

For consideration
on 19 December 2000

LegCo Panel on Administration of Justice and Legal Services

**Revision of Judiciary Fees and Charges under
Criminal Appeal Rules (Cap. 221, sub. leg.)
Magistrates (Fees) Regulations (Cap. 227, sub. leg.)
Matrimonial Causes (Fees) Rules (Cap. 179, sub. leg.)**

PURPOSE

This paper seeks Members' views on proposals relating to the revision of Judiciary fees and charges, which do not directly affect people's livelihood or general business activities, specified in Criminal Appeal Rules, Magistrates (Fees) Regulations and Matrimonial Causes (Fees) Rules .

BACKGROUND

2. Judiciary fees and charges under the above subsidiary legislation are charged in connection with the services provided by the Magistracy and District Court, such as commencement of proceedings, setting down a case for trial, execution of court decisions, provision of transcript or copies of the shorthand notes of the trial, etc. These fees were last revised in 1994.

3. It is Government policy that certain fees 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.

4. In view of the current state of economic recovery, the Administration consulted the LegCo Panel on Financial Affairs on 13 April 2000 on proposals to revise various fees that would not directly affect people's livelihood or general business activities. Taking into account the diverse nature of the fees involved, Members suggested and the LegCo House Committee agreed on 14 April 2000 that the Administration should consult the relevant subject LegCo Panels on whether and if so how the fees under their respective purview should be adjusted.

5. We consulted the then LegCo Panel on Financial Affairs on 15 June 2000 on our proposal to revise, among others, Judiciary fees and charges. Members of the Panel raised no objection to our proposal.

THE PROPOSAL

6. Based on Judiciary latest costing, the existing fees, including the scale of fees charged by various courts/tribunals, can recover about 92% of the costs^(Note) at 2000-01 prices. *Annex A* provides the cost computation. We

^(Note) In view of the diverse nature of the services provided by various courts/tribunals and the large number of fee items involved, the Judiciary has since 1989 calculated the cost of its services provided on a global basis. In other words, costs are calculated at the departmental level instead of at the individual service level.

propose to increase the fee levels by 8% in general with a view to achieving full-cost recovery at 2000-01 prices. Details of the existing and proposed fees are set out at *Annex B*.

7. The proposed fee increases are fairly modest, ranging from \$0.5 to \$90 in dollar terms. We do not think that the proposed fee revision would prevent people from pursuing justice.

PRODUCTIVITY / EFFICIENCY IMPROVEMENT MEASURES

8. The Judiciary is committed to containing the costs incurred in providing services by continuing to implement the Enhanced Productivity Programme and other efficiency improvement measures as appropriate and to review whether it is still necessary to provide various services under the Judiciary's purview that require payment of fees and charges.

FINANCIAL IMPLICATION

9. The fee proposal will generate additional revenue of about \$1.8 million per annum. There are no staffing implications.

ADVICE SOUGHT

10. We should be grateful for Members' views on the proposed fee levels. Subject to Member's views, the Secretary for the Treasury will move motion to seek LegCo Members' approval to make the relevant Amendment Rules/Regulation to amend the fees.

Finance Bureau
Government Secretariat
December 2000

COST COMPUTATION

Judiciary

Judiciary Fees and Charges under various Rules and Regulations (Note 1)

Cost at 2000-01 prices

	\$'000
Staff Costs	179,174
Departmental Expenses	12,814
Accommodation Costs	2,737
Depreciation	4,924
Cost of Services Provided by Other Departments	3,801
Central Administrative Overhead	11,317
	214,767
Operating Cost (Note 2)	214,767
Revenue (Note 3)	\$197,985
Existing Cost Recovery Rate	92%
Proposed Increase	8%

Note

(1) The Rules and Regulations are :

- Bankruptcy (Fees and Percentages) Order
- **Bills of Sale (Fees) Regulations**
- Companies (Fees and Percentages) Order
- Control of Obscene and Indecent Articles Regulations
- **Coroners (Fees) Rules**
- **Criminal Appeal Rules**
- **District Court Civil Procedure (Fees) Rules**
- Estate Agents (Registration of Determination and Appeal) Regulation
- **High Court Fees Rules**
- **Hong Kong Court of Final Appeal Fees Rules**
- Labour Tribunal (Fees) Rules
- Landlord and Tenant (Consolidation) Ordinance
- Lands Tribunal (Fees) Rules
- Legal Practitioners (Fees) Rules
- **Magistrates (Fees) Regulations**
- **Matrimonial Causes (Fees) Rules**
- Money Lenders Regulations
- Probate and Administration Ordinance
- **Small Claims Tribunal (Fees) Rules**

Only the Rules and Regulations in **bold** type are under the purview of Finance Bureau.

(2) Costs attributed to court hearing and other free service (e.g. Criminal cases, Coroner's Court) are excluded.

(3) Court fines and fixed penalty fines are excluded.

Revision of Judiciary Fees and Charges

Item	Description	Existing Fee \$	Proposed Fee \$	Increase \$
Criminal Appeal Rules (Cap. 221, sub. leg.)				
1	Transcript of shorthand note of trial or other proceedings (s.12 & 63), per page	17	18	1
Magistrates (Fees) Regulations (Cap. 227, sub. leg.)				
1	For affixing the signature of a magistrate, with or without the magistrate's seal, to any statutory declaration or other document made or required for a purpose other than in or for a magisterial proceeding or matter exclusively within the duties of the office of a magistrate	125	135	10
2(a)	Typed copy of depositions, charges or documentary exhibits in summary cases, per page	36	40	4
2(b)	Additional copies, per page	4	4.5	0.5
3(a)	Photostatic copy of a document made in the magistracy, per page	4	4.5	0.5
3(b)	Photostatic copy and certification, per page	5.5	6	0.5
4(a)	Translation made in magistracy of a document from Chinese into English or vice versa, including certificate, per page	72	78	6
4(b)	Transcription and translation made in the magistracy, from Chinese into English, or vice versa, of a tape or recording including certificate, per page	132	145	13
5(a)	Certifying translations made outside the magistracy, from Chinese into English, and vice versa, per page	36	40	4

Item	Description	Existing Fee \$	Proposed Fee \$	Increase \$
5(b)	Certifying transcription made outside the magistracy, from Chinese into English and vice versa, of a tape or recording, per page	36	40	4
6	Search in the magistracy, for each document or file referred to or required	18	20	2
Matrimonial Causes (Fees) Rules (Cap. 179, sub. leg.)				
1	Commencement of proceedings			
1(a)	On sealing an originating application or an originating summons	630	685	55
1(b)	On filing a petition	630	685	55
1(c)	On filing a joint application	630	685	55
1(d)	Entering a joint application in the special procedure list	630	685	55
2	On filing a notice of application for an appointment before a judge	630	685	55
3(a)	Setting down an undefended cause	630	685	55
3(b)	Setting down a defended cause	1,045	1,135	90
4	Transfer from District Court to Court of First Instance or vice versa at the request of the parties	1,045	1,135	90
6	Attendance of a public officer to produce or prove any record or document	440	475	35
7(a)	Copy of a document typed in the Registry and certifying same, per page	36	40	4
7(b)	Additional copies, per page	4	4.5	0.5

Item	Description	Existing Fee \$	Proposed Fee \$	Increase \$
8(a)	Photostatic copy of a document made in the Registry, per page	4	4.5	0.5
8(b)	Photostatic copy and certification, per page	5.5	6	0.5
9	Sealing a copy of document with seal of the Court	28	30	2
10	Search in the Registry, for each document or file referred to or required	18	20	2
11(a)	On filing a notice of appeal	1,045	1,135	90
11(b)	On setting down an appeal	1,045	1,135	90
12(a)	On sealing a writ of execution	630	685	55
12(b)	On sealing an order for the examination of a judgment debtor	630	685	55
12(c)	On issuing a judgment summons	630	685	55
14	On filing an election to take fixed costs under District Court (fixed costs in Matrimonial Causes Rules (Cap. 336 sub. leg.)	220	240	20