

立法會
Legislative Council

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Paper for the House Committee meeting on 27 November 2020

**Report of the Subcommittee on Seven Pieces of Subsidiary Legislation
Relating to Fee Waiving or Concession Measures for
the Construction Sector**

Purpose

This paper reports on the deliberations of the Subcommittee on Seven Pieces of Subsidiary Legislation Relating to Fee Waiving or Concession Measures for the Construction Sector ("the Subcommittee").

Background

2. On 15 August 2019, the Financial Secretary 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 fees and charges for one year in different sectors.¹ On 15 September 2020, the Administration announced the extension of the fee waivers or concessions 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 the coronavirus disease-2019 ("COVID-19").

¹ Please 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) for details.

Seven pieces of subsidiary legislation relating to fee waiving or concession measures for the construction sector

3. To benefit the construction sector, the following seven pieces of subsidiary legislation are made by the Chief Executive in Council/the Construction Industry Council to give effect to the extension of the existing fee waivers or concessions (L.N. 180 to L.N. 184 and L.N. 197 of 2020) and to provide legal backing for a new waiver (L.N. 185 of 2020):

- (a) the Mines (Safety) (Amendment) Regulation 2020 (L.N. 180 of 2020);
- (b) the Dangerous Goods (General) (Amendment) Regulation 2020 (L.N. 181 of 2020);
- (c) the Dangerous Goods (Government Explosives Depots) (Amendment) Regulation 2020 (L.N. 182 of 2020);
- (d) the Building (Minor Works) (Fees) (Amendment) Regulation 2020 (L.N. 183 of 2020);
- (e) the Building (Minor Works) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2020 (L.N. 184 of 2020);
- (f) the Electricity (Registration) (Amendment) Regulation 2020 (L.N. 185 of 2020); and
- (g) the Construction Workers Registration (Fees) (Amendment) Regulation 2020 (L.N. 197 of 2020).

4. A summary of the fee waiving or concession measures under these seven pieces of subsidiary legislation is given in **Appendix I**.

The Subcommittee

5. At the House Committee meeting on 16 October 2020, Members agreed to form a subcommittee to study the above seven pieces of subsidiary legislation relating to fee waiving or concession measures for the construction sector. The membership list of the Subcommittee is in **Appendix II**.

The Subcommittee has held two meetings and invited written views from the public.²

6. To allow sufficient time for the Subcommittee to complete the scrutiny of the above seven pieces of subsidiary legislation and compile a report to the House Committee, the Chairman gave notice to move a motion at the Council meeting of 11 November 2020 to extend the scrutiny period of these seven pieces of subsidiary legislation to the Council meeting of 2 December 2020. As the motion was not moved at the Council meeting of 11 November 2020, the period for amending the seven pieces of subsidiary legislation has expired at that Council meeting.

Deliberations of the Subcommittee

7. The Subcommittee supports introducing the seven pieces of subsidiary legislation relating to fee waiving or concession measures to benefit the construction sector. The Subcommittee's deliberations are set out below.

Review of the need for further extension of the fee waivers and concessions

8. Given the serious impacts of COVID-19 and uncertainties in the economic outlook, members welcome the initiatives to extend the existing fee waivers or concessions and introduce a new fee concession for one year to relieve the financial burdens of the construction sector. Ir Dr LO Wai-kwok considers it necessary for the relevant authorities to closely monitor the development of the pandemic and the economic situation, and review and decide in due course the need for further extension of these fee waivers or concessions to continue to support the construction sector.

Refund arrangements for Registered Electrical Contractors and Registered Electrical Workers

9. Regarding the new measure introduced under the Electricity (Registration) (Amendment) Regulation 2020 (L.N. 185 of 2020) for the 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), Ir Dr LO Wai-kwok has expressed concern that for those registrations that have been effective before the concession period (i.e. 1 October 2020 to 30 September 2021) or those

² No written submission was received.

applications for renewal of registration that have been submitted before the concession period, whether the persons concerned may benefit from the new measure.

10. The Administration has advised that if the above registrations are valid for more than one year and will expire after the above concession period, arrangements are in place to refund the overpaid fee. The Electrical and Mechanical Services Department ("EMSD") has disseminated information on the refund arrangements by various means, such as the EMSD website, SMS messages to eligible registered electrical contractors or registered electrical workers, and email messages to the relevant trade associations and unions. The application period for the refund starts from 1 November 2020. Up to 12 November 2020, around 10 000 refund applications have been received and are being processed.

Recommendation

11. The Subcommittee has completed scrutiny of the seven pieces of subsidiary legislation relating to fee waiving or concession measures for the construction sector (L.N. 180 to L.N. 185 and L.N. 197 of 2020). The Subcommittee supports the seven pieces of subsidiary legislation.

Advice sought

12. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 1
Legislative Council Secretariat
25 November 2020

**Summary of fee waiving or concession measures
under L.N. 180 to L.N. 185 and L.N. 197 of 2020**

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
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.
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, licenses 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

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
183 184 ¹	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.
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) ²	1.10.2020 to 30.9.2021	1.10.2020

¹ 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.

² The construction workers registration and renewal fees are payable to the Construction Industry Council.

Appendix II

Subcommittee on Seven Pieces of Subsidiary Legislation Relating to Fee Waiving or Concession Measures for the Construction Sector

Membership list*

Chairman (Vacant)

Members Hon Abraham SHEK Lai-him, GBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon LAU Kwok-fan, MH

(Total: 3 members)

Clerk Ms Doris LO

Legal Adviser Miss Rachel DAI

* Changes in membership are shown in Annex to Appendix II

Annex to Appendix II

Subcommittee on Seven Pieces of Subsidiary Legislation Relating to Fee Waiving or Concession Measures for the Construction Sector

Changes in membership

Member	Relevant date
Hon SHIU Ka-chun	Up to 4 November 2020
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon IP Kin-yuen	Up to 10 November 2020
Hon HUI Chi-fung	Up to 11 November 2020
Hon Jeremy TAM Man-ho	Up to 11 November 2020
Hon James TO Kun-sun	Up to 12 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon LAM Cheuk-ting	Up to 12 November 2020
Hon KWONG Chun-yu	Up to 12 November 2020
Hon LEUNG Yiu-chung	Up to 15 November 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 18 November 2020

Note 1 According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council ("LegCo") of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being members of LegCo on 30 July 2020.

Note 2 Pursuant to section 15(1)(a) of the Legislative Council Ordinance (Cap. 542), HUI Chi-fung ceased to hold office as a member of LegCo upon his resignation on 12 November 2020.