

## **LEGISLATIVE COUNCIL BRIEF**

### **Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470)**

#### **BUILDERS' LIFTS AND TOWER WORKING PLATFORMS (SAFETY) (FEES) (AMENDMENT) REGULATION 2015**

### **INTRODUCTION**

Section 50(3) of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470, "the Ordinance") empowers the Financial Secretary (which includes the Secretary for Financial Services and the Treasury by virtue of section 3 of the Interpretation and General Clauses Ordinance (Cap 1)) to make regulations prescribing the amount of fees required to be paid under the Ordinance.

2. In exercise of this power, the Secretary for Financial Services and the Treasury has made the Builders' Lifts and Tower Working Platforms (Safety) (Fees) (Amendment) Regulation 2015 ("the Amendment Regulation") to revise eight items of fees specified in the Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap 470A) made pursuant to the Ordinance.

### **BACKGROUND AND JUSTIFICATIONS**

3. In line with the "user pays" principle, it is government policy that fees charged by the Government should in general be set at levels sufficient to recover the full cost of providing the services. The eight items of fees concerned are prescribed in the Schedule of the Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap 470A) and were last revised in February 2001. They include -

- (a) fees for registration as a registered examiner and the renewal of the registration,
- (b) fees for registration as a registered contractor and the renewal of the registration, and
- (c) fees for examination of reports and certificates of test and examination issued by registered examiners.

4. A review of the cost of providing the relevant services at the 2014-15 price level has been carried out. The result shows that the cost recovery rates at existing fee levels range from 78.1% to 83.3%. In order to achieve full cost recovery

gradually and to avoid a steep fee increase, we propose to adopt an increase of about 10% for the fee revision.

5. Details of the fee revision proposal with upward adjustments ranging from 9.7% to 10.6% are at **Annex 1**. The impact of the fee revision on persons affected should not be significant.

## **THE REGULATION**

6. The Amendment Regulation at **Annex 2** will give effect to the proposed increase in fees as set out at **Annex 1**. It is proposed that the new fees will come into effect on 27 March 2015.

## **LEGAL IMPLICATIONS**

7. The proposed amendments do not affect the current binding effect of the Ordinance and the subsidiary legislation. They are in conformity with the Basic Law, including the provisions concerning human rights.

## **FINANCIAL AND STAFFING IMPLICATIONS**

8. If the proposed fee revision is implemented, there will be an estimated increase in revenue of about \$23,000 per annum. There are no staffing implications.

## **ECONOMIC IMPLICATIONS**

9. There are no significant economic implications.

## **EFFICIENCY INITIATIVES**

10. The Administration will continue to enhance efficiency and streamline procedures so as to contain the costs of providing these public services.

## **PUBLIC CONSULTATION**

11. We consulted the Legislative Council Panel on Development on 25 November 2014 regarding the revision of fees as outlined in paragraphs 3 to 5 above. No adverse comments were received.

**PUBLICITY**

12. The Amendment Regulation will be published in the Gazette on 23 January 2015 and a press release will be issued. A spokesperson will be available to answer enquiries on the subject.

**ENQUIRIES**

13. For enquires on this brief, please contact Mr WONG Chung-leung, Principal Assistant Secretary (Works) 3 of the Development Bureau at 3509 8277.

**Development Bureau  
January 2015**

**Proposed Revision of Fees under  
the Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap 470A)**

Item	Fee Description	Last Revision	Existing Fee (\$)	Cost Recovery Rate as at 2014-15	Proposed Fee (\$)	Proposed Amount of Increase (\$)	Proposed Percentage Increase	Cost Recovery Rate after Fee Adjustment
			(a)		(b)	(b) – (a)	[(b)-(a)]/(a)	
1.	For inclusion in the register of examiners of a person who qualifies under the Ordinance <sup>1</sup>	2001	930	81.9%	1,020	<b>90</b>	9.7%	89.9%
2.	For inclusion in the register of examiners of a person who does not qualify under the Ordinance <sup>1</sup> and whose qualifications are being considered by the Director of Electrical and Mechanical Services under the Ordinance <sup>1</sup>	2001	4,125	82.5%	4,540	<b>415</b>	10.1%	90.8%
3.	For the renewal of registration of a registered examiner	2001	615	81.9%	675	<b>60</b>	9.8%	89.9%
4.	For inclusion in the register of contractors	2001	3,840	81.3%	4,220	<b>380</b>	9.9%	89.3%
5.	For the renewal of registration of a registered contractor	2001	615	82.0%	675	<b>60</b>	9.8%	90.0%
6.	For the examination of a report and certificate of test and examination issued by a registered examiner after installation or re-erection of a builder's lift or tower working platform in accordance with the Ordinance <sup>1</sup>	2001	2,200	79.0%	2,420	<b>220</b>	10.0%	86.9%

<sup>1</sup> The Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470)

Item	Fee Description	Last Revision	Existing Fee (\$)	Cost Recovery Rate as at 2014-15	Proposed Fee (\$)	Proposed Amount of Increase (\$)	Proposed Percentage Increase	Cost Recovery Rate after Fee Adjustment
			(a)		(b)	(b) – (a)	[(b)-(a)]/(a)	
7.	For the examination of a report and certificate of test and examination issued by a registered examiner after the carrying out of major alteration work to a builder's lift or tower working platform in accordance with the Ordinance <sup>1</sup>	2001	1,575	78.1%	1,730	155	9.8%	85.8%
8.	For the examination of a certificate of test and examination issued by a registered examiner after the carrying out of periodic test and examination of safety equipment	2001	425	83.3%	470	45	10.6%	92.1%

<sup>1</sup> The Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap 470)

## **Builders' Lifts and Tower Working Platforms (Safety) (Fees) (Amendment) Regulation 2015**

(Made by the Secretary for Financial Services and the Treasury under section 50(3) of the Builders' Lifts and Tower Working Platforms (Safety) Ordinance (Cap. 470))

### **1. Commencement**

This Regulation comes into operation on 27 March 2015.

### **2. Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation amended**

The Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap. 470 sub. leg. A) is amended as set out in section 3.

### **3. Schedule amended**

(1) The Schedule, item 1—

#### **Repeal**

“930”

#### **Substitute**

“1,020”.

(2) The Schedule, item 2—

#### **Repeal**

“4,125”

#### **Substitute**

“4,540”.

(3) The Schedule, item 3—

#### **Repeal**

“615”

#### **Substitute**

“675”.

(4) The Schedule, item 4—

#### **Repeal**

“3,840”

#### **Substitute**

“4,220”.

(5) The Schedule, item 5—

#### **Repeal**

“615”

#### **Substitute**

“675”.

(6) The Schedule, item 6—

#### **Repeal**

“2,200”

#### **Substitute**

“2,420”.

(7) The Schedule, item 7—

#### **Repeal**

“1,575”

#### **Substitute**

“1,730”.

(8) The Schedule, item 8—

**Repeal**

“425”

**Substitute**

“470”



Secretary for Financial Services and  
the Treasury

20 January 2015

**Explanatory Note**

The object of this Regulation is to amend the Schedule to the Builders' Lifts and Tower Working Platforms (Safety) (Fees) Regulation (Cap. 470 sub. leg. A) to increase the fees payable for—

- (a) registration as a registered examiner and the renewal of the registration;
- (b) registration as a registered contractor and the renewal of the registration; and
- (c) examination of reports and certificates of test and examination issued by registered examiners after the carrying out of different types of builder's lift work or tower working platform work.