

LEGISLATIVE COUNCIL BRIEF

The Secretary for Food and Health submits the following note for Members' information:

Title of the Note	Date of Gazette
Public Health and Municipal Services (Markets) Declaration 2008	27 June 2008
Public Health and Municipal Services (Designation of Public Markets) Order 2008	4 July 2008
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No. 2) Order 2008	4 July 2008

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance
(Cap. 132)

PUBLIC HEALTH AND MUNICIPAL SERVICES (MARKETS) DECLARATION 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES (DESIGNATION OF PUBLIC MARKETS) ORDER 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (AMENDMENT OF TENTH SCHEDULE)(No.2) ORDER 2008

INTRODUCTION

A new public market will commence operation on 1 August 2008 at 15 Aldrich Bay Road, Hong Kong. This paper briefs Members on the three pieces of subsidiary legislation made by the Director of Food and Environmental Hygiene (DFEH) to designate the Aldrich Bay Market 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, DFEH is empowered, under section 79(1) of the Ordinance, to declare a venue to be a market to which the Ordinance applies. DFEH may then, under section 79(3) of the Ordinance, designate such market as a public market so that by virtue of section 79A, the management and control of which will be vested in DFEH. DFEH is also empowered under section 79(5) of the Ordinance to amend, add to or delete from the Tenth Schedule of the Ordinance, which specifies designated public markets.

3. The new Aldrich Bay Market is located at 15 Aldrich Bay Road, Hong Kong and comprises 67 market stalls and four cooked food stalls. It is tentatively scheduled for commissioning on 1 August 2008, and the stalls will be let out by open auction.

4. To ensure proper management and control of the Aldrich Bay Market, it is necessary for DFEH to first declare it as a market to which the Ordinance applies, and then designate it as a public market and enlist it in the Tenth Schedule to the Ordinance.

THE SUBSIDIARY LEGISLATION

5. DFEH has made the **Public Health and Municipal Services (Markets) Declaration 2008** at Annex A to declare the Aldrich Bay Market as a market to which the Ordinance applies. The Declaration will be gazetted on 27 June 2008.

6. After the publication of the Declaration, DFEH will proceed to designate the Aldrich Bay Market as a public market by making the following two Orders -

- (a) the **Public Health and Municipal Services (Designation of Public Markets) Order 2008** at Annex B to designate the Aldrich Bay Market as a public market; and
- (b) the **Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No.2) Order 2008** at Annex C to include the Aldrich Bay Market in the Schedule on public markets.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows –

	Publication in the Gazette	Tabling at the Legislative Council
Public Health and Municipal Services (Markets) Declaration 2008	27 June 2008	2 July 2008
Public Health and Municipal Services (Designation of Public Markets) Order 2008	4 July 2008	9 July 2008

	Publication in the Gazette	Tabling at the Legislative Council
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No.2) Order 2008	4 July 2008	9 July 2008

IMPLICATIONS OF THE SUBSIDIARY LEGISLATION

10. The three pieces of subsidiary legislation 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 civil service, economic, productivity or environmental implications. The additional expenditure incurred in the management of the new market will be absorbed by the Food and Environmental Hygiene Department.

PUBLIC CONSULTATION

11. The declaration and designation of Aldrich Bay Market as a public market will confer upon DFEH a statutory duty to manage and control the venue as a public market in accordance with the Ordinance. The market stalls therein will be leased out for operation. The Eastern District Council has been consulted on the project and is agreeable.

PUBLICITY

12. As relevant stakeholders are well informed of the project, further publicity on the designation is considered unnecessary.

ENQUIRIES

13. Enquiries on this brief can be addressed to Miss Ivy CHAN, Assistant Secretary for Food and Health (Food) (Tel No.: 2973 8255).

**Food and Health Bureau
June 2008**

**PUBLIC HEALTH AND MUNICIPAL SERVICES
(MARKETS) DECLARATION 2008**

(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 Aldrich Bay Market at 15 Aldrich Bay Road, Hong Kong is declared
to be a market to which the Public Health and Municipal Services Ordinance
(Cap. 132) applies with effect from 1 August 2008.

2. Schedule amended

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

“Aldrich Bay Market 愛秩序灣街市”.

Director of Food and Environmental Hygiene

2008

Explanatory Note

This Declaration declares the Aldrich Bay Market at 15 Aldrich Bay Road,
Hong Kong 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)
ORDER 2008**

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

3. Commencement

This Order shall come into operation on 1 August 2008.

4. Designation of a public market

The Aldrich Bay Market at 15 Aldrich Bay Road, 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

2008

Explanatory Note

This Order designates the Aldrich Bay Market at 15 Aldrich Bay Road, Hong Kong as a public market.

**PUBLIC HEALTH AND MUNICIPAL SERVICES
ORDINANCE (AMENDMENT OF TENTH
SCHEDULE) (No.2) ORDER 2008**

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

5. Commencement

This Order shall come into operation on 1 August 2008.

6. Public markets

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

“Aldrich Bay Market 愛秩序灣街市”.

Director of Food and Environmental Hygiene

2008

Explanatory Note

Consequent upon the designation of the Aldrich Bay 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.