

LEGISLATIVE COUNCIL BRIEF

Aerial Ropeways (Safety) Ordinance (Cap. 211)

AERIAL ROPEWAYS (FEES) (AMENDMENT) REGULATION 2014

INTRODUCTION

The Aerial Ropeways (Fees) Regulation (Cap. 211 sub. leg. B) was made under section 28(1A) of the Aerial Ropeways (Safety) Ordinance (Cap. 211). It provides that the Chief Executive in Council may by regulation provide for fees. Section 29A(1) 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 the Chief Executive in Council, subject to section 29A(2), the Financial Secretary (which means also the Secretary for Financial Services and the Treasury by virtue of section 3 of the Interpretation and General Clauses Ordinance) may by similar subsidiary legislation increase or decrease, or otherwise vary, the amount of the fee or charge.

A 2 In exercise of this power, the Secretary for Financial Services and the Treasury has made the Aerial Ropeways (Fees) (Amendment) Regulation 2014 (“Amendment Regulation”) at **Annex A** to vary the fees set out in the Schedule to the Aerial Ropeways (Fees) Regulation that are payable on the making of an application under regulation 4 or under regulation 5(7) of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A).

JUSTIFICATIONS

3. In line with the “user pays” principle, it is 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.

4. The fees currently set out in the Schedule to the Aerial Ropeways (Fees) Regulation were last revised in November 2000. The Electrical and Mechanical Services Department (“EMSD”) has recently completed a review on the fees at the 2014-15 price level, and concluded that the existing fees could only recover 84% to 87% of the full cost of providing the services. To achieve full cost recovery at the 2014-15 price level, we propose to increase the fees by 14 % to 19%. Details are set out at **Annex B**.

B

THE AMENDMENT REGULATION

5. The Amendment Regulation at **Annex A** will give effect to the proposed increase in fees as set out at **Annex B**.

A

B

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows –

Publication in the Gazette	31 October 2014
Tabling at the Legislative Council for negative vetting	5 November 2014
Commencement	12 January 2015

EFFICIENCY INITIATIVES

7. EMSD has been taking efficiency enhancement measures, including streamlining work procedures, facilitating electronic submissions of documents, enhancing staff training, etc. to reduce or contain the costs of providing services. Such efficiency savings and improvement measures have been factored into the costing of individual fee items.

LEGAL IMPLICATIONS

8. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. The Amendment Regulation will not affect the current binding effect of the Aerial Ropeways (Safety) Ordinance and its subsidiary legislation.

FINANCIAL AND STAFFING IMPLICATIONS

9. It is estimated that the proposed fee revision will increase revenue by about \$11,000 per annum. There are no staffing implications.

ECONOMIC IMPLICATIONS

10. There are two aerial ropeways in operation in Hong Kong, namely the cable cars at Ocean Park and the Ngong Ping 360. The proposed increase in fees should have little impact on the operators or the relevant persons as the fees payable are relatively small compared with their total operating costs and are one-off.

PUBLIC CONSULTATION

11. We have consulted the operators of the aerial ropeways in Hong Kong and they have not raised any comment on the proposed fee increase. The Legislative Council Panel on Development has also been informed of the proposed increase in fees vide an information paper of June 2014 (Paper No. CB(1)1629/13-14(01)).

PUBLICITY

12. A press release will be issued on 31 October 2014 when the Amendment Regulation is published in the Gazette.

ENQUIRIES

13. Enquiries on this brief may be addressed to Mr Arsene Yiu, Principal Assistant Secretary (Planning and Lands) 3 of the Development Bureau, at telephone number 3509 8806.

Development Bureau
October 2014

Aerial Ropeways (Fees) (Amendment) Regulation 2014

Section 1

1

Aerial Ropeways (Fees) (Amendment) Regulation 2014

(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 28(1A) of the Aerial Ropeways (Safety) Ordinance (Cap. 211))

1. Commencement
This Regulation comes into operation on 12 January 2015.
2. Aerial Ropeways (Fees) Regulation amended
The Aerial Ropeways (Fees) Regulation (Cap. 211 sub. leg. B) is amended as set out in section 3.
3. Schedule amended (nature of application)
 - (1) The Schedule, paragraph 1(a)—
Repeal
“3,675”
Substitute
“4,270”.
 - (2) The Schedule, paragraph 1(b)—
Repeal
“2,055”
Substitute
“2,350”.
 - (3) The Schedule, paragraph 1(c)—
Repeal
“2,055”

Aerial Ropeways (Fees) (Amendment) Regulation 2014

Section 3

2

- Substitute
“2,350”.
- (4) The Schedule, paragraph 1(d)—
Repeal
“1,395”
Substitute
“1,660”.
 - (5) The Schedule, paragraph 2—
Repeal
“1,395”
Substitute
“1,660”.



Secretary for Financial Services and
the Treasury

20 October 2014

Explanatory Note

This Regulation amends the Schedule to the Aerial Ropeways (Fees) Regulation (Cap. 211 sub. leg. B) to increase the following fees—

- (a) the fee payable under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) (*regulation 4*) for an application for the approval of a person as a surveyor;
- (b) the fee payable under regulation 4 for an application for the approval of a person as a competent person;
- (c) the fee payable under regulation 4 for an application for the approval of a person as a controller;
- (d) the fee payable under regulation 4 for an application for the approval of a person as an operator;
- (e) the fee payable under regulation 5(7) of the Regulations mentioned in subparagraph (a) for an application for the amendment of a limited certificate of approval issued to an operator under regulation 5(4) of those Regulations.

**Proposed Revision of Fees prescribed in the
Aerial Ropeways (Fees) Regulation**

Item in the Schedule of Fees	Fee Particulars	Current Fees (\$)	Present Cost Recovery Rates	Proposed Fees (\$)	Cost Recovery Rates after Fee Revision
1(a)	Fee payable under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) for application for approval of a person as a surveyor	3,675	86%	4,270 (+16%)	100%
1(b)	Fee payable under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) for application for approval of a person as a competent person	2,055	87%	2,350 (+14%)	100%
1(c)	Fee payable under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) for application for approval of a person as a controller	2,055	87%	2,350 (+14%)	100%
1(d)	Fee payable under regulation 4 of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) for application for approval of a person as an operator	1,395	84%	1,660 (+19%)	100%
2	Fee payable under regulation 5(7) of the Aerial Ropeways (Operation and Maintenance) Regulations (Cap. 211 sub. leg. A) for application for amendment of a limited certificate of approval	1,395	84%	1,660 (+19%)	100%