

LEGISLATIVE COUNCIL BRIEF

Country Parks Ordinance (Cap. 208)

Country Parks and Special Areas (Amendment) Regulation 2000

INTRODUCTION

Section 29A of the Interpretation and General Clauses Ordinance (Cap.1) empowers the Financial Secretary (which also means the Secretary for the Treasury by virtue of section 3 of Cap.1) to vary fees which have previously been fixed 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 Regulation at Annex A to revise the fees payable under the Country Parks and Special Areas Regulations (hereafter referred to as the “Regulations”) made pursuant to the Country Parks Ordinance.

BACKGROUND AND ARGUMENT

3. The Schedule to the Regulations sets out the fees charged for applying permits to conduct various activities in country parks and special areas. The existing fees were last revised in November 1997.

4. It is 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 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 GDP growth rate turned firmly positive. In view of the current state of economic recovery, it was proposed to first revise those fees and charges that do not directly affect people’s livelihood and general business activities. Based on a recent costing review conducted at 2000-01 prices, we propose to increase the fees payable under the Regulations by about 7% to achieve full cost recovery of the services. The cost computation of all the fee items is presented at Annex B.

5. Details of the existing and proposed fees are shown in Annex C.

THE REGULATION

6. The Amendment Regulation at Annex A seeks to revise the fees specified in the Regulations as set out at Annex C. We propose that the new fees should take effect from 19 January 2001.

PUBLIC CONSULTATION

7. We consulted the previous Legislative Council Panel on Environmental Affairs and the Country Parks Committee of the Country and Marine Parks Board on the fee revision proposal at their meetings on 2 June 2000 and 5 September 2000 respectively. Both did not raise any objection to the proposal.

BASIC LAW IMPLICATIONS

8. The Department of Justice advises that the Amendment Regulation is consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

9. The Department of Justice advises that the Regulation has no human rights implications.

BINDING EFFECT OF THE LEGISLATION

10. The Amendment Regulation will not affect the binding effect of the Country Parks and Special Areas Regulations.

FINANCIAL AND STAFFING IMPLICATIONS

11. The additional revenue generated from the fee proposal is minimal. There are no staffing implications.

ECONOMIC IMPLICATIONS

12. As the types of activities subject to the proposed fee increases are narrow, being confined to those in the country parks and special areas, the overall impact is expected to be minimal.

EFFICIENCY INITIATIVES

13. Although country parks and special areas have covered about 40% of total land areas in Hong Kong, the Agriculture, Fisheries and Conservation Department has managed to keep the cost of processing permit applications for the use of country parks and special areas to about \$70,000 per annum. The scope for cost-cutting is limited.

PUBLICITY

14. The Amendment Regulation will be gazetted on 8 December 2000. A press release announcing the fee revision will be issued on the same day.

OTHERS

15. For any enquiries on this brief, please contact Mr C W LAI (Senior Country Parks Officer of Agriculture, Fisheries and Conservation Department) at 2150 6860.

Environment and Food Bureau
7 December 2000

COUNTRY PARKS AND SPECIAL AREAS (AMENDMENT) REGULATION 2000

(Made under section 26 of the Country Parks Ordinance
(Cap. 208) and section 29A of the Interpretation
and General Clauses Ordinance (Cap. 1))

1. Commencement

This Regulation shall come into operation on 19 January 2001.

2. Fees

The Schedule to the Country Parks and Special Areas Regulations (Cap. 208 sub. leg.) is amended -

- (a) in the entry relating to regulation 9(1), by repealing "\$1,430" and substituting "\$1,530";
- (b) in the entry relating to regulation 10(1) (a), by repealing "\$237" and substituting "\$255";
- (c) in the entry relating to regulation 10(1) (b), by repealing "\$317" and substituting "\$340";
- (d) in the entry relating to regulation 11(1) (a), by repealing "\$467" and substituting "\$500";
- (e) in the entry relating to regulation 11(1) (b), by repealing "\$467" and substituting "\$500";
- (f) in the entry relating to regulation 11(1) (c), by repealing "\$237" and substituting "\$255".

Secretary for the Treasury

30 Nov 2000

Explanatory Note

This Regulation increases certain fees payable under the Country Parks and Special Areas Regulations (Cap. 208 sub. leg.).

COST COMPUTATION
Agriculture, Fisheries and Conservation Department

Fees Payable under the Country Parks and Special Areas Regulations

Cost at 2000-01 Prices
(for processing one permit)

	<u>(A)</u>	<u>(B)</u>	<u>(C)</u>	<u>(D)</u>	<u>(E)</u>	<u>(F)</u>
	\$	\$	\$	\$	\$	\$
Staff Costs	1,274	197	317	428	428	197
Departmental Expenses	158	38	3	41	41	38
Accommodation Cost	42	7	9	15	15	7
Depreciation	19	5	1	5	5	5
Cost of Services Provided by Other Departments	0	1	0	1	1	1
Central Administration Overhead	33	5	8	11	11	5
Unit Cost	1,526	253	338	501	501	253
Existing Fee	1,430	237	317	467	467	237
Proposed Fee	1,530	255	340	500	500	255

(A) Permit to sell or let on hire any commodity or article (each month or part thereof).

(B) Permit to display any sign, notice, poster, banner or advertisement (each month or part thereof).

(C) Permit to construct or erect any building, hut or shelter or excavate any cave (each building, hut, shelter or cave).

(D) Permit to hold any public meeting or sporting competition, make any public speech or address any public meeting (each event).

(E) Permit to hold any event organized for the purpose of raising funds, whether for charity or otherwise (each event).

(F) Permit to carry on any activity for the purpose of, or incidental to, any business (per day).

Existing and Proposed Fees
Under the Country Parks and Special Areas Regulations

Description	Existing Fee \$	Proposed Fee \$
Permit to sell or let on hire any commodity or article (for each month or part thereof)	1,430	1,530
Permit to display any sign, notice, poster, banner or advertisement (for each month or part thereof)	237	255
Permit to construct or erect any building, hut or shelter or excavate any cave (for each building, hut, shelter or cave)	317	340
Permit to hold any public meeting or sporting competition, make any public speech or address any public meeting (for each event)	467	500
Permit to hold any event organized for purpose of raising funds, whether for charity or otherwise (for each event)	467	500
Permit to carry on any activity for the purpose of, or incidental to, any business (per day)	237	255