

## **LEGISLATIVE COUNCIL BRIEF**

### **PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (Chapter 132)**

#### **PUBLIC HEALTH AND MUNICIPAL SERVICES (FEES) REGULATION**

#### **INTRODUCTION**

Section 124I(1)(j) of the Public Health and Municipal Services Ordinance (PHMSO) (Cap 132) empowers the Secretary for the Environment and Food to provide for the fees and charges payable in connection with the licensing of hawkers and the allocation and use of hawker pitches or stalls by regulation.

2. In exercise of this power, the Secretary for the Environment and Food has made the Public Health and Municipal Services (Fees) Regulation to prescribe the fee levels for the issue or renewal of hawker licences and for the allocation of hawker pitches or stalls for the following areas known as Islands District, Kwai Tsing District, North District, Sai Kung District, Sha Tin District, Tai Po District, Tsuen Wan District, Tuen Mun District and Yuen Long District, i.e. areas under the purview of former Provisional Regional Council (ProRC) before 1 January 2000.

#### **BACKGROUND AND ARGUMENT**

3. Before the commencement of the Provision of Municipal Services (Reorganization) Ordinance (Cap 552) (PMS(R)O), fees relating to hawker licences and the allocation and use of hawker pitches or stalls were determined by the former ProRC and the former Provisional Urban Council (PUC) for their respective areas under section 83AA of the PHMSO. Although section 83AA has been repealed by the PMS(R)O, section 9(3) of the PMS(R)O provides that the fees and charges previously determined by the two Councils under section 83AA will continue to be valid until they are being varied, amended or replaced.

4. The hawker licence and related fees determined by the then PUC came into effect on 1 November 1998. There is no ending date for the validity of the existing fees. These fees will remain in force until they are varied, amended or

replaced. The existing fees determined by the then ProRC are only valid from 1 April 1999 to 31 March 2000. It is therefore necessary to prescribe the fees as from 1 April 2000 for the former ProRC area. The prescribed fee levels will be the same as the existing fee levels.

### THE REGULATION

5. The Regulation setting out the fee levels for the issue or renewal of hawker licences and for the allocation of hawker pitches or stalls for the former ProRC area is at Annex. As the existing fees will expire on 31 March 2000, we propose that the Regulation should come into operation on 1 April 2000.

### FINANCIAL IMPLICATIONS

6. The Regulation will not have any financial implications.

### ENQUIRIES

7. Subject Officer: Ms Eva To, Principal Assistant Secretary for the Environment and Food, tel. 2136 3333.

Environment and Food Bureau  
Government Secretariat  
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