

LEGISLATIVE COUNCIL BRIEF

Country Parks Ordinance (Cap. 208) Country Parks and Special Areas (Amendment) (Fees Adjustment) Regulation 2005

INTRODUCTION

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.

A 2. In exercising this power, the Secretary for Financial Services and the Treasury has made the Country Parks and Special Areas (Amendment) (Fees Adjustment) Regulation 2005 (the Regulation) at Annex A to revise the fees payable under the Country Parks and Special Areas Regulations made pursuant to the Country Parks Ordinance (Cap. 208).

BACKGROUND AND JUSTIFICATION

3. The Schedule to the Country Parks and Special Areas Regulations sets out various permit fees payable in connection with the use of country parks and special areas.

4. It is Government policy that fees and charges should in general be set at levels sufficient to recover the full cost of providing the services. Since February 1998, most Government fees and charges were frozen and the fee revision moratorium continued until 2000. The various permit fees payable in connection with the use of country parks and special areas have remained unchanged since 1998.

5. To abide by the “user pays” principle, the Financial Secretary indicated in the 2004-05 Budget Speech the need to consider the resumption of revision for government fees and charges, starting with those that do not directly affect people’s livelihood or general business activities. We completed a new fee revision exercise in 2004. The review recommended revision of the fees to reflect the full cost of providing the services at 2004-05 prices. Details of the fee revision proposal are shown at Annex B.

6. The Administration has been implementing measures to contain costs through reprioritising service provision and streamlining procedures. Such efficiency savings and improvement measures have been factored into the calculation of the proposed fee revisions.

THE REGULATION

7. The Regulation at Annex A seeks to revise the fees under the Country Parks and Special Areas Regulations as set out at Annex B. We propose that the new fees should come into effect on 15 June 2005.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows –

Publication of the Regulation in the Gazette	15 April 2005
Tabling of the Regulation at the Legislative Council	20 April 2005

IMPLICATIONS OF THE PROPOSAL

9. The fee revision proposal is in conformity with the Basic Law, including the provisions concerning human rights. Besides, the Regulation will not affect the binding effect of the Country Parks Ordinance. It will generate an estimated additional revenue of \$18,000 per annum. There are no staffing implications. The proposed fee revisions will have minimal impact on those requiring permits to use the country parks.

PUBLIC CONSULTATION

10. The Country Parks Committee of the Country and Marine Parks Board was consulted on the proposed fee revisions in August 2004. Members had no objection to the proposal. The Country and Marine Parks Board endorsed the proposal in September 2004. The Panel on Environmental Affairs of the Legislative Council was also consulted on 21 December 2004 and Members in general supported the proposed revisions.

PUBLICITY

11. A Legislative Council Brief and a press release will be issued. A spokesman will be available to handle media enquiries.

ENQUIRY

12. Any enquiry of this brief should be directed to Mr K W Cheung, Senior Country Parks Officer (Northwest) of the Agriculture, Fisheries and Conservation Department on telephone 2150 6860 or fax 2199 7044.

Environmental Protection Department
13 April 2005

**COUNTRY PARKS AND SPECIAL AREAS
(AMENDMENT) (FEES ADJUSTMENT)
REGULATION 2005**

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

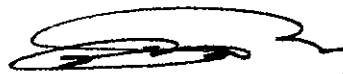
1. Commencement

This Regulation shall come into operation on 15 June 2005.

2. Fees

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

- (a) in the entry relating to regulation 9(1), by
repealing "\$1,430" and substituting "\$1,330";
- (b) in the entry relating to regulation 10(1)(a), by
repealing "\$237" and substituting "\$250";
- (c) in the entry relating to regulation 11(1)(a), by
repealing "\$467" and substituting "\$520";
- (d) in the entry relating to regulation 11(1)(b), by
repealing "\$467" and substituting "\$520";
- (e) in the entry relating to regulation 11(1)(c), by
repealing "\$237" and substituting "\$250".



Secretary for Financial Services
and the Treasury

12 April

2005

Explanatory Note

This Regulation amends the Schedule to the Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A) for the purposes of -

- (a) reducing the fee payable for a permit to sell or let on hire any commodity or article (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 (section 2(b));
 - (ii) permit to hold any public meeting or sporting competition, make any public speech or address any public meeting (section 2(c));
 - (iii) permit to hold any event organized for the purpose of raising funds, whether for charity or otherwise (section 2(d)); and

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

**Proposed Revisions to Permit Fees Prescribed in the
Schedule to the Country Parks and Special Areas Regulations**

Regulation	Description	Existing fee	Cost recovery rate at 2004-05 price level	Proposed fee	Proposed revision
9(1)	Permit to sell or let or hire any commodity or article (for each month or part thereof)	\$1,430	108%	\$1,330	-7%
10(1)(a)	Permit to display any sign, notice, poster, banner or advertisement (for each month or part thereof)	\$237	94%	\$250	+5%
11(1)(a)	Permit to hold any public meeting or sporting competition, make any public speech or address any public meeting (for each event)	\$467	90%	\$520	+11%
11(1)(b)	Permit to hold any event organised for the purpose of raising funds, whether for charity or otherwise (for each event)	\$467	90%	\$520	+11%
11(1)(c)	Permit to carry on any activity for the purpose of, or incidental to, any business (per day)	\$237	94%	\$250	+5%