

LEGISLATIVE COUNCIL BRIEF

Land Survey Ordinance (Cap. 473) LAND SURVEY (FEES) (AMENDMENT) REGULATION 2012

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 the exercise of this power, the Secretary for Financial Services and the Treasury has made the Land Survey (Fees) (Amendment) Regulation 2012 (the Amendment Regulation) at Annex A to revise the fees specified in the Land Survey (Fees) Regulation (Cap. 473A) (the Regulation) made pursuant to the Land Survey Ordinance (Cap. 473) (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 November 2009.

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 costs of providing the services. The seven fee items concerned are imposed under the Ordinance.

5. Costing exercises at the 2012-13 price level have revealed that the fee levels for all the fee items should be increased so as to achieve full cost recovery. In order to achieve full cost recovery gradually and avoid a steep fee increase, we propose to adopt an increase of about 10% for fees of existing cost recovery rate of over 70%.

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 August 2012.

LEGAL IMPLCIATIONS

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 \$0.216 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 the 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 the individual fee items.

PUBLIC CONSULTATION

11. The LegCo Development Panel was consulted on the proposed revision of fees at its meeting on 24 April 2012. Panel members supported the fee proposal.

PUBLICITY

12. The Amendment Regulation will be published in the Gazette on 11 May 2012 and a press release will be issued on the same date to announce the fee revision. A spokesman will be available to answer enquiries.

ENQUIRIES

13. For any enquiries on this brief, please contact Miss Noel Ng at 3509 8833.

Development Bureau
May 2012

Land Survey (Fees) (Amendment) Regulation 2012

Section 1

1

Land Survey (Fees) (Amendment) Regulation 2012

(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 August 2012.

2. Land Survey (Fees) Regulation amended

The Land Survey (Fees) Regulation (Cap. 473 sub. leg. A) is amended as set out in section 3.

3. Schedule amended

(1) The Schedule, item 1(a) and (b)—

Repeal

“57”

Substitute

“63”.

(2) The Schedule, item 2(a) and (b)—

Repeal

“79”

Substitute

“87”.

(3) The Schedule, item 3—

Repeal

“2,710”

Substitute

“2,980”.

(4) The Schedule, item 4—

Repeal

“4,400”

Substitute

“4,840”.

- (5) The Schedule, item 5—

Repeal

“770”

Substitute

“845”.

Secretary for Financial Services and
the Treasury

2012

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 3(1));
- (b) the supply of copies of plans (section 3(2));
- (c) the deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority (section 3(3));
- (d) the registration as an authorized land surveyor (section 3(4)); and
- (e) the renewal of registration as an authorized land surveyor (section 3(5)).

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

Item	Fee Description	Existing Fee (\$)	Latest Cost Recovery Rate at 2012-13 price level	Proposed Fee (\$)	Percentage Increase
1	Inspection of land boundary record-				
	(a) For each land boundary plan included in the record	57	80.3%	63	10.53%
	(b) For each survey record plan included in the record	57	80.3%	63	10.53%
2	Supply of copies of plans-				
	(a) For each copy of land boundary plan	79	85.9%	87	10.13%
	(b) For each copy of survey record plan	79	85.9%	87	10.13%
3	Deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority	2,710	85.6%	2,980	9.96%
4	Registration as an authorized land surveyor	4,400	78.1%	4,840	10.00%
5	Renewal of registration as an authorized land surveyor	770	78.7%	845	9.74%