

立法會
Legislative Council

LC Paper No. LS51/04-05

**Paper for the House Committee Meeting
on 22 April 2005**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 April 2005**

Date of Tabling in LegCo : 20 April 2005

Amendment to be made by : 18 May 2005 (or 8 June 2005 if extended by resolution)

PART I FEES REVISION

Entertainment Special Effects Ordinance (Cap. 560)

Entertainment Special Effects (Fees) (Amendment) Regulation 2005 (L.N. 46)

Section 26(1)(o) of the Entertainment Special Effects Ordinance (Cap. 560) (“the Ordinance”) provides that the Entertainment Special Effects Licensing Authority may, with the approval of the Secretary for Commerce, Industry and Technology, by regulation provide for fees payable in respect of the issue, renewal, certification, replacement or alteration of any licence and permit.

2. The Schedule to the Entertainment Special Effects (Fees) Regulation (Cap. 560 sub. leg. B) (“the Principal Regulation”) sets out the respective fees payable in respect of the issue, renewal, certification, replacement or alteration of various licences or permits, or in respect of the assessment required for the issue or alteration of various licences under the Ordinance or the Entertainment Special Effects (General) Regulation (Cap. 560 sub. leg. A). This Regulation amends the Schedule to the Principal Regulation by reducing all the fees contained therein. The reductions range from 7.1% to 10.7%.

3. Members may refer to the LegCo Brief (File Ref.: CTB/FS/257/6(05)II) dated 13 April 2005 from Television and Entertainment Licensing Authority for background information.

4. The existing fees prescribed in the Principal Regulation have been in effect since March 2001. Details of the fees revision proposal are shown at Annex B

to the LegCo Brief.

5. According to the LegCo Brief, the Administration has consulted the film and entertainment industry, which supports the proposed fees reduction. The Administration also consulted the LegCo Panel on Information Technology and Broadcasting on 14 March 2005, which had no objection to the proposal.

6. This Notice appoints 10 June 2005 as the date on which the Regulation will come into operation.

Country Parks Ordinance (Cap. 208)

Country Parks and Special Areas (Amendment) (Fees Adjustment) Regulation 2005 (L.N. 47)

7. Under section 26(1) of the Country Parks Ordinance (Cap. 208) (“the Ordinance”), the Chief Executive in Council may make regulation to provide for the fees and charges payable in connection with the use of any country park or special area, etc.

8. The Schedule to the Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A) (“the Principal Regulations”) sets out various permit fees payable in connection with the use of country parks and special areas.

9. By virtue of section 3 and section 29A of the Interpretation and General Clauses Ordinance (Cap. 1), where a fee is for the time being specified in subsidiary legislation made by the Chief Executive in Council, the Secretary for Financial Services and the Treasury may by similar subsidiary legislation vary the fee.

10. This Regulation amends the Schedule to the Principal Regulations for the purposes of—

- (a) reducing the fee payable for a permit to sell or let on hire any commodity or article, from \$1,430 to \$1,330 (section 2(a)); and
- (b) increasing the fee payable for any of the following permits—
 - (i) permit to display any sign, notice, poster, banner or advertisement, from \$237 to \$250 (section 2(b));
 - (ii) permit to hold any public meeting or sporting competition, make any public speech or address any public meeting, from \$467 to \$520 (section 2(c));
 - (iii) permit to hold any event organized for the purpose of raising funds, whether for charity or otherwise, from \$467 to \$520

(section 2(d)); and

- (iv) permit to carry on any activity for the purpose of, or incidental to, any business, from \$237 to \$250 (section 2(e)).

11. Members may refer to the LegCo Brief (File Ref.: (E)(C.R.)10/3/3 Pt. VI) dated 13 April 2005 from Environmental Protection Department for background information.

12. The various permit fees payable in connection with the use of country parks and special areas have remained unchanged since 1998. Details of the fees revision proposal are shown at Annex B to the LegCo Brief. The proposal for fees revision is based on full cost recovery basis.

13. According to the LegCo Brief, the Country Parks Committee of the Country and Marine Parks Board (“the Committee”) was consulted on the proposed fees revision in August 2004. Members of the Committee had no objection to the proposal. The Country and Marine Parks Board endorsed the proposal in September 2004.

14. This Notice appoints 15 June 2005 as the date on which the Regulation will come into operation.

Marine Parks Ordinance (Cap. 476)

Marine Parks and Marine Reserves (Amendment) (Fees Adjustment) Regulation 2005 (L.N. 48)

15. Under section 20 of the Marine Parks Ordinance (Cap. 476) (“the Ordinance”), the Secretary for the Environment, Transport and Works may make the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) (“the Principal Regulation”) providing for the fees payable in connection with the use of any marine park or marine reserve or in connection with the use of any facility provided therein. Schedule 4 to the Principal Regulation provides for the fees for the granting and renewal of various permits under the Principal Regulation.

16. This Regulation amends Schedule 4 to the Principal Regulation for the purposes of—

- (a) reducing the fee, from \$217 to \$180, payable for the granting and renewal of any of the following permits (Section 2(a))—
 - (i) permit to moor or anchor a vessel;
 - (ii) permit to hawk;

- (iii) permit to display signs, etc.;
 - (iv) permit to barbecue or camp;
 - (v) permit to hold any public meeting, boating or other sporting competition;
 - (vi) permit to hold an event for raising funds;
 - (vii) permit to carry on an activity for business; and
 - (viii) permit to operate any power-driven model boat or aeroplane;
- (b) increasing the fee, from \$87 to \$100, payable for a duplicate of a permit granted under the Principal Regulation (section 2(b)).

17. Members may refer to the LegCo Brief (File Ref.: (E)(C.R.)10/3/3 Pt. VI) dated 13 April 2005 from Environmental Protection Department for background information.

18. According to the LegCo Brief, apart from a reduction in the fee for duplicating a permit in 2002, all other permit fees under the regulation have remained unchanged since 1998. Details of the fees revision proposal are shown at Annex B to the LegCo Brief. The proposal for fees revision is based on full cost recovery basis.

19. According to the LegCo Brief, the Marine Parks Committee of the Country and Marine Parks Board (“the Committee”) was consulted on the proposed fees revision in July 2004. Members of the Committee had no objection to the proposal. The Country and Marine Parks Board endorsed the proposal in September 2004.

20. This Notice appoints 15 June 2005 as the date on which the Regulation will come into operation.

21. At the meeting of the LegCo Panel on Environmental Affairs on 21 December 2004, the Administration presented a paper for discussion about 98 fees revision items, including the items in L.N.s 47 and 48, for certain environment and conservation related services. One member indicated that he would not agree to the proposed fees revision if the Administration refused to revise downwards fee for the sale of maps (the Administration proposed to revise the fee from \$30 to \$34) including maps of hiking trails. However, another member held the view that as the fee increase for the sale of maps did not directly affect people’s livelihood or general business activities, the principle of cost recovery should be strictly adhered to. It is to be noted that the fees revision for sale of maps is effected administratively and hence not subject to LegCo’s power to amend. The fees for sale of maps have been revised to \$34 with effect from 29 March 2005.

PART II COMMENCEMENT NOTICES

Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2005 (L.N. 22 of 2005)

Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2005 (Commencement) Notice (L.N. 49)

22. This Notice appoints 15 April 2005 as the date on which the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2005 (L.N. 22 of 2005) (“the Order”) shall come into operation. The Order expands and updates the types of telecommunications apparatus exempted from licensing under the Telecommunications Ordinance (Cap.106) to reflect technological advancement and market situation.

Town Planning (Amendment) Ordinance 2004 (25 of 2004)

Town Planning (Amendment) Ordinance 2004 (Commencement) Notice (L.N. 50)

23. This Notice appoints 10 June 2005 as the date on which the Town Planning (Amendment) Ordinance 2004 (25 of 2004) (“the Ordinance”) shall come into operation. The Ordinance contains a comprehensive package of changes to the planning procedure, consultation process and planning controls.

24. No difficulties relating to the legal and drafting aspects of the above items have been identified.

Prepared by

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