

## **LEGISLATIVE COUNCIL BRIEF**

### **Marine Parks Ordinance (Cap. 476)**

#### **Marine Parks and Marine Reserves (Amendment) Regulation 2000**

##### **INTRODUCTION**

In exercise of the power under section 20(1)(h) of the Marine Parks Ordinance, the Secretary for the Environment and Food has made the Amendment Regulation at Annex A to revise the fees payable under the Marine Parks and Marine Reserves Regulation (hereafter referred to as the “Regulation”).

##### **BACKGROUND AND ARGUMENT**

2. Schedule 4 to the Regulation sets out the fees charged for the first issue and renewal of various permits for conducting activities in marine parks and marine reserves and the fee charged for obtaining duplicate of a permit. The existing fees were last revised in November 1997.

3. It is Government policy that fees and charges should in general be set at levels sufficient to recover the full costs of providing the services. Most Government fees and charges have been frozen since February 1998 as an exceptional measure to ease the burden on the community at a time of economic setback. The Financial Secretary decided in June 1999 to continue the fee revision moratorium until the year-on-year quarterly GDP growth rate turned firmly positive. In view of the current state of economic recovery, it was proposed to first revise those fees and charges that do not directly affect people’s livelihood and general business activities.

4. Based on a recent costing review conducted at 2000-01 prices, we propose to increase all the fees for the issue and renewal of permits by 6% to achieve full cost recovery of the services. For the remaining fee item on a duplicate of a permit, the recent costing review revealed that there is scope for fee reduction. We therefore propose to reduce the fee by 38% to reflect the full cost of the service at 2000-01 prices. The cost computation of all the fee items is presented at Annex B.

5. Details of the existing and proposed fees are shown in Annex C.

## **THE REGULATION**

6. The Amendment Regulation at Annex A seeks to revise the fees under the Marine Parks and Marine Reserves Regulation as set out at Annex C. The new fees shall become effective starting from 19 January 2001.

## **PUBLIC CONSULTATION**

7. We consulted the Legislative Council Panel on Environmental Affairs and the Marine Parks Committee of the Country and Marine Parks Board on all the fee revision proposals at their meetings on 2 June 2000 and 17 August 2000 respectively, except for the fee revision proposal on obtaining duplicate of a permit. Both did not raise any objection to the proposals. As the costing review recently completed for producing duplicate of a permit indicates that there is room for fee reduction, we take the opportunity of this exercise to introduce fee reduction.

## **BASIC LAW IMPLICATIONS**

8. The Department of Justice advises that the Amendment Regulation is consistent with the Basic Law.

## **HUMAN RIGHTS IMPLICATIONS**

9. The Department of Justice advises that the Amendment Regulation has no human rights implications.

## **BINDING EFFECT OF THE LEGISLATION**

10. The Amendment Regulation will not affect the binding effect of the Marine Parks and Marine Reserves Regulation.

## **FINANCIAL AND STAFFING IMPLICATIONS**

11. The additional revenue generated from the fee proposal is minimal. There are no staffing implications.

## **ECONOMIC IMPLICATIONS**

12. As the types of activities subject to the proposed fee increases are narrow, being confined to those in the marine parks and marine reserve, the overall impact is expected to be minimal. As to the proposed fee decrease, the respective users will be able to benefit.

## **EFFICIENCY INITIATIVES**

13. The total cost incurred by the Agriculture, Fisheries and Conservation Department to deal with the application for permits for the use of marine parks and marine reserves is kept below \$10,000 per annum. The scope for cost-cutting is limited.

## **PUBLICITY**

14. The Amendment Regulation will be gazetted on 8 December 2000. A press release announcing the fee revision will be issued on the same day.

## **OTHERS**

15. For any enquiries on this brief, please contact Mr Edward WONG (Senior Marine Parks Officer of Agriculture, Fisheries and Conservation Department) at 2150 6870.

Environment and Food Bureau  
7 December 2000

**MARINE PARKS AND MARINE RESERVES (AMENDMENT) REGULATION 2000**

(Made under section 20 of the Marine Parks Ordinance (Cap. 476))

**1. Commencement**

This Regulation shall come into operation on 19 January 2001.

**2. Fees**

Schedule 4 to the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.) is amended -

- (a) in the entries relating to sections 11, 12, 13(1), 14, 15(a), 15(b), 15(c), 15(d) and 17(4), by repealing "217" and substituting "230";
- (b) in the entry relating to section 17(7), by repealing "140" and substituting "87".

Acting Secretary for the Environment  
and Food

5 Dev 2000

**Explanatory Note**

This Regulation revises certain fees payable under the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.).

**COST COMPUTATION**  
**Agriculture, Fisheries and Conservation Department**

**Fees Payable under the Marine Parks and Marine Reserves Regulation**

**Cost at 2000-01 Prices**

	<b>Issue/Renewal of a Permit</b>	<b>Duplicate of a Permit</b>
	\$	\$
Staff Costs	194	82
Departmental Expenses	26	1
Accommodation Costs	6	2
Cost of Services Provided by Other Departments	1	-
Central Administrative Overhead	5	2
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Unit cost	232	87
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Existing Fee	217	140
Proposed Fee	<b>230</b>	<b>87</b>

**Existing and Proposed Fees**  
**Under the Marine Parks and Marine Reserves Regulation**

<b>Description</b>	<b>Existing Fee \$</b>	<b>Proposed Fee \$</b>
Permit to moor or anchor a vessel	217	230
Permit to hawk (per year)	217	230
Permit to display signs, etc.	217	230
Permit to barbecue or camp	217	230
Permit to hold any public meeting, boating or other sporting competition (for each event)	217	230
Permit to hold an event for raising funds (for each event)	217	230
Permit to carry on an activity for business (for each event)	217	230
Permit to operate any power-driven model boat or aeroplane (for each event)	217	230
Renewal of a permit (other than fishing permit)	217	230
Duplicate of a permit	140	87