

LEGISLATIVE COUNCIL BRIEF

Land Survey Ordinance (Cap. 473) LAND SURVEY (FEES) (AMENDMENT) REGULATION 2009

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) (Amendment) Regulation 2009 (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 January 2007.

4. In line with the “users pay” 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. The seven fee items concerned are imposed under the Land Survey Ordinance.

5. Costing exercises have been carried out recently to review the costs of these seven fee items. They reveal that all fee items should increase their fee levels. The proposed fee increase ranges from 7.5% to 8.2%.

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 November 2009.

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. When the proposed fees and charges adjustments are implemented, there will be an increase of about \$0.16 million in revenue 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. We have taken measures to reduce or contain cost of our services through implementing efficiency initiatives, reprioritizing service provision and streamlining procedures. Such efficiency savings and improvement measures have been factored into the calculation of costs for individual fee items.

PUBLIC CONSULTATION

11. The LegCo Development Panel was consulted on the proposed revision of fees at the Panel meeting on 26 May 2009. 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 5 June 2009.

ENQUIRIES

13. For any enquiries on this brief, please contact Mr. Anthony Yeung on 2189 7951.

Development Bureau
June 2009

**LAND SURVEY (FEES) (AMENDMENT)
REGULATION 2009**

(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 comes into operation on 1 November 2009.

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 “53” and substituting “57”;
- (b) in item 1(b), by repealing “53” and substituting “57”;
- (c) in item 2(a), by repealing “73” and substituting “79”;
- (d) in item 2(b), by repealing “73” and substituting “79”;
- (e) in item 3, by repealing “2,520” and substituting “2,710”;
- (f) in item 4, by repealing “4,080” and substituting “4,400”;
- (g) in item 5, by repealing “715” and substituting “770”.

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) to increase the fees payable for—

- (a) the inspection of land boundary record (section 2(a) and (b));
- (b) the supply of copies of plans (section 2(c) and (d));
- (c) the deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority (section 2(e));
- (d) the registration as an authorized land surveyor (section 2(f)); and
- (e) the renewal of registration as an authorized land surveyor (section 2(g)).

Annex B

Proposed revision of fees under the Land Survey (Fees) Regulation

Item	Fee Description	Existing Fee (\$)	Proposed Fee (\$)
1	Inspection of land boundary record-		
	(a) For each land boundary plan included in the record	53	57
	(b) For each survey record plan included in the record	53	57
2	Supply of copies of plans-		
	(a) For each copy of land boundary plan	73	79
	(b) For each copy of survey record plan	73	79
3	Deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority	2,520	2,710
4	Registration as an authorized land surveyor	4,080	4,400
5	Renewal of registration as an authorized land surveyor	715	770