

立法會
Legislative Council

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**Paper for the House Committee meeting
on 9 February 2001**

**Report of the Subcommittee on subsidiary legislation
relating to revision of fees gazetted on 5 January 2001**

Purpose

This paper reports on the deliberations of the Subcommittee on subsidiary legislation relating to revision of fees gazetted on 5 January 2001.

The Amendment Regulations

2. Legal Notices (L.N.). 1 to 7 are subsidiary legislation relating to revision of fees and may be grouped under the following two categories -
 - (a) Amendment Regulations to revise the fees payable to the Director of Agriculture, Fisheries and Conservation relating to the control of plants and animals and the registration of veterinary surgeons. The new fees will take effect on 16 February 2001; and
 - (b) Amendment Regulation to increase the fees payable under the Estate Agents Ordinance (Cap. 511) for the registration of a determination with the District Court, the filing of a notice of appeal in the District Court and the copying and certification of documents in the register of the District Court. The new fees will take effect on 1 March 2001.

The Subcommittee

3. The House Committee agreed at its meeting on 12 January 2001 to form a Subcommittee to examine the seven items of subsidiary legislation gazetted on 5 January 2001 which were related to revision of fees.
4. Under the chairmanship of Hon James TIEN, the Subcommittee met the Administration on 1 February 2001. The membership list of the Subcommittee

is in the Appendix.

Deliberations of the Subcommittee

Dairies (Amendment) Regulation 2001 (L.N. 1)

5. This Amendment Regulation increases by 4.2% the fees payable for granting or renewing a licence to maintain a dairy. The existing fee for such licence is \$6,600 or \$165 for each cow or buffalo over the age of 12 months kept in the dairy. The relevant fees will be increased to \$6,880 and \$172 respectively to achieve full cost recovery at 2000-01 prices.

Plant (Importation and Pest Control) (Fees) (Amendment) Regulation 2001 (L.N. 2)

6. This Amendment Regulation increases the fees relating to examination of plants, quarantine maintenance of plants and treatment of plants and soil. Increases ranging from 2.7% to 6.2% are proposed for the fees relating to examination of plants to recover the full cost or nearly the full cost at 2000-01 prices. Members note that such fees relate mainly to the issuing of phytosanitary certificates for plants for export purposes and only a small number of plants require such certificates. The fees relating to quarantine maintenance of plants and treatment of plants and soil are subsidized fees and the Administration proposes to increase them by an average of about 2.8% to maintain their real values, based on the movement of the Government Consumption Expenditure Deflator from 1997-98 to 2000-01.

Pounds Fees (Amendment) Regulation 2001 (L.N. 3)

7. This Amendment Regulation increases three items of fees for impounding of stray animals by an average of 3%. Members note that the highly subsidized nature of the fees, e.g. existing fee of \$23 and proposed fee of \$24 for every horse, mule, donkey and buffalo or ox against a unit cost of \$6,278, is mainly due to historical reasons. The increases are proposed to maintain the real value of the fees, based on the movement of the Government Consumption Expenditure Deflator from 1997-98 to 2000-01.

Veterinary Surgeons Registration (Fees) (Amendment) Regulation 2001 (L.N. 4)

8. This Amendment Regulation increases by 6% to 6.9% the fees payable for registration as a registered veterinary surgeon, the issue, renewal or extension of time for renewal of a practising certificate, and the issue of a certificate of registration under the Veterinary Surgeons Registration Ordinance (Cap. 529). The proposed fees will achieve nearly full cost recovery.

Dangerous Dogs Regulation (Amendment of Schedule 3) Notice 2001 (L.N. 5)

9. This Amendment Regulation reduces the detention fee payable in respect of the detention of a dog under the Dogs and Cats Ordinance (Cap.167) or the Dangerous Dogs Regulation from \$120 to \$90 as the cost of providing such service has been reduced as a result of streamlining of operations.

Rabies Regulation (Amendment of Schedule 1) Notice 2001 (L.N. 6)

10. This Amendment Regulation revises 12 items of fees payable under the Rabies Regulation. It reduces six items of fees relating to the detention of animals in a quarantine centre, extension or variation of a permit to import animals and issue of a duplicate copy of a licence, certificate or permit by 10% to 42% to tally with the full cost at 2000-01 prices. For five of the remaining fee items, an increase of about 15% is proposed with a view to achieving full cost recovery within three to seven years. For the remaining fee item relating to detention of mainly stray dogs which involves catching operations and a unit cost of \$864, a 2.7% increase is proposed to bring the proposed fee to \$565, in line with the revision in respect of subsidized fees.

Estate Agents (Registration of Determination and Appeal)
(Amendment) Regulation 2001 (L.N. 7)

11. Members note that the three items of fees relating to the registration of a determination, filing of notice of appeal and the copying and certification of document in the register of the District Court were introduced in March 2000. They were set at a level similar to that of the same types of services provided by the Judiciary.

12. As no cases involving the above fees have come up so far, members question the basis of calculation of the cost and the need for proposing increases ranging from 8.7% to 10% at this point in time. The Administration has pointed out that in view of the diverse nature of the services provided by the various courts and the large number of fee items involved, the Judiciary has since 1989 calculated the cost of its services on a global basis. This means that costs are calculated at the departmental level rather than the individual service level. Based on the latest costing exercise, the existing judiciary fees in general recover about 92% of the costs at 2000-01 prices. It is therefore necessary to increase the fees by an average of 8.5% to achieve full cost recovery.

13. Members are concerned whether there is uniformity of treatment of similar fees. In particular, they have referred to the existing fee of \$630 for filing of notice of appeal in the District Court which the Administration proposes to increase to \$685 and have asked the Administration to advise whether the same increase has been proposed in respect of other similar fees. The Administration has informed the Subcommittee that the same increase was proposed for similar filing fees under the District Court Civil Procedure (Fees)

(Amendment) (No.2) Rules 2000 (L.N. 338) gazetted on 24 November 2000. However, the Amendment Rules were repealed by the Legislative Council on 10 January 2001.

Members' views

14. In response to members' queries, the Administration has explained that while the proposed fees below \$100 follow exactly the unit cost, those over \$100 are either set at a level just below or above full cost recovery due to rounding up or down of figures to the nearest \$5 or \$10. Members have pointed out some inconsistencies in this regard and have suggested that the matter be reviewed to ensure consistency of practice.

15. Members share the view that it is unsatisfactory for government departments and policy bureaux to deal with their fee revision separately as it may lead to lack of uniformity of treatment of similar fees. They consider that the Finance Bureau should play a coordinating role in proposing fee revisions.

16. The Subcommittee agrees that it is up to individual Members to consider whether they would support the proposed revision in fees in the seven items of subsidiary legislation examined by the Subcommittee. To enable the Subcommittee to report its deliberations to the House Committee and Members to consider the subsidiary legislation, Members agree that the Chairman should give notice to extend the scrutiny period of the subsidiary legislation to the Council meeting of 14 February 2001.

Advice sought

17. The Subcommittee invites the House Committee to note its deliberations. A verbal report was made by Hon James TIEN, Chairman of the Subcommittee, at the House Committee meeting on 2 February 2001.

Legislative Council Secretariat
8 February 2001

**Subcommittee on subsidiary legislation relating
to revision of fees gazetted on 5 January 2001**

Membership List

Chairman	Hon James TIEN Pei-chun, JP
Members	Hon Fred LI Wah-ming, JP Hon CHAN Kam-lam Hon SIN Chung-kai Hon Ambrose LAU Hon-chuen, JP (Total : 5 Members)
Clerk	Ms Doris CHAN
Legal Adviser	Miss Connie FUNG
Date	1 February 2001