

## **LEGISLATIVE COUNCIL BRIEF**

### **Registration of Persons Ordinance (Chapter 177)**

#### **REGISTRATION OF PERSONS (AMENDMENT) REGULATION 2014**

#### **INTRODUCTION**

Section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) empowers the Financial Secretary (which means the Financial Secretary and the Secretary for Financial Services and the Treasury (SFST) under section 3 of Cap. 1) to vary fees specified in, or otherwise fixed or determined by, subsidiary legislation made by the Chief Executive in Council.

2. In exercise of the power under section 29A of Cap. 1 by virtue of section 7 of the Registration of Persons Ordinance (Cap. 177) (the Ordinance), SFST has made the Registration of Persons (Amendment) Regulation 2014, as set out at **Annex**, to revise four fees specified in Schedule 2 to the Registration of Persons Regulations (Cap. 177 sub. leg. A) (the Regulations).

#### **JUSTIFICATIONS**

3. Fees are payable, among others, for replacing an identity card under regulations 13 and 14 of the Regulations and for furnishing a certificate or a certified copy under section 10 of the Ordinance. These fees are set out in Schedule 2 to the Regulations. In accordance with section 7 of the Ordinance, the Chief Executive in Council may make regulations as may be necessary for the purposes of the Ordinance, including providing for fees.

4. 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. In the 2013-14 Budget Speech, the Financial Secretary emphasized

the need to review fees and charges systematically for upholding the “user pays” principle, with priority given to those fees that had not been revised for years and did not directly affect people’s livelihood, as well as items which had low cost recovery rates. The four fees that we are proposing to increase were last revised in 2006.

5. A recent costing review conducted at 2014-15 prices shows that some existing fees in relation to identity cards only recover 82% to 84% of the full cost of providing the services. In order to achieve full cost recovery gradually and avoid a steep fee increase, we propose to increase the fees payable for these services by 10% based on the government-wide general guidelines for fee increases. Details are set out below –

		<b>Existing Fee (last revision date)</b>	<b>Cost recovery level at 2014-15 price level</b>	<b>Proposed Fee</b>	<b>Proposed Revision (rate of increase)</b>	<b>Cost Recovery Rate after the Proposed Revision</b>
(a)	Lost or destroyed identity card replaced under regulation 13 of the Regulations	\$335 (Jun 2006)	83%	\$370	+\$35 (10%)	91%
(b)	Damaged or defaced identity card replaced under regulation 13 of the Regulations	\$335 (Jun 2006)	83%	\$370	+\$35 (10%)	91%
(c)	Identity card requiring alteration replaced under regulation 14(1)(a) of the Regulations	\$420 (Jun 2006)	84%	\$460	+\$40 (10%)	92%
(d)	Certificate or a certified copy furnished under section 10 of the Ordinance	\$385 (Jun 2006)	82%	\$425	+\$40 (10%)	91%

## **REGISTRATION OF PERSONS (AMENDMENT) REGULATION 2014**

6. The Registration of Persons (Amendment) Regulation 2014 increases the fees under items 3, 4, 5 and 8 of Schedule 2 to the Regulations payable for replacing an identity card under regulations 13 and 14 of the Regulations and furnishing a certificate or a certified copy under section 10 of the Ordinance.

### **LEGISLATIVE TIMETABLE**

7. The legislative timetable is as follows –

Publication in the Gazette	5 December 2014
Tabling at the Legislative Council	10 December 2014
Commencement	9 February 2015

### **IMPLICATIONS OF THE PROPOSAL**

8. The Registration of Persons (Amendment) Regulation 2014 is in conformity with the Basic Law, including the provisions concerning human rights. It has no civil service, economic, family, environmental or sustainability implications, and will not affect the current binding effect of the Ordinance.

9. The Immigration Department (ImmD) regularly reviews its operational systems to enhance cost effectiveness as well as the quality of services. Measures including applying information technology to streamline work flow, downgrading posts and increasing productivity have been taken to control costs and to enhance efficiency since the last fee revision exercise in 2005-06. Efficiency savings from these efforts have been factored into the calculation of the fees to be charged by ImmD for the provision of their services.

10. Additional revenue arising from the proposal to increase fees is estimated to be around \$5.6 million per annum.

### **PUBLIC CONSULTATION**

11. The Administration issued a paper to the Legislative Council Panel on Security in June 2014 on proposals to revise 26 fees and charges (24 statutory

and two administrative) for services under ImmD's purview, which included the four fees in this brief. Members of the Panel raised no objection to the proposals.

## **PUBLICITY**

12. A press release will be issued and a spokesperson will be available for answering media enquiries.

## **ENQUIRIES**

13. For enquiries on this brief, please contact Ms Amy WONG, Principal Assistant Secretary for Security, at 2810 2330.

**Security Bureau**  
**December 2014**

## Registration of Persons (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 7 of the Registration of Persons Ordinance (Cap. 177))

### 1. Commencement

This Regulation comes into operation on 9 February 2015.

### 2. Registration of Persons Regulations amended

The Registration of Persons Regulations (Cap. 177 sub. leg. A) are amended as set out in section 3.

### 3. Schedule 2 amended (fees)

(1) Schedule 2, item 3—

**Repeal**

“335”

**Substitute**

“370”.

(2) Schedule 2, item 4—

**Repeal**

“335”

**Substitute**

“370”.

(3) Schedule 2, item 5—

**Repeal**

“420”

**Substitute**

“460”.

(4) Schedule 2, item 8—

**Repeal**

“385”

**Substitute**

“425”.



Secretary for Financial Services and  
the Treasury

28 November 2014

**Explanatory Note**

The object of this Regulation is to amend Schedule 2 to the Registration of Persons Regulations (Cap. 177 sub. leg. A) to revise the fees payable for—

- (a) replacing a lost or destroyed identity card under regulation 13 of the Regulations;
- (b) replacing a damaged or defaced identity card under regulation 13 of the Regulations;
- (c) replacing an identity card requiring alteration under regulation 14(1)(a) of the Regulations; and
- (d) furnishing a certificate or a certified copy under section 10 of the Registration of Persons Ordinance (Cap. 177).