

LEGISLATIVE COUNCIL BRIEF

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

Title of the Note	Date of Gazette
Market (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2008	27 June 2008
Public Health and Municipal Services (Cessation of Designation as Public Market) Order 2008	27 June 2008
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2008	27 June 2008
Public Health and Municipal Services (Markets) (No. 2) Declaration 2008	27 June 2008
Public Health and Municipal Services (Designation of Public Markets) (No. 2) Order 2008	4 July 2008
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No. 3) Order 2008	4 July 2008

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance
(Cap. 132)

MARKET (CESSATION OF APPLICATION OF THE PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE) DECLARATION 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES (CESSATION OF DESIGNATION AS PUBLIC MARKET) ORDER 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (AMENDMENT OF TENTH SCHEDULE) ORDER 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES (MARKETS) (NO. 2) DECLARATION 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES (DESIGNATION OF PUBLIC MARKET) (NO. 2) ORDER 2008

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (AMENDMENT OF TENTH SCHEDULE) (NO. 3) ORDER

INTRODUCTION

The existing Wan Chai Market at 264 Queens's Road East, Wan Chai ("the Old Wan Chai Market") will soon be replaced by the new Wan Chai Market at G/F, 258 Queen's Road East, Wan Chai ("the New Wan Chai Market"). This paper briefs Members on the six pieces of subsidiary legislation made by the Director of Food and Environmental Hygiene (DFEH) to cease the designation of the Old Wan Chai Market and to designate the New Wan Chai 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 under section 79(3) 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 the designated public markets.

3. The Old Wan Chai Market, which is currently a designated public market will be decommissioned just before 1 September 2008. Therefore, it is necessary for DFEH to declare its cessation as a market to which the Ordinance applies, cease to designate it as a public market; and amend the Tenth Schedule of the Ordinance accordingly with effect from 1 September 2008.

4. The New Wan Chai Market has been developed to replace the Old Wan Chai Market. The New Wan Chai Market will comprise three meat stalls, ten fish stalls and 37 wet goods stalls. It is scheduled for commissioning on 1 September 2008 and the stalls will be let out to Old Wan Chai Market tenants through restricted auction.

5. In order to ensure proper management and control of the New Wan Chai Market, it is necessary for DFEH to first declare it as a market to which the Ordinance applies; designate it as a public market; and enlist the New Wan Chai Market in the Tenth Schedule of the Ordinance.

THE SUBSIDIARY LEGISLATION

6. For the decommissioning of the Old Wan Chai Market with effect from 1 September 2008, DFEH has made the following Declaration and Orders.

- (a) the **Market (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2008** at **Annex A** to declare the cessation of the Old Wan Chai Market as a market to which the Ordinance applies;
- (b) the **Public Health and Municipal Services (Cessation of Designation as Public Market) Order 2008** at **Annex B** to cease the designation of the Old Wan Chai Market as a public market; and
- (c) the **Public Health and Municipal Services Ordinance (Amendment of**

Tenth Schedule) Order 2008 at **Annex C** to take out the Old Wan Chai Market from the Schedule on public markets.

7. For the commissioning of the New Wan Chai Market on 1 September 2008, DFEH has made the **Public Health and Municipal Services (Markets) (No. 2) Declaration 2008** at **Annex D** to declare the New Wan Chai Market as a market to which the Ordinance applies.

8. After the publication of the above Declaration, DFEH will proceed to designate the New Wan Chai 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 2008** at **Annex E** to designate the New Wan Chai Market as a public market; and
- (b) the **Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No. 3) Order 2008** at **Annex F** to include the New Wan Chai Market in the Schedule of public markets.

LEGISLATIVE TIMETABLE

9. The legislative timetable is as follows –

	Publication in the Gazette	Tabling at the Legislative Council
Market (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2008	27 June 2008	2 July 2008
Public Health and Municipal Services (Cessation of Designation as Public Market) Order 2008	27 June 2008	2 July 2008
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2008	27 June 2008	2 July 2008

	Publication in the Gazette	Tabling at the Legislative Council
Public Health and Municipal Services (Markets) (No. 2) Declaration 2008	27 June 2008	2 July 2008
Public Health and Municipal Services (Designation of Public Markets) (No. 2) Order 2008	4 July 2008	9 July 2008
Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) (No. 3) Order 2008	4 July 2008	9 July 2008

IMPLICATIONS OF THE SUBSIDIARY LEGISLATION

10. The six 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 Wan Chai Market will be absorbed by the Food and Environmental Hygiene Department.

PUBLIC CONSULTATION

11. The declaration and designation of the New Wan Chai 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 Wan Chai District Council and the existing tenants of the Old Wan Chai Market have been consulted and are supportive.

PUBLICITY

12. As the relevant stakeholders are well informed of the project, further publicity on the designation is considered not 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**

**MARKET (CESSATION OF APPLICATION OF THE
PUBLIC HEALTH AND MUNICIPAL SERVICES
ORDINANCE) 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. Commencement

This Declaration shall come into operation immediately before the commencement of 1 September 2008.

**2. Market to which the Public Health and
Municipal Services Ordinance no longer
applies**

It is declared that the Wan Chai Market at 264 Queen's Road East, Wan Chai, Hong Kong ceases to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies.

3. Schedule amended

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

“Wan Chai Market 灣仔街市”.

Director of Food and Environmental Hygiene

2008

Explanatory Note

This Declaration declares that the Wan Chai Market at 264 Queen's Road East, Wan Chai, Hong Kong ceases to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies.

**PUBLIC HEALTH AND MUNICIPAL SERVICES
(CESSATION OF DESIGNATION AS PUBLIC
MARKET) 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))

1. Commencement

This Order shall come into operation immediately before the commencement of 1 September 2008.

2. Cessation of designation as a public market

The Wan Chai Market at 264 Queen's Road East, Wan Chai, Hong Kong ceases to be designated as a public market.

Director of Food and Environmental Hygiene

2008

Explanatory Note

This Order cancels the designation of the Wan Chai Market at 264 Queen's Road East, Wan Chai, Hong Kong as a public market.

**PUBLIC HEALTH AND MUNICIPAL SERVICES
ORDINANCE (AMENDMENT OF TENTH
SCHEDULE) 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))

1. Commencement

This Order shall come into operation immediately before the commencement of 1 September 2008.

2. Public markets

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

“Wan Chai Market 灣仔街市”.

Director of Food and Environmental Hygiene

2008

Explanatory Note

Consequent upon the cancellation of the designation of the Wan Chai Market at 264 Queen's Road East, Wan Chai, Hong Kong as a public market, this Order amends the Tenth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132) to reflect the cancellation.

Annex D

**PUBLIC HEALTH AND MUNICIPAL SERVICES
(MARKETS) (NO. 2) 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 Wan Chai Market on the Ground Floor, 258 Queen's Road East, Wan Chai, Hong Kong is declared to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies with effect from 1 September 2008.

2. Schedule amended

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

“Wan Chai Market 灣仔街市”.

Director of Food and Environmental Hygiene

2008

Explanatory Note

This Declaration declares the Wan Chai Market on the Ground Floor, 258 Queen's Road East, Wan Chai, 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) (NO. 2)
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))

1. Commencement

This Order shall come into operation on 1 September 2008.

2. Designation of a public market

The Wan Chai Market on the Ground Floor, 258 Queen's Road East, Wan Chai, 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 Wan Chai Market on the Ground Floor, 258 Queen's Road East, Wan Chai, Hong Kong as a public market.

**PUBLIC HEALTH AND MUNICIPAL SERVICES
ORDINANCE (AMENDMENT OF TENTH
SCHEDULE) (NO. 3) 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))

1. Commencement

This Order shall come into operation on 1 September 2008.

2. Public markets

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

“Wan Chai Market 灣仔街市”.

Director of Food and Environmental Hygiene

2008

Explanatory Note

Consequent upon the designation of the Wan Chai Market on the Ground Floor, 258 Queen's Road East, Wan Chai, Hong Kong as a public market, this Order amends the Tenth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132) to reflect the designation.