

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

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Legislative Council
Subcommittee on subsidiary legislation relating to revision
of fees and charges gazetted on 8 December 2000

Minutes of the meeting
held on Friday, 29 December 2000 at 2:30 pm
in Conference Room A of the Legislative Council Building

- Members Present** : Hon CHAN Kam-lam (Chairman)
Hon James TIEN Pei-chum, JP
Hon SIN Chung-kai
Hon Abraham SHEK Lai-him, JP
Hon CHOY So-yuk
Hon Howard YOUNG, JP
- Member Attending** : Hon Audrey EU Yuet-mee, SC, JP
- Member Absent** : Hon LI Wah-ming, JP
- Public Officers Attending** : Environment and Food Bureau
Mr Donald TONG
Principal Assistant Secretary
for Environment and Food

Dr F Y WONG
Assistant Director
Agriculture, Fisheries and Conservation Department
- Economic Services Bureau

Mr Alex WONG
Principal Assistant Secretary for Economic Services

Mr Roger LAI
Deputy Director/Regulatory Service
Electrical and Mechanical Services Department

Mr Allen CHOW
Acting Chief Electrical and Mechanical Engineer
(Electricity Legislation)
Electrical and Mechanical Services Department

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Mr Arthur CHEUNG
Assistant Legal Adviser 5

Mr Paul WOO
Senior Assistant Secretary (2)3

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I. Election of Chairman

Hon CHAN Kam-lam was elected as Chairman of the Subcommittee.

II. Meeting with the Administration

(LegCo Briefs issued by the Environment and Food Bureau on L.Ns. 349 and 350; LegCo Brief issued by the Economic Services Bureau on L.Ns. 351 to 353; and LC Paper No. LS40/00-01)

2. The Chairman welcomed the representatives of the Administration to attend the meeting to brief the Subcommittee on the subsidiary legislation (L.Ns. 349 to 353) gazetted on 8 December 2000 relating to revision of fees. He invited the representatives from the relevant policy Bureaux to explain the proposed revisions that fell within their respective purview and to respond to members' questions.

Country Parks Ordinance (Cap. 208)

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

Marine Parks Ordinance (Cap. 476)

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

3. Principal Assistant Secretary for Environment and Food (PAS/E&F) advised that it was Government 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 had 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 proposed to revise various fees that would not directly affect people's livelihood or general business activities.

4. On L.N. 349, PAS/E&F informed members that based on a costing review conducted at 2000-01 prices, the Administration proposed to increase by about 7% the fees charged for applications for permits to conduct various activities in country parks and special areas, in order to achieve full cost recovery of the services. A total of six fee items were involved. Those fees were last revised in November 1997. The existing and proposed fees ranged from \$237 to \$1,430 and from \$255 to \$1,530 respectively.

5. On L.N. 350, the Administration proposed 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. Based on a costing review conducted at 2000-01 prices, all the fees for first issue and renewal of permits were proposed to be increased by 6% from \$217 to \$230 to achieve full cost recovery. For the fee item on a duplicate of a permit, the costing review revealed that there was scope for fee reduction. The fee was proposed to be reduced by 38% from \$140 to \$87 to reflect the full cost of the service at 2000-01 prices.

6. Referring to the information provided by the Administration relating to the fees payable under the Country Parks and Special Areas Regulations (Annex B of the LegCo Brief), Mr James TIEN said that the Administration had already succeeded in recovering more than 90% of the costs of providing the services at the existing fee levels. He queried whether there was an urgent need to increase the fees at a time when the general public had yet to benefit from the recovery of the economy. He considered that the Administration should try to improve efficiency and productivity in order to reduce the costs, thereby achieving full cost recovery without having to increase the fees.

7. PAS/E&F replied that the total costs for processing permit applications for conducting activities at country parks and special areas were already kept at a low level of about \$70,000 per year. A significant part of total costs was the staff cost spent in making necessary site inspections for the purpose of processing applications. In some cases, staff had to be made available to work on site on the day when the event was held to ensure that proper order was maintained and that no disturbance was caused to other members of the public. In his view, the scope for further cost-cutting was limited. Furthermore, as the proposed fee increases were confined to activities conducted in the country parks and special areas, the overall impact on the people's livelihood should be minimal.

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8. In response to Mr SIN Chung-kai's enquiry about the number of permits issued under the Country Parks and Special Areas Regulations, the Administration provided the following information -

Description	1999/2000	2000 (from 1 April to 30 November 2000)
Permit to sell or let on hire any commodity or article (for each month or part thereof)	0	0
Permit to display any sign, notice, poster, banner or advertisement (for each month or part thereof)	6	10
Permit to construct or erect any building, hut or shelter or excavate any cave (for each building, hut, shelter or cave)	0	0
Permit to hold any public meeting or sporting competition, make any public speech or address any public meeting (for each event)	77	54
Permit to hold any event organized for purpose of raising funds, whether for charity or otherwise (for each event)	58	27
Permit to carry on any activity for the purpose of, or incidental to, any business (per day)	28	19
Total	169	110

9. Noting that different permits were required under the Country Parks and Special Areas Regulations for conducting different activities, members enquired whether separate permits were required for one single event in case the nature of the event touched on more than one of the Regulations.

10. The Administration undertook to provide a written explanation after the meeting.

(Post-meeting note - The Administration's reply was circulated vide LC Paper No. CB(2)588/00-01 on 2 January 2001)

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)

11. Principal Assistant Secretary for Economic Services (PAS/ES) explained that, with regard to Electricity (Registration) (Amendment) Regulation 2000, five fee items for various registrations and certifications, now ranging from \$350 to \$860, were proposed to be reduced by 1% to 17%. Most of the fees were last revised in December 1994.

12. On Electricity (Wiring) (Amendment) Regulation 2000, 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 proposed to increase the fee level by 7% from \$650 to \$695 to reflect its full costs at 2000-01 prices.

13. On Electrical Products (Safety) (Amendment) (No. 2) Regulation 2000, the fees for the registration as recognized certification body and recognized manufacturer were 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.

14. Referring to paragraphs 6 and 17 of the LegCo Brief which stated that members of the LegCo Panel on Economic Services did not raise objection to the proposed fee increases when the Panel was consulted on 19 June 2000, Mr James TIEN pointed out that the Panel's stand then was that the Administration should seek the Panel's views again after the Administration had consulted the relevant trade organizations.

15. In response, PAS/ES said that the Administration had met with six relevant contractors' associations and trade unions and they had indicated no objection to the proposed revision of fees.

16. Mr James TIEN requested the Administration to account for the additional revenue of \$305,000 per annum expected to be generated from the proposed fee increases.

17. In reply, the Administration advised that the number of applications for registration as recognized certification body and recognized manufacturer

under the Electrical Products (Safety) Regulation was relatively small. The additional revenue would be mainly generated from the fee proposal for endorsement of periodic test certificates in respect of fixed electrical installations. As required under the Electricity (Wiring) Regulations, an owner of a fixed electrical installation located in a place of public entertainment, or premises for the manufacturing or storing of dangerous goods, or premises with a high voltage fixed electrical installation should have it inspected, tested and certified at least once every 12 months. An owner of a low voltage fixed electrical installation that had an approved loading exceeding 100A or in premises such as a factory, a hotel, a hospital or maternity home, a school or child care centre should have it inspected, tested and certified at least once every five years. At present, there were about 7,000 fixed electrical installations which were subject to endorsement of periodic test certificates by the Director of Electrical and Mechanical Services on an annual basis.

Conclusion

18. Members noted that the motion moved by the Chairman of the House Committee at the Council meeting on 20 December 2000 to extend the scrutiny period of the subsidiary legislation to the Council meeting on 17 January 2001 was passed.

19. Members agreed that the Subcommittee would not move any amendment to the subsidiary legislation, and that it would be for individual Members of the Council to consider whether or not they would support the proposed revision of fees. The deadline for giving notice of motion to amend or repeal any of the items of the subsidiary legislation was 10 January 2001. The Subcommittee would report its deliberations to the House Committee on 5 January 2001.

20. There being no other business, the meeting ended at 3:05 pm.

Legislative Council Secretariat

11 April 2001