

For discussion
on 12 June 2000

**Legislative Council Panel on
Information Technology and Broadcasting**

**Revision of Fees under the Control of Obscene and Indecent Articles
Regulations (Cap. 390 sub. leg.)**

PURPOSE

This paper seeks Members' views on the proposal to increase the fees prescribed in the Control of Obscene and Indecent Articles Regulations (COIAR) (Cap. 390 sub. leg.).

BACKGROUND AND ARGUMENT

2. The Secretary for the Treasury consulted the Panel on Financial Affairs on 13 April 2000 on proposals to revise various fees and charges that would only affect a small number of people and some specialist businesses. Members suggested that, in view of the diverse nature of the identified fees and charges, the relevant subject Legislative Council Panels should be consulted. At the House Committee meeting held on 14 April 2000, Members agreed that the Administration should consult the other Panels on whether and if so how fees and charges under their respective purviews should be increased. Among the fees proposed for revision are the fees under the COIAR.

3. Fees in respect of the following matters are prescribed in the COIAR –

- (a) application under section 13(1) of the Control of Obscene and Indecent Articles Ordinance (COIAO) for classification by the Obscene Articles Tribunal (OAT) of an article submitted by the author, printer, manufacturer, publisher, importer, distributor or owner of the copyright of the article or any person who commissions the design, production or publication of the article;

- (b) giving of notice under section 15(1) of the COIAO to require the OAT to review at a full hearing the interim classification of an article by the person who submitted or anyone who would have been entitled under section 13(1) to submit the article for classification;
- (c) request under section 17(1) of the COIAO to the OAT to reconsider the classification of an article by the person who submitted or anyone who would have been entitled under section 13(1) to submit the article for classification;
- (d) search of, copy of or extract from the register of notices of classification kept by the Registrar of the High Court under section 19(4) of the COIAO; and
- (e) search of the repository of articles kept by the Registrar under section 20(1) of the COIAO.

Fees in respect of the above matters were last revised in June 1994.

4. It is the Government's policy that fees should in general be set at levels sufficient to recover the full costs of providing the services. In view of the large number of fees collected by the Judiciary, the Administration has decided that revision of these fees should be conducted on a global costing basis with a view to seeking an overall breakeven. The projected revenue from and costs of providing these services for 2000-2001 prepared by the Judiciary reveal that there will be a shortfall. A cost computation statement is at Annex A. To achieve full cost recovery, it is proposed that the fees for judicial services, including those under the COIAR, should be increased by 8.5% on average. Details of the existing and proposed fees prescribed in the COIAR are set out at Annex B.

COST CONTAINMENT

5. The Judiciary is committed to containing costs by continuing to implement the Enhanced Productivity Programme and other efficiency improvement measures.

FINANCIAL AND STAFFING IMPLICATIONS

6. Additional revenue generated is estimated to be \$240,000 per annum. There are no staffing implications.

NEXT STEPS

7. We plan to table the Control of Obscene and Indecent Articles (Amendment) Regulation setting out the proposed fee increases at the Legislative Council in October 2000, with a view to bringing the revised fees into effect in November 2000. The amendment regulation is subject to negative vetting by the Legislative Council.

**Information Technology and Broadcasting Bureau
June 2000**

COST COMPUTATION
Judiciary
Judiciary Fees and Charges under Various Rules and Regulations #

Cost at 2000-01 prices

	\$ '000
Staff Costs	179,174
Departmental Expenses	12,814
Accommodation Costs	2,737
Depreciation	4,924
Cost of Services Provided by Other Departments	3,801
Administrative Overhead	<u>11,317</u>
+ Operating Cost (a)	214,767
* Revenue (b)	197,985
Existing Cost Recovery Rate (b)/(a)	92.2%
Proposed Increase [(a)/(b)-100%]	8.5%

Note:

The rules and regulations are:

- Bankruptcy (Fees and Percentages) Order
- Bills of Sale (Fees) Regulations
- Companies (Fees and Percentages) Order
- Control of Obscene and Indecent Articles Regulations
- Coroners (Fees) Rules
- Criminal Appeal Rules
- District Court Civil Procedure (Fees) Rule
- Estate Agents (Registration of Determination and Appeal) Regulations
- High Court Fees Rules
- Hong Kong Court of Final Appeal Fees Rules
- Labour Tribunal (Fees) Rules
- Landlord and Tenant (Consolidation) Ordinance
- Lands Tribunal (Fees) Rules
- Legal Practitioners (Fees) Rules
- Magistrates (Fees) Regulations
- Matrimonial Causes (Fees) Rules
- Money Lenders Regulations
- Probate and Administration Ordinance
- Small Claims Tribunal (Fees) Rules

✦ Costs attributable to court hearing and other free services (e.g. Criminal cases, Coroner's Court) are excluded.

* Court fines and fixed penalty fines are excluded

Proposed and Existing Fees under
The Control of Obscene and Indecent Articles Regulations

<u>Item</u>	<u>Existing</u>	<u>Proposed</u>	<u>Increase</u>	
	<u>Rate (\$)</u>	<u>Rate (\$)</u>	<u>\$</u>	<u>%</u>
1. Application under s.13(1) of the COIAO for classification of an article by a tribunal	1,940	2,100	160	8.2%
2. Notice under s.15(1) of the COIAO to require a tribunal to review at a full hearing the interim classification of an article	970	1,050	80	8.2%
3. Request under s.17(1) of the COIAO to a tribunal to reconsider the classification of an article	1,940	2,100	160	8.2%
4. Search of the register of notices kept by the Registrar under s.19(4) of the COIAO	30	33	3	10.0%
5. Copy or extract from the register of notices kept by the Registrar under s.19(4) of the COIAO (per notice)	127	138	11	8.7%
6. Search of repository of articles kept by the Registrar under s.20(1) of the COIAO	385	418	33	8.6%