

立法會
Legislative Council

LC Paper No. LS60/13-14

**Paper for the House Committee Meeting
on 13 June 2014**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 6 June 2014**

Tabling in LegCo : Council meeting of 11 June 2014

Amendment to be made by : Council meeting of 9 July 2014 (or the first meeting of the next session if extended by resolution)

PART I LEVIES

Securities and Futures (Levy) (Amendment) Order 2014 (L.N. 74)

Under section 396(1) of the Securities and Futures Ordinance (Cap. 571), if during a financial year of the Securities and Futures Commission (SFC), the reserves of SFC after deducting depreciation and all provisions are more than twice its estimated operating expenses for the financial year, and SFC has no outstanding borrowings, SFC shall consult the Financial Secretary (FS) with a view to recommending to the Chief Executive (CE) in Council that the rate or amount of a levy be reduced under section 394 of Cap. 571. Section 396(2) further provides that the SFC may, after consultation with the FS, recommend to CE in Council that the rate or amount of a levy be reduced.

2. According to paragraph 3 of the Legislative Council (LegCo) Brief (File Ref: SUD 42/10 (2014) Pt. 3) issued by the Financial Services and the Treasury Bureau on 4 June 2014, as at end February 2014, the reserves (after deducting depreciation and all provisions) of SFC reached \$7.35 billion, which amounted to 4.9 times of its approved operating expenses for the financial year 2013-14, and SFC has no outstanding borrowings.

3. L.N. 74, made by CE in Council under section 394 of SFO, amends the Securities and Futures (Levy) Order (Cap. 571Z) to reduce the levy payable by a seller or a purchaser in respect of –

- (a) a sale and purchase of securities from 0.0030% of the consideration for the relevant transaction to 0.0027%;
- (b) a sale and purchase of a futures contract from \$0.60 to \$0.54;
- (c) a sale and purchase of a Mini-Hang Seng Index Futures Contract, a Mini-Hang Seng Index Options Contract or a Mini-Hang Seng China Enterprises Index Futures Contract from \$0.12 to \$0.108; and
- (d) a sale and purchase of a stock futures contract or an option on such a contract from \$0.12 to \$0.108.

4. According to paragraph 5 of the LegCo Brief, since the Hong Kong Mercantile Exchange Limited has ceased to be an authorized automated trading services provider, L.N. 74 removes the references to it in related provisions of Cap. 571Z.

5. The LegCo Brief is silent on whether the stakeholders have been consulted on L.N. 74.

6. As advised by the Clerk to the Panel on Financial Affairs, members noted SFC's proposal to reduce the levy rate on trading in securities and futures/options contracts by 10% during the discussion on SFC's budget for 2014-15 at the Panel meeting on 7 February 2014. Members supported SFC's proposal in general, but some members urged SFC to continue to review the levy rate in light of its financial position and the turnover of securities market each year.

7. L.N. 74 comes into operation on 1 November 2014.

PART II FEE REVISIONS

8. Section 29A of the Interpretation and General Clauses Ordinance (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 CE in Council, FS (which also means the Secretary for Financial Services and the Treasury (SFST) under section 3 of Cap. 1) may by similar subsidiary legislation increase or decrease, or otherwise vary, the amount of the fee or charge.

Building (Administration) (Amendment) Regulation 2014 (L.N. 75)

Building (Oil Storage Installations) (Amendment) Regulation 2014 (L.N. 76)

9. Under section 38(1A) of the Buildings Ordinance (Cap. 123), CE in Council may by regulation provide for the imposition of fees in respect of any matter with regard to which provision is made in Cap. 123 or its regulations.

10. L.N. 75 is made by SFST under section 29A of Cap. 1 by virtue of section 38(1A) of Cap. 123 to increase by 25.8% to 26.9% the application fees for the approval of plans of building works or alteration or addition works prescribed in item 7A of the Table of Fees in regulation 42 of the Building (Administration) Regulations (Cap. 123A). These fees were last revised in 1995. The current and new fees are set out at **Annex 1**.

11. L.N. 76 is similarly made by SFST to increase the fees for the grant and the renewal of a licence in respect of an oil storage installation as follows:

- (a) the fee for granting a licence prescribed in regulation 6(3) of the Building (Oil Storage Installations) Regulations (Cap. 123K) is increased by 20.4% from \$39,050 to \$47,000; and
- (b) the fee for renewing a licence prescribed in regulation 7(2) of Cap. 123K is increased by 23.4% from \$24,550 to \$30,300.

These fees were last revised in 2011.

12. According to paragraph 3 of the LegCo Brief (File Ref.: DEVB(PL-B) 30/30/31) issued by the Development Bureau in June 2014, the relevant fees are revised in line with the Government's policy that fees charged for Government services should in general be set at levels adequate to recover the full cost of providing the services.

13. According to paragraph 12 of the LegCo Brief, the Administration has consulted the Building Subcommittee of the Land and Development Advisory Committee, the Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers Committee, and the Standing Advisory Committee (Oil Storage Installations) on the above fee revisions. The stakeholders have not raised any comment.

14. As advised by the Clerk to the Panel on Development, the Administration briefed the Panel on the proposed fee revisions under L.N. 75 and L.N. 76 at its meeting on 7 April 2014. Members did not raise any objection to the revision of the fees, which would not directly affect people's

livelihood. They opined that, to facilitate the financial planning of business organizations, the Administration should review the relevant fees and charges regularly, say, every two or three years, instead of 19 years as in the case of the proposed revision under L.N. 75.

15. L.N. 75 and L.N. 76 come into operation on 10 November 2014.

Dutiable Commodities (Amendment) (No. 2) Regulation 2014 (L.N. 77)

Firearms and Ammunition (Amendment) Regulation 2014 (L.N. 78)

Firearms and Ammunition (Storage Fees) (Amendment) Order 2014 (L.N. 79)

Massage Establishments (Amendment) Regulation 2014 (L.N. 80)

Pawnbrokers (Amendment) Regulation 2014 (L.N. 81)

16. L.N. 77, L.N. 78, L.N. 80 and L.N. 81 are made by SFST under section 29A of Cap. 1 by virtue of their respective empowering provisions to revise certain fees and charges.

17. According to paragraphs 4 and 5 of the LegCo Brief (File Ref: SBCR 1/4/2801/85) issued by the Security Bureau in June 2014, it is the Government's established policy that fees for services charged by the Government should be set at levels adequate to recover the full cost of providing the goods or services. The latest costing review at 2014-2015 prices shows that the fees payable under L.N. 77 to L.N. 81 are not adequate to recover the full cost of providing the services. To alleviate the impact of the fee increases on the users of the services concerned, the proposed fees will be increased by 10% to 22%, with a view to achieving full-cost recovery gradually in accordance with Government-wide general guidelines for the increases. All of the existing fees shown below were last increased on 22 June 2012.

18. Section 6 of the Dutiable Commodities Ordinance (Cap. 109) is the empowering provision for L.N. 77 which amends the fee for the issue of a temporary liquor licence prescribed in item 6 of Part 2 of the Schedule to the Dutiable Commodities Regulations (Cap. 109A).

19. Section 52 of the Firearms and Ammunition Ordinance (Cap. 238) is the empowering provision for L.N. 78 which amends Schedule 2 to the Firearms and Ammunition Regulation (Cap. 238A) to increase the prescribed fees for nine items which include –

- (a) the grant of an exemption to a person from holding a licence for possessing arms and ammunition;
- (b) the issue or renewal of a licence for possession or a dealer's licence;
- (c) the amendment of a licence or condition of a licence; and
- (d) the replacement of a licence or an exemption.

20. L.N. 79 is made under section 46(2) of the Firearms and Ammunition Ordinance (Cap. 238). L.N. 79 amends the Schedule to the Firearms and Ammunition (Storage Fees) Order (Cap. 238B) to increase the prescribed fees for four items which include –

- (a) the storage of arms;
- (b) the storage of imitation firearms;
- (c) the storage of ammunition; and
- (d) the storage of arms and ammunition awaiting transhipment.

21. Section 12 of the Massage Establishments Ordinance (Cap. 266) is the empowering provision for L.N. 80 which amends Schedule 2 to the Massage Establishments Regulations (Cap. 266A) to increase the fees payable for the issue or renewal of a licence to operate a massage establishment.

22. Section 26 of the Pawnbrokers Ordinance (Cap. 166) is the empowering provision for L.N. 81 which amends Part I of the Second Schedule to the Pawnbrokers Regulations (Cap. 166A) by increasing the fee payable for the grant or renewal of a licence to a person to carry on business as a pawnbroker.

23. A table of comparison showing the existing fee, increased fee, percentage of increase and cost recovery level after the increase for the 14 fee items under L.N. 77 to L.N. 81 are set out at **Annex 2**.

24. According to the Clerk to the Panel on Security, an information paper provided by the Administration on the proposed revision of fees and charges under the purview of the Hong Kong Police Force (including the fees to be revised under L.N. 77 to L.N. 81) was circulated to the Panel on Security on 5 March 2014 (LC Paper No. CB(2)999/13-14(01)), and no comment on the paper has been received from members.

25. L.N. 77 to L.N. 81 come into operation on 1 November 2014.

Pesticides (Amendment) Regulation 2014 (L.N. 82)

**Public Health (Animals and Birds) (Exhibitions)
(Amendment) Regulation 2014** (L.N. 83)

**Public Health (Animals) (Riding Establishment)
(Amendment) Regulation 2014** (L.N. 84)

26. L.N. 82 to L.N. 84 are made by SFST under section 29A of Cap. 1 by virtue of section 19(1A) of the Pesticides Ordinance (Cap. 133) and section 3 of the Public Health (Animals and Birds) Ordinance (Cap. 139) respectively.

27. In line with the "user pays" principle, the existing fees are found after review to be inadequate to recover the full cost of providing the relevant services. To achieve full cost recovery gradually and avoid a steep fee increase, the percentages of increase are capped.

28. L.N. 82 increases 14 fee items specified in the Schedule to the Pesticides Regulations (Cap. 133A). They are charged by the Director of Agriculture, Fisheries and Conservation for registration of pesticides, issue of licences or permits to import, manufacture, sell and/or supply and possess any pesticide respectively. The existing fees were last revised on 28 November 1997.

29. L.N. 83 amends the Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139F) to adjust (a) the fees for licences to hold permanent exhibitions of animals or birds, and (b) the fees for permits to hold temporary exhibitions of animals or birds. The existing licence fees were last revised on 10 November 2006 and the existing permit fees were last revised on 19 December 1997.

30. L.N. 84 amends the Public Health (Animals) (Riding Establishment) Regulations (Cap. 139J) to adjust the fee for a licence to keep a riding establishment. The existing fee was last revised on 19 December 1997.

31. A table of comparison showing the existing fee level, increased fee level, change in amount and percentage, and cost recovery rate after fee adjustment for the 18 fee items under L.N. 82 to L.N. 84 are set out at **Annex 3**.

32. According to paragraph 11 of the LegCo Brief (File Ref: FHB/F/6/21/2) issued by the Food and Health Bureau on 4 June 2014, the existing licensees and permittees under the three Regulations have been informed of the fee revision proposal, and feedback from two persons have been received.

33. According to the Clerk to the Panel on Food Safety and Environmental Hygiene, the Panel was consulted at its meeting on 11 February 2014 on the Administration's legislative proposals to revise the 18 fee items for services prescribed in the three Regulations, and members raised no objection to the proposals.

34. L.N. 82 to L.N. 84 come into operation on 31 October 2014.

PART III PENSIONS

Pension Benefits Ordinance (Established Offices) (Amendment) Order 2014

(L.N. 85)

35. L.N. 85 is made by CE under section 2(1) of the Pension Benefits Ordinance (Cap. 99) to amend and update Schedules 1 and 2 to the Pension Benefits Ordinance (Established Offices) Order (Cap. 99J) by:

- (a) adding six new ranks (Principal Veterinary Officer, Chief Regulatory Affairs Manager, Principal Regulatory Affairs Manager, Senior Regulatory Affairs Manager, Regulatory Affairs Manager and Secretary-General of the Film Development Council) to, and deleting one obsolete grade (Commissioner for Television and Entertainment Licensing¹) from, Schedule 1; and
- (b) adding four new shadow ranks (Chief Apprenticeship Officer, Senior Apprenticeship Officer and Apprenticeship Officer of the Vocational Training Council, and Operation Assistant II of the Hospital Authority) to Schedule 2.

36. The effect of the declaration of the above ranks as "established offices" is that the officers concerned will enjoy greater pension benefits because the pension factor used in computing the pension benefits of an officer confirmed to an established office is higher than that of a non-established office².

37. According to paragraph 4 of the LegCo Brief (File Ref: CSBCR/AP/4-075-004/3 Pt. 11) issued by the Civil Service Bureau (CSB) on 5 June 2014, the creation of the six new ranks has been approved by the Finance Committee (FC), and the four new shadow ranks have also been approved by the Director of Health and the Permanent Secretary for Education under authority delegated by FC. CSB does not consider it necessary to consult the public or the

¹ The Television and Entertainment Licensing Authority was disbanded upon the establishment of the Communications Authority and its executive arm, the Office of the Communications Authority.

² See regulation 4 of the Pension Benefits Regulations (Cap. 99A).

Staff Side of the Civil Service as L.N. 85 is an updating exercise to reflect approved changes to civil service ranks and grades.

38. The effective date from which each of these new ranks is deemed to be an established office is also specified in L.N. 85 to tie in with the date of creation of the relevant rank.

Declaration of Increase in Pensions Notice 2014 (L.N. 87)

Widows and Orphans Pension (Increase) Notice 2014 (L.N. 88)

39. L.N. 87 and L.N. 88 are made by CE under section 4(1B) of the Pensions (Increase) Ordinance (Cap. 305) and section 3(3) of the Widows and Orphans Pension (Increase) Ordinance (Cap. 205) respectively to declare and specify, with effect from 1 April 2014, a 5.1% increase in:

- (a) the basic pension payable to ex-officers and dependants eligible for pension under various pension ordinances as specified in Schedule 1 to Cap. 305; and
- (b) pensions described in Cap. 205 payable to widows and orphans under the Widows and Orphans Pension Ordinance (Cap. 94).

40. Under section 4 of Cap. 305 and section 3 of Cap. 205, if the average monthly Consumer Price Index (A) (average index) of a period of 12 months ending on 31 March of a year exceeds the average index of the immediately preceding 12 months by more than 0.1%, CE shall declare or specify a percentage of increase in the relevant pensions equal to the excess expressed as a percentage as soon as practicable by notice in the Gazette.

41. Paragraph 4 of the LegCo Brief (File Ref: CSBCR/AP/4-075-005/5 Pt. 17) issued by CSB on 5 June 2014 shows that the average index for the 12 months that ended on 31 March 2014 exceeds that of the immediately preceding 12 months by 5.1%. Pursuant to Cap. 305 and Cap. 205, L.N. 87 and L.N. 88 are made to declare and specify a 5.1% increase in the relevant pensions.

42. According to CSB, the effective date of 1 April 2014 specified in L.N. 87 and L.N. 88 is in line with the usual practice of effecting a pension increase from 1 April of a year. No consultation with pensioners and dependants is considered necessary as L.N. 87 and L.N. 88 are made in accordance with the relevant statutory provisions as well as established policy and procedures.

43. As advised by the Clerk to the Panel on Public Service, the Panel has not been consulted on L.N. 85, L.N. 87 or L.N. 88.

PART IV DISTRICT COURT

District Court Equal Opportunities (Amendment) Rules 2014

(L.N. 86)

44. L.N. 86 is made by the District Court Rules Committee³ under sections 73B to 73E of the District Court Ordinance (Cap. 336)⁴ to simplify the procedure for the District Court (the Court) to deal with equal opportunities (EO) claims⁵ made under the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487), the Family Status Discrimination Ordinance (Cap. 527) or the Race Discrimination Ordinance (Cap. 602).

45. The existing procedures for EO claims, which are governed by the Rules of the District Court (Cap. 336H) as supplemented by more specific rules set out in the District Court Equal Opportunities Rules (Cap. 336G), require the filing of a statement of claim, a defence and a reply (technical pleadings) in the same way that those pleadings are applicable to ordinary civil claims filed in the Court. According to paragraph 8 of the LegCo Brief (File Ref.: JUD DEV 1-145/6) issued by the Judiciary Administration (JA) in June 2014, the technical pleadings are difficult to use, especially for litigants in person.

46. In September 2011, the Judiciary issued a consultation paper recommending, among others, that technical pleadings be replaced with more informal claim and response forms to expedite the adjudication of EO claims. To that end, L.N. 86 amends Cap. 336G to introduce a simplified procedure to deal with EO claims. Rule 7 adds a new Part 2 (rules 7 to 23) to provide that:

- (a) a person wishing to make an EO claim (the claimant) must file a notice of claim (Form 1) to include a concise statement of the circumstances of the claim, remedy or relief claimed and any question sought to be determined (new rule 7);
- (b) as soon as practicable after Form 1 is filed, the Court⁶ is to cause to be served on the respondent a notice to the respondent (Form 2) accompanied by a copy of Form 1 (new rule 8);

³ Under section 17 of Cap. 336, the District Court Rules Committee shall consist of the Chief Judge of the High Court, 3 District Judges, a barrister nominated by the Hong Kong Bar Association, a solicitor nominated by the Law Society of Hong Kong and the Registrar of the District Court.

⁴ Under sections 73B, 73C, 73D and 73E of Cap. 336, the Rules Committee may make rules regulating the practice of the District Court in the exercise of its jurisdiction (and the forms of proceedings therein) under Cap. 480, Cap. 487, Cap. 527 and Cap. 602 respectively.

⁵ These claims include sex, pregnancy or family status discrimination, sexual harassment, disability discrimination or harassment, and racial discrimination, harassment or vilification.

⁶ By virtue of Rule 4(1) of L.N. 86 and Order 1, rule 4(2) of Cap. 336H, the Court means the District Court or any judge thereof whether sitting in court or in chambers or the Registrar or any master.

- (c) a respondent wishing to oppose the claim must file a notice of response (Form 3) within 28 days thereafter (new rule 10);
- (d) the parties may serve on each other a notice of request for further particulars (Form 4) to which the requested party must reply within 14 days, unless the request is disallowed for being unnecessary or vexatious (new rules 9 and 11);
- (e) Forms 1 to 4 (with notes for litigants) in the Appendix (added by Rule 8 of L.N. 86) may be used for proceedings under Part 2 with any variations that the circumstances require (new rule 23); and
- (f) the Court may join interested parties on application of the claimant or respondent or on its own motion (new rule 12), make an order against the respondent for failing to file a response (new rule 13), or strike out a claim for want of appearance (new rule 14).

Other rules in the new Part 2 provide for, *inter alia*, the Court's power to extend time, the discontinuance and withdrawal of proceedings (new rule 15), service of process (new rules 16 to 20) and amendment of documents (new rule 21).

47. Rule 5 of L.N. 86 adapts the reference to "Crown" to "Government" in rule 2A of Cap. 336G, while Rule 6 provides for the application of Cap. 336H to an EO claim to the extent of any matter not provided for under Part 2 of Cap. 336G or as the Court may otherwise direct. Rule 9 makes transitional arrangements for EO claims initiated before L.N. 86 comes into operation on 1 November 2014.

48. The Legal Service Division is seeking JA's clarifications on certain technical and drafting issues and will, if necessary, issue a further report after considering their response.

49. According to paragraph 29 of the LegCo Brief, the Judiciary has consulted the Equal Opportunities Commission, the Hong Kong Bar Association and the Law Society of Hong Kong who are generally supportive of L.N. 86.

50. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, JA consulted the Panel on the proposed amendments to Cap. 336G at its meeting on 25 February 2014. Members generally supported the proposal. Some members expressed concern that under the simplified procedures, the court would be granted discretionary powers to order the use of formal pleadings instead of the prescribed claim and response forms, and to extend deadlines for various time limits in appropriate cases. They considered that there was a need to set down criteria for the exercise of such powers.

PART V COMMENCEMENT NOTICE

Waste Disposal (Amendment) Ordinance 2013 (Commencement) Notice

(L.N. 89)

51. The Waste Disposal (Amendment) Bill 2013 (enacted as the Waste Disposal (Amendment) Ordinance 2013 (WDAO)) was passed by LegCo on 18 December 2013 to enhance the control of the depositing of construction waste on private land. The enacted Ordinance (19 of 2013) was published in the Gazette on 27 December 2013. Members may refer to the report of the Bills Committee on Waste Disposal (Amendment) Bill 2013 (Bills Committee) (LC Paper No. CB(1)496/13-14) for further details.

52. Under the new section 16B of the Waste Disposal Ordinance (Cap. 354), as amended by WDAO, a person who deposits, or causes to be deposited, construction waste on a private lot (depositing activity) without the valid permission of the sole owner or all of the owners of the lot commits an offence⁷. The permission is valid only if it is given in a specified form affixed with an acknowledgement by the Director of Environmental Protection (DEP). Under the new section 16C, DEP may specify a form in which the permission for a depositing activity is to be given, and may affix an acknowledgement on the form only if the form is submitted to him, together with the requisite information and documents, at least 21 days before the intended date on which the depositing activity is to commence.

53. L.N. 89 is made by the Secretary for the Environment to bring WDAO into operation according to the following timetable:

- (a) sections 1 to 3 (which deal with, among others, commencement and interpretation) and other provisions relating to the new section 16C of Cap. 354⁸ will come into operation on 14 July 2014; and
- (b) the remaining sections⁹ (including those relating to the new section 16B of Cap. 354) will come into operation on 4 August 2014 (i.e. 21 days later).

⁷ Under section 18(1) of Cap. 354 as amended by section 5 of WDAO, the offence under the new section 16B carries maximum penalties of a fine of \$200,000 and imprisonment for 6 months for the first offence, and a fine of \$500,000 and imprisonment for 6 months for a second or subsequent offence. In the case of a continuing offence, the maximum daily fine is \$10,000.

⁸ Sections 4 (insofar as it relates to the new section 16C of Cap. 354), 5(2) and (4), and 8(2)

⁹ Sections 4 (insofar as it relates to the new section 16B of Cap. 354), 5(1), (3) and (5), 6, 7, 8(1), 9 and 10

54. According to paragraph 3 of the LegCo Brief (File Ref: EP CR 9/150/37 Pt. 13) issued by the Environment Bureau / Environmental Protection Department (EPD) in June 2014, the provisions relating to DEP's acknowledgement on the specified form under the new section 16C of Cap. 354 are to come into operation on 14 July 2014 to enable anyone intending to commence a depositing activity on 4 August 2014 to meet the 21-day prior notification requirement referred to in paragraph 52 above.

55. According to paragraph 6 of the LegCo Brief, EPD has over the past months been publicizing the enhanced control of depositing activities under WDAO through its departmental website and hotline, briefing sessions, leaflets, publicity letters, and written guidelines on completing the specified form. Members may refer to the LegCo Brief for further details, including the specified form finalized by EPD which appears at Annex B to the LegCo Brief.

56. As advised by the Clerk to the Bills Committee, the Bills Committee did not have any comments about the commencement of the Bill, if enacted. The Clerk to the Panel on Environmental Affairs further advises that Members of the Panel did not raise any enquiry on the legislative timetable for bringing WDAO into operation when the Panel was briefed on the matter at its meeting on 26 May 2014.

Concluding Observations

57. Subject to our consideration of JA's response on the technical and drafting issues regarding L.N. 86, no difficulties have been identified in relation to the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

LOO Chi-pong, Bonny (L.N. 75 to L.N. 76 and L.N. 85 to L.N. 89)

Carrie WONG (L.N. 74 and L.N. 77 to L.N. 84)

Assistant Legal Advisers

Legislative Council Secretariat

10 June 2014

Annex 1

Current and new fees under item 7A of the Table of Fees in regulation 42 of the Building (Administration) Regulations (Cap. 123A)

Item 7A	Fee Description	Current Fees	New Fees
(a)(i)	For a new plan or a major revision of such plan of building works in respect of a proposed new industrial building ¹⁰ of a gross floor area of 20,000 m ² or less	\$2,160*	\$2,740*
		\$8,230 (Minimum Charge)	\$10,400 (Minimum Charge)
(a)(ii)	For a new plan or a major revision of such plan of building works in respect of a proposed new industrial building of a gross floor area of more than 20,000 m ²	\$1,740*	\$2,200*
		\$432,400 (Minimum Charge)	\$547,100 (Minimum Charge)
(a)(iii)	For a new plan or a major revision of such plan of building works in respect of a proposed new building for which there is no accountable gross floor area, such as a transformer station, an oil storage installation, a petrol filling station, a jetty or similar structure	\$11,200 for each size of 841 mm by 594 mm or part thereof of the plan	\$14,200 for each size of 841 mm by 594 mm or part thereof of the plan
(a)(v)	For a new plan or a major revision of such plan of building works in respect of a proposed new non-industrial building of a gross floor area of 10,000 m ² or less	\$3,430*	\$4,340*
		\$8,230 (Minimum Charge)	\$10,350 (Minimum Charge)
(a)(vi)	For a new plan or a major revision of such plan of building works in respect of a proposed new non-industrial building of a gross floor area of more than 10,000 m ²	\$2,750*	\$3,480*
		\$343,400 (Minimum Charge)	\$434,400 (Minimum Charge)
(b)	For a new plan or a major revision of such plan of alteration and addition works or other building works not resulting in a new building	\$11,200 for each size of 841 mm by 594 mm or part thereof of the plan	\$14,200 for each size of 841 mm by 594 mm or part thereof of the plan

* For every 100 m² or part thereof

¹⁰ For the purposes of item 7A(a), "industrial building" includes a factory, a workshop and a godown.

Annex 2

Adjustments to 14 fee items under Cap. 109A, Cap. 238A, Cap. 238B, Cap. 266A and Cap. 166A

Item nos.	Fee description	Existing Fee (\$)	Proposed Fee (\$)	Proposed percentage increase (approx.)	Cost recovery level after the proposed increase (approx.)
<u>Dutiable Commodities Regulations (Cap. 109A)</u> (Part 2 of Schedule)					
1.	Fee for a temporary liquor licence (per diem)	445	510	15%	52%
<u>Firearms and Ammunition Regulations (Cap. 238A)</u> (Second Schedule)					
2.	Fee for an exemption under section 4(3) of the Firearms and Ammunition Ordinance (per permit)	540	620	15%	77%
3.	Fee for the issue or the renewal of a licence for possession – (b) granted to a security guard (c) subject to item 2A, in any other case	230	275	20%	35%
		2,060	2,370	15%	52%
4.	Fee for the issue of a licence for possession or a dealer's licence granted for a limited purpose under section 30(1) of the Firearms and Ammunition Ordinance (per licence)	86	105	22%	19%
5.	Fee for the issue or the renewal of a dealer's licence – (a) restricted to a prescribed class or description of arms or ammunition or both (if not falling within paragraph (b))	5,140	5,650	10%	82%
	(b) restricted to used cartridge cases, used shot, used bullets, used missiles or parts of any of those articles	4,960	5,460	10%	85%
	(c) subject to item 2A, in any other case	11,700	12,850	10%	91%
6.	Fee for the amendment of a licence or a condition thereof	86	105	22%	37%
7.	Fee for the replacement of a licence or an exemption	83	95	14%	47%

Item nos.	Fee description	Existing Fee (\$)	Proposed Fee (\$)	Proposed percentage increase (approx.)	Cost recovery level after the proposed increase (approx.)
<u>Firearms and Ammunition (Storage Fees) Order (Cap. 238B)</u> (Schedule)					
8.	Fee for storing arms (for each article for each month or part thereof)	140	160	14%	70%
9.	Fee for storing imitation firearms (for each article for each month or part thereof)	140	160	14%	70%
10.	Fee for storing ammunition (for each 100 rounds of ammunition or part thereof, for each month or part thereof)	140	160	14%	70%
11.	Fee for storage of arms and ammunition awaiting transshipment where the arms and ammunition are stored in a box, crate or similar container (for each 50 kg gross weight or part thereof, for each month or part thereof)	105	120	14%	53%
<u>Pawnbrokers Regulations (Cap. 166A)</u> (Part I of Second Schedule)					
12.	Fee for the grant or renewal of a pawnbroker licence under section 5 of the Pawnbrokers Ordinance (per annum)	4,190	4,610	10%	90%
<u>Massage Establishments Regulations (Cap. 266A)</u> (Schedule 2)					
13.	Fee for the issue of a massage establishment licence	8,480	9,750	15%	60%
14.	Fee for the renewal of a massage establishment licence (whether for a renewal period of 12 months or 24 months)	3,300	3,800	15%	65%

Annex 3

Adjustments to the 18 fee items under Cap. 133A, Cap. 139F and Cap. 139J

Item nos.	Fee description	Existing fee level (\$)	Proposed fee level (\$)	Change in amount (\$) & percentage	Cost recovery rate after proposed fee adjustment
Pesticides Regulations (Cap. 133A)					
1.	Fee for application for registration of a pesticide	2,500	2,880	+380 (+15%)	77.3%
2.	Fee for lodging an application for a licence	125	140	+15 (+12%)	81.9%
3.	Fee for lodging an application for a permit	155	180	+25 (+16%)	64.7%
4.	Fee for issue of a licence in respect of pesticides registered in Part I only of the register	395	435	+40 (+10%)	81.3%
5.	Fee for issue of a licence in respect of pesticides registered in Part II or both Parts I and II of the register	800	880	+80 (+10%)	89.3%
6.	Fee for issue of a new licence at the request of a licensee	520	570	+50 (+10%)	91.2%
7.	Fee for issue of a permit for the purpose of importing or possessing a scheduled pesticide or any other unregistered pesticide only for re-export without re-packaging (including transshipment of a scheduled pesticide in Hong Kong) [#]	700	805	+105 (+15%)	80.3%
8.	Fee for issue of a permit in respect of a scheduled pesticide or any other unregistered pesticide – (a) for any purposes not specified in item 7 above; or (b) for the purpose specified in item 7 above and for any other purpose [#]	1,280	1,470	+190 (+15%)	75.2%
9.	Fee for issue of a new permit at the request of a permittee	825	910	+85 (+10%)	79.0%
10.	Fee for renewal of a licence in respect of pesticides registered in Part I of the register	200	220	+20 (+10%)	78.9%

[#] The fee description was last revised on 27.1.2014

Item nos.	Fee description	Existing fee level (\$)	Proposed fee level (\$)	Change in amount (\$) & percentage	Cost recovery rate after proposed fee adjustment
11.	Fee for renewal of a licence in respect of pesticides registered in Part II or both Parts I and II of the register	580	640	+60 (+10%)	92.6%
12.	Fee for issue of a duplicate licence or permit	160	175	+15 (+9%)	78.8%
13.	Fee for extension of a permit for the purpose of importing or possessing a scheduled pesticide or any other unregistered pesticide only for re-export without re-packaging (including transshipment of a scheduled pesticide in Hong Kong) [#]	395	435	+40 (+10%)	80.1%
14.	Fee for extension of a permit in respect of a scheduled pesticide or any other unregistered pesticide – (a) for any other purposes not specified in item 13 above; or (b) for the purpose specified in item 13 above and for any other purpose [#]	910	1,050	+140 (+15%)	62.1%
Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139F)					
15.	Fee for issue of a licence to any person to hold a permanent exhibition of animals or birds if the total number of animals or birds to be exhibited does not exceed 20	2,190	2,410	+220 (+10%)	88.4%
16.	Fee for issue of a licence to any person to hold a permanent exhibition of animals or birds if the total number of animals or birds to be exhibited exceeds 20	7,790	8,570	+780 (+10%)	83.5%
17.	Fee for issue of a permit to any person to hold a temporary exhibition of animals or birds	1,380	1,660	+280 (+20%)	39.9%
Public Health (Animals) (Riding Establishment) Regulations (Cap. 139J)					
18.	Fee for issue of a licence to any person to keep a riding establishment	3,810	4,570	+760 (+20%)	37.6%