

**Legislative Council**  
**Panel on Administration of Justice and Legal Services**

**Fees for Transcript and Record of Proceedings**

**Purpose**

This paper reports on the progress concerning the overall costing review of transcript and recording services and the processing of legislative proposals on fees for transcript and record of proceedings since they were last discussed by the Panel on Administration of Justice and Legal Services (“AJLS Panel”) in April 2008.

**Progress**

**(A) Overall costing review**

2. The existing fees for transcript and record of proceedings – including English transcript, Chinese transcript, audio tape, Compact Disc (“CD”) and Digital Versatile Disc (“DVD”) produced from the Digital Audio Recording and Transcription Services (“DARTS”) – were last revised on 1 February 2007.

3. At the meeting of the AJLS Panel on 28 April 2008, the Judiciary Administration undertook to conduct an overall costing review of transcript and recording services after the then upcoming tendering exercises for the two DARTS contracts had been completed.

***The Costing Review and Proposals***

4. As a matter of principle, the fees for transcript and record of proceedings produced from DARTS are set on the basis of the full cost recovery principle. The fees comprise two components: (i) the charges actually paid by the Judiciary Administration to the DARTS contractors (who were selected through open tender) for the production of the transcripts or record of proceedings; and (ii) the staff and administrative costs incurred by the Judiciary Administration in processing the application for transcript and record of proceedings.

5. Taking into account the new contractors’ charging rates and the updated staff and related costs, the revised costs for the various items are as follows -

<b>Types of Fees</b>	<b>Existing Fee [since 1.2.2007]</b>	<b>Revised Cost</b>
<b>Transcript</b>		
English (per word)	\$0.14	\$0.21
Chinese (per character)	\$0.10	\$0.11
<b>Audio Tape</b>	\$80	\$94
<b>CD</b>	\$315	\$171
<b>DVD</b>	\$570	\$208

6. In the review, it is noted that -
- (a) for transcript and audio tape, the revised costs are higher than the existing fees. It is noted that the prevailing policy of the Government is to freeze all fees and charges affecting the general public's daily life until March 2010. The Judiciary Administration accordingly proposes to freeze the fees for these items at their existing levels; and
  - (b) for CD and DVD, the revised costs are lower than the existing fees. The Judiciary Administration therefore proposes that the fees should be reduced to the full cost recovery level and rounded to the nearest five dollar to \$170 and \$210 respectively. Comparing the proposed rates for CD and DVD with the existing fees of \$315 and \$570, each CD and DVD will cost much less (representing a decrease of 46% and 63% respectively).

7. In sum, the proposed fees are as follows -

<b>Types of Fees</b>	<b>Existing Fee</b>	<b>Proposed Fee</b>
<b>Transcript</b>		
English (per word)	\$0.14	\$0.14*
Chinese (per character)	\$0.10	\$0.10*
<b>Audio Tape</b>	\$80	\$80*
<b>CD</b>	\$315	\$170
<b>DVD</b>	\$570	\$210

\* Fees for these items are proposed to be frozen at the existing level.

8. If the above proposed fees are adopted, it is estimated that there will be a notional saving of \$74,000 a year to court users. Calculation is as follows -

Record of Proceedings	Quantities Produced in a Year#	Fee Based on Existing Rate (\$)	Fee Based on Proposed Rate (\$)	Estimated Notional Savings (\$)
CD	384	121,000	65,000	56,000
DVD	50	29,000	11,000	18,000
Total :				74,000

# Based on the quantities produced from 1.10.2008 to 30.9.2009

### ***Consultation***

9. The Judiciary Administration has consulted the Financial Services and the Treasury Bureau ("FSTB"). The proposed fees as set out in paragraph 7 above are agreeable to FSTB.

10. The Judiciary Administration has also sought the views of the Hong Kong Bar Association and the Law Society of Hong Kong. They both welcome the proposed fee reduction for CD and DVD.

11. Subject to Members' support, the intention is to implement the reduced fees as from 1 March 2010.

### **(B) Legislative proposals**

12. At the meeting of the AJLS Panel on 28 April 2008, Members noted that the Judiciary Administration was preparing legislative amendments for the following purposes -

- (a) At present, fees for transcript and record of proceedings that are prescribed in subsidiary legislation are charged on a per page basis. We propose to amend the subsidiary legislation to enable charging on a per word/character basis;
- (b) At present, the fees charged for transcript and record of proceedings in different situations at different levels of court are either (i) prescribed, directed and authorized by law; or (ii) charged on an administrative basis. To rationalize the situation, we propose to amend the subsidiary legislation to prescribe all the fees relating to the transcript and record of proceedings;

- (c) At present, there is no general power for the court to waive, reduce or defer the fees for transcript and record of proceedings. We propose to amend the legislation to provide for such power; and
- (d) Under the proposed amendments in paragraph 12(b) above, specific levels of fees for transcript and record of proceedings would be set out under many different subsidiary legislation, and amendments to these subsidiary legislation would be required in adjusting the fee levels. To simplify future fee adjustment exercises, we propose to amend a number of Ordinances and subsidiary legislation to provide for a “referential approach”<sup>1</sup> for fee levels.

13. Draft Drafting Instructions on the above legislative proposals are being discussed between the Judiciary Administration and the Administration including the Department of Justice (“DoJ”). To implement the proposals, amendments to a number of legislation would be required.

14. The Judiciary Administration would consult the two legal professional bodies when the draft legislative amendments are available. The Judiciary Administration would also liaise with the Administration and the DoJ, with a view to introducing the legislative proposals to the Legislative Council in the legislative session of 2010/2011.

-----  
Judiciary Administration  
February 2010

---

<sup>1</sup> Under the “referential approach”, the exact fee levels for transcript and record of proceedings would be specified in the High Court Fees Rules, Cap. 4D (“HCFR”), and the respective legislation of various levels of court would make reference to the relevant fee items in the HCFR as appropriate, instead of spelling out the exact fee levels. This “referential approach” would simplify future fee adjustment exercises so that only amendments to the HCFR would be required.