

Legislative Council

Panel on Administration of Justice and Legal Services Fees for Transcript and Record of Proceedings

Purposes

1. The purposes of this paper are:
 - (a) To report progress on the action taken by the Judiciary Administration on the issues relating to the fees for providing transcript and record of proceedings from the Digital Audio Recording and Transcription Services (“DARTS”) since the matter was last discussed by the Panel on Administration of Justice and Legal Services (“AJLS Panel”) in December 2005; and
 - (b) To set out the Judiciary’s proposal on how the fees for transcript and record of proceedings at all level of courts should be set and administered.

Background

2. At the meeting of the AJLS Panel in June 2004, it was noted that the present position regarding the transcript and audio recording fees, including the existing mechanism for waiving these fees, was not satisfactory. It was 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.
3. The Judiciary agreed that a review should be conducted. The Judiciary has adopted the following principles in conducting this review:
 - (a) The Judiciary does not object to adopting a cost recovery approach in setting the level of the fees for transcript and record of proceedings, provided that adequate safeguards are in place to ensure that access to justice, in particular the litigants’ ability to pursue appeals, 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.

4. Following a review on the matter, the Judiciary Administration proposed in December 2005 that:

- (a) The charging basis for transcripts would be changed to “per English word and per Chinese character” from the “per page” basis;
- (b) Fees would be set separately for English and Chinese transcripts instead of the current single fee;
- (c) By adopting a cost recovery approach and having regard to the above two changes, the revised fees would be set at \$0.14 per English word and \$0.10 per Chinese character;
- (d) Apart from audio tape (per 60 minutes), fees would also be introduced for Compact Disc (CD) and Digital Versatile Disc (DVD) produced from DARTS at \$80, \$315 and \$570 respectively;
- (e) The existing waiver mechanism for criminal appeals was considered adequate and satisfactory, and no change would be recommended;
- (f) The existing waiver mechanism for civil appeals was considered inadequate and an enhanced waiver mechanism should be introduced; and
- (g) The Judiciary would work with the Administration to implement some of the proposals by revising existing or introducing new subsidiary legislation.

5. In discussing the above proposals, the Judiciary Administration was asked to consider:

- (a) Whether the proposed fees could be further reduced, in particular whether the staff costs of the Judiciary Administration should be disregarded for the purpose of setting the fees;

- (b) Preparing a table to set out:
 - (i) the fees proposed for different types of transcript;
 - (ii) the types of transcript subject to the waiver mechanism; and
 - (iii) the transcripts which would be supplied to the parties without charge.

6. At that AJLS Panel meeting, it was also remarked that the transcripts of the reasons for verdict and of sentencing were not provided free of charge to the parties concerned, which was not in accordance with the information previously provided by the Judiciary Administration. The Judiciary Administration was asked to clarify the actual position.

Actions Taken Since the Last Meeting

(A) Scope for further reduction of fees

7. The revised fees for transcript produced from DARTS are set on the basis of the full cost recovery principle. They comprise two components: the charges actually paid by the Judiciary Administration to the DARTS contractors who were selected through open tender plus the administrative costs incurred by the Judiciary Administration in processing the application for transcript.

8. The Judiciary Administration was asked to explore with the Administration to see if there could be any scope for reducing the transcript fees by waiving staff and administrative costs in handling application for transcripts. The proposal to exclude the said costs is not agreeable as it will contravene the full cost recovery policy. If staff and administrative costs are waived, the under-recovered costs will have to be borne by the general tax-payers.

9. As far as the administrative costs incurred by the Judiciary Administration is concerned, it should be noted that the costs have been greatly reduced following business process re-engineering in the past few years. Under the present fees structure, staff costs constitute about 15% of the fees. Under the revised fees structure, the administrative costs have been reduced to constitute about 10% of the fees. The Judiciary Administration would like to reiterate that compared with the existing fee of \$85 per page (irrespective of whether the page is full of words or just

contains one line), it is estimated that each full page of English transcript of an average of 330 words will 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 will remain more or less the same at \$ 86 per page (i.e. a marginal increase of 1%). Indeed, if the page of Chinese transcript contains less than 850 characters, it would cost less than the existing fee at \$85. It should also be pointed out that 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.

10. It should also be pointed out that comparing the proposed rate for audio tape at \$80 per hour with the existing fee of \$105, each audio tape will cost much less (i.e. a decrease of 24%). Moreover, the availability of record of proceedings from the DARTS on CD and DVD at very affordable fees would be of great assistance to litigants.

(B) Waiver mechanism and supplied to Parties free of charge

(1) Impact of transcript fees on appeals

11. The Judiciary has all along been holding the important principle that a litigant's ability to pursue appeals would not be prejudiced as a result of insufficient means to pay the transcript fees. Its position had been set out in previous papers to the AJLS Panel and is now summarized at Annex A for Members' easy reference.

12. Referring to Annex A, the Judiciary considers that the present position, including the waiver mechanism for criminal appeals, is adequate and satisfactory. This is because the court has already got the power to waive and reduce fees in deserving cases, and in practice, transcripts are supplied free of charge in about 90% of all criminal appeals. As regards civil appeals, the Judiciary however considers that the present position, including the waiver mechanism, is inadequate and unsatisfactory. This is because the court has got (i) very restricted power to waive fees in certain types of proceedings and (ii) no power to waive fees in many types of proceedings. In the interest of enhancing access to justice, the Judiciary proposes that consideration should be given to introducing a waiver mechanism in the following manner. Where the appellant wishes to apply to the court for waiver of transcript and/or fees for a copy of record of a civil proceedings, the court would need to be satisfied that:

- (a) The transcript and/or copy of record of proceedings in question are necessary for the purpose of appeal; and
- (b) The appellant is in such poor financial circumstances that the cost a transcript and/or a copy of record of proceedings would be such an excessive burden on him that he would be deprived of the transcript and/or record of proceedings if no reduction, remittance or deferment of payment of such fees is allowed.

(2) *Judgment of lower court*

13. The Judiciary would like to reiterate that as a matter of policy, the court provide written judgment/verdict to parties free of charge. In practice, the court would usually hand down a written judgment which is supplied to the parties without charge. In the instances where the court delivers an oral judgment, it would usually reduce it into writing or request a transcript of the oral judgment from the DARTS recording and this is supplied to the parties without charge. In criminal cases, the written reasons for verdict/sentences would be provided to the parties free of charge. As regards the statement of findings prepared by a Magistrate when a notice of appeal has been given by a party, a copy of such statement would be served upon the appellant and the respondent. Where no appeal has been lodged and no written reasons for verdict or sentence has been prepared by the Magistrate, the court will supply such transcript to the party free of charge upon request.

14. At the AJLS Panel meeting in December 2005, a member of the Law Society raised that the written reasons for verdict/judgment should be provided free of charge to the convicted person upon request, even before an appeal was lodged. It was claimed that the actual practice in the District Court at that time did not always accord with the policy as set out by the Judiciary. The Judiciary Administration had relayed this observation to the Chief District Judge, who issued a reminder to the District Judges and the support staff in early 2006 to reiterate the policy that all written judgments, decisions, verdicts and reasons for sentence would be distributed to the parties as a matter of course, both in civil and criminal proceedings. The written documents would be sent free of charge to the legal representatives of the parties, and if they are unrepresented, arrangement would be made to send the written documents to the parties themselves. The Law Society has also been kept informed.

(3) Waiver mechanism for transcripts of proceedings other than judgment of lower court

15. The information regarding the waiver mechanism for transcript of proceedings other than judgment of lower court is now set out in a table as requested by the AJLS Panel at paragraph 5(b) is at Annex B.

(C) Copies of Transcripts

16. In following up the matter, the Judiciary has also taken the opportunity to consider whether the existing arrangements as regards the provision of further copies of transcripts could be improved. It was the practice that if a person applied for a copy of the transcript, the copy would be charged at the full fee of \$85 (the existing fee) per page irrespective of whether the DARTS transcript had already been produced. The Judiciary Administration is considering to revise this practice by charging only the photocopying fee if the DARTS transcripts concerned have already been produced.

17. In addition, it is proposed that, the person provided with the transcript or its copy may reproduce the transcript or its copy for the purposes of pursuing the relevant legal proceedings. Such reproduction was hitherto not allowed, and parties were required to pay extra costs for such copies to be provided by the Judiciary.

The Judiciary's Proposal on Fees for Transcript and Records of Proceedings

18. To sum up, the Judiciary Administration proposes that the proposals at paragraph 4 (a) to (g) should be implemented as soon as practicable so that the litigants would be able to benefit from a reduction in fees payable:

- (a) In respect of the directed/authorized/administrative fees, the revised rates would be implemented with effect from 1 February 2007;
- (b) In respect of the required amendments to and enactment of subsidiary legislation, the Judiciary Administration would work with the Administration on the detailed legislative proposals.

Consultation

19. The Judiciary Administration has consulted the two legal professional bodies. The Bar Association has no comments on the proposals. The Law Society has endorsed the proposals. It has also made some observations on the provision of transcripts but has indicated that such observations be pursued outside the context of this exercise.

Advice sought

20. Members' views are sought on the proposals at paragraph 18 above.

Judiciary Administration
January 2007

Impact of Transcript Fees on Appeals

Criminal appeals from the District Court and the Court of First Instance

1. In relation to such criminal appeals, as provided for in the relevant practice direction, the position is as follows:

- (a) Notice of appeal with initial grounds of appeal should be filed in the first instance without waiting for any transcript.
- (b) The Appeals Registry of the Clerk of Court Office then prepares the appeal bundle and sends it to the parties. This would include:
 - (i) The transcript of the summing up and of sentencing (in the case of the Court of First Instance) and the transcript of the reasons for verdict and sentence (in the case of the District Court).
 - (ii) The transcript of other parts of the proceedings (e.g. evidence) where the court (i.e. a Justice of Appeal as the directions judge or the Registrar), on his own or on the application of any party, considers necessary. It should be noted that such consideration by the court serves as an effective safeguard against abuse of the use of transcript production, as was pointed out by the Chairman of the Panel (see para 19 of the minutes).
- (c) The appellant then files perfected grounds of appeal before the hearing which should contain references to the transcripts included in the appeal bundle.

2. In relation to such criminal appeals, the position as regards transcript fees for all transcripts included in the appeal bundle as set out above is as follows (See rule 63 of the Criminal Appeal Rules):

- (a) Where the appellant is legally aided, the Registrar has a discretion to waive the transcript fee and must do so on the direction of a judge. In practice, all legally aided appellants are provided with such transcripts without charge.

- (b) Where the appellant is unrepresented, the Registrar has a discretion to waive the transcript fee and must do so on the direction of a judge. In practice, all unrepresented appellants are provided with such transcripts without charge.
- (c) Where the appellant is not legally aided but is represented, a fee of \$17 per page as prescribed in rule 63 of the Criminal Appeal Rules is charged for such transcripts. It should be noted that where the appellant obtains an order for costs in his favour, the transcript fees are part of his costs which are recoverable from the prosecution subject to taxation.
- (d) In any other case, the Registrar also has a discretion to waive the transcript fee and must waive on the direction of a judge.

3. It should be noted that the criminal appeals in (a) and (b) in which transcripts are supplied free of charge make up about 90% of all criminal appeals.

Civil appeals from the District Court and the Court of First Instance

4. In relation to civil appeals from the District Court and the Court of First Instance, the position as regards transcript fees for the transcript of other parts of the proceedings is set out below. It should be noted that unlike the position in criminal appeals as explained in the preceding paragraphs, it is usually the parties who decide whether and the extent to which the transcript of other parts of the proceedings such as the evidence should be included in the appeal bundle.

- (a) Where an application for legal aid has been made, the Director of Legal Aid is entitled to such transcripts without charge.
- (b) Where legal aid has been granted, the Director of Legal Aid is entitled to such transcripts without charge on behalf of the legally aided person.
- (c) Where the appellant is not legally aided, the position is as follows:
 - (i) The transcript fee of \$85 per page is charged. It should be noted that where a party obtains an order for costs in his favour, the transcript fees are part of his costs which are recoverable from the paying party subject to taxation.

- (ii) In the case of a trial with witnesses, the judge in the lower court or the Court of Appeal has the power to waive the transcript fees in certain proceedings. The interpretation of the relevant rule as to the scope of the proceedings covered has not been tested in any case but it would appear to be limited to proceedings excepted from the Legal Aid Ordinance. (See Order 68 of the Rules of High Court and Order 68 of Rules of the District Court). Under the relevant rule, the court has the power to waive the fee for a transcript of the judgment and of the evidence. The judgment after a trial with witnesses is supplied free of charge. As regards the transcript of the evidence, the court has to be satisfied under the relevant rule that the appellant is in such poor financial circumstances that the cost of a transcript would be an excessive burden on him and that there is reasonable ground of the appeal.

5. In the interest of enhancing access to justice, the Judiciary proposes that consideration should be given to introducing a waiver mechanism for civil appeals in the following manner. Where the appellant wishes to apply to the court for waiver of transcript fees for the whole or part of the transcript and/or fees for a copy of record of a civil proceedings, the court would need to be satisfied that:

- (a) The transcript and/or copy of record of proceedings in question are necessary for the purpose of the appeal; and
- (b) The appellant is in such poor financial circumstances that the cost of a transcript and/or a copy of record of proceedings would be such an excessive burden on him that he would be deprived of the transcript and/or copy of record of proceedings if no reduction, remittance or deferment of payment of such fees is allowed.

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.	<input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per page); <input type="checkbox"/> \$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	(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.	<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. 17B</u> The Registrar, Lands Tribunal 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 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.	<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.17B</u> The Registrar, Lands Tribunal 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
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.