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Panel on Administration of Justice and Legal Services

Background brief prepared by the Legislative Council Secretariat for the meeting on 28 April 2008

Fees for transcript and record of proceedings

Purpose

This paper summarizes the past discussions of the Panel on Administration of Justice and Legal Services (the Panel) on issues relating to fees for transcript and record of proceedings.

Background

2. Issues relating to the basis for setting the transcript fee at \$85 per page were brought to the attention of the Panel by the Law Society of Hong Kong in 2001. The Law Society queried the charging mechanism adopted by the Judiciary for transcripts as interested parties were required to pay the transcript fee of \$85 per page rather than the photocopying charges, even though the same set of transcripts had already been produced and paid for under a previous request.

3. The Panel discussed the relevant issues at a number of meetings since June 2003, including the impact of the fees on transcript and audio recording on litigants and the existing mechanism for waiving these fees. The Panel suggested that the fee charging mechanism for both criminal and civil appeal cases should be standardized and that a clear waiver mechanism for transcript fees in appeal cases should be in place. Representatives of the legal profession bodies attended the meetings and provided views on the relevant issues.

Fees for transcripts and records of proceedings

Fee levels before 1 February 2007

4. Transcripts were charged at \$17, \$36 or \$85 per page in different situations at different levels of court and were categorised as follows -

- (a) prescribed fees (\$17 and \$36 per page) - as prescribed under the Criminal Appeal Rules (Cap. 221A) and Coroners (Fees) Rules (Cap 504D)

respectively. The basis on which the fees were originally set could not be ascertained. Revisions were made according to inflation rates, and the last revision was made in 1994;

- (b) directed/authorized fees (\$85 per page) - as directed by the Registrar concerned or authorized by the scheme in force under different statutory provisions; and
- (c) administrative fees (\$85 per page) - as approved by the Secretary for Financial Services and the Treasury (SFST). The authority to waive or vary the fee is vested in SFST.

5. A copy of the record of proceedings (i.e. the audio tape produced from the Digital Audio Recording and Transcription Services (DARTS)) was charged at \$105 per hour.

Costs of production of transcripts

6 The costs of transcripts produced from DARTS consisted of two components -

- (a) transcript service costs charged by DARTS contractors; and
- (b) costs incurred by the Judiciary Administration (JA) in processing applications for transcripts.

7. DARTS was introduced by the Judiciary in 1994 to improve efficiency, speed up trials, and relieve the judges and judicial officers from laboriously taking notes of proceedings. The transcript fee was set on the basis of an estimation of unit cost using the "absorption costing" method. The total production costs were absorbed into (i.e. spread evenly among) an estimated utilization which covered all requests for transcripts from different parties i.e. for a first copy transcribed directly from DARTS as well as subsequent photocopies. However, the government departments, because of the no cross-charging policy, needed not actually pay.

8. The costs of producing transcripts in Chinese were higher because a page contained more words. However, in order to simplify administration, an average cost approach was adopted. The fee of \$85 per page almost fully covered the Judiciary's costs for producing transcripts.

Fee proposals put forward in December 2005

9. JA conducted a review and had adopted the following principles in conducting the review -

- (a) the Judiciary had no objection to adopting a cost recovery approach in setting the level of fees for transcript and record of proceedings, provided that adequate safeguards were in place to ensure that access to justice would not be prejudiced as a result of insufficient means to pay the fees;

- (b) as a matter of principle, the fees for transcript and record of proceedings should be prescribed in the form of subsidiary legislation; and
- (c) the court should be given a general power to waive, reduce or defer the fees for transcript and record of proceedings in deserving appeal cases.

10. In December 2005, JA briefed the Panel on its proposal on how the fees for transcript and record of proceedings at all levels of court should be set and administered -

- (a) the charging basis for transcripts would be changed from "per page" to "per English word and per Chinese character", and fees would be charged separately for English and Chinese transcripts instead of the current single page;
- (b) by adopting the cost recovery approach, the transcript fees would be set at \$0.14 per English word and \$0.10 per Chinese character. The proposed fees would translate into about \$46.20 per page of English transcript (an average of 330 words per page) and \$86 per page of Chinese transcript (an average of 860 characters per page);
- (c) the existing fee at \$105 per hour of audio tape produced from DARTS would be revised to \$80 (per 60-minute audio tape of part thereof); and
- (d) record of proceedings on Compact Disc (CD) and Digital Versatile Disc (DVD) would be introduced. Proposed new fees were \$315 for CD (about 14 hours of recording or part thereof) and \$570 for DVD (about 98 hours of recording or part thereof).

11. The Panel requested JA to consider whether there was scope for further reduction of the proposed fees which were still considered to be on the high side, e.g. the proposed fee of \$86 per page for Chinese transcript was even higher than the existing standard fee of \$85 per page.

Fees for transcripts and records of proceedings with effect from 1 February 2007

12. JA reverted to the Panel in January 2007 on the Judiciary's position as follows -

- (a) compared to the existing fee of \$85 per page (irrespective of whether the page was full of words or just contained one line), it was estimated that each full page of English transcript of an average of 330 words would cost much less at about \$46.20 per page (i.e. a decrease of 46%) while each full page of Chinese transcript of an average of 860 characters would remain more or less the same at \$86 per page (i.e. a marginal increase of 1%). As the ratio of English transcript pages produced against Chinese transcript pages in 2005 was 1.8 to 1, the proposed charging mechanism should bring about substantial benefits to litigants; and

- (b) the proposed rate for audio tape at \$80 per hour represented a decrease of 24%. Further, the availability of record of proceedings from the DARTS on CD and DVD at very affordable fees would be of great assistance to litigants.

13. JA also proposed that the person provided with the transcript or its copy might reproduce the transcript or its copy for the purposes of pursuing the relevant legal proceedings. Such reproduction was hitherto not allowed, and parties were charged at the full fee of \$85 per page irrespective of whether the DARTS transcript had already been produced.

14. JA clarified that the proposed fees would not apply to transcripts in respect of criminal appeals, the fee of which was currently prescribed at \$17 per page. The prescribed fee of \$17 per page, which covered documents other than relevant transcripts, would remain unchanged, until the fee was revised by way of legislative amendment.

15. A member pointed out that transcription service was not involved in the production of DARTS recording on CD or DVD, and the burning of CD/DVDs involved very little cost and time. The member suggested that in addition to administrative costs, a standard fee should be adopted for audio tape/CD/DVD irrespective of the length of the recording.

16. In order to allow litigants to benefit from a more equitable fee charging basis and more affordable fees as soon as possible, the Panel agreed that the proposed fees for transcript and record of proceedings could be implemented with effect from 1 February 2007, to be followed by a review of the fees for DARTS recording on audio tape/CD/DVD as soon as practicable.

Fee waiver mechanism

17. A major concern of members and the legal profession was the effect of the transcript fee on the litigant's ability to institute appeals. The Panel requested JA to put in place a clear waiver mechanism for transcript fees in appeal cases.

18. The Law Society suggested that as a matter of principle, fees for all transcripts included in the appeal bundle should be waived, including criminal appeals where the appellant was not legally aided but was represented. It pointed out that under the existing arrangements, in respect of criminal appeals from the District Court and the Court of First Instance to the Court of Appeal, all legally aided appellants and all unrepresented appellants were provided with transcripts in the appeal bundle without charge. However, where the appellant was not legally aided but was represented, a fee of \$17 per page was charged for transcripts.

19. JA advised that the court already had the power to waive and reduce fees in deserving cases and in practice, transcripts were supplied free of charge in about 90% of all criminal appeals. The Judiciary considered that the waiver mechanism for criminal appeals was adequate and satisfactory, and no change would be recommended.

20. As regards civil appeals, the situation was unsatisfactory as the court had very restricted power to waive fees in certain types of proceedings and had no power to waive fees in many types of proceedings. In the interest of enhancing access to justice, the Judiciary proposed that consideration should be given to introducing a waiver mechanism.

21. Members pointed out that the proposal to introduce a waiver mechanism for civil appeals would necessitate legislative amendments. As the power and criteria for courts to waive transcript fees were prescribed in different statutory provisions, they requested JA to take the opportunity to rationalise the situation. JA agreed to consult the Department of Justice on how to proceed with the amendment exercise.

Latest position

22. JA will report progress on the following matters at the meeting on 28 April 2008 -

- (a) review of the fees for DARTS recording on audio tape/CD/DVD (paragraph 16 above refers);
- (b) progress of introducing a fee waiver mechanism for civil appeals (paragraph 20 above refers); and
- (c) rationalization of the power and criteria for courts to waive transcript fees prescribed in different statutory provisions (paragraph 21 above refers).

Relevant papers

23. A table prepared by JA in January 2007 showing the proposed fees, the existing waiver mechanism, and the transcripts which would be supplied to the parties without charge is in **Appendix I**. A list of other relevant papers which are available on the LegCo website is in **Appendix II**.

Fees for Transcripts and Records of Proceedings
(other than judgment/reasons for sentence and verdict which are supplied without charges)

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
1. High Court (“HC”)	(a) <u>Rule 63(1)(b), Cap. 221A</u> For criminal appeals from the Court of First Instance (“CFI”) and DC to the Court of Appeal, a transcript of the summing up (in the case of CFI) or the reasons for verdict (in the case of DC) and of sentencing, and other parts of the proceedings which the court considers to be necessary for inclusion in the appeal bundle provided to the appellant or his solicitor.	<u>Prescribed Fee</u> \$17 per page.	<u>No change</u> Pending the revision of fees in the subsidiary legislation.	<u>R.63(2) and (3), Cap. 221A</u> The Registrar, HC has a discretion to waive the transcript fees, where the appellant is legally aided or unrepresented, or do so on the direction of a judge.	<u>Rule 20, Cap. 221D</u> Solicitor or counsel assigned under legal aid to an appellant is entitled to receive free of charge a copy of the transcript of the proceedings. <u>Current Practice</u> All legally aided appellants or unrepresented appellants are provided with the transcript without charge. In practice, transcripts are supplied free of charge in about 90% of all criminal appeal cases.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
1. HC (cont'd)	(b) <u>Rule 12(1), Cap. 221A</u> For criminal proceedings in HC – a transcript of the whole or of part of a trial or other proceedings provided to a party interested in such trial or other proceedings, irrespective of whether an appeal has been lodged.	<u>Directed Fee</u> \$85 per page for both Chinese and English.	<input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page); <input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page).	<u>Rule 13, Cap. 221A</u> The Registrar, HC has a discretion to waive the transcript fees, where an accused person is legally aided or unrepresented, and must do so on the direction of a judge.	<u>Rule 20, Cap. 221D</u> Solicitor or counsel assigned under legal aid to an accused person is entitled to receive free of charge a copy of the transcript of the proceedings. <u>Current Practice</u> All legally aided accused persons or unrepresented accused persons are provided with the transcript without charge.
	(c) <u>Order 68, Cap. 4A</u> For civil proceedings in the HC – a transcript of the whole or of any part of a trial or other proceedings provided to any party to the proceedings in relation to cases tried	<u>Authorized Fee</u> \$85 per page for both Chinese and English.	<input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page); <input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page).	<u>Order 68, Cap. 4A</u> A judge or the Court of Appeal or the Registrar of Civil Appeals has a discretion to waive the transcript fees under prescribed conditions. ^(Note 1)	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

(Note 1) It is proposed that the fees and a waiver system should be prescribed by amending the relevant rules of the HC.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
1. HC (cont'd)	or heard with witnesses, regardless of whether an appeal has been lodged.				
	(d) For Civil Proceedings (including matrimonial proceedings) in the HC – a transcript of the whole or of any part of a trial or other proceedings provided to any party to the proceedings in relation to cases <u>other than those tried or heard with witnesses</u> , irrespective of whether an appeal has been lodged.	<u>Administrative Fee</u> \$85 per page for both Chinese and English.	<ul style="list-style-type: none"> □ \$0.14 per <u>English</u> word (about \$46.20 per page); □ \$0.10 per <u>Chinese</u> character (about \$86 per page). 	The court has no power to waive administrative fees. ^(Note 2)	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

^(Note 2) It is proposed that the fees and a waiver system should be prescribed by amending the relevant rules of the HC.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
1. HC (cont'd)	(e) <u>S.79(2)(g) and (h), Cap.221</u> For criminal proceedings in the HC – a copy of the DARTS recording of the proceedings on audio tape.	<u>Prescribed Fee</u> Free of charge as no fee has been prescribed.	Free of charge	No express provision for waiver.	Free of charge
	(f) For civil proceedings (including matrimonial proceedings) in the HC - a copy of the DARTS recording of the proceedings on audio tape provided to parties concerned.	<u>Administrative Fee</u> \$105 per hour of audio tape	<input type="checkbox"/> \$80 per 60-minute audio tape or part thereof; <input type="checkbox"/> \$315 per CD of no less than 700MB with full recording or part thereof; <input type="checkbox"/> \$570 per DVD of no less than 4.7GB with full recording or part thereof.	The court has no power to waive administrative fees. (Note 3)	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

(Note 3) It is proposed that the fees and a waiver system should be prescribed by amending the relevant rules of the HC.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
2. District Court (“DC”)	(a) <u>Rule 12(1), Cap. 221A</u> For criminal proceedings in DC – a transcript of the whole or of part of a trial or other proceedings provided to a party interested in such trial or other proceedings, irrespective of whether an appeal has been lodged.	<u>Directed Fee</u> \$85 per page for both Chinese and English.	<ul style="list-style-type: none"> ❑ \$0.14 per <u>English</u> word (about \$46.20 per full page); ❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page). 	<u>Rule 13, Cap. 221A</u> The Registrar, HC has a discretion to waive the transcript fees, where an accused person is legally aided or unrepresented, and must do so on the direction of a judge.	<u>Rule 20, Cap. 221D</u> Solicitor or counsel assigned under legal aid to an accused person is entitled to receive free of charge a copy of the transcript of the proceedings. <u>Current Practice</u> All legally aided accused persons or unrepresented accused persons are provided with the transcript without charge.
	(b) <u>Order 68, Cap. 336H</u> For civil proceedings in the DC – a transcript of the whole or of any part of the proceedings provided to any party to the proceedings in	<u>Authorized Fee</u> \$85 per page for both Chinese and English.	<ul style="list-style-type: none"> ❑ \$0.14 per <u>English</u> word (about \$46.20 per full page); ❑ \$0.10 per <u>Chinese</u> character (about \$86 per 	<u>Order 68, Cap. 336H</u> A judge or the Court of Appeal or the Registrar of Civil Appeals has a discretion to waive the transcript fees	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
2. DC (cont'd)	relation to cases tried or heard with witnesses, regardless of whether an appeal has been lodged.		full page).	under prescribed conditions ^(Note 4)	charge.
	(c) <u>Order 68, Cap. 4A</u> For matrimonial proceedings in the DC – a transcript of the whole or of any part of a trial or other proceedings provided to any party to the proceedings in relation to cases tried or heard with witnesses, regardless of whether an appeal has been lodged.	<u>Authorized Fee</u> \$85 per page for both Chinese and English.	<input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page); <input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page).	<u>Order 68, Cap. 4A</u> A judge or the Court of Appeal or the Registrar of Civil Appeals has a discretion to waive the transcript fees. ^(Note 4)	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

^(Note 4) It is proposed that the fees and a waiver system should be prescribed by amending the relevant rules of the HC.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
2. DC (cont'd)	(d) For Civil Proceedings in the DC – a transcript of the whole or of any part of a trial or other proceedings provided to any party to the proceedings in relation to cases other than those tried or heard with witnesses, irrespective of whether an appeal has been lodged.	<u>Administrative Fees</u> \$85 per page for both Chinese and English.	<input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page); <input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page).	The Court has no power to waive administrative fees. (Note 5)	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.
	(e) <u>S.79(2)(g) and (h), Cap.221</u> For criminal proceedings in the DC – a copy of the DARTS recording of the proceedings on audio tape.	<u>Prescribed Fee</u> Free of charge as no fee has been prescribed.	Free of charge	No express provision for waiver.	Free of charge

(Note 5) It is proposed that the fees and a waiver system should be prescribed by amending the relevant rules of the DC.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
2. DC (cont'd)	(f) For civil proceedings in the DC - a copy of the DARTS recording of the proceedings on audio tape provided to parties concerned.	<u>Administrative Fee</u> \$105 per hour of audio tape	<input type="checkbox"/> \$80 per 60-minute audio tape or part thereof; <input type="checkbox"/> \$315 per CD of no less than 700MB with full recording or part thereof; <input type="checkbox"/> \$570 per DVD of no less than 4.7GB with full recording or part thereof.	The court has no power to waive administrative fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
3. Lands Tribunal	<p>(a) <u>Item 34, Schedule to Cap. 17B</u> A transcript of the whole or of any part of the proceedings provided to any party to the proceedings.</p>	<p><u>Directed Fee</u> \$85 per page for both Chinese and English.</p>	<ul style="list-style-type: none"> ❑ \$0.14 per <u>English</u> word (about \$46.20 per full page); ❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page). 	<p><u>Rule 4, Cap. 17B</u> The Registrar, Lands Tribunal may reduce, remit or defer transcript fees.</p>	<p><u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.</p>
	<p>(b) <u>Item 34, Schedule to Cap.17B</u> A copy of the DARTS recording of the proceedings on audio tape provided to any party to the proceedings.</p>	<p><u>Directed Fee</u> \$105 per hour of audio tape</p>	<ul style="list-style-type: none"> ❑ \$80 per 60-minute audio tape or part thereof; ❑ \$315 per CD of no less than 700MB with full recording or part thereof; ❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof. 	<p><u>Rule 4, Cap.17B</u> The Registrar, Lands Tribunal may reduce, remit or defer fees.</p>	<p><u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.</p>

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
4. Labour Tribunal (“LabT”)	(a) <u>Item 13, Schedule to Cap.25B</u> A transcript of the whole or of any part of the proceedings provided to any party to the proceedings.	<u>Directed Fee</u> \$85 per page for both Chinese and English.	<ul style="list-style-type: none"> ❑ \$0.14 per <u>English</u> word (about \$46.20 per page); ❑ \$0.10 per <u>Chinese</u> character (about \$86 per page). 	<u>Rule 4, Cap.25B</u> The Registrar, LabT may reduce, remit or defer transcript fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.
	(b) <u>Item 13, Schedule to Cap.25B</u> A copy of the DARTS recording of the proceedings on audio tape provided to any party to the proceedings.	<u>Directed Fee</u> \$105 per hour of audio tape	<ul style="list-style-type: none"> ❑ \$80 per 60-minute audio tape or part thereof; ❑ \$315 per CD of no less than 700MB with full recording or part thereof; ❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof. 	<u>Rule 4, Cap.25B</u> The Registrar, LabT may reduce, remit or defer fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
5. Small Claims Tribunal (“SCT”)	(a) <u>Item 18, Schedule to Cap.338B</u> A transcript of the whole or of any part of the proceedings provided to any party to the proceedings.	<u>Directed Fee</u> \$85 per page for both Chinese and English.	<ul style="list-style-type: none"> ❑ \$0.14 per <u>English</u> word (about \$46.20 per full page); ❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page). 	<u>Rule 4, Cap.338B</u> The Registrar, SCT may reduce, remit or defer transcript fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.
	(b) <u>Item 18, Schedule to Cap.338B</u> A copy of the DARTS recording of the proceedings on audio tape provided to any party to the proceedings.	<u>Directed Fee</u> \$105 per hour of audio tape	<ul style="list-style-type: none"> ❑ \$80 per 60-minute audio tape or part thereof; ❑ \$315 per CD of no less than 700MB with full recording or part thereof; ❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof. 	<u>Rule 4, Cap.338B</u> The Registrar, SCT may reduce, remit or defer fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
6. Obscene Articles Tribunal	(a) A transcript of the whole or of any part of the proceedings provided to any party to the proceedings, irrespective of any further proceedings.	<u>Administrative Fees</u> \$85 per page for both Chinese and English.	<ul style="list-style-type: none"> ❑ \$0.14 per <u>English</u> word (about \$46.20 per full page); ❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page). 	The Court has no power to waive administrative fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.
	(b) A copy of the DARTS recording of the proceedings on audio tape provided to any party to the proceedings, irrespective of any further proceedings.	<u>Administrative Fee</u> \$105 per hour of audio tape	<ul style="list-style-type: none"> ❑ \$80 per 60-minute audio tape or part thereof; ❑ \$315 per CD of no less than 700MB with full recording or part thereof; ❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof. 	The court has no power to waive administrative fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
7. Coroner's Court	(a) <u>Item 1(a), Schedule to Cap.504D</u> A transcript of the notes or record of evidence, documentary exhibits or documents made at an inquest in the Coroner's Court provided to " <i>properly interested persons</i> ".	<u>Prescribed Fee</u> \$36 per page	<u>No change</u> Pending the revisions of fees in the subsidiary legislation.	No express provision for waiver. ^(Note 6)	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.
	(b) A copy of the DARTS recording of the proceedings on audio tape provided to any party to the proceedings, irrespective of any further proceedings.	<u>Administrative Fee</u> \$105 per hour of audio tape	<ul style="list-style-type: none"> ❑ \$80 per 60-minute audio tape or part thereof; ❑ \$315 per CD of no less than 700MB with full recording or part thereof; ❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof. 	The court has no power to waive administrative fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

(Note 6) It is proposed that the fees and a waiver system should be prescribed by amending the relevant rules of the Coroners Ordinance.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
8. Magistrates' Courts	(a) <u>Section 116(1), Cap.227</u> Where an appeal has been lodged, the transcript of the proceedings relating to the plea, oral closing submissions, verdict, reasons for verdict, mitigation, sentence and reasons for sentence, and other parts of the proceedings where the court considers necessary.)	Free of charge as no fee has been prescribed.	Free of charge	No express provision for waiver.	Free of charge
	(b) A transcript of the whole or of any part of a trial or other proceedings provided to a party interested in such trial or other proceedings, where no appeal has been lodged.	<u>Administrative Fee</u> \$85 per page for both Chinese and English.	<input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page); <input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page).	The Court has no power to waive administrative fees.	<u>Section 9(a)(ii) & 16B(d), Cap. 91</u> Where an application for legal aid has been made or where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge.

Level of Court	Purpose	Level of Fees	Fees Proposed	Existing Waiver Mechanism	Supplied to Parties Without Charge
8. Magistrates' Courts (cont'd)	(c) <u>S.35A(1)(g), (h) and (i), Cap.227</u> A copy of the DARTS recording of the proceedings on audio tape.	Free of charge as no fee has been prescribed.	No change	No express provision for waiver.	Free of charge.

Fees for transcripts and records of proceedings

Relevant documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
Panel on Administration of Justice and Legal Services	23 June 2003	<p>Letter dated 4 April 2001 from the Law Society of Hong Kong to the Chairman enclosing its correspondence with the Judiciary concerning "Transcription Charges for Notes for Proceedings" [LC Paper No. CB(2)1383/00-01(01)] <i>(English version only)</i></p> <p>Judiciary Administration's paper on "Transcript Fees" [LC Paper No. CB(2)2584/02-03(03)]</p> <p>Minutes of meeting [LC Paper No. CB(2)3051/02-03]</p>
	28 June 2004	<p>Judiciary Administration's paper on "Transcript Fees" [LC Paper No. CB(2)2918/03-04(02)]</p> <p>Minutes of meeting [LC Paper No. CB(2)3322/03-04]</p>
	15 December 2005	<p>Background brief prepared by the LegCo Secretariat on "Transcript fees" [LC Paper No. CB(2)684/05-06(03)]</p> <p>Judiciary Administration's paper on "Fees for Transcript and Record of Proceedings" [LC Paper No. CB(2)684/05-06(04)]</p> <p>Minutes of meeting [LC Paper No. CB(2)1198/05-06]</p>
	22 January 2007	<p>Background brief prepared by the LegCo Secretariat on "Fees for transcripts and records of proceedings" [LC Paper No. CB(2)875/06-07(01)]</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper</u>
		<p>Letter dated 15 January 2007 from the Judiciary Administration in response to a question raised by Hon Audrey EU at the meeting on 23 October 2006 [LC Paper No. CB(2)875/06-07(02)]</p> <p>Judiciary Administration's paper on "Fees for transcript and record of proceedings" [LC Paper No. CB(2)875/06-07(03)]</p> <p>Minutes of meeting [LC Paper No. CB(2)1125/06-07]</p>