

**立法會**  
**Legislative Council**

LC Paper No. LS22/05-06

**Paper for the House Committee Meeting  
on 13 January 2006**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 6 January 2006**

**Date of Tabling in LegCo** : 11 January 2006

**Amendment to be made by** : 8 February 2006 (or 1 March 2006 if extended by resolution)

**PART I FEES REVISION**

**Business Registration Ordinance (Cap. 310)**  
**Business Registration (Fee Reduction) Regulation 2006 (L.N. 1)**

This Regulation amends the Business Registration Regulations (Cap. 310 sub. leg. A) to reduce the fees payable for—

- (a) the issue of a certified copy of a valid business registration certificate or a valid branch registration certificate or an extract of any information on the register of businesses from \$45 to \$27 (section 2(a));
  - (b) the issue of a duplicate business registration certificate or a duplicate branch registration certificate from \$36 to \$20 (section 2(b)); and
  - (c) the issue of an extract of any information on the register of businesses in uncertified from \$45 to \$27 (section 2(c)).
2. The Regulation will come into operation on 3 April 2006.

**Dutiable Commodities Ordinance (Cap. 109)**  
**Dutiable Commodities (Fee Revision) Regulation 2006 (L.N. 2)**

3. This Regulation amends the Schedule to the Dutiable Commodities Regulation (Cap. 109 sub. leg. A) to increase the fees payable for—

- (a) general bonded warehouse or public warehouse licence from \$17,500 to \$19,250 (section 2(1)(a));
- (b) warehouse licence in respect of liquors, tobacco, hydrocarbon oil and methyl alcohol (with manufacturer's licence) from \$17,500 to \$19,250 (section 2(1)(b));
- (c) warehouse licence in respect of liquors, tobacco, hydrocarbon oil and methyl alcohol (without manufacturer's licence) from \$17,500 to \$19,250 (section 2(1)(c));
- (d) liquors–manufacturer's licence, liquors–distillery licence and liquors–brewery licence from \$16,300 to \$17,950 (section 2(2)(a)-(c));
- (e) tobacco–manufacturer's licence from \$16,300 to \$17,950 (section 2(3));
- (f) every transfer of or substitution or amendment in any licence, not otherwise specified, except a transfer from one person to another (per case) from \$300 to \$360 (section 2(4)(a));
- (g) every transfer of any licence from one person to another, not otherwise specified (per case) from \$300 to \$360 (section 2(4)(b));
- (h) every landing certificate, certificate of shortages or breakages of cargo and certificate of accuracy from \$130 to \$150 (section 2(4)(c));
- (i) storage of goods in a Customs and Excise warehouse (per package per day or part of a day, after the first 48 hours) from \$1.2 to \$1.4 (section 2(4)(d)); and
- (j) attendance of a member of the Customs and Excise Service at a warehouse or any other place or for certain purposes (section 2(4)(e)):  
—

	Per hour or part of an hour \$	Per 8-hour day \$	Per month \$
Inspector .....	430 (390 <sup>#</sup> )	3,220 (2,930 <sup>#</sup> )	78,200 (71,100 <sup>#</sup> )
Chief Customs Officer .....	325 (305 <sup>#</sup> )	2,440 (2,265 <sup>#</sup> )	60,200 (54,900 <sup>#</sup> )
Senior Customs Officer .....	260 (235 <sup>#</sup> )	1,940 (1,760 <sup>#</sup> )	47,100 (42,800 <sup>#</sup> )
Customs Officer .....	170 (155 <sup>#</sup> )	1,270 (1,155 <sup>#</sup> )	30,700 (27,900 <sup>#</sup> )

<sup>#</sup> existing rate

4. The fees were last revised in 2000. According to the Administration, the increase in fees is in line with the “user pays” principle that fees should in general be set at levels sufficient to recover the full cost of providing the services.

5. The Regulation will come into operation on 3 May 2006.

**Inland Revenue Ordinance (Cap. 112)**

**Inland Revenue Ordinance (Amendment of Schedules 5 and 11 – Fee Revision)  
Order 2006 (L.N. 3)**

6. This Order amends Schedules 5 and 11 to the Inland Revenue Ordinance (Cap. 112) to—

- (a) increase the fee payable for an application requiring the Board of Review to state a case from \$640 to \$770 (section 2); and
- (b) reduce the fee payable in respect of a request for a notice of no objection for the deregistration of a private company under the Companies Ordinance (Cap. 32) from \$350 to \$270 (section 3).

7. The fee payable for an application requiring the Board of Review to state a case was last revised in 1993. According to the Administration, the increase in fee is in line with the “user pays” principle that fees should in general be set at levels sufficient to recover the full cost of providing the services.

8. The Order will come into operation on 6 March 2006.

9. For L.N.s 1-3, Members may refer to the LegCo Brief (File Ref.: FIN

CR 1/2321/05 Pt. 3) issued by the Financial Services and the Treasury Bureau in January 2006 for background information.

10. At the meeting of the Panel on Financial Affairs on 6 June 2005, members noted that the Administration had carried out costing exercises at the 2005-06 price level to review the costs of fee items and, based on the outcome of the review, 35 fee items were proposed to be revised, with 30 increases and 5 reductions. While members in general supported the proposal, they expressed the following views:—

- (a) The Administration should strengthen its efforts in controlling costs for provision of public services, such as by enhancing the use of information technology, with a view to creating more room for fee reduction for public services; and
- (b) Given that some of the 35 fee items had not been revised for some years, the level of fees had been below or above the full cost-recovery levels for a long period of time. A mechanism for revising fees of public services was needed to ensure that their levels were up-to date.

11. Members may wish to refer to the minutes of the Panel meeting on 6 June 2005 (Agenda Item V of LC Paper No. CB(1) 2207/04-05) for details.

## **PART II MISCELLANEOUS AMENDMENTS**

### **Import and Export (General) Regulation (Cap. 60 sub. leg. A) Import and Export (General) Regulations (Amendment of Fourth and Fifth Schedules) Order 2006 (L.N. 4)**

12. This Order amends the Fourth and the Fifth Schedules to the Import and Export (General) Regulations (Cap. 60. sub. leg. A) so that all textile exports to Member States of the European Union will have to be covered by export notifications completed by traders registered under the Textiles Trader Registration Scheme if they are not covered by consignment-specific export licences, and all cut-and-sewn garments destined for the European Union will be subject to the Production Notification requirement under Part IIA of the Import and Export Ordinance (Cap. 60).

13. Members may refer to the LegCo Brief (File Ref.: CIB CR 14/46/15) issued by the Commerce, Industry and Technology Bureau on in January 2006 for background information.

14. The Administration has consulted the Panel on Commerce and Industry about the modifications to the textiles control system, and the amendments to the relevant legislation to tie in with the elimination of quota restrictions on

Hong Kong's textile and clothing ("T&C") exports pursuant to the global elimination of quantitative restrictions on T&C products under the World Trade Organization Agreement on Textiles and Clothing. The Administration has not, however, consulted the Panel on the Order in particular.

15. The Order will come into operation on 15 March 2006.

**The Chinese University of Hong Kong Ordinance (Cap. 1109)  
Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2005  
(L.N. 5)**

16. These Statutes amend the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109). The main purpose of the amendments is to remove the prohibition on student members to participate in considering reserved areas of business in the meetings of the Senate, of the Board of each Department and of committees and other bodies established by the Senate. Instead, the Senate is given the power to decide whether student members are allowed to participate in considering reserved areas of business and the manner of their participation.

17. In the Statutes of The Chinese University of Hong Kong, the reserved areas of business are—

- (a) matters affecting the appointment, promotion and other affairs relating to teachers and members of the University staff as individuals;
- (b) matters affecting the admission and academic assessment of students as individuals; and
- (c) expenditure estimates and other matters concerning the finances of the University.

**The Chinese University of Hong Kong Ordinance (Cap. 1109)  
Statutes of the Chinese University of Hong Kong (Amendment) (No. 2) Statute  
2005 (L.N. 6)**

18. This Statute amends the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109) to provide for the conferring of the following new degrees : Bachelor of Laws (LL.B.), Master of Laws (LL.M.), Juris Doctor (J.D.) and Doctor of Psychology (Psy. D.), by the University.

19. The Panel on Education has not been given any information paper on L.N.s 5 -6 and hence has not discussed those items.

### **PART III COMMENCEMENT NOTICE**

#### **Evidence (Miscellaneous Amendments) Ordinance 2003 (23 of 2003) Evidence (Miscellaneous Amendments) Ordinance 2003 (Commencement) Notice 2006 (L.N. 7)**

20. This Notice specifies sections 20, 21, 22, 25 and 26 of the Evidence (Miscellaneous Amendments) Ordinance 2003 (23 of 2003) (“the Ordinance”) (provisions under Part II of the Ordinance relating to mutual legal assistance in criminal matters) will come into operation on 3 March 2006.

21. Part I of the Ordinance (relating to competence and compellability of spouses in criminal proceedings) has already come into operation upon gazettal of the Ordinance. According to the Administration, the other provisions of the Ordinance (mainly relating to taking of evidence by live television link) will come into operation as soon as possible.

22. No legal or drafting difficulties have been identified in relation to the above items.

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