

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance
(Cap. 132)

MARKET TO WHICH THE PUBLIC HEALTH AND MUNICIPAL
SERVICES ORDINANCE APPLIES (NO.2) DECLARATION 2005

PUBLIC HEALTH AND MUNICIPAL SERVICES (DESIGNATION OF
PUBLIC MARKETS) (NO.2) ORDER 2005

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE
(AMENDMENT OF TENTH SCHEDULE) (NO.2) ORDER 2005

INTRODUCTION

This paper briefs Members on three pieces of subsidiary legislation concerning the designation of the Tai Kok Tsui Market (大角咀街市) 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. Located at the basement, ground floor, first floor and second floor of the newly-completed Tai Kok Tsui Municipal Services Building at 63 Fuk Tsun Street in Kowloon, the Tai Kok Tsui Market comprises 123 market stalls and 12 cooked food stalls and is installed with

air-conditioning system. It is built to re-provision the Tai Kok Tsui Temporary Market, Boundary Street Market, Tai Kok Tsui Temporary Cooked Food Hawker Bazaar and Canton Road Temporary Cooked Food Hawker Bazaar. It is scheduled for commissioning on 1 December 2005 tentatively.

4. In order to ensure the proper management and control of the Tai Kok Tsui Market, 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 Tai Kok Tsui Market 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 15 September 2005, the Director made the **Market to which the Public Health and Municipal Services Ordinance applies (No. 2) Declaration 2005** at Annex A in respect of the Tai Kok Tsui Market (“the Declaration”), which will be published in the Gazette on 23 September 2005.

6. After the publication of the Declaration, the Director will proceed to designate the Tai Kok Tsui Market as a public market by making the following two Orders -

- (a) the **Public Health and Municipal Services (Designation of Public Markets) (No.2) Order 2005** at Annex B (“the Designation Order”); and
- (b) the **Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No.2) Order 2005** at Annex C (“the Amendment Order”).

7. The Designation Order and the Amendment Order are scheduled to be published in the Gazette on 30 September 2005. 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	23 September 2005
Tabling at the Legislative Council	12 October 2005

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

Publication in the Gazette	30 September 2005
Tabling at the Legislative Council	12 October 2005

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 Tai Kok Tsui Market 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 Ms Shirley Kwan, Assistant Secretary for Health, Welfare and Food (Tel No.: 2973 8189).

Health, Welfare and Food Bureau
September 2005

**MARKET TO WHICH THE PUBLIC HEALTH AND
MUNICIPAL SERVICES ORDINANCE APPLIES
(NO. 2) DECLARATION 2005**

(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 Tai Kok Tsui Market at Basement, Ground Floor, First Floor and Second Floor of the Tai Kok Tsui Municipal Services Building, 63 Fuk Tsun Street, Kowloon is declared to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies with effect from 30 September 2005.

2. Schedule amended

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

“Tai Kok Tsui Market 大角咀街市”.

Director of Food and Environmental
Hygiene

September 2005

Explanatory Note

This Declaration declares the Tai Kok Tsui Market at Basement, Ground Floor, First Floor and Second Floor of the Tai Kok Tsui Municipal Services Building, 63 Fuk Tsun Street, Kowloon to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies.

**PUBLIC HEALTH AND MUNICIPAL SERVICES
(DESIGNATION OF PUBLIC MARKETS)
(NO. 2) ORDER 2005**

(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 Tai Kok Tsui Market at Basement, Ground Floor, First Floor and Second Floor of the Tai Kok Tsui Municipal Services Building, 63 Fuk Tsun Street, Kowloon to which the Public Health and Municipal Services Ordinance (Cap. 132) applies is designated as a public market.

Director of Food and Environmental
Hygiene

September 2005

Explanatory Note

This Order designates the Tai Kok Tsui Market at Basement, Ground Floor, First Floor and Second Floor of the Tai Kok Tsui Municipal Services Building, 63 Fuk Tsun Street, Kowloon to which the Public Health and Municipal Services Ordinance (Cap. 132) applies as a public market.

**PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE
(AMENDMENT OF TENTH SCHEDULE)
(NO. 2) ORDER 2005**

(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 –

“Tai Kok Tsui Market 大角咀街市”.

Director of Food and Environmental
Hygiene

September 2005

Explanatory Note

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