

LEGISLATIVE COUNCIL BRIEF

Immigration Ordinance (Chapter 115)

IMMIGRATION (FEES REVISION) REGULATION 2006

Registration of Persons Ordinance (Chapter 177)

REGISTRATION OF PERSONS (FEES REVISION) REGULATION 2006

INTRODUCTION

In order to recover the full cost of providing the services in line with Government policy, it is necessary to revise the fees payable for certain documents, visas, permits and identity cards issued and services provided by the Immigration Department.

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

3. In exercise of these powers, the Secretary for Financial Services and the Treasury has made the Immigration (Fees Revision) Regulation 2006 and the Registration of Persons (Fees Revision) Regulation 2006, as set out at *Annexes A to B* respectively, to revise the fees specified in the following subsidiary legislation:

- (a) Schedule 2 to the Immigration Regulations made pursuant to section 59 of the Immigration Ordinance (Cap. 115 sub. leg. A); and
- (b) Schedule 2 to the Registration of Persons Regulations made pursuant to section 7 of the Registration of Persons Ordinance (Cap. 177 sub. leg. A)

BACKGROUND AND JUSTIFICATIONS

4. It is Government policy that fees should in general be set at levels sufficient to recover the full cost of providing the services. The Administration has frozen most fees and charges since February 1998 as an exceptional measure to alleviate the financial burden on the public in times of economic difficulty. In line with the “user pays” principle, the Financial Secretary, in the 2004-05 Budget Speech, indicated the need to resume the revision of Government fees and charges.

5. A recent costing review shows that most of the fees payable under the aforesaid Regulations are not adequate to recover the full costs of providing the services. Details of the cost recovery position are set out at *Annex C*.

6. The fees for issue of visas and permits, and travel documents such as seaman’s identity book, re-entry permit and document of identity, and for registration of persons services have been maintained at the existing level for the past eight years. As for the various fees for delivering a seaman’s identity book or a document of identity, and the fees for issue of a travel pass and a replacement APEC business travel card, these have not been revised since the introduction of the former services in 1998, and the latter in 1998 and 2001 respectively.

7. To alleviate the impact of the fee increases on users of the services concerned, we intend to increase the fees of seventeen fee items by 6% to 20% with a view to achieving full-cost recovery within three to seven years. We will reduce the fees of six items (namely issue of a 92-page document of identity, replacement of a lost or destroyed, damaged or defaced identity card, issue of a certificate or a certified copy under section 10 of the Registration of Persons Ordinance, and additional fee for delivering a seaman’s identity book or a document of identity to a place outside Hong Kong by double registered airmail or by express despatch service to other places outside Hong Kong except Asia-Pacific, North America and Europe) by 3% to 30% to reflect the reduced costs of providing the services. Details of the existing and revised fees are at *Annex C*.

THE IMMIGRATION (FEES REVISION) REGULATION 2006 AND THE REGISTRATION OF PERSONS (FEES REVISION) REGULATION 2006

8. The Immigration (Fees Revision) Regulation 2006 at *Annex A* and the Registration of Persons (Fees Revision) Regulation 2006 at *Annex B* revise the fees of the services as set out at *Annex C*. The new fees will take effect on 19 June 2006.

EFFICIENCY INITIATIVES

9. The Immigration Department regularly reviews the arrangements for handling various types of applications and services with a view to improving cost-effectiveness as well as the quality of services. Measures taken to reduce the cost of services include streamlining of work procedures and outsourcing.

BASIC LAW AND HUMAN RIGHTS IMPLICATIONS

10. The proposal is in conformity with the Basic Law, including the provisions concerning human rights.

BINDING EFFECT OF THE LEGISLATION

11. The Immigration (Fees Revision) Regulation 2006 and the Registration of Persons (Fees Revision) Regulation 2006 will not affect the binding effect of the respective principal Ordinance and Regulation.

FINANCIAL AND STAFFING IMPLICATIONS

12. Additional revenue to be generated from the fee revision is estimated to be \$12.8 million per annum. There are no staffing implications.

ECONOMIC IMPLICATIONS

13. The fee adjustments are small in dollar terms and should have little impact on the daily life of the general public.

PUBLIC CONSULTATION

14. The Administration issued a paper to the Legislative Council Panel on Security (“the Panel”) in June 2005 on proposals to revise the fees and charges for services under the purview of the Security Bureau that would not directly affect people’s livelihood or general business activities. Some of the fee items collected by the Immigration Department were discussed at the Panel meeting on 6 December 2005. The Panel raised no objection to the fee proposals included in this brief.

PUBLICITY

15. The Immigration (Fees Revision) Regulation 2006 and the Registration of Persons (Fees Revision) Regulation 2006 will be published in the Gazette on 7 April 2006. A press release will be issued and a spokesman will be available for answering media enquires.

ENQUIRIES

16. For any enquiries on this brief, please contact Ms Anita LI, Assistant Secretary for Security at 2810 2699.

Security Bureau
3 April 2006

IMMIGRATION (FEES REVISION) REGULATION 2006

(Made by the Secretary for Financial Services and the Treasury under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 59 of the Immigration Ordinance (Cap. 115))

1. Commencement

This Regulation shall come into operation on 19 June 2006.

2. Fees payable under the Ordinance

Schedule 2 to the Immigration Regulations (Cap. 115 sub. leg. A) is amended –

- (a) in item 1, by repealing “185” and substituting “215”;
- (b) in item 5, by repealing “135” and substituting “160”;
- (c) in item 6, by repealing “70” and substituting “84”;
- (d) in item 7, by repealing “135” and substituting “160”;
- (e) in item 9, by repealing “120” and substituting “140”;
- (f) in item 10, by repealing “40” and substituting “46”;
- (g) in item 14, by repealing “135” and substituting “160”;
- (h) in item 16, by repealing “270” and substituting “325”;
- (i) in item 17, by repealing “540” and substituting “650”;
- (j) in item 18, by repealing “145” and substituting “165”;
- (k) in item 19, by repealing “155” and substituting “180”;
- (l) in item 20(a), by repealing “260” and substituting “285”;
- (m) in item 20(b), by repealing “525” and substituting “370”;
- (n) in item 22(b), by repealing “150” and substituting “165”;
- (o) in item 23, by repealing “500” and substituting “575”;
- (p) in item 24(a), by repealing “45” and substituting “43”;
- (q) in item 24(b)(i), by repealing “115” and substituting “125”;

- (r) in item 24(b)(ii), by repealing “170” and substituting “180”;
- (s) in item 24(b)(iii), by repealing “335” and substituting “250”.

Secretary for Financial Services and
the Treasury

27 March 2006

Explanatory Note

The object of this Regulation is to amend Schedule 2 to the Immigration Regulations (Cap. 115 sub. leg. A) to revise the various fees payable for documents issued by or on behalf of the Director of Immigration and for visas and other matters arising under the Immigration Ordinance (Cap. 115).

REGISTRATION OF PERSONS (FEES REVISION)
REGULATION 2006

(Made by the Secretary for Financial Services and the Treasury under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 7 of the Registration of Persons Ordinance (Cap. 177))

1. Commencement

This Regulation shall come into operation on 19 June 2006.

2. Fees

Schedule 2 to the Registration of Persons Regulations (Cap. 177 sub. leg. A) is amended –

- (a) in item 3, by repealing “395” and substituting “335”;
- (b) in item 4, by repealing “395” and substituting “335”;
- (c) in item 5, by repealing “395” and substituting “420”;
- (d) in item 8, by repealing “395” and substituting “385”.

Secretary for Financial Services and
the Treasury

27 March 2006

Explanatory Note

This Regulation revises certain fees payable under the Registration of Persons Regulations (Cap. 177 sub. leg. A) (“the Regulations”) for –

- (a) replacing a lost or destroyed identity card under regulation 13 of the Regulations (section 2(a));

- (b) replacing a damaged or defaced identity card under regulation 13 of the Regulations (section 2(b));
- (c) replacing an identity card which requires alteration under regulation 14(1)(a) of the Regulations (section 2(c)); and
- (d) furnishing a certificate or a certified copy under section 10 of the Registration of Persons Ordinance (Cap. 177) (section 2(d)).

Existing and Revised Fees Collected by the Immigration Department

(A) Fees payable under Schedule 2 to the Immigration Regulations (Cap. 115 sub. leg. A)

Item	Description of Fee	Last revision	Existing fee level (\$)	Cost Recovery Level at 2005-06 Price Level	Proposed fee level (\$)	Proposed percentage increase/decrease
1	Seaman's identity book (whether of full or restricted validity)	Oct 1997	\$185	49%	\$215	16%
5	Ordinary visa	Oct 1997	\$135	33%	\$160	19%
6	Transit visa	Oct 1997	\$70	33%	\$84	20%
7	Change of conditions of stay or extension of limit of stay	Oct 1997	\$135	33%	\$160	19%
9	Multiple re-entry permit (whether of full or restricted validity)	Oct 1997	\$120	49%	\$140	17%
10	Re-entry permit valid for 1 visit	Oct 1997	\$40	49%	\$46	15%
14	Entry permit valid for 1 entry	Oct 1997	\$135	33%	\$160	19%
16	Entry permit for multiple entries and valid for 1 year	Oct 1997	\$270	33%	\$325	20%
17	Entry permit for multiple entries and valid for 3 years	Oct 1997	\$540	33%	\$650	20%
18	Endorsement to a travel document for which no specific fee is provided	Oct 1997	\$145	49%	\$165	14%
19	Service charge for supplying, on application, a copy of any document, or for making or forwarding, or both, a request or recommendation to any authority of a foreign state, for consular or nationality registration or for the issue or renewal of a passport or other travel document or of a document of identity or for the grant of a visa or entry permit	Oct 1997	\$155	49%	\$180	16%
20(a)	Document of identity valid for 7 years - 44-page document	Oct 1997	\$260	77%	\$285	10%
20(b)	Document of identity valid for 7 years - 92-page document	Oct 1997	\$525	143%	\$370	-30%
22(b)	Replacement of an APEC business travel card for the remainder of its validity period	Apr 2001*	\$150	89%	\$165	10%
23	Travel pass valid for not more than 3 years	Jan 1998*	\$500	61%	\$575	15%

Item	Description of Fee	Last revision	Existing fee level (\$)	Cost Recovery Level at 2005-06 Price Level	Proposed fee level (\$)	Proposed percentage increase/decrease
24(a)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by double registered airmail	Dec 1998*	\$45	105%	\$43	-4%
24(b)(i)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by express despatch service - Asia - Pacific	Dec 1998*	\$115	93%	\$125	9%
24(b)(ii)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by express despatch service - North America and Europe	Dec 1998*	\$170	94%	\$180	6%
24(b)(iii)	Additional fee for delivering a seaman's identity book or a document of identity to a place outside Hong Kong by express despatch service - Other places	Dec 1998*	\$335	133%	\$250	-25%

(A) Fees under Schedule 2 to the Registration of Persons Regulations (Cap. 177 sub. leg. A)

Item	Description of Fee	Last revision	Existing fee level (\$)	Cost Recovery Level at 2005-06 Price Level	Proposed fee level (\$)	Proposed percentage increase/decrease
3	Lost or destroyed identity card replaced under regulation 13	Oct 1997	\$395	119%	\$335	-15%
4	Damaged or defaced identity card replaced under regulation 13	Oct 1997	\$395	119%	\$335	-15%
5	Identity card requiring alteration replaced under regulation 14(1)(a)	Oct 1997	\$395	94%	\$420	6%
8	Certificate or a certified copy furnished under section 10 of the Registration of Persons Ordinance	Oct 1997	\$395	103%	\$385	-3%

* denotes first introduction of service