

## **LEGISLATIVE COUNCIL BRIEF**

### **Marine Parks Ordinance (Cap. 476) Marine Parks and Marine Reserves (Amendment) (Fees Adjustment) Regulation 2005**

#### **INTRODUCTION**

Section 20 of the Marine Parks Ordinance empowers the Secretary for the Environment, Transport and Works to vary the fees specified in the Marine Parks and Marine Reserves Regulation.

2. In exercising this power, the Secretary for the Environment, Transport and Works has made the Marine Parks and Marine Reserves (Amendment) (Fees Adjustment) Regulation 2005 (the Regulation) at Annex A to revise the fees payable under the Marine Parks and Marine Reserves Regulation made pursuant to the Marine Parks Ordinance (Cap. 476).

#### **BACKGROUND AND JUSTIFICATION**

3. Schedule 4 to the Marine Parks and Marine Reserves Regulation sets out the fees charged for the issue, renewal, and duplication of various permits in connection with the use of marine parks and marine reserve.

4. It is Government policy that fees and charges should be in general be set at levels sufficient to recover the full costs of providing the services. Since February 1998, most Government fees and charges were frozen and the fee revision moratorium continued until 2000. Apart from a reduction in the fee for duplicating a permit in 2000, all other permit fees under the Regulation have remained unchanged since 1998.

5. To abide by the “user pays” principle, the Financial Secretary indicated in the 2004-05 Budget Speech the need to consider the resumption of revision for government fees and charges, starting with those that do not directly affect people’s livelihood or general business activities. We completed a new fee

revision exercise in 2004. The review recommended revision of the fees to reflect the full cost of providing the services at 2004-05 prices. Details of the fee revision proposal are shown at Annex B.

6. The Administration has been implementing measures to contain costs through reprioritising service provision and streamlining procedures. Such efficiency savings and improvement measures have been factored into the calculation of the proposed fee revisions.

## **THE REGULATION**

7. The Regulation at Annex A seeks to revise the fees under the Marine Parks and Marine Reserves Regulation as set out at Annex B. We propose that the new fees should come into effect on 15 June 2005.

## **LEGISLATIVE TIMETABLE**

8. The legislative timetable is as follows –

Publication of the Regulation in the Gazette	15 April 2005
Tabling of the Regulation at the Legislative Council	20 April 2005

## **IMPLICATIONS OF THE PROPOSAL**

9. The fee revision proposal is in conformity with the Basic Law, including the provisions concerning human rights. Besides, the Regulation will not affect the binding effect of the Marine Parks Ordinance. The proposal would bring about a decrease in revenue of \$900 per annum. There are no staffing implications. The proposed fee revisions will have minimal impact on those requiring permits to use the marine parks and marine reserve.

## **PUBLIC CONSULTATION**

10. The Marine Parks Committee of the Country and Marine Parks Board was consulted on the proposed fee revisions in July 2004. Members had no objection to the proposal. The Country and Marine Parks Board endorsed the proposals in September 2004. The Panel on Environmental Affairs of the Legislative Council was also consulted on 21 December 2004 and Members in general supported the proposed revisions.

## **PUBLICITY**

11. A Legislative Council Brief and a press release will be issued. A spokesman will be available to handle media enquiries.

## **ENQUIRY**

12. Any enquiry of this brief should be directed to Mr Edward Wong, Senior Marine Parks Officer of the Agriculture, Fisheries and Conservation Department on telephone 2150 6870 or fax 2199 7044.

Environment Protection Department  
13 April 2005

**MARINE PARKS AND MARINE RESERVES (AMENDMENT)  
(FEES ADJUSTMENT) REGULATION 2005**

(Made under section 20 of the Marine Parks Ordinance (Cap. 476))

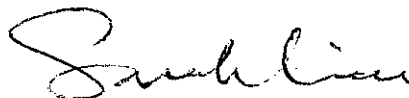
**1. Commencement**

This Regulation shall come into operation on 15 June 2005.

**2. Fees**

Schedule 4 to the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) is amended -

- (a) in the entries relating to sections 11, 12, 13(1), 14, 15(a), 15(b), 15(c), 15(d) and 17(4), by repealing "217" and substituting "180";
- (b) in the entry relating to section 17(7), by repealing "87" and substituting "100".



Secretary for the Environment,  
Transport and Works

12 April

2005

**Explanatory Note**

This Regulation amends Schedule 4 to the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) (the "principal Regulation") for the purposes of -

- (a) reducing the fee payable for any of the following permits (section 2(a)) -
  - (i) permit to moor or anchor a vessel;
  - (ii) permit to hawk;
  - (iii) permit to display signs, etc.;
  - (iv) permit to barbecue or camp;
  - (v) permit to hold any public meeting, boating or other sporting competition;
  - (vi) permit to hold an event for raising funds;
  - (vii) permit to carry on an activity for business; and
  - (viii) permit to operate any power-driven model boat or aeroplane;
- (b) reducing the fee payable for the renewal of any of the permits mentioned in paragraph (a) (section 2(a)); and
- (c) increasing the fee payable for a duplicate of a permit granted under the principal Regulation (section 2(b)).

**Annex B**

**Proposed Revisions to the Permit Fees Prescribed in  
Schedule 4 to the Marine Parks and Marine Reserve Regulation**

<b>Regulation</b>	<b>Description</b>	<b>Existing fee</b>	<b>Cost recovery rate at 2004-05 price level</b>	<b>Proposed fee</b>	<b>Proposed revision</b>
11	Permit to moor or anchor a vessel (for each event)	\$217	119%	\$180	-17%
12	Permit to hawk (per year)	\$217	119%	\$180	-17%
13(1)	Permit to display signs, etc (for each event)	\$217	119%	\$180	-17%
14	Permit to barbecue or camp (for each event)	\$217	119%	\$180	-17%
15(a)	Permit to hold public meeting, boating or other sporting competition (for each event)	\$217	119%	\$180	-17%
15(b)	Permit to hold an event for raising funds (for each event)	\$217	119%	\$180	-17%
15(c)	Permit to carrying out an activity for business (for each event)	\$217	119%	\$180	-17%
15(d)	Permit to operate any power-driven boat or aeroplane (for each event)	\$217	119%	\$180	-17%
17(4)(b)	Renewal of permit (other than fishing)	\$217	119%	\$180	-17%
17(7)	Duplication of a permit	\$87	87%	\$100	+15%