

立法會
Legislative Council

LC Paper No. LS17/16-17

**Paper for the House Committee Meeting
on 9 December 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 2 December 2016**

Tabling in LegCo : Council meeting of 7 December 2016

Amendment to be made by : Council meeting of 14 December 2016 (or that of 8 February 2017 if extended by resolution)

Port Control (Cargo Working Areas) (Amendment) Regulation 2016 (L.N. 180)

Under regulation 14 of the Port Control (Cargo Working Areas) Regulations (Cap. 81A), a goods vehicle entering public cargo working areas ("PCWAs")¹ to load or unload cargo or cargo containers and remaining in PCWAs is required to be issued with a vehicle entry ticket ("VET") and to pay a prescribed fee for VET. The prescribed fee is set out in item 15 of the Schedule to Cap. 81A. The current VET fee is charged at an hourly rate of \$33, subject to a maximum of \$85 for the period after 6:00 p.m. and before 8:00 a.m. the next day.

2. L.N. 180 is made by the Chief Executive in Council under section 6 of the Port Control (Cargo Working Areas) Ordinance (Cap. 81) to amend the Schedule to Cap. 81A to introduce a new concessionary rate of VET fee at \$25 for a goods vehicle entering and remaining in a PCWA for a period not exceeding 30 minutes.

3. The Clerk to the Panel on Economic Development has advised that the Panel was briefed on the outcome of the review on PCWAs on 24 March 2016. Members welcomed the Administration's proposal to introduce a discounted fee for VET by providing a first half-hour parking rate for vehicles using PCWAs as it could encourage PCWA users to leave PCWAs within half an hour and hence optimize traffic flow and in turn help reduce the operation cost of PCWAs. Since the trade held a different view on the first half-hour parking rate proposed by the Administration, members urged the Administration to continue its discussion with the trade to work out the appropriate rate.

¹ Currently, there are six PCWAs in Hong Kong, namely, Tuen Mun, Rambler Channel, Stonecutters Island, New Yaumatei, Chai Wan and Western District PCWAs.

4. According to paragraph 14 of the Legislative Council (LegCo) Brief issued by the Transport and Housing Bureau and the Marine Department in November 2016 (Ref: THB PML CR 8/10/40/1), the Administration consulted the trade through the PCWA Management Committee on 12 September 2016. According to the Administration, the trade is prepared to accept the concessionary rate of VET fee at the proposed level of \$25 as a start, although they would like to have a higher concession.

5. L.N. 180 comes into operation on 30 January 2017.

News Agencies Registration (Amendment) Regulation 2016 (L.N. 181)

Newspapers Registration and Distribution (Amendment) Regulation 2016 (L.N. 182)

6. L.N. 181 and L.N. 182 are made by the Secretary for Financial Services and the Treasury under section 29A² of the Interpretation and General Clauses Ordinance (Cap. 1) by virtue of section 18 of the Registration of Local Newspapers Ordinance (Cap. 268) to increase by 8% to 17% 11 items of fees specified in the News Agencies Registration Regulations (Cap. 268A) and the Newspapers Registration and Distribution Regulations (Cap. 268B). These fees were last revised on 1 November 2014. Details of the fee increase are set out below -

Fees in respect of news agencies

	Current	From 31 March 2017
Searching and inspecting the news agency register	\$37	\$43
Obtaining a certified extract from the news agency register	\$145	\$165
First registration of a news agency	\$995	\$1,090
Annual renewal after the first year of registration	\$835	\$920
Change of relevant particulars	\$120	\$140

² Section 29A(1) of 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 subsection (2), the Financial Secretary ("FS") may by similar subsidiary legislation increase or decrease, or otherwise vary, the amount of the fee or charge. Under section 3 of Cap. 1, FS means the Financial Secretary of the Hong Kong Special Administrative Region and the Secretary for Financial Services and the Treasury.

Fees in respect of local newspapers

	Current	From 31 March 2017
Searching and inspecting the register of local newspapers	\$38	\$44
Obtaining a certified extract from the register of local newspapers	\$150	\$175
First registration of a local newspaper	\$1,040	\$1,140
Annual renewal after the first year of registration	\$780	\$895
Change of particulars	\$120	\$140
Annual fee for newspaper distributor's licence	\$950	\$1,025

7. According to paragraph 4 of the LegCo Brief (with no file reference) issued by the Constitutional and Mainland Affairs Bureau in November 2016, the increases are implemented in order to achieve full cost recovery gradually and to avoid a steep increase of the fees concerned. Details of the fees revision are set out in Annex C to the LegCo Brief.

8. As advised by the Clerk to the Panel on Constitutional Affairs, the Panel was consulted on the proposed revision on 21 November 2016. Some members suggested that the Administration should consider proposing higher fee increases with a view to achieving full cost recovery in one go so as to obviate the need for regular review of the fee items and legislative amendment exercises in future. They considered that as the actual amounts of increases involved would be small, it would have minimal impact on the industry. Some other members considered that the Administration's fee revision proposal was not small percentage-wise. The Administration advised that the actual amounts of increases were small and were expected to have only insignificant impact on the industry.

9. L.N. 181 and L.N. 182 come into operation on 31 March 2017.

**Public Health and Municipal Services Ordinance (Public
Pleasure Grounds) (Amendment of Fourth Schedule)
(No. 3) Order 2016**

(L.N. 183)

10. L.N. 183, made by the Director of Leisure and Cultural Services ("the Director") under section 106 of the Public Health and Municipal Services Ordinance (Cap. 132), sets aside Tuen Fu Road Community Garden for use as a public pleasure ground and provides that two places cease to be set aside for such use. L.N. 183

also amends the Fourth Schedule to Cap. 132 to reflect the above changes. The effect of L.N. 183 is to vest the general management and control of Tuen Fu Road Community Garden in the Director.

11. According to paragraph 8 of the LegCo Brief (no reference number) issued by the Leisure and Cultural Services Department on 28 November 2016, the Administration has consulted the respective District Councils which supported the amendments.

12. As advised by the Clerk to the Panel on Home Affairs, the Panel was not consulted on L.N. 183.

13. L.N. 183 came into operation on the date of publication in the Gazette, i.e. 2 December 2016.

Concluding Observations

14. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

CHENG Kiu-fung, Vanessa
Assistant Legal Adviser
Legislative Council Secretariat
8 December 2016