

LEGISLATIVE COUNCIL BRIEF

Land Survey Ordinance (Cap. 473) LAND SURVEY (FEES) (AMENDMENT) REGULATION 2016

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 2016 (the “Amendment Regulation”) at **Annex A** to revise the fees specified in the Land Survey (Fees) Regulation (Cap. 473A) (the “Regulation”) made under the Land Survey Ordinance (Cap. 473) (the “Ordinance”).

BACKGROUND AND ARGUMENT

3. The Regulation sets out fees payable in respect of inspection of land boundary records, supply of copies of plans, deposit of land boundary plans and corresponding survey record plans with the Land Survey Authority, registration as an authorized land surveyor and renewal of registration as an authorized land surveyor under the Ordinance. The fees payable under the Regulation were first introduced in November 1995 and last revised in March 2015.

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 prescribed in the Regulation under the Ordinance.

5. Costing exercises at the 2015-16 price level have revealed that the fee levels for all the fee items should be increased so as to achieve full cost recovery. The existing cost recovery rates range from 83.2% to 92.0%. In order to achieve full cost recovery gradually and avoid a steep fee increase, we propose to adopt an increase of about 10%.

THE AMENDMENT 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 24 March 2016.

LEGAL IMPLICATIONS

7. The Amendment Regulation will 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 CIVIL SERVICE IMPLICATIONS

8. When the proposed fees and charges adjustments are implemented, we anticipate an increase of about \$0.3 million in revenue per annum. There are no civil service implications.

ECONOMIC IMPLICATIONS

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

EFFICIENCY INITIATIVES

10. We have been taking measures to contain the cost of our services through implementing efficiency initiatives, reprioritizing service provision and streamlining procedures. Examples of such efficiency measures include the use of standard forms and computer applications for the relevant services. These measures have been factored into the calculation of costs for individual fee items.

PUBLIC CONSULTATION

11. The Legislative Council Panel on Development was consulted on 22 December 2015. Panel Members did not raise any adverse comment.

PUBLICITY

12. The Amendment Regulation will be published in the Gazette on 15 January 2016 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 Mr Zachary Lee at 3509 8817.

Development Bureau
January 2016

Land Survey (Fees) (Amendment) Regulation 2016

(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 24 March 2016.

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

“69”

Substitute

“76”.

- (2) The Schedule, item 2(a) and (b)—

Repeal

“96”

Substitute

“105”.

- (3) The Schedule, item 3—

Repeal

“3,280”

Substitute

“3,590”.

- (4) The Schedule, item 4—

Repeal

“5,320”

Substitute

“5,850”.

- (5) The Schedule, item 5—

Repeal

“930”

Substitute

“1,020”.



Secretary for Financial Services and
the Treasury

8 January 2016

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 (Cap. 473A)**

Item	Fee Description	Existing Fee (\$)	Latest Cost Recovery Rate at 2015-16 Price Level	Proposed Fee (\$)	Percentage Increase	Cost Recovery Rate after Fee Revision
1	Inspection of land boundary record-					
	(a) For each land boundary plan included in the record	69	85.7%	76	10.1%	94.3%
	(b) For each survey record plan included in the record	69	85.7%	76	10.1%	94.3%
2	Supply of copies of plans-					
	(a) For each copy of land boundary plan	96	92.0%	105	9.4%	100.6%
	(b) For each copy of survey record plan	96	92.0%	105	9.4%	100.6%
3	Deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority	3,280	91.3%	3,590	9.5%	100.0%
4	Registration as an authorized land surveyor	5,320	83.2%	5,850	10.0%	91.5%
5	Renewal of registration as an authorized land surveyor	930	83.7%	1,020	9.7%	91.8%