

# 立法會 *Legislative Council*

LC Paper No. LS125/19-20

## **Paper for the House Committee Meeting on 16 October 2020**

### **Legal Service Division Report on Subsidiary Legislation Gazetted on 25 September 2020**

**Tabling in LegCo** : Council meeting of 14 October 2020

**Amendment to be made by** : Council meeting of 11 November 2020 (or that of 2 December 2020 if extended by resolution)

## **INTRODUCTION**

On 15 August 2019, the Financial Secretary ("FS") announced a package of relief measures with a view to countering the challenging external economic environment and softening local economy. The relief measures included waiver and reduction of various government fees and charges for one year in different sectors.<sup>1</sup> On 15 September 2020, the Administration announced the extension of the waivers or concessions of government fees and charges implemented in 2019 and the introduction of new waivers to sustain the support for businesses and relieve individuals' financial burden in view of the impact of COVID-19. Set out below are 31 items of subsidiary legislation made by the Chief Executive ("CE") in Council, the relevant Directors of Bureaux and the Construction Industry Council ("CIC") to give effect to the extension of the existing waivers or concessions and to provide legal backing for new waivers.

## **PART I SUBSIDIARY LEGISLATION MADE BY THE CHIEF EXECUTIVE IN COUNCIL**

**Shipping and Port Control (Amendment) Regulation 2020 (L.N. 167)**

**Port Control (Cargo Working Areas) (Amendment) Regulation 2020 (L.N. 168)**

**Port Control (Cargo Working Areas) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 (L.N. 169)**

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<sup>1</sup> Members may refer to 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) and LC paper No. LS92/18-19 issued on 10 October 2019 for details of the waivers and concessions announced by FS on 15 August 2019.

<b>Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2020</b>	<b>(L.N. 170)</b>
<b>Road Traffic (Registration and Licensing of Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 171)</b>
<b>Road Traffic Ordinance (Amendment of Schedule 3) Order 2020</b>	<b>(L.N. 172)</b>
<b>Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020</b>	<b>(L.N. 173)</b>
<b>Marine Fish Culture (Amendment) Regulation 2020</b>	<b>(L.N. 174)</b>
<b>Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (No. 2) Regulation 2020</b>	<b>(L.N. 175)</b>
<b>Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 176)</b>
<b>Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2020</b>	<b>(L.N. 177)</b>
<b>Waterworks (Amendment) Regulation 2020</b>	<b>(L.N. 178)</b>
<b>Sewage Services (Sewage Charge) (Amendment) Regulation 2020</b>	<b>(L.N. 179)</b>
<b>Mines (Safety) (Amendment) Regulation 2020</b>	<b>(L.N. 180)</b>
<b>Dangerous Goods (General) (Amendment) Regulation 2020</b>	<b>(L.N. 181)</b>
<b>Dangerous Goods (Government Explosives Depots) (Amendment) Regulation 2020</b>	<b>(L.N. 182)</b>
<b>Building (Minor Works) (Fees) (Amendment) Regulation 2020</b>	<b>(L.N. 183)</b>
<b>Building (Minor Works) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 184)</b>
<b>Electricity (Registration) (Amendment) Regulation 2020</b>	<b>(L.N. 185)</b>
<b>Karaoke Establishments (Fees) (Amendment) Regulation 2020</b>	<b>(L.N. 186)</b>
<b>Karaoke Establishments (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 187)</b>

**Travel Agents (Amendment) Regulation 2020 (L.N. 188)**

**Travel Agents (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 (L.N. 189)**

2. L.N. 167 to L.N. 189 are made by CE in Council. The majority of the fee waiving or concession measures under these items of subsidiary legislation took effect from 1 October 2020 while the remaining ones will take effect on a later date upon the respective expiries of the existing measures:

- (a) By L.N. 167 to L.N. 172, L.N. 174 to L.N. 177, L.N. 180 to L.N. 184 and L.N. 186 to L.N. 189, the existing fee waivers or concessions of certain government fees and charges are extended for one year to benefit a wide range of sectors such as maritime, logistics, aviation, retail, catering, agriculture and fisheries, construction, tourism and entertainment;
- (b) L.N. 173<sup>2</sup> introduces a new fee waiving measure. It amends the Hong Kong Air Navigation (Fees) Regulations (Cap. 448D) to waive the fees payable thereunder for one year (from 1 October 2020 to 30 September 2021) in respect of the renewal of air operator's certificates, the issue or renewal of certificates of airworthiness, and the making of investigations required for the renewal of approval as being competent to issue a certificate of release to service;
- (c) L.N. 178 and L.N. 179 amend the Waterworks Regulations (Cap. 102A) and the Sewage Services (Sewage Charge) Regulation (Cap. 463A) respectively to extend by four months (from 1 December 2020 to 31 March 2021) the 75% reduction in fresh water charges and sewage charges for fresh water supplied for certain non-domestic purposes; and
- (d) L.N. 185 introduces a new fee reduction measure. It amends the Electricity (Registration) Regulations (Cap. 406D) to add a new regulation 13A to reduce by approximately 33% the fees payable for an application for registration (or renewal thereof) as an electrical contractor or electrical worker received during the concession period from 1 October 2020 to 30 September 2021.

3. Details of the fee waiving or concession measures under L.N. 167 to L.N. 189 are summarized at **Annex I**.

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<sup>2</sup> L.N. 173 is made by the Chief Executive after consultation with the Executive Council. Under section 3 of the Interpretation and General Clauses Ordinance (Cap. 1), "Chief Executive in Council" means the Chief Executive acting after consultation with the Executive Council.

**PART II SUBSIDIARY LEGISLATION MADE BY THE RELEVANT DIRECTORS OF BUREAUX OR THE CONSTRUCTION INDUSTRY COUNCIL**

<b>Merchant Shipping (Local Vessels) (Fees) (Amendment) (No. 3) Regulation 2020</b>	<b>(L.N. 190)</b>
<b>Merchant Shipping (Local Vessels) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 191)</b>
<b>Road Traffic (Public Service Vehicles) (Amendment) (No. 3) Regulation 2020</b>	<b>(L.N. 192)</b>
<b>Road Traffic (Public Service Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 193)</b>
<b>Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2020</b>	<b>(L.N. 194)</b>
<b>Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 195)</b>
<b>Places of Public Entertainment (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020</b>	<b>(L.N. 196)</b>
<b>Construction Workers Registration (Fees) (Amendment) Regulation 2020</b>	<b>(L.N. 197)</b>

L.N. 190 to L.N. 196

4. L.N. 190 to L.N. 196 are made by relevant Directors of Bureaux<sup>3</sup> respectively to extend for one year the relevant existing waiving or concession of fees payable in respect of certain permits or licences under the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548J), the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D), the Dutiable Commodities (Liquor Licences) (Fees) Regulation (Cap. 109H) and the Places of Public Entertainment (Fee Concessions) Regulation 2019 (Cap. 172F).

L.N. 197

5. L.N. 197 is made by CIC under section 63 of the Construction Workers Registration Ordinance (Cap. 583) with the approval of the Secretary for Development to amend the Construction Workers Registration (Fees)

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<sup>3</sup> The Secretary for Financial Services and the Treasury, the Secretary for Transport and Housing, the Secretary for Food and Health, and the Secretary for Home Affairs.

Regulation (Cap. 583B). It extends for one year (from 1 October 2020 to 30 September 2021) the waiver of fees otherwise payable to CIC in respect of an application for registration (or renewal thereof) of construction workers.

6. Details of the fee waiving or concession measures under L.N. 190 to L.N. 197 are summarized at **Annex II**.

### **Consultation**

7. According to paragraph 35 of the Legislative Council ("LegCo") Brief issued by the Financial Services and the Treasury Bureau on 23 September 2020 (File Ref.: TsyB MA 00/625-1/2/0 (C) Pt. 40), the Administration received fee waiver or concession requests from LegCo Members and various business and professional bodies in recent months and decided to introduce these fee waiving or concession measures to support businesses and relieve individuals' financial burden. Members may refer to Annex W to the LegCo Brief for further details of the fee waiving or concession measures.

8. 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**

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

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12 October 2020

## Summary of fee waiving or concession measures under L.N. 167 to L.N. 189

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
167	Extension of the waiving of port facilities and light dues payable by vessels entering the waters of Hong Kong under the Shipping and Port Control Regulations (Cap. 313A)	1.10.2020 to 30.9.2021	1.10.2020
168 169 <sup>1</sup>	Extension of the waiving of fees in respect of vehicle entry tickets for the first hour payable by trucks entering Public Cargo Working Areas ("PCWA") and operation area permits payable by PCWA operators under the Port Control (Cargo Working Areas) Regulations (Cap. 81A)	1.10.2020 to 30.9.2021	L.N. 168 came into operation upon gazettal on 25.9.2020, except that the relevant provision extending the concession period came into operation on 1.10.2020.
170 171 <sup>2</sup>	Extension of the waiving of certain vehicle licence fees <sup>3</sup> and additional fees payable and certain closed road permit fees <sup>4</sup> payable under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E)	30.12.2020 to 29.12.2021	30.12.2020
172	Extension of the waiving of fees payable for the first vehicle examination required under section 78(1)(d) of the Road Traffic Ordinance (Cap. 374) from 30.12.2020 to 29.12.2021 and taking place from 30.12.2020 to 28.4.2022 in respect of specified vehicles <sup>5</sup> under the Road Traffic Ordinance (Cap. 374)	30.12.2020 to 29.12.2021	30.12.2020
173	Waiving of fees payable for the renewal of air operator's certificates, the issue or renewal of certificates of airworthiness, the making of investigations required for the renewal of approval as being competent to issue a certificate of release to service under the Hong Kong Air Navigation (Fees) Regulations (Cap. 448D)	1.10.2020 to 30.9.2021	L.N. 173 came into operation on 1.10.2020, except that the provision on the concession period and the relevant provisions restoring the pre-amended fee levels after 30.9.2021 come into operation on 1.10.2021.

<sup>1</sup> L.N. 169 makes a technical amendment to the Port Control (Cargo Working Areas) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 100 of 2019) so that the provision restoring the pre-amended fee levels after 30 September 2021 comes into operation on 1 October 2021. L.N. 169 came into operation upon gazettal on 25 September 2020.

<sup>2</sup> L.N. 171 makes a technical amendment to the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 101 of 2019) so that the provisions restoring the pre-amended fee levels after 29 December 2021 come into operation on 30 December 2021. L.N. 171 came into operation upon gazettal on 25 September 2020.

<sup>3</sup> Vehicle licence fees for goods vehicles, non-franchised public buses, private buses, taxis, trailers, public light buses, private light buses, and hire cars etc.

<sup>4</sup> Fees for closed road permits for cross boundary goods vehicles, buses and hire cars.

<sup>5</sup> Private cars with hire car permit in force, taxis, goods vehicles, special purpose vehicles, light buses, single-decked buses, double-decked buses and trailers, etc.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
174	Extension of the waiving of fees payable for the grant or renewal of a licence to engage in fish culture within a fish culture zone under the Marine Fish Culture Regulations (Cap. 353A)	1.10.2020 to 30.9.2021	1.10.2020
175 176 <sup>6</sup>	Extension of the reduction of fees payable for the renewal of a licence to keep livestock in or on premises in respect of which the licence is granted within a livestock waste restriction or control area under the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L)	1.10.2020 to 30.9.2021	1.10.2020
177	Extension of the waiving of trade effluent surcharge under the Sewage Services (Trade Effluent Surcharge) Regulation (Cap. 463B)	1.1.2021 to 31.12.2021	1.1.2021
178	Extension of the 75% reduction in the charges for fresh water supplied for certain non-domestic purposes under the Waterworks Regulations (Cap. 102A), subject to a daily cap of \$657.68, or a monthly cap of approximately \$20,000, for each meter covered by a water bill <sup>7</sup>	1.12.2020 to 31.3.2021	1.12.2020
179	Extension of the 75% reduction in the sewage charges for fresh water supplied for certain non-domestic purposes under the Sewage Services (Sewage Charge) Regulation (Cap. 463A), subject to a daily cap of \$411.05, or a monthly cap of approximately \$12,500, for each meter covered by a water bill <sup>8</sup>	1.12.2020 to 31.3.2021	1.12.2020
180	Extension of the reduction or waiving of the fees payable for the issue or renewal, endorsement or replacement of mine blasting certificates under the Mines (Safety) Regulations (Cap. 285B)	1.10.2020 to 30.9.2021	L.N. 180 came into operation upon gazettal on 25.9.2020, except that the provision extending the concession period came into operation on 1.10.2020 and the provision restoring the pre-amended fee levels after 30.9.2021 comes into operation on 1.10.2021.

<sup>6</sup> L.N. 176 makes a technical amendment to the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 104 of 2019) so that the provision restoring the pre-amended fee levels after 30 September 2021 comes into operation on 1 October 2021. L.N. 176 came into operation upon gazettal on 25 September 2020.

<sup>7</sup> According to the Administration, the monthly cap is calculated by using the formula under section 46AB(3) of Cap. 102A and on the basis that "4 months shall be read as 121.64 days" pursuant to paragraph 2 of Part 3 of Schedule 1 to Cap. 102A. Members may refer to LC Paper No. LS69/19-20 for more details.

<sup>8</sup> According to the Administration, the monthly cap is calculated by using the formula under section 2A(3) of Cap. 463A and on the basis that "4 months shall be read as 121.64 days" pursuant to paragraph 2 of Part 3 of Schedule 1 to Cap. 102A. Members may refer to LC Paper No. LS69/19-20 for more details.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
181	Extension of the waiving of the fees payable for the grant or renewal, the issue of a duplicate of, or 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 blasting agents) under the Dangerous Goods (General) Regulations (Cap. 295B)	1.10.2020 to 30.9.2021	1.10.2020
182	Extension of the waiving of fees payable for the storage of explosives and explosive accessories in a Government Explosives Depot ("Depot"), the delivery of explosives and explosive accessories from a Depot to another place by the Government under the Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295D)	1.10.2020 to 30.9.2021	1.10.2020
183 184 <sup>9</sup>	Extension of the waiving or reduction of certain fees related to the registration of registered minor works contractors under the Building (Minor Works) (Fees) Regulation (Cap. 123O)	21.10.2020 to 20.10.2021	21.10.2020
185	Reduction of fees payable for an application for registration or renewal of registration as an electrical contractor or electrical worker under the Electricity (Registration) Regulations (Cap. 406D)	1.10.2020 to 30.9.2021	L.N. 185 came into operation on 1.10.2020, except that the provision restoring the pre-amended fee levels after 30.9.2021 comes into operation on 1.10.2021.
186 187 <sup>10</sup>	Extension of the waving or reduction of certain fees payable for the grant, issue or renewal of a permit, provisional permit, licence and provisional licence to operate karaoke establishments under the Karaoke Establishments (Fees) Regulation (Cap. 573B)	1.10.2020 to 30.9.2021	L.N. 186 came into operation upon gazettal on 25.9.2020, except that the relevant provisions extending the concession period came into operation on 1.10.2020.
188 189 <sup>11</sup>	Extension of the waiving of fees payable for of the application for, renewal of, or issuing a duplicate of, licences to operate as travel agents under the Travel Agents Regulations (Cap. 218A)	1.10.2020 to 30.9.2021	L.N. 188 came into operation upon gazettal on 25.9.2020, except that the relevant provisions extending the concession period came into operation on 1.10.2020.

<sup>9</sup> L.N. 184 makes a technical amendment to the Building (Minor Works) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 109 of 2019) so that the provisions restoring the pre-amended fee levels after 20 October 2021 come into operation on 21 October 2021. L.N. 184 comes into operation on 20 October 2020.

<sup>10</sup> L.N. 187 makes a technical amendment to the Karaoke Establishments (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 110 of 2019) so that the provision restoring the pre-amended fee levels after 30 September 2021 comes into operation on 1 October 2021. L.N. 187 came into operation upon gazettal on 25 September 2020.

<sup>11</sup> L.N. 189 makes a technical amendment to the Travel Agents (Amendment) (Fee Concessions) Regulation 2019 (L.N. 111 of 2019) so that the provision restoring the pre-amended fee levels after 30 September 2021 comes into operation on 1 October 2021. L.N. 189 came into operation upon gazettal on 25 September 2020.



Summary of fee waiving or concession measures under L.N. 190 to L.N. 197

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
190 191 <sup>1</sup>	Extension of the waiving of fees (and any additional fees) payable in respect of an application for the issue or renewal of a full or a temporary licence or for the grant of a permission for a laid-up vessel in respect of certain local vessels; and the fees payable for the grant or renewal of a permit to remain under the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548J)	1.11.2020 to 31.10.2021	L.N. 190 came into operation upon gazettal on 25.9.2020, except that the relevant provisions extending the concession period come into operation on 1.11.2020.
192 193 <sup>2</sup>	Extension of the waiving of fees payable for the issue, extension or renewal of certain passenger service licences, passenger service licence certificates or hire car permits under the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D)	30.12.2020 to 29.12.2021	30.12.2020
194 195 <sup>3</sup>	Extension of the waiving or reduction of fees payable for the issue or renewal of liquor licences under the Dutiable Commodities (Liquor Licences) (Fees) Regulation (Cap. 109H)	1.10.2020 to 30.9.2021	L.N. 194 came into operation upon gazettal on 25.9.2020, except that the relevant provisions extending the concession period came into operation on 1.10.2020.

<sup>1</sup> L.N. 191 makes a technical amendment to the Merchant Shipping (Local Vessels) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 112 of 2019) so that the provisions restoring the pre-amended fee levels after 31 October 2021 come into operation on 1 November 2021. L.N. 191 came into operation upon gazettal on 25 September 2020.

<sup>2</sup> L.N. 193 makes a technical amendment to the Road Traffic (Public Service Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 113 of 2019) so that the provisions restoring the pre-amended fee levels after 29 December 2021 come into operation on 30 December 2021. L.N. 193 came into operation upon gazettal on 25 September 2020.

<sup>3</sup> L.N. 195 makes a technical amendment to the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 114 of 2019) so that the provision restoring the pre-amended fee levels after 30 September 2021 comes into operation on 1 October 2021. L.N. 195 came into operation upon gazettal on 25 September 2020.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
196	<p>Extension of the waiving of fees payable for the grant or renewal of provisional licences or licences for keeping or using places of public entertainment specially designed as a theatre or cinema under the Places of Public Entertainment (Fee Concessions) Regulation 2019 (Cap. 172F)</p> <p>Waiving of fees payable for the grant or renewal of licences for keeping or using places of public entertainment (other than theatres or cinemas) if the effective date of the grant or renewal falls within the period from 1.10.2020 to 30.9.2021</p>	1.10.2020 to 30.9.2021	1.10.2020
197	Extension of the waiving of fees payable for registration (or renewal thereof) of construction workers under the Construction Workers Registration (Fees) Regulation (Cap. 583B)	1.10.2020 to 30.9.2021	1.10.2020