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**Paper for the meeting of the Panel on Administration of Justice
and Legal Services on 25 April 2005**

Background brief prepared by the Legislative Council Secretariat

**Judiciary's cost saving measures, budgetary arrangements
and fees and charges**

Purpose

This paper provides background information and a summary of views and concerns expressed by Members of the Legislative Council (LegCo) on the Judiciary's cost saving measures, budgetary arrangements and fees and charges.

Cost saving measures of the Judiciary

Background

2. In the 2002-03 Budget Speech, the Financial Secretary set three targets for public finances in 2006-07 –

- (a) restore balance in the Consolidated Account;
- (b) attain a balanced Operating Account; and
- (c) reduce public expenditure to 20% of GDP or below.

All directors of bureaux were required to achieve a saving of 1.8% in the operating expenditure on the existing and new or improved services as planned in 2003-04, and an additional saving of 1% each year from 2004-05 to 2006-07.

Speech made by the Chief Justice at the Ceremonial Opening of the Legal Year

3. The Chief Justice had made reference to budgetary constraints of the Judiciary in his speeches made at the Ceremonial Opening of the Legal Year in 2003, 2004 and 2005. In his speech made on 17 February 2005, the Chief Justice had reiterated that despite budgetary constraints, the quality of justice must not be compromised and must be maintained. However, the inevitable consequence of budgetary constraints over a long period of time would be the waiting times will be lengthened at all levels of court. When the waiting times were considered to be unacceptable, the question

of providing additional resources to the Judiciary would have to be raised and addressed by the Administration and the Legislature. An extract from his speech is in **Appendix I**.

Cost saving measures

4. At the meeting of the Panel on Administration of Justice and Legal Services on 24 February 2003, members were briefed on, inter alia, the implications of the cost saving measures introduced by the Judiciary on administration of justice. The Judiciary Administration advised the Panel of the specific initiatives for achieving the target of saving 1.8% in recurrent expenditure in 2003-04, which was roughly \$18 million. The measures to be introduced by the Judiciary Administration to produce savings of about \$19.8 million for 2003-04 were mainly the result of business process re-engineering initiatives and cover mostly internal support services. The consequences on services for the public would be minimum. The paper provided by the Judiciary Administration is in **Appendix II**.

5. The Judiciary Administration also advised that further savings would be required in the year 2004-07 at the rate of 1% per annum and savings which were much more substantial might be required in the years 2004-07. Consideration was being given to rationalizing the number of magistrates' courts, reducing the number of temporary judges and perhaps leaving some judicial posts vacant.

6. At the Panel meeting on 24 February 2003, Hon Martin LEE expressed the view that the Judiciary, being independent from the executive authority, should not be bound by the Government's target to reduce operating expenditure. He moved the following motion which was passed by the Panel –

“That this Panel urges the Judiciary not to introduce, for the purpose of implementing the Administration' austerity programme, any cost saving measures which would adversely affect the quality of judicial services.”

Closure and merger of magistrates' courts

7. One of the proposals to cope with efficiency savings of the Judiciary (paragraph 5 above refers) was to reduce the number of magistrates' courts from nine to six (two had been closed in January 2004 and January 2005 respectively, and one will be closed in early 2006). At the Council meeting on 8 December 2004, Hon Margaret NG raised an oral question concerning the closure and merger of magistrates' courts. The Member had subsequently followed up the matter by requesting the Judiciary Administration to provide supplementary information to the Panel on the impact of the proposal on the caseload, waiting time and court users, etc.

8. In its recent paper provided to the Panel (issued vide LC Paper No. CB(2)1271/04-05(01) on 13 April 2005), the Judiciary Administration has advised that –

- (a) the reduction of the number of Deputy Special Magistrates to meet budgetary constraints has caused further lengthening of waiting time for cases to be heard in magistrates' courts in the last three months. Given the current waiting time situation, resources will be deployed to enable additional Deputy Special Magistrates to be appointed shortly; and
- (b) in the light of the lengthening waiting times experienced currently, the Judiciary has now decided that Tsuen Wan Magistrates' Courts will not be closed in January 2006 as originally planned. A review on whether to continue with the plan and if so when will be conducted later.

Budgetary arrangements for the Judiciary

9. To facilitate further discussion by members, the Panel requested the Research and Library Services Division of the LegCo Secretariat to conduct a research on how the budgetary arrangements for the Judiciary were handled in overseas jurisdictions. The Research Report on "Budgetary arrangements for overseas judiciaries" (RP02/03-04) was presented to the Panel at its meeting on 24 November 2003. The Executive Summary of the Report is in **Appendix III**.

10. The Financial Services and the Treasury Bureau (FSTB) and the Administration Wing of Chief Secretary for Administration's Office had also provided a paper to explain the budgetary arrangements for the Judiciary. The paper is in **Appendix IV**.

11. The Administration stressed that it attached the highest importance to upholding the independence of the Judiciary and there was no question of undue interference by the Administration in the allocation of resources to the Judiciary. Some members did not consider that the existing system of allocation of resources for the Judiciary would safeguard judicial independence since the final decision on resource allocation was made by the Administration and imposed on the Judiciary. Express constitutional safeguards should be introduced to ensure that the independent operation of the Judiciary would not be subject to executive interference and affected by budgetary constraints. Members had invited the Administration to take note of the budgetary arrangements in the United States and the United Kingdom in relation to the maintenance of the independent operation of the Judiciary.

12. An extract from the minutes of the meeting on 24 November 2003 is in **Appendix V**.

Fees and charges of the Judiciary

13. In the course of discussing the budgetary arrangements for the Judiciary, some members had asked whether the fees charged on court users for services provided by the Judiciary, such as transcript fees, could be reduced.

14. In a paper subsequently provided to the Panel in February 2004, FSTB had explained that save for a few minor items, the majority of the Judiciary's fees and charges were determined on the basis of global costing methodology, and not the conventional approach of costing on the basis of individual services. FSTB, would, in collaboration with the Judiciary Administration, examine the feasibility of replacing the global costing basis with the individual costing basis and work out the cost recovery rate for each major item. A copy of the paper is in **Appendix VI**.

Relevant papers

15. A list of the relevant papers is in **Appendix VII** for members' easy reference.

Council Business Division 2
Legislative Council Secretariat
20 April 2005

**Extract speech made by the Chief Justice at the
Ceremonial Opening of the Legal Year 2005**

Budgetary constraints

To enable the Judiciary to administer justice without undue delay, it must be provided with adequate resources. Having regard to the fiscal deficit, budgetary parameters have been set for the Judiciary, involving a serious reduction of just under 14% between 2002-3 and 2006-7. Leaving aside the separate question of judicial remuneration, my understanding is that the budgetary cuts faced by the Judiciary are broadly similar in extent to that applicable to the entire public sector.

In order to cope, the Judiciary has had to adopt a number of measures. The number of deputy judges will be reduced and some judicial posts will be left vacant. Capital projects have been shelved and two Magistracies have been and one more will be merged with others, resulting eventually in Magistracies in six locations instead of nine originally. At the same time, there has been considerable re-engineering in Judiciary Administration with the deletion of posts and the streamlining of tasks and procedures.

The Judiciary will do its best to minimise the impact of budgetary constraints. For example, Saturday sittings have been introduced in the Magistrates' Courts and the District Court. Where possible, resources will be redeployed from time to time to increase judicial manpower temporarily in areas facing particularly great pressure.

The result of budgetary constraints is that the workload for judges and their supporting staff has increased and will continue to increase. Both judges and their supporting staff have been working under considerable pressure and I wish to acknowledge and commend their dedicated efforts in doing their best to cope. As I have repeatedly stated, despite budgetary constraints, the quality of justice must not be compromised and must be maintained. This is a fundamental principle which must again be emphasised.

Having regard to this fundamental principle, it must be pointed out that there is a limit to what the Judiciary can properly do to cope with budgetary constraints. The Judiciary must cope with whatever may be the caseload from time to time. Even on the assumption of a stable caseload, it must be recognised by all concerned that the inevitable consequence of budgetary constraints over a period of time will be that the waiting times will be lengthened at all levels of court. It will take a longer time to obtain a hearing date. It is my duty to explain this plain fact frankly to the community. If there comes a point of time when the waiting times are considered to be unacceptable, the question of providing additional resources to the Judiciary will have to be raised and addressed by the Administration and the Legislature.

Legislative Council
Panel on Administration of Justice and Legal Services

Initiatives on Efficiency Savings in the Judiciary

Introduction

In its paper for the Panel meeting on 25 November 2002, the Judiciary Administration advised Members of the approaches adopted in promoting efficiency initiatives in the Judiciary. This paper sets out in more detail the specific initiatives for achieving the target of saving 1.8% in recurrent expenditure in 2003-04, which is roughly \$18 million.

Departmental Expenses

2. Measures will be made to tighten up spending of Departmental Expenses. Apart from continuous efforts to reduce electricity expenditure and paper consumption, the Judiciary Administration will :

- (a) streamline contract management for the provision of information technology services;
- (b) re-prioritise enhancements to and upgrading of information technology systems;
- (c) tighten up payment of overtime allowance; and
- (d) cease Dialect Allowance for Putonghua interpretation.

3. Together with other minor items, we are aiming at savings of about \$8 million.

Support Staff at Magistrates' Courts

4. The Judiciary Administration has undertaken an internal management review on the registries and judicial support services of the nine magistrates' courts. The objective is to identify areas for re-engineering work processes and explore means to enhance operational efficiency and effectiveness.

5. One of the major findings of the review is that the workloads of the Accounts Offices of the magistrates' courts have been decreasing over the past few years. This could be attributed to the implementation of the Public Payment System in April 2001, by which payments for Fixed Penalty tickets and fines for offences allowing plea of guilty by letter can be made at automated teller machines. We estimate that the workload of the Accounts Offices would be further decreased in 2003. We therefore plan to reduce

the number of payment counters and rationalize the staffing structure of the Accounts Offices.

6. Arising from the observations in the same management review, the division of responsibilities in the magistrates' courts will be re-organised by merging of sections and expanding their scope of responsibilities.

7. The various initiatives from the business process re-engineering at the magistrates' courts would result in savings of about \$6.5 million.

Court Language Section

8. We plan to merge the Use of Chinese and Judgment Translation Units and achieve economies of scale and more flexible deployment of resources. In addition, the supervisory structure of Court Interpreters will be de-layered by removing the regional managers.

9. The two measures to be introduced by the Court Language Section would achieve savings of about \$4.5 million.

Typing Services

10. Given that more and more staff are having their own computers for word processing and using e-mails as a means of correspondence, the demand on the services of central typing pools has decreased. We plan to rationalize the staffing of the three typing pools in the Corporate Services Division and merge them into one. This measure would yield savings of about \$0.8 million.

Impact on Services

11. The above proposals would produce savings of about \$19.8 million for 2003-04. They are mainly the result of business process re-engineering initiatives and cover mostly internal support services. The Judiciary Administration anticipates that the consequences on services for the public would be minimum.

Future Initiatives

12. Given that (i) further savings would be required in the years 2004-07 at the rate of 1% per annum; and (ii) in addition, savings, which are much more substantial, are being considered and may be required in the years 2004-07, consideration is being given to rationalizing the number of magistrates' courts, reducing the number of temporary judges and perhaps leaving some judicial posts vacant. No conclusion has been reached at this stage.

13. The Chief Justice has stated that despite budgetary constraints, the quality of justice must be maintained, even if it may mean lengthening of waiting times for some cases to be heard.

Judiciary Administration Directorate Staff

14. The Panel has requested the Judiciary Administration to provide the number, rank, salary and the type (contract or civil service posts) of the directorate posts. The information is as follows :

Post	Rank	No.	Type
Judiciary Administrator	D8	1	Contract
Deputy Judiciary Administrator (Operations)	D3	1	AOSGB
Deputy Judiciary Administrator (Development)	D3	1	AOSGB
Assistant Judiciary Administrator (Development)	D2	1	AOSGC
Assistant Judiciary Administrator (Corporate Services)	D2	1	SPEO (Supernumerary)
Assistant Judiciary Administrator (Quality)	D1	1	PEO (Departmental grade acting)

15. There are 170 Judges and Judicial Officers posts equivalent to Directorate positions in the civil service.

Executive Summary of the Research Report on “Budgetary arrangements for overseas judiciaries”

1. The three overseas judiciaries studied have different degrees of autonomy and participation in the budgeting process. The budgetary arrangement of the Federal Judiciary in the United States of America (US) reflects the adherence to the constitutional principle of separation of powers. The Federal Judiciary has complete authority to prepare its own budget, and is free from any explicit Executive interference.
2. Contrary to the US, without a strict separation of powers, the Estimate of the Court of Justice in the Province of Ontario of Canada (Ontario) is jointly prepared by the Judiciary and the Executive, while that of the Judiciary in the United Kingdom (UK) is entirely drafted by the Court Service, an agency of the Executive. The Executive of both the UK and Ontario can alter the proposed Estimate of their respective Judiciary before it is submitted to the Legislature. Although the Judiciary of Hong Kong is authorized to draft its own Estimate, its Estimate is not free from review and revision by the Executive.
3. Regarding the approval process, the US is the only place studied where members of the Legislature can either increase or reduce the budget for the Judiciary, as well as add programmes to the Judiciary. In both the UK and Ontario, members of the Legislature who are not Ministers may reduce but not increase the Estimate for the Judiciary. Similarly, Members of the Legislative Council of Hong Kong may reduce but not increase the Estimate for the Judiciary.
4. In all three overseas jurisdictions and in Hong Kong, the Judiciary itself is responsible for the resource allocation which has direct bearing on its judicial duties, such as assigning judges to cases.
5. Judicial remuneration forms a significant part of the Judiciary’s budget. Among the three overseas Judiciaries, only Ontario has an automatic mechanism to annually adjust judges’ salaries. In the US, the annual adjustment decision on judges' salary is made either by the Executive or the Legislature, whilst in the UK, it is decided by the Executive. In Hong Kong, the adjustment mechanism is under review.
6. In both the UK and Ontario, the Executive is answerable to the Legislature for the resources allocated to the Judiciary. Judges do not appear before the Legislature since they are not budget holders in their own rights, and have no line of accountability for the resources allocated. In the US, judges appear before hearings and the Federal Judiciary answers to Congress for resources allocated for its use. In Hong Kong, the Judiciary Administrator is accountable for the resources allocated to the Judiciary.

For Information

LegCo Panel on Administration of Justice and Legal Services (“AJLS Panel”)

Budgetary Arrangements for the Judiciary

INTRODUCTION

This paper sets out the budgetary arrangements for the Judiciary, including how the budget is prepared and approved, and the respective roles of the parties involved in the appropriation of resources for the administration of justice.

BUDGETARY ARRANGEMENTS FOR THE JUDICIARY

Preparation of the Judiciary’s Budget

2. The Judiciary Administrator (JA) is the Controlling Officer for **Head 80 – Judiciary** in the Estimates. He reports only to the Chief Justice (CJ) who, by virtue of section 6(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), is the head of the Judiciary, and is charged with the administration of the Judiciary. As the Controlling Officer, it is the responsibility of the JA to prepare and operate the entire budget for the Judiciary. To discharge this responsibility, the JA reports to and seeks the CJ’s directions as appropriate. The CJ will involve other Court Leaders, including the Chief Judge of the High Court, the Chief District Judge and the Chief Magistrate as appropriate in the preparation of the Judiciary’s budget, including, where necessary, formulating bids for additional resources for the operation of the courts.

Allocation of Resources for the Judiciary

3. Funding for the Judiciary is an integral part of the Administration’s overall expenditure requirements, which are subject to the annual appropriation by the Legislative Council, and separate approvals by the Finance Committee or the Financial Secretary under the Public Finance Ordinance (Cap. 2) as appropriate.

4. As the Controlling Officer for **Head 80**, the JA prepares the annual estimates of expenditure for the Judiciary, monitors expenditure against approved provisions, ensures compliance with relevant financial and accounting regulations, and takes up with the Treasury Branch of the Financial Services and the Treasury Bureau (FSTB) or other relevant authorities requests for extra resources, mainly in the context of the Administration’s annual resource allocation exercises.

5. Given the Administration's budgetary constraints, it has not been possible for all bids for additional resources, whether from Government bureaux/departments or other bodies receiving direct funding from the Government, to be acceded to. For each request however, due regard is always given to the merits of the proposal and the consequences of not proceeding with it. The proponent is also given an opportunity to be heard before any final decision is reached within the Administration.

6. When preparing the draft Estimates of expenditure each year, Treasury Branch of FSTB will examine and discuss with the JA the provision sought for the Judiciary, normally on the basis of the anticipated requirements of individual expenditure components or subheads.

Allocation of Resources within the Judiciary

7. As stated in the 2003-04 Estimates, the Judiciary requires resources for the following two programme areas under **Head 80** –

- (a) Programme (1) **Courts and Tribunals**, for maintaining an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedom of individuals and commands domestic and international confidence; and
- (b) Programme (2) **Support Services for Courts' Operation**, for providing efficient and effective services to support the operation of courts.

8. The approved provisions and actual expenditure for these two programme areas in recent years are detailed below –

	\$ million		
	2001-02	2002-03	2003-04
Programme (1)	746.2 (736.2)	764.9 (753.8)	765.3
Programme (2)	281.6 (262.8)	272.9 (254.0)	266.0
	1,027.8 (999.0)	1,037.8 (1,007.8)	1,031.3

Note: Figures in brackets denote the actual expenditure.

9. With the roll out of the one-line-vote arrangement for **Head 80** in 2003-04, the bulk of the approved provision (97.1% or \$1,001.2 million) is included under **Subhead 000 – Operational expenses** to meet salaries and allowances of staff of the Judiciary and its other operating expenses. The major components of this subhead are personal emoluments, personnel related expenses and departmental expenses. The JA may flexibly deploy the approved operational expenses among various components of expenditure. Another small portion of the approved provision (0.8% or \$8.5 million) falls under a non-cash limited **Subhead 206 Expenses of witnesses and jurors**. The remaining portion of the approved provision (2.1% or \$21.6 million) is grouped under various subheads of the capital account, which in turn covers expenditure on plant, equipment and works as well as other non-recurrent one-off projects. The breakdown by subhead is as follows –

	\$ million		
	2001-02	2002-03	2003-04
Recurrent Account			
Subhead 000 Operational expenses	--	--	1,001.2
Subhead 206 Expenses of witnesses and jurors	8.5 (7.3)	8.5 (7.9)	8.5
Other subheads	992.6 (976.0)	1,004.9 (983.8)	--
	1,001.1 (983.3)	1,013.4 (991.7)	1,009.7
Capital Account	26.7 (15.7)	24.4 (16.1)	21.6
Total	1,027.8 (999.0)	1,037.8 (1,007.8)	1,031.3

Note: Figures in brackets denote the actual expenditure.

10. The establishment of the Judiciary as at 31 March 2004 is estimated to be 1 853 posts, including 180 directorate posts. Of the 180 directorate posts, 174 posts are judges and judicial officers.

Efficiency Savings in the Judiciary

11. As part of the Government-wide effort to reduce operating expenditure, the Judiciary achieved, over 2000-01 to 2002-03 under the Enhanced Productivity Programme, a 5% reduction in its baseline expenditure with savings amounting to about \$48 million. In addition, it has positively contributed a share of the 1.8% savings target for the Administration's operating expenditure for 2003-04 (\$18.4 million). The approaches being adopted by the JA to achieve these savings targets are re-engineering, organizational restructuring and re-prioritizing. As regards the provision for the Judiciary for 2004-05, discussions are underway between the Administration and the Judiciary.

Treasury Branch
Financial Services and the Treasury Bureau

Administration Wing
Chief Secretary for Administration's Office

November 2003

**Extract from minutes of meeting on
Panel on Administration of Justice and Legal Services on 24 November 2003**

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IV. Budgetary arrangements for the Judiciary
(RP02/03-04 and LC Paper No. CB(2)390/03-04(03))

Research Report on "Budgetary arrangements for overseas judiciaries"

10. Head, Research and Library Services (H/RL) gave a power-point presentation on the Research Report prepared by the Research and Library Services Division (RLSD) (RP02/03-04). The Report provided an overview of the budgetary arrangements for the judiciaries in the United States of America (US), England and Wales (UK), and the Province of Ontario of Canada, and a comparison of the various attributes of the overseas budgetary arrangements with that of the Judiciary of Hong Kong. In particular, the following aspects of the budgetary arrangements for the judiciaries in the three overseas jurisdictions were covered in the Report -

- (a) preparation of budget;
- (b) approval of budget;
- (c) safeguards to ensure allocation of sufficient resources;
- (d) participation of judges in the allocation of voted resources;
- (e) pay adjustment of judges;
- (f) safeguards against manipulation of judicial remuneration through budgeting;
- (g) source of funding; and
- (h) public accountability.

Budgetary arrangements for the Judiciary in Hong Kong

11. Deputy Secretary for Financial Services and the Treasury (Treasury) (DS(Tsy)) briefed members on the paper jointly prepared by the Treasury Branch of the Financial Services and the Treasury Bureau (FSTB) and the Administration Wing, Chief Secretary for Administration's Office (LC Paper No.

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CB(2)390/03-04(03)). The paper explained the budgetary arrangements for the Judiciary, including preparation of the Judiciary's budget, allocation of resources for and within the Judiciary, the respective roles of the parties involved in the appropriation of resources for the administration of justice, and efficiency savings in the Judiciary.

12. DS (Tsy) said that the Administration fully appreciated the importance of safeguarding the independence, and the perception of independence, of the Judiciary. In approving the allocation of resources for the Judiciary, the Administration would ensure that the fundamental principle of judicial independence was upheld.

Issues raised by members

Public accountability

13. In response to Ms Miriam LAU, H/RL explained about the respective parties in the three overseas jurisdictions which were answerable to the legislature for the resources allocated to the judiciary. The relevant information was contained in paragraph 6.8.1 and Appendix I in the Research Report.

14. Judiciary Administrator (JA) informed members that being the Controlling Officer for Head 80 (expenditure of the Judiciary) in the Estimates, he prepared the annual estimates of expenditure of the Judiciary, monitored expenditure against approved provisions, ensured compliance with relevant financial and accounting regulations, and took up with the Treasury Branch of FSTB or other relevant authorities requests for extra resources. To discharge these responsibilities, he reported to the Chief Justice (CJ) and sought the latter's directions as appropriate. JA added that he also appeared before the Finance Committee, the Public Accounts Committee of LegCo and this Panel to answer questions relating to the operation of the Judiciary, the effects of caseload and resources of the Judiciary on its operation, how the Judiciary's resources had been put to efficient use, and measures to enhance efficiency etc. Any views expressed by Members would be conveyed for CJ's consideration.

Allocation of resources to the Judiciary and safeguard of judicial independence

15. The Chairman referred to paragraph 5 of the Administration's paper, which stated that given the Administration's budgetary constraints, it had not been possible for all bids for additional resources, whether from Government bureaux/departments or other bodies receiving direct funding from the Government, to be acceded to. The Chairman enquired about the existing system for the Judiciary to bargain for resources in the annual allocation exercise, and how the existing system of budgetary arrangements would guard against interference of the Administration in the operation of the Judiciary through imposing budgetary constraints.

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16. Ms Emily LAU asked how requests for resources by the Judiciary were handled by the Administration. Referring to DS(Tsy)'s comment in paragraph 12 above, she said that it was questionable whether FSTB, which was an executive arm of the Government, should be in a position to judge whether such requests would have any impact on judicial independence.

17. Director of Administration (D of A) said that according to the Research Report, except in the case of US, the system in Hong Kong was broadly similar to that in UK and Ontario of Canada in that there was no statutory provision requiring the Executive to include, in its overall budget to the Legislature, the Judiciary's proposal without revision. In the US, Congress could modify the budget proposal, but judges' salaries were regarded as mandatory spending. D of A explained that as the Judiciary's Estimates of expenditure formed part of the overall Estimates of the Administration, as with Government bureaux and departments, had to compete for resources. He said that as the Administration had the duty to ensure the prudent use of public money and control of overall public expenditure, bids for Government funding had to be assessed on grounds of merits. In discharging this responsibility, the Administration was accountable to LegCo, which had a constitutional role in monitoring and approving public expenditure. D of A further said that the Administration attached the highest importance to upholding the independence of the Judiciary and there was no question of undue interference by the Administration in the allocation of resources to the Judiciary.

18. DS(Tsy) said that Treasury Branch would not interfere with the operation of the Judiciary. Although JA had to agree with Treasury Branch the contents of his Controlling Officer's Report including the overall provision for the Judiciary for the coming year, such discussions were prompted primarily by the need to ensure consistency in the presentation of Government's overall Estimates. There was no question of judicial independence being compromised through these technical exchanges. Regarding bids for additional resources by the Controlling Officers, for each request, due regard was given to the merits of the proposal and the consequences of not proceeding with it. The proponent was given an opportunity to be heard and explain the justifications for its request before any decision was reached within the Administration. The decision process involved all relevant parties concerned, including the Chief Secretary of Administration and the Financial Secretary, etc. Thus, it was not just a matter between FSTB and the proponent. JA added that during the discussion process, he could make his views known to the highest level in the Government, including the Chief Secretary for Administration and the Financial Secretary.

19. JA said that CJ had stated, in his speech at the opening of the Legal Year 2003 on 13 January 2003, that the budgetary constraints might lead to lengthening of the waiting times for some cases to be heard by the courts. However, the quality of justice had to be maintained. He said that if the

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situation of waiting times worsened to an extent that was considered unacceptable by the Judiciary, the Judiciary would take up the matter with the Administration and seek additional resources.

20. In response to Ms Emily LAU on examples of rejection of budget proposals made by the Judiciary, JA advised that not too many requests for additional resources had been made in these few years due to budgetary constraints. As far as he remembered, subsequent to the increase of the civil jurisdictional limits of the District Court (DC) a few years ago, additional resources had been provided for the creation of three additional posts of Judges and Judicial Officers to cope with the increased caseload of DC.

21. The Chairman pointed out that apart from the lengthening of the waiting times at courts, CJ had said that further reduction in resources available to the Judiciary could pose difficulties for the Judiciary in filling certain vacant judicial posts and appointing temporary judges, which might impact on the operation of the courts. She opined that the Administration should take these into careful consideration in examining the Estimates submission from the Judiciary.

22. Ms Emily LAU said that she did not consider that the existing system for allocation of resources for the Judiciary would safeguard judicial independence, since the final decision on resource allocation was made by the Administration and imposed on the Judiciary. She opined that express constitutional safeguards should be introduced to ensure that the independent operation of the Judiciary would not be subject to executive interference and affected by budgetary constraints.

23. The Chairman agreed with the comment made by Ms Emily LAU. She invited the Administration to take note of the budgetary arrangements in US and UK in relation to the maintenance of the independent operation of the Judiciary. She pointed out that the Administrative Office of the US Courts produced the budget estimates for the Federal Judiciary as a whole, based on the courts' projected needs, workload, staffing and resource formulas, and new legislation or other new programmes and initiatives. About 95% of the funds allotted to individual courts were determined by formulas which were developed by the Judiciary as an objective means for determining the workload and resource needs of the Judiciary, and were used to justify budget estimates to the Congress. In UK, the Lord Chancellor appointed the Chief Executive of the Court Service, allocated resources to the Court Service, and approved its corporate and business plans. The Lord Chancellor, however, did not intervene in the day to day management of the Court Service, which was the responsibility of the Chief Executive. The Lord Chancellor required the Chief Executive, in determining priorities of the Court Service, to ensure that all courts were provided with adequate resources to meet their workload and planned level of sittings. The Chief Executive was required "to have discussed with the Judiciary" the content of his corporate and business plans before they were submitted for approval.

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The Lord Chancellor also required the Chief Executive to discuss with the Judiciary "plans for dealing with any major in-year change in resource allocation which may materially affect the performance of the Court Service", before putting the revised plans for his approval. The Chairman said that in both US and UK, the budget for the judiciary was prepared and approved by the judicial branch without involvement of the executive branch.

Judicial remuneration and staff emoluments of the Judiciary

24. The Chairman pointed out that there were safeguards in the overseas jurisdictions studied against manipulation of judicial remuneration through budgetary means. Both the US and UK had statutory provisions prohibiting the reduction of most judges' salaries. The US Constitution guaranteed that salaries of federal judges appointed according to Article III of the Constitution could not be reduced. In UK, judicial remuneration was charged on the Consolidated Fund and did not require annual parliamentary approval. In Ontario of Canada, the annual adjustment was automatic and based on an index. Where the adjustment rate turned out to be negative, judges' salaries would only be frozen but not be reduced. She opined that the overseas practices could be useful reference for Hong Kong.

25. D of A informed members that the Judiciary had commissioned Sir Anthony Mason to undertake a Consultancy Study on the appropriate system for the determination of judicial remuneration in Hong Kong. In April 2003, the Chief Executive had received from the Chief Justice the Consultancy Report and the Judiciary's proposal. The Administration was considering the Judiciary's proposal and would keep the Panel posted of any new development.

26. Ms Audrey EU noted that the Administration's paper had explained that the Judiciary required resources for the following two programme areas under Head 80 -

- (a) Programme (1) : Courts and Tribunals, for maintaining an independent and competent judicial system which upheld the rule of law, safeguarded the rights and freedom of individuals and commanded domestic and international confidence; and
- (b) Programme (2) : Support Services for Courts' Operation, for providing efficient and effective services to support the operation of courts.

Ms EU enquired about the component of Programme (1) which represented the remuneration of judges.

27. DS(Tsy) explained that of the \$765.3 million allocated for Programme (1) in 2003-04, \$275.5 million represented the remuneration of judges. She

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pointed out that the reductions in salaries of civil servants which had become effective were not applicable to judges and judicial officers. Regarding the staffing situation of the Judiciary, she advised members that the establishment of the Judiciary as at 31 March 2004 was estimated to be 1 853 posts, including 180 directorate posts. Of the 180 directorate posts, 174 posts were judges and judicial officers.

28. Ms Miriam LAU enquired about the percentage of remuneration of judges and judicial officers vis-à-vis that of supporting staff of the Judiciary under Head 80.

29. JA replied that about 27% of the total provision of \$1,031.3 million in 2003-04 was used to meet remuneration of judges and judicial officers, while about 50% was to meet salaries and allowances of other staff of the Judiciary. He added that on the advice of CJ, he had made it clear to the Administration that the fact that the remuneration of judges and judicial officers had not been reduced should not be used as a reason for cutting resources in the other areas in the Judiciary's Estimates.

30. Ms Miriam LAU further enquired about the measures taken by the Judiciary in achieving the cost saving target under EPP without sacrificing quality.

31. JA responded that the Judiciary Administration had provided a paper on "Initiatives on efficiency savings in the Judiciary" for discussion by the Panel at its meeting on 24 February 2003. The major initiatives to achieve cost saving included, for example, merging of Magistrates' Courts to make the best use of existing court premises and support facilities, rationalization of support staff structure through natural wastage, re-prioritization and work process re-engineering, tightening of operational expenditure by streamlining services and re-prioritizing enhancements of information technology systems etc.

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32. The Chairman requested the Administration to provide a breakdown of the components of Programme (1) for the Panel's information.

Charging of fees for court services

33. Ms Miriam LAU asked whether the fees charged on court users for services provided by the Judiciary, such as transcript fees, could be reduced if the Judiciary was able to reduce its operating costs. JA replied that most of the existing fees charged by the Judiciary were related to services provided by registries of the various courts and tribunals, such as registration fees and charges for making photo-copies of documents etc. Certain fees were charged to cover payment for professional services contracted out to private agencies, such as production of transcripts of court proceedings. He said that the judiciary fees and charges were determined in accordance with the criteria set by

Action

FSTB, and subject to regular reviews. He added that the reduction in operating costs of the Judiciary might be taken into consideration in conducting future costing reviews.

34. DS(Tsy) informed members that FSTB would review government fees and charges every year and conduct full costing reviews on a regular basis. As far as she remembered, the existing judiciary fees and charges could not in overall terms achieve full-cost recovery. She added that FSTB was inviting Government departments to review the rate of cost recovery of the fees items under their respective purview and whether fee adjustment was required.

35. The Chairman requested FSTB to explain in writing -

Admin

(a) the existing items of judiciary fees and charges and the rate of cost-recovery; and

(b) the methodology used for calculating the judiciary fees and charges.

Way forward

36. The Chairman informed members that RLSD was preparing supplementary information on the system of budgetary arrangements in Ontario of Canada. The information would be provided to the Panel when available. She opined that the item could be further considered by the Panel where necessary, upon receipt of the Administration's response.

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Budgetary Arrangements for the Judiciary

PURPOSE

At the meeting of the Legislative Council Panel on Administration of Justice and Legal Services held on 24 November 2003, the Administration undertook to –

- (a) provide a breakdown of the cost components of Programme (1): Courts and Tribunals under **Head 80 - Judiciary**; and
- (b) explain the existing items of the Judiciary's fees and charges, the rate of cost recovery and the methodology used for calculating these fees and charges.

THE ADMINISTRATION'S RESPONSE

Estimated requirement for Programme (1) : *Courts and Tribunals*

2. As stated in the 2003-04 original estimates, the total estimated requirement for the Judiciary for that year includes \$765.3 million for Programme (1): *Courts and Tribunals* and \$266 million for Programme (2): *Support Services for Courts' Operation*, totaling \$1,031.3 million.

3. Programme (1) is for maintaining an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedom of individuals and commands domestic and international confidence. A breakdown of the estimated provision for Programme (1) is given below –

	Provision for Programme (1) \$ million	Provision attributable to remuneration for judges and judicial officers (JJOs) \$ million
Personal emoluments	581.0	269.5
Personnel related expenses	6.0	6.0
Departmental expenses	166.9	-
Others	11.4	-
Total :	765.3	275.5

4. The establishment of the Judiciary as at 31 March 2004 is estimated to be 1,853 posts, including 180 directorate posts. Of the 180 directorate posts, 174 posts are JJOs. The provision attributable to remuneration for JJOs represents about 36% of the total provision for Programme (1), or 27% of that for the entire Head 80.

Fees and charges of the Judiciary

5. The existing fees and charges of the Judiciary are set out in the Annex.

6. Save for a few minor items, the majority of the Judiciary's fees and charges are prescribed in various statutory rules, orders and regulations. They are determined on the basis of global costing methodology whereby the Judiciary's overall costs (less those attributable to court hearings) in the provision of services are enumerated and allocated to individual services on a pro rata basis. Based on the costing exercise conducted at 2000-01 prices, the overall cost recovery rate for these fees and charges was about 92%.

7. However, noting that the more conventional approach of costing on the basis of individual services has not been widely used in the Judiciary, the Judiciary Administrator, in collaboration with the Treasury Branch, is examining the feasibility of replacing the global costing basis with the individual costing basis. We will endeavour to complete the review and to work out the cost recovery rate for each major item as soon as possible.

Financial Services and the Treasury Bureau
February 2004

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
HONG KONG COURT OF FINAL APPEAL FEES RULES	On filing - an application for leave to appeal	1,045.0
	On filing - any other originating application	1,045.0
	On filing - a Notice of Appeal	2,090.0
	Copy of documents typed in the Registry (per page)	36.0
	Copy of documents typed in the Registry - additional copies (per page)	4.0
	Photostatic copy of a document made in the Registry (per page)	4.0
	Photostatic copy of a library book (per page)	4.0
	Search in the Registry - for the Register of Appeals	18.0
	Search in the Registry - for each document or file referred to or required	18.0
	On the taxation of a bill of costs under rule 57 of the Hong Kong Court of Final Appeal Rules for every \$100 or fraction of \$100 of the amount allowed - for the first \$100,000	6.0
	On the taxation of a bill of costs under rule 57 of the Hong Kong Court of Final Appeal Rules for every \$100 or fraction of \$100 of the amount allowed - for the next \$150,000	4.0
	On the taxation of a bill of costs under rule 57 of the Hong Kong Court of Final Appeal Rules for every \$100 or fraction of \$100 of the amount allowed - for the next \$250,000	3.0
	On the taxation of a bill of costs under rule 57 of the Hong Kong Court of Final Appeal Rules for every \$100 or fraction of \$100 of the amount allowed - for the remainder	1.0
	Processing of a bill of costs which is withdrawn less than 7 days before the appointment for taxation	10% of the taxing fee which would be payable if the bill was to be allowed in full or \$1,000 whichever is
Authentication of document by the Registrar	125.0	
HIGH COURT FEES RULES	Commencement of a cause or matter - on sealing a writ of summons; an originating summons; an originating notice of motion; an originating petition; an originating ex parte application any other origination document	1,045.0
	Entry or setting down for trial in court - setting down a cause or issue for hearing; setting down a civil appeal, motion or summons for hearing; entering a reference for hearing of an assessment of damages	1,045.0
	Taking evidence - for every witness examined de bene esse by a judge or the Registrar (per day or part thereof)	880.0
	Taking evidence - attendance of a public officer to produce or prove in the High Court any record or document	440.0
	Taking evidence - attendance of a public officer to give evidence as an expert witness (per hour or part thereof) (or such other fee as is specially assessed by the judge or Registrar)	440.0
	Taking evidence - attendance of a public officer to give evidence other than as an expert witness (per hour or part thereof, min. \$440)	220.0
	Taking evidence - attendance by the Registrar or officer outside the High Court	1,045.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Copy of documents typed in the Registry and certifying same (per page)	36.0
	Copy of documents typed in the Registry and certifying same - additional copies (per page)	4.0
	Photostatic copy of a document made in the Registry (per page)	4.0
	Photostatic copy and certification (per page)	5.5
	Photostatic copy of a library book (per page)	4.0
	Translation made in the Registry of a document from Chinese into English, or vice versa including certificate (per page)	72.0
	Transcription and translation made in the Registry, from Chinese into English, or vice versa, of a tape or recording including certificate (per page)	132.0
	Certifying translations made outside the Registry, from Chinese into English, and vice versa (per page)	36.0
	Certifying transcription made outside the Registry, from Chinese into English, and vice versa, of a tape or recording (per page)	36.0
	Search in the Registry, for each document or file referred to or required	18.0
	Service of a document by a bailiff (per document)	110.0
	Arresting any person	630.0
	Execution of writ of possession	1,045.0
	On sealing a warrant for arrest of a defendant; a writ of execution or writ of possession; a writ of habeas corpus; a prohibitory order; an order for the examination of a judgement debtor; a prohibition order (in each case)	1,045.0
	Bailiff's expenses - watchman's fee (per day or part thereof)	330.0
	Bailiff's expenses - caretaker's fee (per day or part thereof)	actual expenses
	Bailiff's expenses - caretaker or watchman's transportation expenses	actual expenditure plus 20% thereof being administrative charges
	On the taxation of a bill of costs or any assessment under Order 62, rule 21(4), for every \$100 or fraction of \$100 of the amount allowed - for the first \$100,000	6.0
	On the taxation of a bill of costs or any assessment under Order 62, rule 21(4), for every \$100 or fraction of \$100 of the amount allowed - for the next \$150,000	4.0
	On the taxation of a bill of costs or any assessment under Order 62, rule 21(4), for every \$100 or fraction of \$100 of the amount allowed - for the next \$250,000	3.0
	On the taxation of a bill of costs of any assessment under Order 62, rule 21(4), for every \$100 or fraction of \$100 of the amount allowed - for the remainder	1.0
	Processing of a bill of costs which is withdrawn less than 7 days before the appointment for taxation	10% of the taxing fee which would be payable if the bill was to be allowed in full or \$1,000 whichever is
	On the sale of a ship or goods in an admiralty case (for every \$1,500 or part thereof of the price)	15.0
	Authentication of document by the Registrar	125.0
	On sealing of a notice in Form No. 80 under Order 50, rule 11(2)	1,045.0
	On sealing of an injunction order undertaken before commencement of a cause	1,045.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Registration of an enduring power of attorney	440.0
	Filing application (except an amended application) for probate or letters of administration or application for resealing of the same	265.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$10,000	160.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$20,000	320.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$50,000	640.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$100,000	800.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$200,000	1,200.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$300,000	1,600.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$400,000	2,400.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$600,000	3,200.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$800,000	4,000.0
	Grants of probate or letters of administration or resealing of the same - if the estate is sworn under the net value of \$1,000,000	4,800.0
	Grants of probate or letters of administration or resealing of the same - for every additional \$100,000 or part thereof (if the estate is sworn over the net value of \$1,000,000)	400.0
	Double or cessate probates, or cessate letters of administration or letters of administration de bonis non, or duplicate probates or letters of administration	145.0
	Probate of a codicil, or letters of administration with a codicil to a will already proved	145.0
	Exemplification of a probate or letters of administration, in addition to the fees for engrossing	145.0
	Engrossing wills and other documents (per page)	72.0
	Every search	18.0
	Commission of appraisalment	72.0
	Caveat (each)	72.0
	Warning to caveat	145.0
	Service of warning	44.0
	Removing caveat	36.0
	Approving and settling administrator's bond and filing	145.0
	Making alteration in grant pursuant to order	72.0
	Every citation	72.0
	Settling citation or abstract of citation for advertisement (per page)	72.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Filing inventory	36.0
BANKRUPTCY (FEES AND PERCENTAGES) ORDER	Bankruptcy petition	1,045.0
	Petition under s.112	1,045.0
	Application for an order of discharge, including the expense of gazetting the date of hearing and the order of the court made on the application	528.0
	Search in the High Court Registry (other than by a petitioner, trustee, bankrupt or any officer of the court) for a document or file referred to or required	18.0
	Office copy of a document (per page or part thereof)	35.0
	Allocatur by the Registrar for any costs, charges or disbursements (for every \$100 allowed or part thereof)	6.0
	On an application to the court to approve a composition, a fee computed on the gross amount of the composition - on every \$1,000 or fraction of \$1,000 up to \$100,000	15.0
	On an application to the court to approve a composition, a fee computed on the gross amount of the composition - on every \$1,000 or fraction of \$1,000 beyond \$100,000	7.5
	On an application to the court to approve a scheme of arrangement, a fee computed on the gross amount of the estimated assets - on every \$1,000 or fraction of \$1,000 up to \$100,000	15.0
	On an application to the court to approve a scheme of arrangement, a fee computed on the gross amount of the estimated assets - on every \$1,000 or fraction of \$1,000 beyond \$100,000	7.5
	On an application for release by a trustee - for every \$1,000 or fraction of \$1,000 of the gross amount of assets realized and brought to credit	5.0
	Registration of assignment of book debts under rule 127 - on producing original assignment, filing attested copy thereof and certified translation (when necessary) in the English language, including registering and marking original	220.0
	Registration of assignment of book debts under rule 127 - every search or official certificate of the result of a search in one name in any register or index in the custody of the Registrar	220.0
	Registration of assignment of book debts under rule 127 - for every additional name if included in the same certificate	110.0
Registration of assignment of book debts under rule 127 - for a duplicate copy of a certificate (per page or part thereof)	35.0	
LANDLORD AND TENANT (CONSOLIDATION) ORDINANCE	Additional fee for each subpoena - where the tenant disputes the landlord's claim and witnesses have to be subpoenaed	55.0
	Additional fee for each watchman - where watchmen are kept in charge of property distrained (per day or part thereof)	330.0
	Charges for removal or storage of property	actual expenditure
	Expenses for conveyance or transportation	actual expenditure plus 20% administrative charges
	Fee for every affidavit, warrant to distrain, notice or other document - sum sued for under \$5,000	60.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>	
	Fee for every affidavit, warrant to distrain, notice or other document - sum sued for \$5,000 or above but under \$20,000	120.0	
	Fee for every affidavit, warrant to distrain, notice or other document - sum sued for \$20,000 or above	250.0	
	Commission on sum realized - for every \$100 or part thereof	10.0	
PROBATE AND ADMINISTRATION ORDINANCE	Commission on moneys received - for the first \$1,000	5%	
	Commission on moneys received - for the next \$4,000	2.50%	
	Commission on moneys received - for the balance	1% or a lower rate as the court may approve	
CORONERS (FEES) RULES	Transcription of notes or record of evidence, documentary exhibits or a document made at an inquest (per page)	36.0	
	Transcription of notes or record of evidence, documentary exhibits or a document made at an inquest - additional copies (per page)	4.0	
	For a copy of a coroner's warrant, order or certificate (per page)	36.0	
	For a photostatic copy of a document made in the Coroner's Office (per page)	4.0	
	Photostatic copy and certification (per page)	5.5	
	Translation made in the Coroner's Office of a document from Chinese into English, or vice versa, including certificate (per page)	72.0	
	Transcription and translation made in the Coroner's Office, from Chinese into English, or vice versa, of a tape or recording including certificate (per page)	132.0	
	Certifying translations made outside the Coroner's Office from Chinese into English, or vice versa (per page)	36.0	
	Certifying transcription made outside the Coroner's Office from Chinese into English, or vice versa (per page)	36.0	
	Search (including inspection) in the Coroner's Office, for each document or file referred to or required	18.0	
	Copy of police officer's report on death of person (per page)	4.0	
	LANDS TRIBUNAL (FEES) RULES	Application to determine compensation other than under the Demolished Buildings (Re-development of Sites) Ordinance	235.0
		Application for an order to exclude premises from application of Part I of the Landlord and Tenant (Consolidation) Ordinance	235.0
Application to determine compensation under the Demolished Buildings (Re-development of Sites) Ordinance		61.0	
Application for order or determination other than compensation		61.0	
Application under Part II, Part IV or Part V of the Landlord and Tenant (Consolidation) Ordinance		235.0	
Filing an appeal or Notice of Appeal		235.0	
Interlocutory application ex parte or inter partes		61.0	
Request for a case to be stated		235.0	
Filing order of Tribunal (including signature of registrar and sealing)		61.0	
Filing order of Tribunal (including signature of registrar and sealing) - for each additional copy		33.0	

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Amending documents in proceedings	61.0
	Filing of expert evidence	61.0
	Marking every exhibit attached to any affidavit or declaration	4.5
	Filing any affidavit or declaration (including administering any oath or declaration in the Registry of the Tribunal)	121.0
	Request for issuing a witness summons (each witness)	61.0
	Application for review under s.8(2) of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	235.0
	Application for extension of time under s.19(2) of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	235.0
	Lodging of settlement offer under s.23(2) of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	61.0
	Application to certify the amount of settlement of compensation under s.33 of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	235.0
	Copy of any document typed in the Registry of the Tribunal and certifying the same (per page)	20.0
	Copy of any document typed in the Registry of the Tribunal and certifying the same - additional copies after the first or top copy and certifying the same (per page)	4.5
	Photostatic copy of any document made in the Registry of the Tribunal and certification - for each page or portion of a page	5.5
	Photostatic copy of any document made in the Registry of the Tribunal and certification - for each page or portion of a page exceeding in size 210mm x 297mm	such additional fee as the registrar may fix
	Every search in the Registry of the Tribunal for each register, file or document	18.0
	Attendance of any Government official to produce or prove in the Tribunal any record or document called by any party other than the Government	235.0
	Attendance of any Government official to give expert evidence in the Tribunal called by any party other than the Government	such fee as the President or presiding officer or member of the Tribunal may fix
	Attendance of any Government official to give any other evidence in the Tribunal called by any party other than the Government (per hour or portion of an hour of attendance)	116.0
	Attendance of witness to produce document or other papers (per hour or portion of an hour of attendance)	116.0
	Attendance of witness to give expert evidence	such fee as the President or presiding officer or member of the Tribunal may fix
	Attendance of witness to give any other evidence (per hour or portion of an hour of attendance)	116.0
	Taxing every bill for every \$100 or part of \$100	5.0
	Any certificate of the President or presiding officer or member or the registrar not hereinbefore referred to (per copy of document certified)	61.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Settling any notice or document (per page)	6.6
	Sealing of any document	55.0
	Filing any application, notice or document not hereinbefore referred to	55.0
	Any other matter or proceedings not hereinbefore referred to, and for which no fee has been specified herein	such fee as the registrar may fix
	Translation (per page)	33.0
	Certification	20.0
BILLS OF SALES (FEES) REGULATIONS	On filing a bill of sale and affidavit therewith	440.0
	For an official certificate of the result of a search in one name in any register or index under the custody of the Registrar	210.0
	For every additional name, if included in the same certificate	110.0
	For a duplicate copy or certificate (for each page or part thereof)	28.0
	For a continuation search if made within 14 days of the date of the official certificate (the result to be endorsed on such certificate)	110.0
	For a search of the register	18.0
	For an inspection of each bill of sale	18.0
	Office copy or extract of any registered Bill of Sale and Affidavit (same rate as for office copies of judgments of the High Court)	4.0
LABOUR TRIBUNAL (FEES) RULES	Filing of claims - where the claim does not exceed \$2,000	20.0
	Filing of claims - where the claim exceeds \$2,000 but does not exceed \$5,000	30.0
	Filing of claims - where the claim exceeds \$5,000 but does not exceed \$10,000	40.0
	Filing of claims - where the claim exceeds \$10,000	50.0
	Subpoena and copy including service (each witness)	25.0
	Application for review	45.0
	Application for leave to appeal	45.0
	Issue of certificate of award or order, including copy	20.0
	Issue of certificate of award or order, including copy - for each additional copy	10.0
	Registration of an award or order with the District Court	20.0
	Copy of any document (including written award or order) typed in the Registry of the Tribunal and certifying the same (per page)	5.0
	Every search in the Registry of the Tribunal	15.0
	Photostatic copy of document made in the Registry of the Tribunal and certification - for each page or portion of a page	5.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Photostatic copy of document made in the Registry of the Tribunal and certification - for each page or portion of a page exceeding in size 210mm x 297mm	such additional fee as the registrar may fix
	Translation of any foreign document and certificate (per page)	in the discretion of registrar
	Certifying translation (per page)	15.0
	Bailiff's expenses - transportation or conveyance expenses and overtime, according to distance and time	in the discretion of registrar
	Any other matter or proceeding for which no fee has been specified herein	in the discretion of registrar
COMPANIES (FEES AND PERCENTAGES) ORDER	On presenting a petition under s.8 and s.59	1,045.0
	On application under s.64, s.86, s.166, s.290, s.291 and s.291AB	1,045.0
	On presenting a petition for the winding up of a company by or under the supervision of the court	1,045.0
	On an application for release by a liquidator for every \$1,000 or fraction of \$1,000 of the gross amount of assets realized and brought to credit	5.0
LEGAL PRACTITIONERS (FEES) RULES	Entry on the roll of solicitors of the name of a solicitor	360.0
	Entry on the roll of barristers of the name of a barrister	360.0
	Registration of notary public	1,135.0
	Application for admission as a solicitor	1,135.0
BARRISTERS (ADMISSION) RULES	Filing of notice of motion for admission as a barrister	1,135.0
MONEY LENDERS REGULATIONS	Fee payable to the Licensing Court for issue of a licence	1,910.0
	Fee payable to the Licensing Court for renewal of a licence	1,910.0
	Fee payable to the Licensing Court for endorsement on a licence of widow, widower or family member, etc.	95.0
	Fee payable to the Licensing Court for endorsement on a licence of additional premises	95.0
	Fee payable to the Licensing Court for endorsement on a licence of substituted premises	95.0
MATRIMONIAL CAUSES (FEES) RULES	Commencement of proceedings - on sealing an originating application or an originating summons; on filing a petition; on filing a joint application; entering a joint application in the special procedure list	630.0
	Application for ancillary relief - on filing a notice of application for an appointment before a judge	630.0
	Transfer or setting down for trial - setting down an undefended cause	630.0
	Transfer or setting down for trial - setting down a defended cause	1,045.0
	Transfer or setting down for trial - transfer from District Court to Court of First Instance or vice versa at the request of the parties	1,045.0
	Taking evidence - attendance of a public officer to produce or prove any record or document	440.0
	Copy of a document typed in the Registry and certifying same (per page)	36.0
	Copy of a document typed in the Registry and certifying same - additional copies (per page)	4.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Photostatic copy of a document made in the Registry (per page)	4.0
	Photostatic copy and certification (per page)	5.5
	Sealing a copy of document with seal of the court	28.0
	Search in the Registry, for each document or file referred to or required	18.0
	Appeal - on filing a notice of appeal or on setting down an appeal (in each case)	1,045.0
	Execution -on sealing a writ of execution; on sealing an order for the examination of a judgment debtor or on issuing a judgment summons (in each case)	630.0
	On the taxation of a bill costs (for every \$100 or fraction of \$100 of the amount allowed)	5.0
	On filing an election to take fixed costs under the District Court (Fixed Costs in Matrimonial Causes) Rules	220.0
CRIMINAL APPEAL RULES	Transcript of trial or other proceedings	17.0
MAGISTRATES (FEES) REGULATIONS	For affixing the signature of a magistrate 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	125.0
	Typed copy of depositions, charges or documentary exhibits in summary cases (per page)	36.0
	Typed copy of depositions, charges or documentary exhibits in summary cases - additional copies (per page)	4.0
	Photostatic copy of a document made in the magistracy (per page)	4.0
	Photostatic copy and certification (per page)	5.5
	Translation made in magistracy of a document from Chinese into English or vice versa, including certificate (per page)	72.0
	Transcription and translation made in the magistracy, from Chinese into English, or vice versa, of a tape or recording including certificate (per page)	132.0
	Certifying translations made outside the magistracy, from Chinese into English, and vice versa (per page)	36.0
	Certifying transcription made outside the magistracy, from Chinese into English and vice versa, of a tape or recording (per page)	36.0
	Search in the magistracy, for each document or file referred to or required	18.0
FIXED PENALTY (TRAFFIC CONTRAVENTIONS) ORDINANCE	Court costs	500.0
	Court costs	500.0
DISTRICT COURT CIVIL PROCEDURE (FEES) RULES	Commencement of a cause or matter - on sealing a writ of summons (except a concurrent, renewed or amended writ); an originating summons; an originating ex parte application; or any other originating document	630.0
	Entry or setting down for trial in court - applying for pre-trial review; setting down a civil appeal or summons for hearing; entering a reference for hearing of an assessment of damages by a judge or the Registrar	630.0
	Taking evidence - for every witness examined de bene esse by a judge or the Registrar (per day or part thereof)	530.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Taking evidence - attendance of a public officer to produce or prove in the District Court any record or document	440.0
	Taking evidence - attendance of a public officer to give evidence as an expert witness (per hour or part thereof) (or such other fee as specially assessed by the judge or Registrar)	440.0
	Taking evidence - attendance of a public officer to give evidence other than as an expert witness (per hour or part thereof, min. \$440)	220.0
	Taking evidence - attendance by the Registrar or officer outside the District Court	630.0
	Copy of documents typed in the Registry and certifying same (per page)	36.0
	Copy of documents typed in the Registry and certifying same - additional copies (per page)	4.0
	Photostatic copy of a document made in the Registry (per page)	4.0
	Photostatic copy and certification (per page)	5.5
	Photostatic copy of a library book (per page)	4.0
	Translation made in the Registry of a document from Chinese into English, or vice versa including certificate (per page)	72.0
	Transcription and translation made in the Registry, from Chinese into English, or vice versa, of a tape or recording including certificate (per page)	132.0
	Certifying translations made outside the Registry, from Chinese into English, and vice versa (per page)	36.0
	Certifying transcription made outside the Registry, from Chinese into English, or vice versa, of a tape or recording (per page)	36.0
	Search in the Registry, for each document or file referred to or required	18.0
	Service of a document by a bailiff (per document)	72.0
	Arresting any person	385.0
	Execution of writ of possession	630.0
	Execution - on sealing a warrant for arrest of a defendant or for attachment of property before judgment, a writ of execution or writ of possession, a prohibitory order, an order for the examination of a judgement debtor or a prohibition order	630.0
	Bailiff's expenses - watchman's fee, for all cases (per day or part thereof)	330.0
	Bailiff's expenses - caretaker's fee (per day or part thereof)	actual expenditure
	Bailiff's expenses - caretaker's or watchman's transportation expenses	actual expenditure plus 20% thereof being administrative charges
	On the taxation of a bill of costs or any assessment under Order 62, rule 21(4) of the Rules of the High Court (for every \$100 or fraction of \$100 of the amount allowed)	5.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Processing of a bill of costs which is withdrawn less than 7 days before the appointment for taxation	10% of the taxing fee which would be payable if the bill was to be allowed in full or \$1,000 whichever is
	Authentication of document by the Registrar	125.0
	On sealing of a notice in Form No. 80 under Order 50, rule 11(2)	630.0
	On sealing of an injunction order undertaken before commencement of a cause	630.0
SMALL CLAIMS TRIBUNAL (FEES) RULES	Filing of claim - where the claim does not exceed \$3,000	20.0
	Filing of claim - where the claim exceeds \$3,000 but does not exceed \$17,000	40.0
	Filing of claim - where the claim exceeds \$17,000 but does not exceed \$33,000	70.0
	Filing of claim - where the claim exceeds \$33,000 but does not exceed \$50,000	120.0
	Application for leave to appeal	61.0
	Summons and copy including service (each witness)	33.0
	Application for review	61.0
	Copy of any document (including written award or order) made in the registry of the tribunal and certifying the same (per page)	5.5
	Photostatic copy of document made in the registry of the tribunal and certification - for each page or portion of a page	5.5
	Photostatic copy of document made in the registry of the tribunal and certification - for each page or portion of a page exceeding in size 210mm x 297mm	such additional fee as the registrar may fix
	Translation of any document made in the registry and certificate (per page)	in the discretion of registrar
	Certifying translation made elsewhere (per page)	20.0
	Every search in the registry of the tribunal for each register, file or document	18.0
	Watchman's fee per diem	83.0
	Transportation or conveyance expenses and overtime, according to distance and time	actual expenditure plus 20% being administrative charges
	Taking evidence - attendance of any Government official to produce or prove in the tribunal any record or document called by any party other than the Government	61.0
	Taking evidence - attendance of any Government official to give any other evidence in the tribunal when called as an expert	in the discretion of registrar
	Taking evidence - attendance of any Government official to give any other evidence in the tribunal when not called as an expert (per hour or portion of an hour of attendance)	61.0
	Filing any affidavit or declaration (other than affidavit or declaration of a bailiff of Court) including administering any oath or taking any declaration in the registry	121.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Filing any notice or document in the tribunal not hereinbefore referred to (other than a notice or document expressing an intention not to proceed with a claim or a defence)	55.0
	Sealing any document in connection with proceedings in the tribunal not hereinbefore referred to	55.0
	Any other matter or proceeding not hereinbefore referred to and for which no fee has been specified herein	such fee as the registrar may fix
CONTROL OF OBSCENE AND INDECENT ARTICLES REGULATIONS	Application under s.13(1) for classification of by a Tribunal of an article	2,100.0
	Notice under s.15(1) to require a Tribunal to review at a full hearing the interim classification of an article (except where such notice is given by a person referred to in s.13(2))	1,050.0
	Request under s.17(1) to a Tribunal to reconsider the classification of an article (except where such request is made by a person referred to in s.13(2))	2,100.0
	Search of register of notices kept by Registrar under s.19(4)	33.0
	Copy or extract from register of notices kept by Registrar under s.19(4) (per notice)	140.0
	Search of repository of articles kept by Registrar under s.20(1)	420.0
ESTATE AGENTS (REGISTRATION OF DETERMINATION AND APPEAL) REG.	Registration of a determination with the Court	20.0
	Filing of notice of appeal in the Court	630.0
	Copy of document in the register and certification (for each page or portion of a page)	5.0
OTHER MISCELLANEOUS SERVICES	Daily rent for Room L405 in High Court Building	685.0
	Rent of the New High Court Building (with ventilation) - Judges' Mess (per hour or part thereof)	465.0
	Rent of the New High Court Building (with ventilation) - Main Hall or - 9/F Lobby (w.e.f. Aug 1999) (per hour or part thereof)	710.0
	Rent of the New High Court Building (with ventilation) - Jury Assembly Room (per hour or part thereof)	530.0
	Rent of the New High Court Building (with ventilation) - Judges' Mess and Main Hall (per hour or part thereof)	1,090.0
	Rent of the New High Court Building (with ventilation) - Judges' Mess and Jury Assembly Room (per hour or part thereof)	805.0
	Rent of the New High Court Building (with ventilation) - Main Hall and Jury Assembly Room (per hour or part thereof)	1,020.0
	Rent of the New High Court Building (with ventilation) - Main Hall, Judges' Mess and Jury Assembly Room (per hour or part thereof)	1,400.0
	Rent of the New High Court Building (with ventilation) - Court Room (per hour or part thereof)	490.0

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Rent of the New High Court Building (with ventilation) - Staff and Juror Canteen (per hour or part thereof)	510.0
	Rent of the New High Court Building (with ventilation) - Staff Recreation Room (per hour or part thereof)	275.0
	Rent of the New High Court Building (with ventilation) - Conference Room 1 (LG3) (per hour or part thereof)	665.0
	Rent of the New High Court Building (with ventilation) - Conference Room 2 (LG3) (per hour or part thereof)	610.0
	Rent of the New High Court Building (with ventilation) - Conference Room 3 (LG3) (per hour or part thereof)	605.0
	Rent of the New High Court Building (with ventilation) - Lawyers' Canteen (per hour or part thereof)	665.0
	Rent of the New High Court Building (with air-conditioning) - Judges' Mess (per hour or part thereof)	605.0
	Rent of the New High Court Building (with air-conditioning) - Main Hall or - 9/F Lobby (w.e.f. Aug 1999) (per hour or part thereof)	1,060.0
	Rent of the New High Court Building (with air-conditioning) - Jury Assembly Room (per hour or part thereof)	840.0
	Rent of the New High Court Building (with air-conditioning) - Judges' Mess and Main Hall (per hour or part thereof)	1,430.0
	Rent of the New High Court Building (with air-conditioning) - Judges' Mess and Jury Assembly Room (per hour or part thereof)	1,210.0
	Rent of the New High Court Building (with air-conditioning) - Main Hall and Jury Assembly Room (per hour or part thereof)	1,440.0
	Rent of the New High Court Building (with air-conditioning) - Main Hall, Judges' Mess and Jury Assembly Room (per hour or part thereof)	1,760.0
	Rent of the New High Court Building (with air-conditioning) - Court Room (per hour or part thereof)	735.0
	Rent of the New High Court Building (with air-conditioning) - Staff and Juror Canteen (per hour or part thereof)	515.0
	Rent of the New High Court Building (with air-conditioning) - Staff Recreation Room (per hour or part thereof)	280.0
	Rent of the New High Court Building (with air-conditioning) - Conference Room 1 (LG3) (per hour or part thereof)	685.0
	Rent of the New High Court Building (with air-conditioning) - Conference Room 2 (LG3) (per hour or part thereof)	625.0
	Rent of the New High Court Building (with air-conditioning) - Conference Room 3 (LG3) (per hour or part thereof)	620.0
	Rent of the New High Court Building (with air-conditioning) - Lawyers' Canteen (per hour or part thereof)	690.0
	Cost of arbitration by Justice of Appeal (per day or part thereof not less than 2 hours)	24,810.0
	Cost of arbitration by Judge of the Court of First Instance (per day or part thereof not less than 2 hours)	23,650.0
	Cost of arbitration by District Judge (per day or part thereof not less than 2 hours)	18,700.0
	For interlocutory meeting and / or time spent on the arbitration lasting less than 2 hours - Justice of Appeal	12,405.0
	For interlocutory meeting and / or time spent on the arbitration lasting less than 2 hours - Judge of the Court of First Instance	11,825.0
	For interlocutory meeting and / or time spent on the arbitration lasting less than 2 hours - District Judge	9,350.0
	International calls and calls through fax machine (per transaction)	10.5

Judiciary fees and charges

Annex

<i>Fee Set Description</i>	<i>Fee Item Description</i>	<i>Existing Rate (\$)</i>
	Reader's card for use of High Court Library - for corporate or foreign lawyers	530.0
	Reader's card for use of High Court Library - for law students	110.0
	Reader's card for use of High Court Library - for others	220.0
	Charges for obtaining information through Internet - Provision of daily cause list of various courts (per daily cause list per court)	8.5
	Fee for replacement of staff security pass	93.0
	Transcripts produced from digital audio recording system (per page)	85.0
	Audio tape produced from digital audio recording system (per 60-minute audio tape or part thereof)	105.0
	Photostatic copy by the self-service photocopier (per page)	1.0
	Printing charge for legal reference system (per page)	2.0
	Charges for provision of dubbing MSRS Audio-tape (per tape)	280.0

**Judiciary's cost saving measures, budgetary arrangement
and fees and charges**

List of relevant papers

Papers provided by the Judiciary Administration and Administration

LC Paper No. CB(2)1224/02-03(01) – Paper prepared by the Judiciary Administration on "Initiatives on efficiency savings in the Judiciary"

[<http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0224cb2-1224-1e.pdf>]

LC Paper No. CB(2)390/03-04(03) – Paper provided by the Administration on "Budgetary Arrangements for the Judiciary"

[<http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj1124cb2-390-3e.pdf>]

LC Paper No. CB(2)1288/03-04(01) – Paper dated February 2004 from the Administration on "Budgetary arrangements for the Judiciary"

[<http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0223cb2-1288-1e.pdf>]

LC Paper No. CB(2)1271/04-05(01) – Written response from the Judiciary Administration on "Closure and merger of Magistrates' Courts"

Minutes of meetings of Panel on Administration of Justice and Legal Services

LC Paper No. CB(2)1618/02-03 – Minutes of meeting on 24 February 2003

[<http://www.legco.gov.hk/yr02-03/english/panels/ajls/minutes/aj030224.pdf>]

LC Paper No. CB(2)729/03-04 – Minutes of meeting on 24 November 2003

[<http://www.legco.gov.hk/yr03-04/english/panels/ajls/minutes/aj031124.pdf>]

Research Report

RP02/03-04 – Research Report on "Budgetary arrangements for overseas judiciaries" prepared by Research and Library Services Division

[<http://www.legco.gov.hk/yr03-04/english/sec/library/0304rp02e.pdf>]

LegCo question raised at Council meeting

Oral question on "Caseload of Magistrates' Courts upon the completion of closure/merger exercise" raised by Hon Margaret NG at the Council meeting on 8 December 2004

[http://www.legco.gov.hk/yr04-05/english/counmtg/agenda/cmtg1208.htm#q_3]