

立法會
Legislative Council

LC Paper No. LS22/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 17 November 2000**

**Legal Service Division Report on
Resolution under section 54 of the
Matrimonial Causes Ordinance (Cap. 179)**

The Secretary for the Treasury has given notice to move a motion at the Legislative Council meeting on 29 November 2000 to seek the Legislative Council's approval of the Matrimonial Causes (Fees) (Amendment) Rules 2000 ("the Amendment Rules") made by the Chief Justice.

2. The Amendment Rules seek to increase with effect from 12 January 2001 the fees payable in connection with the services provided by the District Court in legal proceedings for matrimonial causes under the Matrimonial Causes Ordinance (Cap. 179). The proposed increases in the relevant fees are set out in the table below. The fees were last revised in 1994.

Item	Particulars	Existing Fee \$	Proposed Fee \$
1	Commencement of proceedings for matrimonial causes	630	685
2	Applications for ancillary relief	630	685
3	Setting down a case for trial (a) Setting down an undefended cause (b) Setting down a defended cause	630 1,045	685 1,135
4	Transfer from District Court to Court of First Instance or vice versa at the request of parties	1,045	1,135
5	Attendance of a public officer to produce or prove any record or document	440	475

Item	Particulars	Existing Fee \$	Proposed Fee \$
6	(a) Copy of a document typed in the Registry and certifying the same, per page (b) Additional copies, per page	36 4	40 4.5
7	(a) Photostatic copy of a document made in the Registry, per page (b) Photostatic copy and certification, per page	4 5.5	4.5 6.0
8	Sealing a copy of document with seal of the court	28	30
9	Search in the Registry, for each document on file referred to or required	18	20
10	(a) Filing a notice of appeal (b) Setting down an appeal	1,045 1,045	1,135 1,135
11	Execution of judgments	630	685
12	Filing an election to take fixed costs under the District Court (Fixed Costs in Matrimonial Causes) Rules (Cap. 336 sub. leg.)	220	240

3. The Administration consulted the then LegCo Panel on Financial Affairs on the proposed revision of fees on 15 June 2000. A member of the Financial Affairs Panel expressed concern on the possible impact of the proposed fee increase on divorce applicants who had financial difficulty but were not eligible for legal aid. In reply, the Administration considered that the additional amounts as a result of the modest fee increase should be within the affordability of such applicants who were not eligible for legal aid. Members of the Panel raised no further queries on the proposed fee revision.

4. The legal and drafting aspects of the proposed resolution and the Amendment Rules are in order.

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