

立法會
Legislative Council

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**Paper for the House Committee meeting
on 5 January 2001**

**Report of the Subcommittee on
subsidiary legislation relating to revision of
fees gazetted on 8 December 2000**

Purpose

This paper reports on the deliberations of the Subcommittee formed to study five items of subsidiary legislation gazetted on 8 December 2000 which relate to revision of fees.

The Subcommittee

2. At the House Committee on 22 December 2000, Members agreed to form a subcommittee to examine five items of subsidiary legislation gazetted on 8 December 2000 which relate to the revision of fees. Under the chairmanship of Hon CHAN Kam-lam, the Subcommittee has held one meeting with the Administration. The membership list of the Subcommittee is in the **Appendix**.

Deliberations of the Subcommittee

Government policy on fees and charges

3. The Subcommittee notes that it is Government's policy that certain fees and charges should in general be set at levels sufficient to recover the full costs of providing the services. Most Government fees and charges have been frozen since February 1998 as an exceptional measure to ease the burden on the community at a time of economic setback. In view of the current state of economic recovery, the Administration proposes to revise various fees that would not directly affect people's livelihood or general business activities.

Country Parks Ordinance (Cap. 208)

Country Parks and Special Areas (Amendment) Regulation 2000 (L.N. 349)

4. The Administration proposes to increase by about 7% the fees charged for applying permits to conduct various activities in country parks and special areas, in

order to achieve full cost recovery of the services at 2000-01 prices. Members note that the six fee items involved were last revised in November 1997. The existing and proposed fees range from \$237 to \$1,430 and from \$255 to \$1,530 respectively.

5. A member has expressed concern about the need to increase the fees at a time when the general public has yet to benefit from the recovery of Hong Kong's economy. The member has questioned whether the Administration has tried to improve efficiency with a view to reducing the cost of the service since the fees were last revised in 1997. The Administration has advised that the total cost of processing permit applications for the use of country parks and special areas has been kept to about \$70,000 per annum and the scope for further cost-cutting is limited. As the proposed fee increases are confined to activities conducted in the country parks and special areas, the overall impact on the people's livelihood is expected to be minimal.

6. Noting the requirement of different permits for conducting activities in country parks and special areas under sections 10 and 11 of the Country Parks and Special Areas (Amendment) Regulation 2000, members have enquired about whether separate permits are required for holding one single event. The Administration has explained that the current practice is that for any particular event, only one permit covering all the activities including meetings, speeches, competitions, display of signs, notices and posters or the erection of simple platforms will be issued. The permit will be charged under section 11(1)(a) or 11(1)(b). However, for those signs or structures which are not associated with an organized event or last longer than the event, separate permits are required under section 10(1)(a) or 10(1)(b). For the display of signs, notices, posters, banners or advertisements not associated with any meetings, speeches and competitions, they are charged on a monthly basis under section 10(1)(a). For organized events lasting normally for one day, display of signs, notices, banners or advertisements are permitted on an event basis without additional charge under section 10(1)(a).

7. In response to members' questions, the Administration has advised that the number of permits to hold any public meeting or sporting competition, make any public speech or address any public meeting issued in 1999-2000 and 2000-2001 (up to November 2000) was 77 and 54 respectively. The number of permits to hold any event organized for the purpose of raising funds during the two said periods was 58 and 27 respectively.

Marine Parks Ordinance (Cap. 476)

Marine Parks and Marine Reserves (Amendment) Regulation 2000 (L.N. 350)

8. The Administration proposes to revise the fees charged for the first issue and renewal of various permits, and for obtaining duplicate permits, for conducting activities in marine parks and marine reserves.

9. Members note that based on a recent costing review conducted at 2000-01 prices, all the fees for first issue and renewal of permits will be increased by 6% from \$217 to \$230 to achieve full cost recovery of the services. For the fee item on a

duplicate of a permit, the recent costing review revealed that there is scope for fee reduction. The fee is proposed to be reduced by 38% from \$140 to \$87 to reflect the full cost of the service at 2000-01 prices.

Electricity Ordinance (Cap. 406)

Electricity (Registration) (Amendment) Regulation 2000 (L.N. 351)

Electricity (Wiring) (Amendment) Regulation 2000 (L.N. 352)

Electrical Products (Safety) (Amendment) (No. 2) Regulation 2000 (L.N. 353)

10. On Electricity (Registration) (Amendment) Regulation 2000, members note that five fee items for various registrations and certifications, now ranging from \$350 to \$860, are proposed to be reduced by 1% to 17%. Most of the fees were last revised in December 1994.

11. On Electricity (Wiring) (Amendment) Regulation 2000, members note that the fee for endorsement by the Director of Electrical and Mechanical Services of periodic test certificates in respect of fixed electrical installations was last revised in March 1997. The Administration proposes to increase the fee level by 7% from \$650 to \$695 to reflect its full costs at 2000-01 prices.

12. On Electrical Products (Safety) (Amendment) (No. 2) Regulation 2000, the fees for the registration as recognized certification bodies and recognized manufacturers are proposed to be increased by 10% from \$5,400 to \$5,950 with a view to achieving full cost recovery within two to three years. The fees were introduced in October 1997.

13. Members have enquired about the fee item relating to endorsement of periodic test certificates in respect of fixed electrical installations. The Administration has advised that an owner of a fixed electrical installation located in a place of public entertainment, premises for the manufacturing or storing of dangerous goods, or premises with a high voltage fixed electrical installation shall have it inspected, tested and certified at least once every 12 months. An owner of a low voltage fixed electrical installation that has an approved loading exceeding 100A or in premises such as a factory, a hotel, a hospital, a school shall have it inspected, tested and certified at least once every 5 years.

14. Members have requested the Administration to account for the additional revenue of \$305,000 per annum generated from the fee proposals. The Administration has explained that the number of applications for registration as recognized certification bodies and recognized manufacturers is relatively small. The additional revenue is mainly generated from the fee proposal for endorsement of periodic test certificates in respect of fixed electrical installations. The Administration has advised that there are about 7,00 fixed electrical installations which are subject to endorsement by the Director of Electrical and Mechanical Services on an annual basis.

Members' views

15. The Subcommittee has completed scrutiny of the five items of subsidiary legislation and agrees that it is for individual Members to consider whether they would support the proposed revision in fees. The motion moved by the Chairman of the House Committee at the Council meeting of 20 December 2000 to extend the scrutiny period of the subsidiary legislation to the Council meeting on 17 January 2001 was passed.

Advice sought

16. The Subcommittee invites the House Committee to note its deliberations and wishes to remind Members that the deadline for giving notice of motion to amend or repeal any of the items of subsidiary legislation at the Council meeting on 17 January 2001 is 10 January 2001.

Legislative Council Secretariat

4 January 2001

**Subcommittee on subsidiary legislation relating to revision of
fees gazetted on 8 December 2000**

Membership list

Chairman	Hon CHAN Kam-lam
Members	Hon James TIEN Pei-chun, JP Hon Fred LI Wah-ming, JP Hon SIN Chung-kai Hon Howard YOUNG, JP Hon CHOY So-yuk Hon Abraham SHEK Lai-him, JP
	(Total : 7 Members)
Clerk	Mrs Percy MA
Legal Adviser	Mr Arthur CHEUNG
Date	29 December 2000