

立法會
Legislative Council

LC Paper No. LS92/18-19

**Paper for the House Committee Meeting
on 11 October 2019**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 September 2019**

Tabling in LegCo : Council meeting of 16 October 2019

Amendment to be made by : Council meeting of 13 November 2019 (or that of 4 December 2019 if extended by resolution)

INTRODUCTION

The Financial Secretary ("FS") announced a package of relief measures on 15 August 2019 with a view to countering the challenging external economic environment and softening local economy. The relief measures include waiver and reduction of various government fees and charges for one year in different sectors.¹ L.N. 99 to L.N. 116 are subsidiary legislation made to waive or reduce government fees and charges in sectors of maritime and shipping, road traffic, agriculture and fisheries, catering and retail, construction and tourism and public entertainment.

PART I RELIEF MEASURES RELATING TO THE MARITIME AND SHIPPING SECTORS

Shipping and Port Control (Amendment) (Port Facilities and Light Dues Concessions) Regulation 2019 (L.N. 99)

Port Control (Cargo Working Areas) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 100)

¹ FS announced 27 fee waiving measures on 15 August 2019. According to paragraph 26 of the Legislative Council Brief issued by the Financial Services and the Treasury Bureau on 25 September 2019 (File Ref.: L/M 10 in TsyB MA 00/625-1/2/0 (C) Pt. 25), eight groups of fee waiving proposals will be implemented by the Government administratively and no subsidiary legislation will be required.

Merchant Shipping (Local Vessels) (Fees) (Amendment) (Fee Concessions) Regulation 2019

(L.N. 112)

2. L.N. 99 and L.N. 100 are made by the Chief Executive (CE) in Council under section 80 of the Shipping and Port Control Ordinance (Cap. 313) and section 6 of the Port Control (Cargo Working Areas) Ordinance (Cap. 81) respectively.

L.N. 99

3. L.N. 99 is made to waive the port facilities and light dues payable for the use of port facilities by vessels entering the waters of Hong Kong for one year during the period from 1 October 2019 to 30 September 2020 (both dates inclusive). The fees waived under L.N. 99 range from \$18 to \$43 per 100 tons on each occasion of entry to the waters of Hong Kong.

L.N. 100

4. L.N. 100 is made to waive the fee for the first hour of vehicle entry tickets for entering public cargo working areas (i.e. \$33) and to waive fees payable for operation area permits (i.e. \$11 per m² of area per month) issued during the period from 1 October 2019 to 30 September 2020 (both dates inclusive).

5. Both L.N. 99 and L.N. 100 came into operation on 1 October 2019, and the relevant provisions on waiver of fees will expire at midnight on 30 September 2020.

L.N. 112

6. L.N. 112 is made by the Secretary for Financial Services and the Treasury ("SFST") under section 88 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1).² It provides for the concessions for one year during the period from 1 November 2019 to 31 October 2020 (both dates inclusive) on:

- (a) the fees (and any additional fees) payable in respect of an application for the issue or renewal of a full or temporary licence³ or for the grant of a permission for a laid-up vessel in respect of a local vessel; and

² Under section 88 of Cap. 548, FS may by regulation provide for fees to be paid under or in connection with Cap. 548. By virtue of sections 3 and 29 of Cap. 1, SFST may make subsidiary legislation in respect of fees or charges under Cap. 548.

³ Under sections 11 and 13 of Cap. 548, every local vessel shall be certificated and every certificated local vessel shall be licensed, subject to exceptions. A local vessel is required to apply for the issue of a full licence, the renewal of full licence, or the issue or renewal of temporary licence under sections 15, section 17 and section 19 of Cap. 548D respectively.

- (b) the fees payable for the grant or renewal of a permit to remain.⁴

7. L.N. 112 comes into operation on 1 November 2019, except that the provisions providing to the effect that the pre-amended fee levels are to be restored after 31 October 2020 will come into operation on 1 November 2020.

PART II RELIEF MEASURES RELATING TO THE ROAD TRAFFIC SECTOR

**Road Traffic (Registration and Licensing of Vehicles)
(Amendment) (Fee Concessions) Regulation 2019 (L.N. 101)**

**Road Traffic Ordinance (Amendment of Schedule 3) (Fee
Concessions) Order 2019 (L.N. 102)**

**Road Traffic (Public Service Vehicles) (Amendment) (Fee
Concessions) Regulation 2019 (L.N. 113)**

8. L.N. 101 and L.N. 102 are made by CE in Council under section 6(2) and section 86(2) of the Road Traffic Ordinance (Cap. 374) respectively.

L.N. 101

9. L.N. 101 amends the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) to waive certain vehicle licence fees⁵ and additional fees payable and certain closed road permit fees⁶ chargeable under Cap. 374E during the period from 30 December 2019 to 29 December 2020 (both dates inclusive). The fees waived under L.N. 101 range from \$25 to \$11,215.⁷

L.N. 102

10. L.N. 102 amends Schedule 3 to Cap. 374 to waive the fee for the first vehicle examination required under section 78(1)(d) of Cap. 374 and that takes place within the period from 30 December 2019 to 28 April 2021 (both dates inclusive) in respect of private cars with hire permit in force, taxis, goods vehicles, light buses, single and double-decked buses and trailers etc. The fees waived under L.N. 102

⁴ A permit to remain means a permit to remain in the waters of Hong Kong granted under section 41(3) of Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548F).

⁵ Including vehicle licence fees for goods vehicles, non-franchised public buses, private buses, taxis, trailers, public light buses and private light buses, and hire cars etc.

⁶ Including fees for closed road permits for cross boundary goods vehicles, buses and hire cars.

⁷ Schedule 2 to Cap. 374E.

range from \$350 to \$1,050.⁸ Under L.N. 102, the waiver of fee applies only once for each vehicle.

L.N. 113

11. L.N. 113 is made by the Secretary for Transport and Housing ("STH") under section 7(1) of Cap. 374⁹ and section 29 of Cap. 1. It amends the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) to waive the fees payable for the issue, extension or renewal of certain passenger service licences, certain passenger service licence certificates or certain hire car permits under Cap. 374D during the period from 30 December 2019 to 29 December 2020 (both dates inclusive). The fees waived under L.N. 113 range from \$160 per annum to \$396 per annum.

12. L.N. 101 and L.N. 113 come into operation on 30 December 2019, except that the provisions providing to the effect that the pre-amended fee levels are to be restored after 29 December 2020 will come into operation on 30 December 2020. L.N. 102 comes into operation on 30 December 2019.

PART III RELIEF MEASURES RELATING TO THE AGRICULTURE AND FISHERIES SECTORS

Marine Fish Culture (Amendment) (Fee Concessions) Regulation 2019

(L.N. 103)

Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019

(L.N. 104)

13. L.N. 103 and L.N. 104 are made by CE in Council under section 22 of the Marine Fish Culture Ordinance (Cap. 353) and section 3 of the Public Health (Animals and Birds) Ordinance (Cap. 139) respectively.

L.N. 103

14. L.N. 103 amends the Marine Fish Culture Regulations (Cap. 353A) to waive the fee for the grant or renewal of a licence to engage in fish culture within a fish culture zone¹⁰ that takes effect within the period from 1 October 2019 to 30 September 2020 (both dates inclusive).

⁸ Part 2 of Schedule 3 to Cap. 374.

⁹ Section 7(1)(l) of Cap. 374 provides that STH may make regulations to provide, among other things, for the issue, by ballot or otherwise, amendment and cancelation of passenger service licences in respect of public buses, public light buses, private buses and school private light buses.

¹⁰ Under section 10(1) of Cap. 353A, the fee payable for the grant or renewal of a licence is \$.7.8 per square metre of the site area.

L.N. 104

15. L.N. 104 amends the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L) to prescribe a lower fee for the renewal, within the period from 1 October 2019 to 30 September 2020 (both dates inclusive), of a licence to keep livestock in or on premises in respect of which the licence is granted within a livestock waste restriction area or a livestock waste control area. The fees reduced under L.N. 104 range from \$250 to \$1,500.

16. L.N. 103 came into operation on 1 October 2019, and the provision on fee waiver will expire at midnight on 30 September 2020. L.N. 104 came into operation on 1 October 2019 except that the provision providing to the effect that the pre-amended fee levels are to be restored after 30 September 2020 will come into operation on 1 October 2020.

PART IV RELIEF MEASURES RELATING TO THE CATERING AND RETAIL SECTORS

**Sewage Services (Trade Effluent Surcharge) (Amendment)
(Trade Effluent Surcharge Concessions) Regulation 2019 (L.N. 105)**

**Dutiable Commodities (Liquor Licences) (Fees) (Amendment)
(Fee Concessions) Regulation 2019 (L.N. 114)**

L.N. 105

17. L.N. 105 is made by CE in Council under section 12 of the Sewage Services Ordinance (Cap. 463) and section 29 of Cap. 1. It amends the Sewage Services (Trade Effluent Surcharge) Regulation (Cap. 463B) to provide for the concessions of trade effluent surcharge for a billing period¹¹ with any part of it falling within 2020. It also provides to the effect that the original surcharge rates will be restored on 1 January 2021.

18. L.N. 105 comes into operation on 1 January 2020.

L.N. 114

19. L.N. 114 is made by the Secretary for Food and Health under section 6A of the Dutiable Commodities Ordinance (Cap. 109)¹² and section 29 of Cap. 1. It amends the Dutiable Commodities (Liquor Licences) (Fees) Regulation (Cap. 109H) to waive certain fees payable in respect of the issue or renewal of certain one-year

¹¹ The concessions include the waiving of any trade effluent surcharge that begins and ends in 2020.

¹² Under section 6A of Cap. 109, the Secretary for Food and Health may by regulation provide for the fees payable for liquor licences.

liquor licences and to provide for concessions on certain fees payable in respect of the issue or renewal of certain liquor licences that are valid for one year or more. The fees waived under L.N. 114 range from \$1,100 to \$3,940.

20. L.N. 114 came into operation on 1 October 2019 and the provision on fee concessions will expire at midnight on 30 September 2020.

PART V RELIEF MEASURES RELATING TO THE CONSTRUCTION SECTOR

Mines (Safety) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 106)

Dangerous Goods (General) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 107)

Dangerous Goods (Government Explosives Depots) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 108)

Building (Minor Works) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 109)

Construction Workers Registration (Fees) (Amendment) (Fees Concessions) Regulation 2019 (L.N. 116)

L.N. 106

21. L.N. 106 is made by CE in Council under section 67 of the Mining Ordinance (Cap. 285). It amends the Mines (Safety) Regulations (Cap. 285B) to:

- (a) revise the fees for the issue or renewal of a mine blasting certificate during the period from 1 October 2019 to 30 September 2020 (both dates inclusive); and
- (b) provide that no fee is payable during the period from 1 October 2019 to 30 September 2020 (both dates inclusive) for-
 - (i) the endorsement of a mine blasting certificate; or
 - (ii) the replacement of a worn, defaced or lost mine blasting certificate.

L.N. 107 and L.N. 108

22. L.N. 107 and L.N. 108 are made by CE in Council under sections 5 and 13E of the Dangerous Goods Ordinance (Cap. 295) respectively to provide for:

- (a) waiver of the fees payable under the Dangerous Goods (General) Regulations (Cap. 295B) during the period from 1 October 2019 to 30 September 2020 (both dates inclusive) for (i) the grant or renewal or (ii) the issue of a duplicate of, or (iii) the making of an alteration or addition to or endorsement on, licences or permits relating to the manufacture, storage, movement or discharge of certain dangerous goods in category 1 (explosives); and
- (b) waiver of the fees payable under the Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295D) during the period from 1 October 2019 to 30 September 2020 (both dates inclusive) for (i) the storage of explosives and explosive accessories in a Government Explosives Depot ("Depot"), and (ii) the delivery of explosives and explosive accessories from the Depot to another place by the Government.

23. L.N. 106 to L.N. 108 came into operation on 1 October 2019, and the provisions on concessionary fees in L.N. 106 to L.N. 108 will expire at midnight on 30 September 2020.

L.N. 109

24. L.N. 109 is made by CE in Council under section 38(1A) of the Buildings Ordinance (Cap. 123) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1) to waive or reduce 12 items of fees relating to the registration of minor works contractors under the Building (Minor Works) (Fees) Regulation (Cap. 123O) from 21 October 2019 to 20 October 2020 (both dates inclusive).

25. L.N. 109 comes into operation on 21 October 2019, except that the provisions providing to the effect that the pre-amendment fee levels are to be restored after 20 October 2020 will come into operation on 21 October 2020.

L.N. 116

26. L.N. 116 is made by the Construction Industry Council under section 63 of the Construction Workers Registration Ordinance (Cap. 583) with the approval of the Secretary for Development. It amends the Construction Workers Registration (Fees) Regulation (Cap. 583B) by adding a new section 10A to provide that if (i) an application for registration as a type of construction worker under section 39(1) of Cap. 583 or (ii) an application for renewal of registration as a construction worker

under section 44(5) of Cap. 583 is made between 1 October 2019 and 30 September 2020 (both dates inclusive), the fee payable for such application is waived.

27. L.N. 116 came into operation on 1 October 2019 and the provision on waiver of fees will expire at midnight on 30 September 2020.

PART VI RELIEF MEASURES RELATING TO THE TOURISM AND PUBLIC ENTERTAINMENT SECTORS

Karaoke Establishments (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 110)

Travel Agents (Amendment) (Fee Concessions) Regulation 2019 (L.N. 111)

Places of Public Entertainment (Fee Concessions) Regulation 2019 (L.N. 115)

L.N. 110

28. L.N. 110 is made by CE in Council under section 21 of the Karaoke Establishments Ordinance (Cap. 573) and section 29 of Cap. 1 to waive or reduce 16 items of fees payable under the Karaoke Establishments (Fees) Regulation (Cap. 573B) in relation to the grant or renewal of various permits or licences to operate karaoke establishments during the period from 1 October 2019 to 30 September 2020 (both dates inclusive).

L.N. 111

29. L.N. 111 is made by CE in Council under section 50(2) of the Travel Agents Ordinance (Cap. 218) and section 29 of Cap. 1 to waive four items of fees payable under the Travel Agents Regulations (Cap. 218A) in respect of applications for, renewal of, or issuing a duplicate of, licences to operate as travel agents during the period from 1 October 2019 to 30 September 2020 (both dates inclusive).

L.N. 115

30. L.N. 115 is made by the Secretary for Home Affairs under section 7(1)(ad) of the Places of Public Entertainment Ordinance (Cap. 172) to waive seven items of fees payable under the Places of Public Entertainment Regulations (Cap. 172A) for the grant or renewal of licences or provisional licences issued in respect of places of public entertainment during the period from 1 October 2019 to 30 September 2020 (both dates inclusive).

31. L.N. 110, L.N. 111 and L.N. 115 came into operation on 1 October 2019, except that the provisions in L.N. 110 and L.N. 111 providing to the effect that the pre-amendment fee levels are to be restored after 30 September 2020 will come into operation on 1 October 2020.

Consultation

32. According to paragraph 31 of the Legislative Council ("LegCo") Brief issued by the Financial Services and the Treasury Bureau on 25 September 2019 (File Ref.: L/M 10 in TsyB MA 00/625-1/2/0 (C) Pt. 25), FS has met with LegCo Members and various business and professional bodies before the introduction of these concessionary measures. Members may make reference to the LegCo Brief for further details on the concessionary measures.

33. As advised by the Clerk to the Panel on Financial Affairs, the Panel has not been consulted on the above items of subsidiary legislation.

Concluding observations

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

Prepared by

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