

LEGISLATIVE COUNCIL BRIEF

Fire Services Ordinance (Chapter 95)

FIRE SERVICE (INSTALLATION CONTRACTORS)
(AMENDMENT) REGULATION 2001

Timber Stores Ordinance (Chapter 464)

TIMBER STORES (AMENDMENT) REGULATION 2001

INTRODUCTION

Section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) empowers the Financial Secretary (which means also the Secretary for the Treasury by virtue of section 3 of Cap. 1) to vary fees which have previously been set by subsidiary legislation made by the Chief Executive in Council.

2. In exercise of this power, the Secretary for the Treasury has made the Amendment Regulations, as set out at **Annexes A and B**, to revise the fees specified in the following subsidiary legislation:

- (a) Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.) made pursuant to the Fire Services Ordinance (Cap. 95); and
- (b) Timber Stores Regulation (Cap. 464 sub. leg.) made pursuant to the Timber Stores Ordinance (Cap. 464).

BACKGROUND AND ARGUMENT

3. Any person, or any company or firm may apply to the Director of Fire Services for registration as a contractor in Class 1 or 2 or both Classes or in Class 3 (See Note at **Annex C**). Applicants have to pay the appropriate fees in accordance with the Second Schedule to the Fire Service (Installation Contractors) Regulations. Any person who operates a timber store is required to apply to the Director of Fire Services for a licence. Fees are charged for the

grant, renewal, transfer, amendment and issue of a duplicate of a licence. Applicants have to pay the appropriate fees in accordance with the Schedule to the Timber Stores Regulation. These fees were last revised in May 1996.

4. It is Government policy that certain fees 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. The Financial Secretary decided in June 1999 to continue the fee revision moratorium until the year-on-year quarterly Gross Domestic Product growth rate turned firmly positive.

5. In view of the current state of economic recovery, the Administration consulted the previous LegCo Panel on Financial Affairs on 13 April 2000 on proposals to revise various fees that would not directly affect people's livelihood or general business activities. Taking into account the diverse nature of the fees involved, Members suggested and the previous LegCo House Committee agreed on 14 April that the Administration should consult the relevant LegCo Panels on whether and, if so, how the fees under their respective purview should be adjusted.

6. Accordingly, we consulted the previous LegCo Panel on Security on 15 June 2000 regarding the fee revision as mentioned in paragraph 3 above. The latest costing review at 2000-01 prices shows that the fees payable under the aforesaid Regulations are not adequate to recover the full costs of providing the services. Details of the cost computation are set out at **Annex D**.

7. To alleviate the impact of the fee increases on the users of the services concerned, we propose to increase most of the fees by 10% to 20% with a view to achieving full-cost recovery within three to seven years. The previous LegCo Panel on Security raised no objection to our proposals. Details of the existing and proposed fees are set out at **Annex E**.

THE REGULATIONS

8. The Amendment Regulations revise the fees as set out at **Annex E**. We propose that the new fees should come into effect on 23 February 2001.

EFFICIENCY INITIATIVES

9. The Fire Services Department is mindful of the need to operate the registration and licensing systems efficiently and effectively. The Department has increased the utilization of computers in processing documents and has developed computerised databases for registration of fire service installation contractors and issue and renewal of timber store licences, thereby reducing the time required for preparing correspondence and reports and for verifying relevant information. These efforts have resulted in reduction in cost.

BASIC LAW IMPLICATIONS

10. The Department of Justice advises that the Amendment Regulations are consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

11. The Department of Justice advises that the Amendment Regulations have no human rights implications.

BINDING EFFECT OF THE LEGISLATION

12. The Amendment Regulations will not affect the current binding effect of the respective principal Ordinances and Regulations referred to in paragraph 2 above.

FINANCIAL AND STAFFING IMPLICATIONS

13. Additional revenue generated from the proposed fee revision is estimated to be \$63,900 per annum. There are no staffing implications.

ECONOMIC IMPLICATIONS

14. Given that the increase in the fees is small in dollar terms, the impact on the operating costs of the establishments concerned should be small.

PUBLIC CONSULTATION

15. The previous LegCo Panel on Security was consulted on 15 June 2000 and Members raised no objection to the proposals.

PUBLICITY

16. A press release will be issued on 10 January 2001. The Amendment Regulations will be published in the Gazette on 12 January 2001.

ENQUIRIES

17. For enquiries relating to this brief, please contact Miss C M Lee, Assistant Secretary for Security at telephone number 2810 3948.

Security Bureau
January 2001

**FIRE SERVICE (INSTALLATION CONTRACTORS)
(AMENDMENT) REGULATION 2001**

(Made under section 25 of the Fire Services Ordinance
(Cap. 95) and section 29A of the Interpretation
and General Clauses Ordinance (Cap. 1))

1. Commencement

This Regulation shall come into operation on 23 February 2001.

2. Fees

The Second Schedule to the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.) is amended -

- (a) in item 1, by repealing "1,370" and substituting "1,575";
- (b) in item 2, by repealing "770" and substituting "925";
- (c) in item 3, by repealing "835" and substituting "960";
- (d) in items 4, 5, 6 and 7, by repealing "690" and substituting "795";
- (e) in item 8, by repealing "350" and substituting "385";
- (f) in item 9, by repealing "435" and substituting "480".

Secretary for the Treasury

2 January 2001

Explanatory Note

This Regulation increases the fees payable under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.).

TIMBER STORES (AMENDMENT) REGULATION 2001

(Made under section 12 of the Timber Stores Ordinance
(Cap. 464) and section 29A of the Interpretation
and General Clauses Ordinance (Cap. 1))

1. Commencement

This Regulation shall come into operation on 23 February 2001.

2. Fees

The Schedule to the Timber Stores Regulation (Cap. 464 sub. leg.) is amended -

- (a) in item 1, by repealing "2,040" and substituting "2,345";
- (b) in item 2, by repealing "920" and substituting "970";
- (c) in items 3, 4 and 5, by repealing "210" and substituting "230".

Secretary for the Treasury

2 January 2001

Explanatory Note

This Regulation increases the fees payable for the grant, renewal, transfer and amendment of the conditions or the particulars of a licence, and the issue of a duplicate of a licence under the Timber Stores Regulation (Cap. 464 sub. leg.).

Note on the Classification of Fire Service Installation Contractors

Classes of registered contractors –

- (i) Class 1 – registered contractors who are fit to install, maintain, repair and inspect any fire service installation or equipment (other than portable equipment) which contains an electrical circuit or other apparatus for the detection and warning, by alarm or otherwise, of smoke or fire.

- (ii) Class 2 – registered contractors who are fit to install, maintain, repair and inspect any fire service installation or equipment (other than portable equipment) which contains –
 - (a) pipes and fittings designed or adapted to carry water or some other fire extinguishing medium; or

 - (b) any type of electrical apparatus other than those specified in Class 1.

- (iii) Class 3 – registered contractors who are fit to maintain, repair and inspect portable equipment.

COST COMPUTATION

Fire Services Department

Fees Payable under the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.)

Cost at 2000-01 Prices

	Class 1, Class 2 or Classes 1&2 – Registration	Class 3 – Written examination	Class 3 – Interview	Class 1, Class 2, Classes 1&2 or Class 3 – Workshop inspection or re-inspection, new workshop inspection or re-inspection	Class 1, Class 2, Classes 1&2 or Class 3 – Change of registered name or registered address	Class 1, Class 2, Classes 1 and 2 – Change of qualified person
	\$	\$	\$	\$	\$	\$
Staff costs	55,532	645,147	33,912	121,072	30,452	14,258
Departmental expenses	2,383	18,890	1,034	4,668	1,909	815
Accommodation costs	2,935	41,883	3,155	5,782	2,233	970
Central administrative overhead	306	13,684	318	827	81	29
Total cost (a)	61,156	719,604	38,419	132,349	34,675	16,072
	=====	=====	=====	=====	=====	=====
No. of cases (b)	25	252	20	77	82	29
Unit cost per case (\$ (a)/(b))	2,446	2,856	1,921	1,719	423	554
Existing fee (\$)	1,370	770	835	690	350	435
Proposed fee (\$)	1,575#	925†	960#	795#	385*	480*

* Derived by multiplying the existing fee by an increase of 10%.

Derived by multiplying the existing fee by an increase of 15%.

† Derived by multiplying the existing fee by an increase of 20%

COST COMPUTATION**Fire Services Department****Fees Payable under the Timber Stores Regulation (Cap. 464 sub. leg.)****Cost at 2000-01 Prices**

	Grant of a licence	Renewal of a licence	Transfer of an existing licence , amendment of the conditions or the particulars of a licence , issue of a duplicate of a licence
	\$	\$	\$
Staff costs	4,129	79,793	1,011
Departmental expenses	145	3,971	45
Accommodation costs	220	3,757	59
Central administrative overhead	94	1,767	15
	_____	_____	_____
Total cost (a)	4,588	89,288	1,130
	=====	=====	=====
No. of cases (b)	1	92	4
Unit cost per case (\$) (a)/(b)	4,588	971	283
Existing fee (\$)	2,040	920	210
Proposed fee (\$)	2,345#	970‡	230*

‡ Derived by multiplying the existing fee by an increase of 5%.

* Derived by multiplying the existing fee by an increase of 10%.

Derived by multiplying the existing fee by an increase of 15%.

Existing and Proposed Fees

Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg.)

Item	Existing Fee (\$)	Proposed Fee (\$)
1. FSI Contractor Registration Class 1, Class 2 or Classes 1 & 2	\$1,370	\$1,575
2. FSI Contractor Registration Class 3 – Written Examination	\$770	\$925
3. FSI Contractor Registration Class 3 – Interview	\$835	\$960
4. FSI Contractor Registration Class 3 – Workshop Inspection	\$690	\$795
5. FSI Contractor Registration Class 1, Class 2, Classes 1 & 2 or Class 3 – Workshop Re-inspection	\$690	\$795
6. FSI Contractor Registration Class 1, Class 2, Classes 1 & 2 or Class 3 – New Workshop Inspection	\$690	\$795
7. FSI Contractor Registration Class 1, Class 2, Classes 1 & 2 or Class 3 – New Workshop Re-inspection	\$690	\$795
8. FSI Contractor Registration Class 1, Class 2, Classes 1 & 2 or Class 3 – Change of Registered Name or Registered Address	\$350	\$385
9. FSI Contractor Registration Class 1, Class 2, Classes 1 and 2- Change of Qualified Person	\$435	\$480

Timber Stores Regulation (Cap. 464 sub. leg.)

	Item	Existing Fee (\$)	Proposed Fee (\$)
10.	Grant of a licence	\$2,040	\$2,345
11.	Renewal of a licence	\$920	\$970
12.	Transfer of an existing licence to another person	\$210	\$230
13.	Amendment of the conditions or the particulars of a licence	\$210	\$230
14.	Issue of a duplicate of a licence	\$210	\$230