

**立法會**  
**Legislative Council**

LC Paper No. LS8/14-15

**Paper for the House Committee Meeting  
on 7 November 2014**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 31 October 2014**

**Tabling in LegCo** : Council meeting of 5 November 2014

**Amendment to be made by** : Council meeting of 3 December 2014 (or that of 7 January 2015 if extended by resolution)

**Aerial Ropeways (Fees) (Amendment) Regulation 2014** (L.N. 131)

L.N. 131 has been made by the Secretary for Financial Services and the Treasury under section 29A(1) of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 28(1A) of the Aerial Ropeways (Safety) Ordinance (Cap. 211)<sup>1</sup>. L.N. 131 amends the Schedule to the Aerial Ropeways (Fees) Regulation (Cap. 211B) to increase the following items of fees (the relevant fees) -

- (a) the fees payable on applications under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211A)<sup>2</sup> for the approval of persons who may be employed in the operation and maintenance of aerial ropeways (i.e. surveyors, competent persons, controllers and operators); and

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<sup>1</sup> Section 28(1A) of Cap. 211 provides that the Chief Executive in Council may by regulation provide for fees. Section 29A(1) of Cap. 1 provides that where the amount of any fee or charge is for the time being specified in, or otherwise fixed or determined by, subsidiary legislation made by the Chief Executive in Council, the Financial Secretary (which means also the Secretary for Financial Services and the Treasury by virtue of section 3 of Cap. 1) may by similar subsidiary legislation increase or decrease, or otherwise vary, the amount of the fee or charge.

<sup>2</sup> Regulation 4 of Cap. 211A provides that an application for the approval of any person as a surveyor, competent person, controller or operator shall be made in writing to the Director of Electrical and Mechanical Services (the Director) and shall be accompanied by a full-face photograph of the applicant and the appropriate fee prescribed in Cap. 211B.

- (b) the fee payable under regulation 5(7) of Cap. 211A for an application for the amendment of a limited certificate of approval issued to an operator under regulation 5(4) of Cap. 211A<sup>3</sup>.
2. Details of the proposed fees revision and a comparison of the existing and revised fees are set out at **Annex**.
3. According to paragraph 4 of the LegCo Brief (File Ref. : DEVB(PL-B) 36/03/08) issued by the Development Bureau in October 2014, the result of the costs review recently conducted by the Administration shows that the present costs recovery rates of the relevant fees range from 84% to 87%. The proposed fees revision, which ranges from 14% to 19%, is made with a view to achieving full costs recovery. The relevant fees were last revised in November 2000.
4. According to paragraphs 10 and 11 of the LegCo Brief, the Ngong Ping 360 and Ocean Park, the two establishments in Hong Kong with aerial ropeway operations, have been consulted on the proposed fees revision. They have not raised any comment on the proposal.
5. As advised by the Clerk to the Panel on Development (the Panel), an information paper about the proposed fees revision was circulated to members of the Panel on 17 June 2014. At the same time, Panel members were consulted on whether the proposal should be discussed at a meeting of the Panel. No request for such discussion has been received.
6. L.N. 131 will come into operation on 12 January 2015.
7. No difficulties have been identified in the legal and drafting aspects of L.N. 131.

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3 November 2014  
LS/S/6/14-15

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<sup>3</sup> Regulation 5(4) of Cap. 211A provides that where the Director approves a person as a surveyor, competent person, controller or operator, he shall issue that person with a certificate of approval, which in the case of an operator, may limit the duties which that operator may perform and which may be subject to such conditions as the Director thinks fit. Under regulation 5(7) of Cap. 211A, the Director may, on application by an operator holding a limited certificate of approval and on payment of fee prescribed in Cap. 211B, amend that certificate by altering the duties which that operator may perform, varying the conditions or by removing all the limitations or conditions.

**Proposed Revision of Fees prescribed in the  
Aerial Ropeways (Fees) Regulation (Cap. 211B)**

<b>Item in the Schedule of Fees</b>	<b>Fee Particulars</b>	<b>Current Fees (\$)</b>	<b>Proposed Fees (\$)</b>
1(a)	Fee payable under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211A) for application for approval of a person as a surveyor	3,675	4,270 (+16%)
1(b)	Fee payable under regulation 4 of Cap. 211A for application for approval of a person as a competent person	2,055	2,350 (+14%)
1(c)	Fee payable under regulation 4 of Cap. 211A for application for approval of a person as a controller	2,055	2,350 (+14%)
1(d)	Fee payable under regulation 4 of Cap. 211A for application for approval of a person as an operator	1,395	1,660 (+19%)
2	Fee payable under regulation 5(7) of Cap. 211A for application for amendment of a limited certificate of approval issued to an operator	1,395	1,660 (+19%)