

ADVISORY COUNCIL ON THE ENVIRONMENT

(31.1.94)

(ACE 3/94)
(For advice)

Increase of Fees under
Noise Control Ordinance - Cap. 400
Waste Disposal Ordinance - Cap. 354
Air Pollution Control Ordinance - Cap. 311

INTRODUCTION

The purpose of this paper is to seek Members' advice on the increases in various fees payable under environmental legislation. The fees and charges review is a regular exercise and is designed to take into account inflation since the fees were introduced or last revised. A separate paper (ACE 4/94-95) informing Members of fee revisions under other Ordinances should be read in conjunction with this paper.

BACKGROUND

2. It is Government policy that fees should, in general, be set at levels sufficient to recover the full cost of providing the services. The fees payable to the Director of Environmental Protection under the Noise Control Ordinance, the Waste Disposal Ordinance and the Air Pollution Control Ordinance have not been revised since they were introduced.

3. In accordance with the Interpretation and General Clauses (Amendment) Ordinance 1993, which came into operation on 28 May 1993, the Financial Secretary (including the Secretary for the Treasury) has the power to vary fees which have previously been fixed by subsidiary legislation made by the Governor-in-Council. The Secretary for the Treasury, following discussion with Environmental Protection Department and Planning, Environment and Lands Branch, intends to revise the fees specified in the following subsidiary legislation -

- (a) Noise Control (General) Regulations made pursuant to the Noise Control Ordinance (Cap. 400)
- (b) Noise Control (Air Compressors) Regulations made pursuant to the Noise Control Ordinance (Cap. 400)
- (c) Noise Control (Hand Held Percussive Breakers) Regulations made pursuant to the Noise Control Ordinance (Cap. 400)
- (d) Waste Disposal (Forms and Fees for Licences) Regulation made pursuant to the Waste Disposal Ordinance (Cap. 354)
- (e) Waste Disposal (Chemical Waste) (General) Regulation made pursuant to the Waste Disposal Ordinance (Cap. 354)

4. The fees payable for the issue of permits set out in the Noise Control (General) Regulations were introduced in 1989. They should now be increased by about 50% to take into account the increase in costs since their introduction. The fees payable for the issue of permits set out in the Noise Control (Air Compressors) Regulations and the Noise Control (Hand Held Percussive Breakers) Regulations were introduced in 1991. These fees should be revised by about 20% to take into account cost increases since their introduction. The fees payable for the issue of licences set out in the Waste Disposal (Forms and Fees for Licences) Regulation and the Waste Disposal (Chemical Waste) (General) Regulation were introduced in 1992 and were based on the outcome of a costing exercise conducted in 1991. To cover the increased cost since 1991, these fees should be increased by about 20%.

5. The fees related to the application of licences for conducting a specified process under the Air Pollution Control Ordinance have not been revised since they were introduced in 1987. It is proposed that the fees should be increased by about 90% to cover the increase in costs since their introduction. The Secretary for Planning, Environment and Lands, after consultation with the Secretary for the Treasury and the Director of Environmental Protection, intends to revise the fees payable under the Air Pollution Control Ordinance.

THE PROPOSAL

6. It is proposed to revise fees under the specified Ordinances as follows -

	<u>Existing</u> \$	<u>Proposed</u> \$
I. Noise Control Ordinance - Cap. 400		
(a) Noise Control General Regulations		
- General Works (8(1))	100.00	150.00
- Percussive Piling (8(2))	100.00	150.00
(b) Noise Emission Label		
- Air Compressors	100.00	120.00
- Hand Held Percussive Breakers	100.00	120.00
II. Waste Disposal Ordinance - Cap. 354		
(a) Licence for Provision of Waste Collection Services (S.21(1))	13,000.00	15,615.00
(b) Renewal of Licence (a) (S.23(2))	6,500.00	7,810.00
(c) Licence for Collection of Waste Produced by Licensee (S.21(1))	3,000.00	3,605.00
(d) Renewal of Licence (c) (S.23(2))	1,500.00	1,805.00
(e) Licence for Provision of a Waste Disposal Service (S.21(2))	24,000.00	28,825.00
(f) Renewal of Licence (e) (S.23(2))	12,000.00	14,415.00
(g) Licence for Disposal of Waste Produced by Licensee (S.21(2))	2,400.00	2,885.00
(h) Renewal of Licence (g) (S.23(2))	1,200.00	1,445.00
(i) Waste Producer Registration Fee (S.7)	200.00	240.00
(j) Certified Copy of an entry in register (S.7)	10.00	125.00
III. Air Pollution Control Ordinance - Cap. 311		
(a) Application for a licence (S.14)	100.00	190.00
(b) Application for renewal of licence (S.16)	NIL	NIL
(c) Application for variation of a licence (S.18)	100.00	190.00
(d) Application for transfer of a licence (S.18A)	100.00	190.00
(e) Application for variation or cancellation of any term or condition (S.23)	100.00	190.00
(f) Certified copy of an entry in the register	20.00	125.00

FINANCIAL AND STAFFING IMPLICATIONS

7. Additional revenue to be generated by the fee increases is estimated to be \$270,000.00 per annum. There is no staffing implication.

ECONOMIC IMPLICATIONS

8. The revised fees represent an insignificant portion of the operating costs borne by the affected sectors. The general public will not be affected.

PUBLIC REACTION

9. It is unlikely that the proposed fee revisions will attract much public attention. We do not envisage organisations and individuals requiring these documents to raise any strong objection as the increases are in line with inflation.

ADVICE SOUGHT

10. Members' advice is sought as to whether the proposed fee revisions as set out in paragraph 6 above should be made.

Environmental Protection Department
January, 1994