

**LegCo Panel on Manpower  
(for Meeting on 20 June 2000)**

**Revision of Government Fees and Charges-  
for filing of claims to Labour Tribunal and  
the Minor Employment Claims Adjudication Board**

**Purpose**

This paper seeks Members' view on the proposals relating to the revision of Government fees and charges for judicial services provided by the Judiciary and services provided by the Labour Department in relation to the filing of claims to the Labour Tribunal (LT) and the Minor Employment Claims Adjudication Board (MECAB) respectively. These fees and charges do not have a direct bearing on people's livelihood or general business activities.

**Background**

2. The Government has frozen most Government fees and charges since February 1998 as an exceptional measures to ease the burden on the community at a time of economic downturn. In view of the recovery of our economy, the Financial Secretary announced in 2000-01 Budget Speech that the Administration would approach the LegCo to discuss the revision of various Government fees and charges that do not directly affect people's livelihood or general business activities. The Administration consulted the LegCo Panel on Financial Affairs on 13 April 2000 on proposals to revise various fees and charges that would only affect a small number of people and some specialist business. For the diverse nature of the identified fees and charges, some Members of the Panel suggested that the proposed revision should also be considered by the relevant Panels of LegCo. At the House Committee Meeting held on 14 April 2000, Members agreed that the Administration should consult the other LegCo Panels on whether and if so how fees and charges under their respective purviews should be increased.

## **The Proposal**

### **A. Fees and charges for judicial services provided by the Judiciary in relation to filing of claims to the Labour Tribunal**

3. The LT was set up under the Labour Tribunal Ordinance (Cap. 25) to provide a quick, informal and inexpensive means to settle monetary disputes between employees and employers arising from a contract of employment or a contract of apprenticeship.

4. The current fees for filing a claim to the LT range from \$20 to \$50, depending on the amount of the claim. The fees for other related services charged by the Judiciary, including issue of certificate, registration of award or order, search for document, processing of application for review or leave to appeal, range from \$5.0 to \$45. The fees were last revised in 1991 and represent about 92.2% of the costs at 2000-01 prices. We propose that they be increased by 8.5% i.e. ranging from \$0.4 to \$4.3, to achieve full-cost recovery.

5. Details of the fee revision proposals set out in paragraph 4 above and the corresponding cost computation are provided at Annex A and Annex B respectively.

### **B. Fees and charges for the Minor Employment Claims Adjudication Board**

6. MECAB was set up under the Minor Employment Claims Adjudication Board Ordinance (Cap. 453) in 1994 with the objective to relieve the heavy workload of LT and reduce the waiting time of claimants who have lodged their employment claims for adjudication. The Board, administered by the Labour Department, has jurisdiction to hear and determine claims with not more than 10 claimants for a sum of money not exceeding \$8,000 per claimant.

7. Several services provided by MECAB have been subject to a fee since its establishment in 1994. They include, for example, filing of claim, application for review, issue of certificate of award and typed copy or photostatic copy of document. These fees range from \$5 to \$50.

8. As MECAB and LT provide similar adjudication services to the public, fees of MECAB are pegged to the level of fees of LT. In fact, this principle has been adopted since the establishment of MECAB in 1994 and the fees and charges for both LT and MECAB have not been adjusted

since then. We therefore propose to raise MECAB fees by the same percentage i.e. 8.5%.

9. Details of the fees revision proposals set out in paragraph 8 above is provided at Annex C.

### **Productivity/Efficiency Improvement Measures**

10. The above services provided in connection with the commencement of a cause or matter in the LT and MECAB are essential to serve the need of the public. However, we shall keep in view whether it remains necessary to provide the various services which require payment of fees and charges with the passage of time.

11. The Judiciary and Labour Department are committed to containing costs and will continue to implement the Enhanced Productivity Programme and take other efficiency improvement measures as appropriate.

### **Consultation**

12. Members' support is sought on the above fee proposals. Subject to Members' views, the proposals will be implemented accordingly in due course.

Education and Manpower Bureau  
June 2000

**Fees and charges  
for judicial services provided by the Judiciary**

		<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Proposed Increase</u>
<b>Fees and Charges Payable under the Labour Tribunal (Fees) Rules</b>				
1	Filing of claim:			
	(a) Where the claim does not exceed \$2,000	\$20.0	\$21.7	\$1.7 (+8.5%)
	(b) Where the claim exceeds \$2,000 but does not exceed \$5,000	\$30.0	\$32.6	\$2.6 (+8.5%)
	(c) Where the claim exceeds \$5,000 but does not exceed \$10,000	\$40.0	\$43.4	\$3.4 (+8.5%)
	(d) Where the claim exceeds \$10,000	\$50.0	\$54.3	\$4.3 (+8.5%)
2	Subpoena and copy including service, each witness	\$25.0	\$27.1	\$2.1 (+8.5%)
3	Application for review	\$45.0	\$48.8	\$3.8 (+8.5%)
4	Application for leave to appeal	\$45.0	\$48.8	\$3.8 (+8.5%)
5	(a) Issue of certificate of award or order, including copy	\$20.0	\$21.7	\$1.7 (+8.5%)
	(b) Each additional copy	\$10.0	\$10.9	\$0.9 (+8.5%)
6	Registration of an award or order with the district court	\$20.0	\$21.7	\$1.7 (+8.5%)
7	Copy of any document (including written award or order) typed in the registry of the tribunal and certifying the same, per page	\$5.0	\$5.4	\$0.4 (+8.5%)
8	Every search in the registry of the tribunal for each document	\$15.0	\$16.3	\$1.3 (+8.5%)
9	Photostatic copy of document made in the registry of the tribunal and certification			
	(a) For each page or portion of a page	\$5.0	\$5.4	\$0.4 (+8.5%)
	(b) For each page or portion of a page exceeding in size 210mm×297mm	Such additional fee as the Registrar may fix	Fixed by Registrar	N.A.
10	Translation of any foreign document and certificate, per page	In the discretion of the Registrar	In the discretion of the Registrar	N.A.
11	Certifying translation, per page	\$15.0	\$16.3	\$1.3 (+8.5%)
12	Transportation or conveyance expenses and overtime, according to distance and time (to be paid in cash)	In the discretion of the Registrar	In the discretion of the Registrar	N.A.
13	Any other matter or proceeding for which no fee has been specified herein	In the discretion of the Registrar	In the discretion of the Registrar	N.A.

**COST COMPUTATION****Judiciary****Judiciary Fees and Charges under various Rules and Regulations<sup>#</sup>****Cost at 2000-01 prices**

	\$ '000
Staff Costs	179,174
Departmental Expenses	12,814
Accommodation Costs	2,737
Depreciation	4,924
Cost of Services Provided by Other Departments	3,801
Central Administrative Overhead	<u>11,317</u>
<b>+ Operating Cost (a)</b>	<b>214,767</b>
<b>* Revenue (b)</b>	<b>197,985</b>
<b>Existing Cost Recovery Rate (b)/(a)</b>	<b>92.2%</b>
<b>Proposed Increase [(a)/(b)-100%]</b>	<b>8.5%</b>

**Note:**

- # The Rules and Regulations are:
  - Bankruptcy (Fees and Percentages) Order
  - Bills of Sale (Fees) Regulations
  - Companies (Fees and Percentages) Order
  - Control of Obscene and Indecent Articles Regulations
  - Coroners (Fees) Rules
  - Criminal Appeal Rules
  - District Court Civil Procedure (Fees) Rule
  - Estate Agents (Registration of Determination and Appeal) Regulations
  - High Court Fees Rules
  - Hong Kong Court of Final Appeal Fees Rules
  - Labour Tribunal (Fees) Rules
  - Landlord and Tenant (Consolidation) Ordinance
  - Lands Tribunal (Fees) Rules
  - Legal Practitioners (Fees) Rules
  - Magistrates (Fees) Regulations
  - Matrimonial Causes (Fees) Rules
  - Money Lenders Regulation
  - Probate and Administration Ordinance
  - Small Claims Tribunal (Fees) Rules
  
- + Costs attributable to court hearing and other free services (e.g. Criminal cases, Coroner's Court) are excluded.
  
- \* Court fines and fixed penalty fines are excluded

**Fees and charges for services provided by the  
Labour Department**

<b>Fees and Charges Payable under the Minor Employment Claims Adjudication Board (Fees) Rules</b>	<b><u>Current Rate</u></b>	<b><u>Proposed Rate</u></b>	<b><u>Proposed Increase</u></b>
1 Filing of claim:			
(a) Where the claim does not exceed \$2,000	\$20.0	\$21.7	\$1.7 (+8.5%)
(b) Where the claim exceeds \$2,000 but does not exceed \$5,000	\$30.0	\$32.6	\$2.6 (+8.5%)
(c) Where the claim exceeds \$5,000 but does not exceed \$8,000	\$50.0	\$54.3	\$4.3 (+8.5%)
2 Application for review	\$45.0	\$48.8	\$3.8 (+8.5%)
3 Application for leave to appeal	\$45.0	\$48.8	\$3.8 (+8.5%)
4 (a) Issue of certificate of award or order, including copy	\$20.0	\$21.7	\$1.7 (+8.5%)
(b) Each additional copy	\$10.0	\$10.9	\$0.9 (+8.5%)
5 Registration of an award or order with the district court	\$20.0	\$21.7	\$1.7 (+8.5%)
6 Typed copy or photostatic copy of document	\$5.0	\$5.4	\$0.4 (+8.5%)