against hawking activities*. (LC Paper No. CB(2)1705/16-17(02)). Retrieved from <http://www.legco.gov.hk/yr16-17/chinese/panels/fseh/papers/fsehcb2-1705-2-c.pdf>
28. Dr HON Kwok Ka Ki. (2017). *Letter expressing concern over the enforcement and prosecution actions of the Food and Environmental Hygiene Department against hawking activities*. (LC Paper No. CB(2)1705/16-17(02)). Retrieved from <http://www.legco.gov.hk/yr16-17/chinese/panels/fseh/papers/fsehcb2-1705-3-c.pdf>
29. Available at <http://334.edb.hkedcity.net/doc/eng/OLEParentPamphlet.pdf> (visited 30 Nov 2017).
30. LinePost (2017). *Civic Party demands FEHD to revoke charges against Chu*. Retrieved from <http://linepost.hk/?uid=17317>
31. Available at [https://www.e-print.com.hk/products\\_brochure\\_booklet\\_leaflet\\_printing](https://www.e-print.com.hk/products_brochure_booklet_leaflet_printing) (visited on 30 Nov 2017).