

LEGISLATIVE COUNCIL BRIEF

Land Survey Ordinance (Cap. 473) LAND SURVEY (FEES REVISION) REGULATION 2006

INTRODUCTION

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 fixed by subsidiary legislation made by the Chief Executive in Council.

2. In exercise of this power, the Secretary for Financial Services and the Treasury has made the Land Survey (Fees Revision) Regulation 2006 (the Amendment Regulation) at Annex A to revise the fees specified in the Land Survey (Fees) Regulation (the Regulation) made pursuant to the Land Survey Ordinance (the Ordinance).

BACKGROUND AND ARGUMENT

3. The Regulation sets out fees charged for inspection of land boundary records, supply of copies of plans, deposit of land boundary plans and survey record plans with the Land Survey Authority, registration as an authorized land surveyor and renewal of registration as authorized land surveyor under the Ordinance. The fees payable under the Regulation were first introduced in November 1995 and last revised in December 1996.

4. In line with the “user pays” principle, it is the policy of the Government that fees should, in general, be set at levels sufficient to recover the full cost of providing the services. While most of the government fees and charges were frozen since February 1998 as an exceptional measure to ease the burden of the community at the time of economic setback, the Financial Secretary indicated the need to resume revision of government fees and charges in the 2004-05 Budget Speech.

5. Costing exercises at the 2005-06 price level have been carried out

to review the fees set out in the Regulation. The costing exercises reveal 5 reductions and 2 increases. Details of the fee revision proposal are at Annex B. The proposed adjustments range from a reduction of 77% to an increase of 254%. The registration fee as an authorized land surveyor will be raised from \$1,150 to \$4,080 but this would be offset by a reduction of renewal of registration fee from \$1,150 to \$715 in subsequent years.

THE REGULATION

6. The Amendment Regulation at Annex A revises the fees as set out at Annex B. It is proposed that the new fees should come into effect on 1 January 2007.

LEGAL IMPLICATIONS

7. The proposed amendments do not alter the current binding effect of the Ordinance. They are in conformity with the Basic Law, including the provisions concerning human rights.

FINANCIAL AND STAFFING IMPLICATIONS

8. The fee proposal will generate additional revenue of \$102,000 per annum. There are no staffing implications.

ECONOMIC IMPLICATIONS

9. The revision of fee should have minimal cost impact on the concerned parties. Also, there will be negligible impact on consumer prices, as the revision only involves trade-specific items.

EFFICIENCY INITIATIVES

10. Measures have been taken to improve the efficiency of the provision of services as set out in the Regulation. They include the redeployment of staff for handling the storage and retrieval of land boundary records and the streamlining of the work procedures through the implementation of a Quality Management System.

PUBLIC CONSULTATION

11. The LegCo Panel on Planning, Lands and Works was consulted on the proposed revision of fees at the Panel meeting on 25 April 2006. Panel members did not raise any comments on the proposal.

PUBLICITY

12. A press release announcing the revision of fees will be issued today. The Amendment Regulation has been published in the Gazette on 27 October 2006.

ENQUIRIES

13. For any enquiries on this brief, please contact Mr. KWAN Lam-fat (Senior Land Surveyor of Lands Department) on 2231 3343.

Housing, Planning and Lands Bureau
November 2006

**LAND SURVEY (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 37 of the Land Survey Ordinance (Cap. 473))

1. Commencement

This Regulation shall come into operation on 1 January 2007.

2. Schedule amended

The Schedule to the Land Survey (Fees) Regulation (Cap. 473 sub. leg. A) is amended –

- (a) in item 1(a), by repealing “225” and substituting “53”;
- (b) in item 1(b), by repealing “225” and substituting “53”;
- (c) in item 2(a), by repealing “325” and substituting “73”;
- (d) in item 2(b), by repealing “325” and substituting “73”;
- (e) in item 3, by repealing “2,290” and substituting “2,520”;
- (f) in item 4, by repealing “1,150” and substituting “4,080”;
- (g) in item 5, by repealing “1,150” and substituting “715”.

Secretary for Financial Services and
the Treasury

Explanatory Note

This Regulation amends the Schedule to the Land Survey (Fees) Regulation (Cap. 473 sub. leg. A) –

- (a) to reduce the fees payable for –
 - (i) the inspection of land boundary record (section 2(a) and (b));
 - (ii) the supply of copies of plans (section 2(c) and (d)); and
 - (iii) the renewal of registration as an authorized land surveyor (section 2(g)); and
- (b) to increase the fees payable for –
 - (i) the deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority (section 2(e)); and
 - (ii) the registration as an authorized land surveyor (section 2(f)).

**Revision of Fees
under the Land Survey (Fees) Regulation**

Fee Item	Existing Fee (\$)	Proposed Fee (\$)
1		
Inspection of land boundary record-		
(a) For each land boundary plan included in the record	225	53
(b) For each survey record plan included in the record	225	53
2		
Supply of copies of plans-		
(a) For each copy of land boundary plan	325	73
(b) For each copy of survey record plan	325	73
3		
Deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority	2,290	2,520
4		
Registration as an authorized land surveyor	1,150	4,080
5		
Renewal of registration as an authorized land surveyor	1,150	715