

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance
(Cap. 132)

MARKET TO WHICH THE PUBLIC HEALTH AND MUNICIPAL
SERVICES ORDINANCE APPLIES DECLARATION 2006

PUBLIC HEALTH AND MUNICIPAL SERVICES (DESIGNATION OF
PUBLIC MARKETS) ORDER 2006

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE
(AMENDMENT OF TENTH SCHEDULE) (NO.2) ORDER 2006

INTRODUCTION

This paper briefs Members on three pieces of subsidiary legislation concerning the designation of the Stanley Waterfront Mart (赤柱海濱小賣亭) as a public market under the Public Health and Municipal Services Ordinance (Cap.132) (“the Ordinance”).

BACKGROUND

2. For the proper regulation and control of markets in the public

interest, the Director of Food and Environmental Hygiene (“the Director”) may, under section 79(1) of the Ordinance, declare a venue operated as a market to be one to which the Ordinance applies. The Director may then designate such a declared market as a public market under section 79(3) so that its management and control will be vested in the Director as the designated authority under section 79A. As the markets specified in the Tenth Schedule to the Ordinance shall be deemed to have been designated as public markets, the Director is also empowered under section 79(5) to make textual amendments to that Schedule.

3. Being part of the Government’s improvement works project at Stanley Waterfront, the new Stanley Waterfront Mart located at No. 20, Stanley Market Road, Stanley, Hong Kong comprises 16 market stalls and four light refreshment/beverage stalls to serve the general public and tourists. It is scheduled for commissioning on 1 January 2007 tentatively and the stalls will be let out by open auction.

4. In order to ensure the proper management and control of the Stanley Waterfront Mart, it is necessary for the Director to first declare it to be a market to which the Ordinance applies, and then designate it as a public market. Such declaration and designation will subject the Stanley Waterfront Mart to the regulatory regime under the Ordinance and confer upon the Director the statutory power to manage and control the venue. The stalls in the market will be leased out by the Director for operation in accordance with the Public Markets Regulation (Cap.132 sub.leg.BO).

THE SUBSIDIARY LEGISLATION

5. On 7 November 2006, the Director made the **Market to which the Public Health and Municipal Services Ordinance Applies Declaration 2006** at Annex A in respect of the Stanley Waterfront Mart (“the Declaration”), which will be published in the Gazette on 17 November 2006.

6. After the publication of the Declaration, the Director will proceed to designate the Stanley Waterfront Mart as a public market by making the following two Orders -

(a) the **Public Health and Municipal Services (Designation of Public Markets) Order 2006** at Annex B (“the Designation Order”); and

(b) the **Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No.2) Order 2006** at Annex C (“the Amendment Order”).

7. The Designation Order and the Amendment Order are scheduled to be published in the Gazette on 24 November 2006. The Declaration will only take effect from the date on which the Designation Order and the Amendment Order are to come into operation upon gazettal.

LEGISLATIVE TIMETABLE

8. The legislative timetable for the Declaration is as follows –

Publication in the Gazette

17 November 2006

Tabling at the Legislative Council

22 November 2006

9. The legislative timetable for the Designation Order and the Amendment Order is as follows –

Publication in the Gazette

24 November 2006

Tabling at the Legislative Council

29 November 2006

IMPLICATIONS OF THE SUBSIDIARY LEGISLATION

10. The Declaration, the Designation Order and the Amendment Order are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the Ordinance and have no financial, civil service, economic, productivity or environmental implications.

PUBLIC CONSULTATION

11. The declaration and designation of Stanley Waterfront Mart as a public market will confer upon the Director a statutory duty to manage and control the venue as a public market in accordance with the provisions of Cap.132. The market stalls therein will be leased out for operation. Public consultation is considered not necessary.

PUBLICITY

12. Press release and other publicity are considered not necessary.

ENQUIRIES

13. Any enquiry on this brief can be addressed to Miss Kay KWOK,
Assistant Secretary for Health, Welfare and Food (Tel No.: 2973 8189)

Health, Welfare and Food Bureau

November 2006

**MARKET TO WHICH THE PUBLIC HEALTH AND
MUNICIPAL SERVICES ORDINANCE APPLIES
DECLARATION 2006**

(Made by the Director of Food and Environmental Hygiene under
section 79(1) of the Public Health and Municipal
Services Ordinance (Cap. 132))

**1. Market to which the Public Health and
Municipal Services Ordinance applies**

The Stanley Waterfront Mart at No. 20 Stanley Market Road, Stanley, Hong Kong is declared to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies with effect from 24 November 2006.

2. Schedule amended

The Schedule to the Declaration of Markets Notice (Cap. 132 sub. leg. AN) is amended by adding –

“Stanley Waterfront Mart

赤柱海濱小賣亭”.

Director of Food and Environmental Hygiene

November 2006

Explanatory Note

This Declaration declares the Stanley Waterfront Mart at No. 20 Stanley Market Road, Stanley, Hong Kong to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies.

Annex B

**PUBLIC HEALTH AND MUNICIPAL SERVICES
(DESIGNATION OF PUBLIC MARKETS)
ORDER 2006**

(Made by the Director of Food and Environmental Hygiene under
section 79(3) of the Public Health and Municipal
Services Ordinance (Cap. 132))

1. Designation of a public market

The Stanley Waterfront Mart at No. 20 Stanley Market Road, Stanley, Hong Kong, being a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies is designated as a public market.

Director of Food and Environmental Hygiene

November 2006

Explanatory Note

This Order designates the Stanley Waterfront Mart at No. 20 Stanley Market Road, Stanley, Hong Kong as a public market.

**PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE
(AMENDMENT OF TENTH SCHEDULE)
(No. 2) ORDER 2006**

(Made by the Director of Food and Environmental Hygiene under
section 79(5) of the Public Health and Municipal
Services Ordinance (Cap. 132))

1. Public markets

The Tenth Schedule to the Public Health and Municipal Services Ordinance
(Cap. 132) is amended by adding –

“Stanley Waterfront Mart

赤柱海濱小賣亭”.

Director of Food and Environmental Hygiene

November 2006

Explanatory Note

Consequent upon the designation of the Stanley Waterfront Mart as a public market, this Order amends the Tenth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132) to reflect the designation.