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23 June 2000

Clerk to Panel on Financial Affairs
(Attn: Ms Leung Siu-kum)
Legislative Council Secretariat
3th Floor, Citibank Tower
3 Garden Road, Central
Hong Kong

Dear Ms Leung,

**LegCo Panel on Financial Affairs
Follow-up to special meeting on 15 June 2000**

Thank you for your letter of 19 June. My replies to the two questions posed by Hon Albert Ho Chun-yan on the proposed increase in the fees connected with services provided by the Probate Registry and Family Court are as follows -

- (a) As explained in our paper on revision of Government fees and charges submitted to the Panel for discussion on 15 June, owing to the diverse nature of the services provided by the various courts and the large number of fee items involved, the Judiciary has since 1989 calculated the cost of its services provided on a global basis. The Probate Registry, being part of the Judiciary Administration, is included in the calculation of the overall cost recovery rate. In the fee revision proposal submitted to the Panel, we have proposed no increase in the scale fee on the estate processed by the Probate Registry (Annex A) as such scale fee is linked with the net value of the estate. However, by virtue of the global costing approach, we have taken into account the income from the scale fee in the calculation of the cost recovery rate for the Judiciary. Therefore, if the fees for other services of the Probate Registry are not increased, it would have an adverse impact on the rate of fee increase for the other judicial services.

- (b) The filing fee related to a divorce application is \$630 while that for setting down for trial is \$630 (undefended cause) or \$1,045 (defended cause). We propose to increase these fees by 8.5%, ranging from \$53 to \$88. We think that the additional amounts are within the affordability of applicants who are not eligible for legal aid.

Yours sincerely,

(Allen Leung)
for Secretary for the Treasury

c.c. JA (Attn: Mr K K Chan) Fax: 2596 0512

**High Court Fees Rules
Probate Jurisdiction**

Item 2 of the Second Schedule of the High Court Fees Rules, which has **not** been included in Appendix I to the information paper is reproduced as follows -

Grants of probate or letters of administration or resealing of the same:
If the estate is sworn under the net value of -

| Estate Value (\$) | Fee (\$) |
|--------------------------|-----------------|
| 10,000 | 160 |
| 20,000 | 320 |
| 50,000 | 640 |
| 100,000 | 800 |
| 200,000 | 1,200 |
| 300,000 | 1,600 |
| 400,000 | 2,400 |
| 600,000 | 3,200 |
| 800,000 | 4,000 |
| 1,000,000 | 4,800 |

and \$400 for every additional \$100,000 or part thereof.