



THE
LAW SOCIETY
 OF HONG KONG
 香 港 律 師 會

3/F WING ON HOUSE · 71 DES VOEUX ROAD
 CENTRAL · HONG KONG DX-009100 Central I
 香港中環德輔道中71號
 永安集團大廈3字樓

TELEPHONE (電話) : (852) 2846 0500
 FACSIMILE (傳真) : (852) 2845 0387
 E-MAIL (電子郵件) : sg@hkllawsoc.org.hk
 HOME PAGE (網頁) : http://www.hkllawsoc.org.hk

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Criminal

BY HAND

4 April 2001

The Hon. Margaret Ng
 10/F., New Henry House,
 10 Ice House Street,
 Central, Hong Kong.

Dear Ms. Ng,

Transcription Charges for Notes for Proceedings

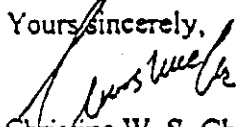
The Society's Criminal Law & Procedure Committee has raised query upon the Judiciary on their method of charging for transcribed notes of proceedings following consideration of a complaint from a member firm. The firm has been asked to pay the transcription rather than the copying charges when transcription has already taken place and paid for under a previous request.

The Judiciary justified the charging mechanism by explaining that they have adopted a cost - absorption method in recovering the transcription cost, i.e. the total production cost is spread evenly among an estimated utilization that covers all requests of transcript from different parties. Adopting such method, the current charge is being fixed at HK\$85.00 per page.

The Committee fails to see how the cost could be fixed at HK\$85.00 per page at the outset when the number of pages of the transcribed notes of proceedings and the number of users would vary from case to case. Upon further inquiry, it was also noted with concern that neither the Legal Aid Department nor any of the government departments is charged for their requests for transcribed notes of proceedings.

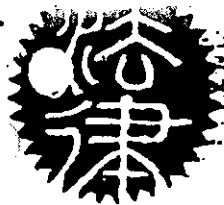
Copies of the relevant correspondence with the JA are enclosed for your consideration. The Committee believes that this issue warrants further investigation and consideration by the LegCo Panel on Administration of Justice and Legal Services.

Yours sincerely,


 Christine W. S. Chu
 Assistant Director of Practitioners Affairs

P.111

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3/F WING ON HOUSE - 71 DES VOEUX ROAD
CENTRAL - HONG KONG DX-009100 Central 1
香港中環德輔道中71號
永安集團大廈3字樓

TELEPHONE (電話) : (852) 2346 0500
FACSIMILE (傳真) : (852) 2345 0387
E-MAIL (電子郵件) : sg@hklawson.org.hk
HOME PAGE (網頁) : http://www.hklawson.org.hk

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SG/FA/1634

23rd July, 1999

Mr. Wilfred Tsui,
Judiciary Administrator,
Room G123, High Court,
38 Queensway,
Hong Kong.

Dear Wilfred,

The Law Society has had some correspondence with Messrs. Tsang, Chan & Wong concerning a request for notes of proceedings in cases heard in the Eastern Magistracy. The firm has been asked to pay the transcription charges for the notes of proceedings notwithstanding the fact that the notes had already been transcribed and all that was required was to photocopy the existing transcript.

A letter dated 14th July was received by the firm from your office stating that according to the standing instructions of your accounting procedures the charge of a transcript produced from the digital audio recording system or by court reporters applies to all requests from different parties for the same set of transcribed proceedings. Accordingly any party wishes to obtain a copy of the transcript has to pay the transcription fee although transcription has already taken place and only photocopying is required.

This it seems on the face of it to be somewhat unreasonable and a duplication of fees payable to the Judiciary. I would be most grateful if you would look into the matter and let me know your views so that I may pass these on to the firm of solicitors concerned in due course.

Yours sincerely,

Patrick Moss
Secretary General

PM/ff

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					Patrick R. Moss



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CENTRAL · HONG KONG DX-009100 Central I
香港中環德輔道中71號
永安集團大廈3字樓

TELEPHONE (電話) : (852) 2846 0500
FACSIMILE (傳真) : (852) 2845 0387
E-MAIL (電子郵件) : sg@hklawsoc.org.hk
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:ASG/cl/1634
:(117) in AO 220/43/33

4 August 1999

Tsang, Chan & Wong
16th Floor, Wing On House
71 Des Voeux Road Central
Hong Kong

Dear Sirs,

REQUEST FOR NOTES OF PROCEEDINGS
CASES NO.: ESC 1426 OF 1997
ESS 1633 & 1634 OF 1996

I refer to the Secretary General's letter dated 23 July 1999.

In the absence of Mr. Moss, who is currently on leave, a letter has been received from the Judiciary Administrator, a copy of which I enclose. You will see that the letter outlines the charging policy applicable to preparation of transcriptions.

Yours faithfully,

R.A. HARROD
Acting Secretary General

Encl.

c.c. Mr. Patrick Moss } done
Ms. Joyce Wong

*Spoke to Ms Chan.
She wants to know whether
she should pay the post Wong's fee but
tells me that she has already told her
that she will not pay post that she
only gave an undertaking in respect of
charging not transcription charges.
She wanted to know that the
Society would follow the matter up
which I could not give. She seemed
concerned about the society's long time
delay in being written in long time
but I explained that my answer
started on 2/7.*

*I suggested she write
to advise my concerns over
the charging policy and to
ask the society to do something
about it and tell the
Judiciary Administrator
what she intended to do.*

*She seemed to think that it
should be taken up without
any further action on her part
but said she would write to
J/A.*

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		Fred Kan Anson K.C. Kan Vincent W.S. Liang Michael J. Lintern-Smith	
		Peter C.L. Lo Paul N. Monk Joan Y.C. Pang Peter K.P. Sit	
		Paul C.Y. Tan Raymond Y.B. Tang William H.C. Tsui Roderick B. Woo	



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Practitioners Affairs

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香港中環德輔道中71號
永安集團大廈3字樓

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PA0005/99/31663

7 September, 1999

Mr. Wilfred Tsui
Judiciary Administrator
Room G123, High Court
38 Queensway, Hong Kong

Dear Mr. Tsui,

Re: Transcription Charges for Notes of Proceedings

Thank you for your letter dated 19 August 1999.

The Law Society's Criminal Law & Procedure Committee has reviewed the correspondence between Messrs. Tsang, Chan & Wong and your office and are not satisfied with the explanation offered in your letter dated 30 July 1999. The basis of the Judiciary's charges as stated to be "*an estimated unit cost using "absorption costing" method*" is obscure and does not provide any clarification on the issue. Is it possible for you to provide a clear breakdown of the actual figures and the calculation for the fee so that this can be considered further?

The Committee agreed to raise this matter at the next meeting of the Criminal Courts Users' Committee as the level of fees and the basis of charging is considered to be unreasonable.

I look forward to receiving clarification of the calculation used to set the fees.

Yours sincerely,

Joyce Wong
Joyce Wong

Director of Practitioners Affairs
e-mail: dpa@hklawsoc.org.hk

President Anthony W.K. Chow	Vice Presidents Shing Hing Ip Herbert H.K. Tsou	Council Members Mark J. Bradley Vivien Chan Raymond C.K. Ho Junius X.Y. Ho Lester G. Huang	Fred Kan Anson K.C. Kan Vincent W.S. Liang Michael J. Lintern-Smith	Peter C.L. Lo Paul N. Monk John Y.C. Pang Peter K.P. Sit	Paul C.Y. Tan Raymond Y.B. Tang William H.C. Tsui Roderick B. Woo	Secretary General Patrick R. Moss
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*by Paul
7/9/99*



本署編號 OUR REF: (122) in AO 220/43/23
來函編號 YOUR REF: PA0005/99/31663
電話 TEL: 2825 4269

By Fax & By Post

Ms Joyce Wong
Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road
Central
Hong Kong

30 September 1999

Dear

Re: Transcription Charges for Notes of Proceedings

Thank you for your letter dated 7 September 1999.

The level of transcription charge is based on the cost of providing the transcription service. The current charge is \$85 per page which was last revised in 1997. However, the production cost of a transcript was \$119 per page. It consists of two major cost components:-


- (a) Transcription service cost charged by the Digital Audio Recording and Transcription System (DARTS) contractor.
- (b) Cost of Judiciary staff involved in processing/validating the transcript and related administrative overheads.

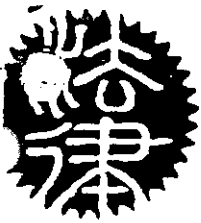
Costs relating to operation, maintenance and management of the DARTS system from which transcripts are produced are not included in the cost calculation. In fixing the charge at \$85 per page, we have spread out the above production cost over an utilisation which covers all requests of transcript from different parties.

If you need further information, please give me a ring.

Many thanks.

Yours sincerely,


(Ms Peggy Wong)
for Judiciary Administrator



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香港中環德輔道中71號
永安集團大廈3字樓

TELEPHONE (電話) : (852) 2846 0500
FACSIMILE (傳真) : (852) 2845 0337
E-MAIL (電子郵件) : sg@hklawsoc.org.hk
HOME PAGE (網頁) : <http://www.hklawsoc.org.hk>

Jur Ref :
Our Ref :
Direct Line :

30 September 2000

BY FAX (25302648) AND BY POST

Mr. Wilfred Tsui,
Judiciary Administrator,
Room G123, High Court,
38 Queensway,
Hong Kong.

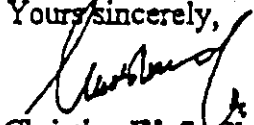
Dear Mr. Tsui,

Transcription Charges for Notes of Proceedings

I refer to our previous correspondence on the subject ending with your letter dated 15 January 2000.

The Criminal Law & Procedure Committee understands that the fee level for transcript service at \$85 per page is based on an estimated unit cost using the "adoption costing" method i.e. with the total production cost being spread evenly among an estimated utilisation which covers all requests of transcript from different parties. However, it is unclear to the Committee as to whether the requests of the prosecution and the legal Aid Department has been taken into account in calculating the number of users. The Committee shall appreciate your enlightenment on this issue.

Yours sincerely,


Christine W. S. Chu
Assistant Director of Practitioners Affairs

P.12

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Fax 傳真號碼: 2830 2848

Tel 電話: 2825 4211

Your Ref. 來函編號: () in

Our Ref. 本署編號: (140) in AO 22043/33

BY FAX NP 4503 87

17 October 2000

Ms Christine W.S. Chu
Assistant Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux road
Central
Hong Kong

Dear Ms Chu,

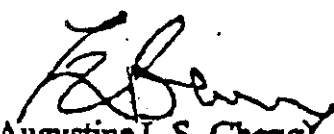
Transcription Charges for Notes of Proceedings

Thank you for your letter of 30 September.

In working out the level of transcription charges, we have also taken into account the requests for transcripts from the Department of Justice, the Legal Aid Department and other government departments. It is therefore no question of transferring their costs to the non-government users.

I hope I have answered your question. If I would be of further assistance, please do not hesitate to contact me

Yours sincerely,


(Augustine L.S. Cheng)
for Judiciary Administrator:



Fax 圖文傳真：2530 2848
2825 4211
Tel. 電話：
Your Ref. 來函編號： PA0005/00/43843
Our Ref. 本署編號： AO 220/43/23

29 November 2000

Ms Joyce Wong
Director of Practitioners Affairs
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road Central
Hong Kong

Dear Ms Wong,

Re : Transcription Charges for Notes of Proceedings


Thank you for your letter of 13 November.

We do not charge Department of Justice, Legal Aid Department or any other government departments. The Director of Legal Aid is entitled to transcripts free of charge under the Legal Aid Ordinance (s.16B, Cap.91). The Secretary for Justice is entitled to have a copy free of charge of the record of proceedings taken in a trial under the Criminal Procedure Ordinance (s.79, Cap.221). All government departments are not charged as there is no apparent need to invoke the inter-departmental charging mechanism.

However, it does not follow that they are being subsidized by other users or your privately funded clients. In our costing exercise, requests from them have also been taken into account to form part of the total estimated number of requests for transcripts. The rate of \$85 was arrived at by dividing the total production costs by this total estimated number.

I hope I have clarified the matter.

Yours sincerely,


(Augustine L.S. Cheng)
for Judiciary Administrator



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13 November, 2000

Mr. Wilfred Tsui
Judiciary Administrator
Room G123, High Court
38 Queensway, Hong Kong

Dear *Wilfred*,

Re: **Transcription Charges for Notes of Proceedings**

I refer to the recent correspondence in connection with the captioned matter and in particular to the reply from Augustine Cheng dated 17 October 2000.

The matter was discussed by the Criminal Law & Procedures Committee on 6 November. The members would like to have confirmation that the Department of Justice and the Legal Aid Department, as well as any other Government Department, are charged HK\$85 per page for transcripts of court proceedings i.e. on the same basis as privately funded clients.

I look forward to receiving your reply.

Yours sincerely,

Joyce Wong

Joyce Wong
Director of Practitioners Affairs
e-mail: dpa@hklawsoc.org.hk

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