

立法會

Legislative Council

LC Paper No. LS 24/00-01

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

**Legal Service Division Report on
Resolution under section 134(1) of the
Magistrates Ordinance (Cap. 227)**

The Secretary for the Treasury ("the Secretary") has given notice to move a motion at the meeting of the Legislative Council on 29 November 2000 under section 134 of the Magistrates Ordinance (Cap. 227), which empowers the Chief Justice to make regulations with the approval of the Council.

2. Regulation 2 of the Magistrates (Fees) Regulations (Cap. 227 sub. leg.) ("the Regulations") provides for scale of fees to be taken at the magistrates' courts. The motion seeks to revise various fees payable under the Regulations. Upon approval by the Council, the fees increase will come into operation on 12 January 2001. The items to which the fees relate, the existing fees and the proposed fees are set out below—

SCALE OF FEES	Existing Fee	Proposed Fee
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
2. (a) Typed copy of depositions, charges or documentary exhibits in summary cases, per page (b) Additional copies, per page	\$36 \$4	\$40 \$4.5

3. (a) Photostatic copy of a document made in the magistracy, per page (b) Photostatic copy and certification, per page	\$4 \$5.5	\$4.5 \$6
4. (a) Translation made in the magistracy of a document from Chinese into English or vice versa, including certificate, per page (b) Transcription and translation made in the magistracy, from Chinese into English, or vice versa, of a tape or recording including certificate, per page	\$72 \$132	\$78 \$145
5. (a) Certifying translations made outside the magistracy, from Chinese into English, and vice versa, per page (b) Certifying transcription made outside the magistracy, from Chinese into English and vice versa, of a tape or recording, per page	\$36 \$36	\$40 \$40
6. Search in the magistracy, for each document or file referred to or required	\$18	\$20

3. According to the Secretary's draft speech, which is appended to the motion, the fees increase is on full-cost recovery basis. These fees were last revised in 1994. It further says that the Panel on Financial Affairs of the last legislative session was consulted, at its meeting on 15 June 2000, about proposals to revise various fees and charges not affecting people's livelihood or general business activities under the Secretary's purview, including the fees under the Magistrates Ordinance. The Panel in general raised no objection.

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

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
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