

LEGISLATIVE COUNCIL BRIEF

Public Health and Municipal Services Ordinance
(Cap. 132)

DECLARATION OF MARKETS (AMENDMENT) NOTICE 2014

PUBLIC HEALTH AND MUNICIPAL SERVICES ORDINANCE (PUBLIC MARKETS) (AMENDMENT OF TENTH SCHEDULE) ORDER 2014

INTRODUCTION

This paper briefs Members on two pieces of subsidiary legislation made by the Director of Food and Environmental Hygiene (“DFEH”) to cease the declaration of Bridges Street Market (“the Market”) to be a market to which the Public Health and Municipal Services Ordinance (Cap. 132) (“the Ordinance”) applies, and to cease the designation of the Market as a public market under the Ordinance, following the decommissioning of the Market on 1 October 2013.

BACKGROUND AND JUSTIFICATIONS

2. Section 79(1) of the Ordinance stipulates that the Ordinance shall apply to every market which is declared by DFEH to be a market to which the Ordinance applies. The markets so declared are listed in the Schedule to the Declaration of Markets Notice (Cap. 132AN). Section 79(3) of the Ordinance specifies that DFEH may, by order published in the Gazette, designate as a public market any market to which the Ordinance applies. The public markets so designated are listed in the Tenth Schedule to the Ordinance. DFEH is empowered under section 79(5) of the Ordinance to amend, add to or delete from the Tenth Schedule to the Ordinance.

3. Located on Bridges Street, Central, the Market was commissioned in 1954, with a total of 35 stalls selling mainly fresh provisions and vegetables to serve the residents nearby. Nevertheless, owing to demand from a growing population in the area, another public market, Sheung Wan Market, was built in 1989 at a location less than 500 metres away from the Market, providing some 220 stalls selling fresh provisions, food related commodities, and other dry and wet goods. With a new and bigger market nearby, the attractiveness of the Market gradually dwindled. As the patronage dropped, the vacancy rate of the stalls at the Market started to rise and eventually exceeded 70%.

4. The Food and Environmental Hygiene Department (“FEHD”) had consulted the Central & Western District Council (“C&WDC”) on various occasions on the proposed closure of the Market. The proposed Market closure and concessionary and resiting arrangements for the affected tenants were supported by the Food, Environment, Hygiene and Works Committee under the C&WDC at its meeting held in July 2008, and by the C&WDC at its meeting held in May 2011. Accordingly, FEHD resumed all the market stalls and the Market formally ceased operation on 1 October 2013.

THE SUBSIDIARY LEGISLATION

5. The Market is listed in the Schedule to the Declaration of Markets Notice and the Tenth Schedule to the Ordinance. DFEH has made –

- (a) a **Declaration of Markets (Amendment) Notice 2014**, at Annex A, to cease the declaration of the Market as a market to which the Ordinance applies and delete it from the Schedule to the Declaration of Markets Notice; and
- (b) a **Public Health and Municipal Services Ordinance (Public Markets) (Amendment of Tenth Schedule) Order 2014**, at Annex B, to cease the designation of the Market as a public market and delete it from the Tenth Schedule to the Ordinance.

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows –

Publication in the Gazette	4 July 2014
Tabling at the Legislative Council	9 July 2014
Commencement	24 November 2014

IMPLICATION OF THE PROPOSAL

7. The two 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 will not have any productivity and environmental implications.

8. The closure of the Market does not have any material economic implications. As the daily management of the Market was outsourced, its closure does not involve any changes in civil service posts. On the financial implications to the Government, the closure of the Market would result in reduction of annual operating cost of \$1.28 million, mainly due to outsourcing and maintenance cost, and the annual revenue forgone, mainly due to loss of market rental income, would be \$80,000.

PUBLIC CONSULTATION

9. The C&WDC and the affected tenants had been thoroughly consulted and were supportive of the decommissioning of the Market. All the affected tenants had accepted the arrangements offered and moved out from the Market before 1 October 2013. The Legislative Council Panel on Food Safety and Environmental Hygiene was informed of the planned closure of the Market at its meeting on 11 November 2008 (LC Paper No. CB(2)217/08-09(03)).

PUBLICITY

10. The Declaration and Order will be published in the Gazette on 4 July 2014. A spokesperson will be available to answer enquiries on this subject.

ENQUIRIES

11. For enquiries relating to this brief, please contact Miss Vinci CHAN, Assistant Secretary for Food and Health (Food) 7, at 3509 8707.

Food and Health Bureau
July 2014

(FH CR 3/3801/06)

Declaration of Markets (Amendment) Notice 2014

(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 Notice comes into operation on 24 November 2014.

2. Declaration of Markets Notice amended

The Declaration of Markets Notice (Cap. 132 sub. leg. AN) is amended as set out in section 3.

3. Schedule amended

The Schedule—

Repeal

“Bridges Street Market

必列嗜士街街市”.



Director of Food and Environmental
Hygiene

26 June 2014

Explanatory Note

This Notice amends the Schedule to the Declaration of Markets Notice (Cap. 132 sub. leg. AN) so that the declaration of the Bridges Street Market as a market to which the Public Health and Municipal Services Ordinance (Cap. 132) applies is to cease.

**Public Health and Municipal Services Ordinance
(Public Markets) (Amendment of Tenth Schedule)
Order 2014**



(Made by the Director of Food and Environmental Hygiene under section 79(3) and (5) of the Public Health and Municipal Services Ordinance (Cap. 132))

Director of Food and Environmental Hygiene

1. Commencement

This Order comes into operation on 24 November 2014.

26 June 2014

2. Cessation of designation as public market

The Bridges Street Market ceases to be designated as a public market.

3. Public Health and Municipal Services Ordinance amended

The Public Health and Municipal Services Ordinance (Cap. 132) is amended as set out in section 4.

4. Tenth Schedule amended (public markets)

Tenth Schedule—

Repeal

“Bridges Street Market

必列啫士街街市”.

Explanatory Note

This Order provides that the Bridges Street Market ceases to be designated as a public market and amends the Tenth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132) accordingly.