

立法會
Legislative Council

LC Paper No. LS98/08-09

**Paper for the House Committee Meeting
on 3 July 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 26 June 2009**

Date of tabling in LegCo : 8 July 2009

Amendment to be made by : 2nd meeting of LegCo in the next session (or the 1st meeting after 21 days from the 2nd meeting of the next session if extended by resolution)

RELIEF MEASURES - WAIVER OF RATES AND FEES

- Karaoke Establishments Ordinance (Cap. 573)**
Karaoke Establishments (Fee Concessions) Regulation 2009 (L.N. 135)
- Road Traffic Ordinance (Cap. 374)**
Road Traffic (Motor Vehicle Licence Fee Concessions) Regulation 2009
(L.N. 136)
- Travel Agents Ordinance (Cap. 218)**
Travel Agents (Fee Concessions) Regulation 2009 (L.N. 137)
- Rating Ordinance (Cap. 116)**
Rating (Exemption) (No. 2) Order 2009 (L.N. 138)
- Public Finance Ordinance (Cap. 2)**
Revenue (Reduction of Business Registration Fees) Order 2009 (L.N. 139)
- Dutiable Commodities Ordinance (Cap. 109)**
Dutiable Commodities (Liquor Licence Fee Concessions) Regulation 2009
(L.N. 140)
- Merchant Shipping (Local Vessels) Ordinance (Cap. 548)**
Merchant Shipping (Local Vessels) (Fee Concessions) Regulation 2009
(L.N. 141)
- Places of Public Entertainment Ordinance (Cap. 172)**
Places of Public Entertainment (Fee Concessions) Regulation 2009 (L.N. 142)
- Road Traffic Ordinance (Cap. 374)**
Road Traffic (Passenger Service Licence Fee Concessions) Regulation 2009
(L.N. 143)

According to the LegCo Brief (File Ref.: FIN CR 5/2321/85 Pt. 46) issued by the Financial Services and the Treasury Bureau dated 24 June 2009, the Financial Secretary announced on 26 May 2009 a package of additional relief measures to alleviate the burden of the people of Hong Kong and certain business sectors. Some relief measures, for example, the exemption of rates, waiver of business registration fee, travel agents licence fees, karaoke establishment licence fees and vehicle licence fees, are required to be implemented by way of subsidiary legislation.

2. L.N. 135 to L.N. 143, which provide for waiver of various licence fees for a period of one year and exemption of rates for two quarters, represent the relief measures required to be effected by subsidiary legislation.

L.N. 135

3. L.N. 135 provides for concessions and waiver on certain fees payable in respect of the operation of a karaoke establishment under the Karaoke Establishment (Fees) Regulation (Cap. 573 sub. leg. B) (the Fees Regulation) within the period of 1 July 2009 to 30 June 2010. Details of the concessions are set out below:

- (a) the fee of \$3,540 for the grant of a permit and the fee for the issue of a licence (ranging from \$10,500 to \$27,800) payable under the Fees Regulation to operate a karaoke establishment are reduced by half;
- (b) the fee of \$1,240 for the renewal of a permit and the fee for the renewal of a licence (ranging from \$4,520 to \$8,400) payable under the Fees Regulation to operate a karaoke establishment are reduced by half; and
- (c) the fee of \$1,270 payable under the Fees Regulation for the grant of a provisional permit or the issue of a provisional licence to operate a karaoke establishment and the fee for the renewal of a provisional permit or a provisional licence are waived.

4. L.N. 135 comes into operation on 1 July 2009.

L.N. 136

5. L.N. 136 provides for the waiver of the following licence fees payable under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) (the Licensing Regulations) if the licence takes effect from a date that falls within the period of 1 July 2009 to 30 June 2010:

- (a) the annual licence fees for non-franchised public buses and student private bus, calculated at the rate of \$25 for the driver and an additional fee of \$50 (in case of public buses) and \$45 (in case of private buses) for each seat for a passenger in such vehicles;
- (b) the annual licence fee for goods vehicle and special purpose vehicles (ranging from \$1,175 to \$4,580);

- (c) the annual licence fee for van-type light goods vehicle (ranging from \$2,115 to \$4,140);
- (d) the annual licence fee for trailer at \$30 for each 250 kg permitted gross vehicle weight or part thereof;
- (e) the annual licence fee of \$3,045 for taxis;
- (f) the annual licence fee of \$8,315 for public light buses;
- (g) the annual licence fee of \$2,635 for school private light buses; and
- (h) additional fee for a licence for 4 months in respect of the motor vehicles mentioned in items (a) to (g) above or the motor vehicles for use in Lantau only.

6. L.N. 136 comes into operation on 1 July 2009.

L.N. 137

7. L.N. 137 provides for the waiver of the following fees payable in respect of a travel agent's licence under the Travel Agents Regulations (Cap. 218 sub. leg. A) within the period of 1 July 2009 to 30 June 2010 (concession period):

- (a) the fee of \$630 for an application of a travel agent's licence in respect of an application made within the concession period;
- (b) the fee for a travel agent's licence or the renewal of the licence (\$485 for each month of the term of the licence) if the term of the licence begins within the concession period, subject to maximum amount of \$5,820.

8. L.N. 137 comes into operation on 1 July 2009.

L.N. 138

9. L.N. 138 which is made by the Chief Executive in Council under section 36(2) of the Rating Ordinance (Cap. 116), declares that all tenements are exempted from the payment of rates in respect of any quarter in the period 1 October 2009 to 31 March 2010 wholly, if the amount of rates payable for the quarter is \$1,500 or less, or up to \$1,500, if the amount is more than \$1,500. Members may recall that a similar rates exemption for the two quarters within the period of 1 April 2009 to 30 September 2009 has been given effect by the Rating (Exemption) Order 2009 (L.N. 28 of 2009).

10. L.N. 138 comes into operation on 1 October 2009.

L.N. 139

11. Section 39A(a) of the Public Finance Ordinance (Cap. 2) provides, among other things, that any fee made payable by or under any Ordinance to the Government, not being a fee or charge which is regulated by rules of court may be reduced or varied by order of Chief Executive provided that no variation thereof shall cause such fee to exceed the original figure.

12. L.N. 139 is made by the Chief Executive under section 39A of the Public Finance Ordinance to waive or reduce the fees payable under the Business Registration Ordinance (Cap. 310) in respect of business registration certificates and branch registration certificates that commence on or after 1 August 2009 but before 1 August 2010. If businesses have elected for three-year certificates, the business and branch registration fees for their new certificates or renewal certificates that commence on or after 1 August 2009 but before 1 August 2010 will be reduced by \$2,000 and \$73 respectively.

13. L.N. 139 comes into operation on 1 August 2009.

L.N. 140

14. L.N. 140 provides for the waiver of fees payable under the Dutiable Commodities Ordinance (Cap. 109) for the grant or renewal of liquor licences that take effect within the period 1 July 2009 to 30 June 2010 (both dates inclusive). For Members' information, the existing fees for the grant or renewal of a liquor licence range from \$1,990 to \$3,940 in urban area and from \$1,100 to \$4,300 in the New Territories.

15. L.N. 140 comes into operation on 1 July 2009.

L.N. 141

16. L.N. 141 waives the fees (and additional fees) payable in respect of an application which is made within the period of 1 July 2009 to 30 June 2010 (both dates inclusive) (the concession period) for:

- (a) the issue of a full licence, or
- (b) the grant of a permission for a laid-up vessel,

in respect of a local vessel that is specified in Schedule 1 to the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548 sub. leg. J) (Principal Regulation) as Class I, II or III vessel or as Class IV vessel with a certificate of inspection or certificate of survey (local vessel). In case of an application for renewal of a full licence or a temporary licence of a local vessel, the relevant fee is waived if the renewed licence or temporary licence will take effect from the date falling within the concession period.

17. The fees waived under L.N. 141 range from \$345 to maximum amount calculated by the chargeable area of the relevant vessel and the relevant unit fee specified in Schedule 1 to the Principal Regulation.

18. L.N. 141 comes into operation on 1 July 2009.

L.N. 142

19. L.N. 142 provides that fees payable under the Places of Public Entertainment Ordinance (Cap. 172) for a licence granted or renewed in respect of a place of public entertainment designed as a theatre or cinema is waived if the term of the licence is for 12 months beginning from a date falling within the period of 1 July 2009 to 30 June 2010 (the concession period). For Members' information, the existing fees for the grant or renewal of a licence in respect of a place of public entertainment designed as theatre or cinema range from \$14,260 to \$26,930 in urban area and from \$13,775 to \$24,785 in the New Territories.

20. Further, the fee payable for the grant or renewal of a provisional licence which is set at \$2,680 or \$2,420 respectively under regulation 3C of the Places of Public Entertainment Regulations (Cap. 172 sub. leg. A) is waived if the effective date of the provisional licence is within the concession period.

21. L.N. 142 comes into operation on 1 July 2009.

L.N. 143

22. L.N. 143 provides for the waiver of the following fees payable under the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D) in respect of certain passenger service licences and passenger service licence certificates that take effect from a date that falls within the period of 1 July 2009 to 30 June 2010:

- (a) the passenger service licence fee of \$396 per annum each for operating a non-franchise public bus service, a public light bus service, a student private bus service and a school private light bus service; and
- (b) the fee of \$160 per vehicle per annum each for a passenger service licence certificate for a non-franchise public bus service, a public light bus service, a student private bus service and a school private light bus service.

23. L.N. 143 also provides that the total amount of fees that can be waived in respect of the above passenger service licences and passenger service licence certificates is subject to a maximum of \$396 and \$160 respectively.

24. L.N. 143 comes into operation on 1 July 2009.

25. Members may refer to the LegCo Brief for background information. According to paragraph 8 of the LegCo Brief, holders of licences which have commenced before the concession period, are valid for more than one year and will

not expire during the concession period will, upon application, be refunded the licence fees already paid on pro-rata basis by reference to the concession period.

26. The Financial Secretary briefed the Panel on Financial Affairs (the Panel) on the additional relief measures at the special meeting on 29 May 2009. While members of the Panel welcomed the introduction of the additional relief measures, they did not give any specific comments on the measures relevant to the waiver of business registration fee, licence fees and rates. Some members had put forward other suggestions to assist the unemployed and the low-income group who were most hard hit by the economic downturn.

27. As the refund of licence fees mentioned in paragraph 25 above is not provided in L.N. 135 to L.N. 143, the Legal Service Division is seeking clarification from the Administration on the legal basis for the refund and how the refund of licence fees will be given effect and implemented. A further report will be made if necessary.

Prepared by

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