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## **Panel on Administration of Justice and Legal Services**

**Updated background brief prepared by the Legislative Council Secretariat  
for the meeting on 22 February 2010**

### **Fees for transcript and record of proceedings**

#### **Purpose**

This paper summarizes the past discussions of the Panel on Administration of Justice and Legal Services (the Panel) on issues relating to fees for transcript and record of proceedings.

#### **Background**

2. Issues relating to transcript fees were brought to the attention of the Panel by the Law Society of Hong Kong in 2001. The Law Society queried the charging mechanism adopted by the Judiciary for transcripts as interested parties were required to pay a transcript fee of \$85 per page rather than the photocopying charges, even though the same set of transcripts had already been produced and paid for under a previous request.
3. The Panel had discussed the relevant issues at five meetings between June 2003 and April 2008, which included the impact of the level of the fees for transcript and audio record of proceedings on litigants and the existing mechanism for waiving these fees. The Panel considered that the fee charging mechanism for different cases should be standardized and that a clear mechanism for waiving these fees in appeal cases should be put in place.

#### **Fees for transcripts and record of proceedings**

##### Fee level before 1 February 2007

4. Transcripts were charged at \$17, \$36 or \$85 per page for different types of proceedings at different levels of court. In simplified terms, for criminal appeals from the District Court and the Court of First Instance to the Court of Appeal, a fee of \$17 per page was charged for the transcripts included in the appeal bundle prepared by the Appeals Registry of the Clerk of Court Office, while a fee of \$36 per page was charged for a transcript of the notes or record of evidence made at an inquest at Coroners' Court.

These two fees are prescribed under the Criminal Appeal Rules (Cap. 221A) and Coroners (Fees) Rules (Cap. 504D) respectively. Other than these two prescribed fees, transcripts were charged at \$85 per page, which might be directed, authorized or administrative fees as the case might be.

5. A copy of the record of proceedings (i.e. the audio tape produced from the Digital Audio Recording and Transcription Services (DARTS)) was charged at \$105 per hour.

Review on fee level and revised fees with effect from 1 February 2007

6. In response to members' concern about the impact of the fees for transcript and audio record of proceedings on litigants' ability to pursue appeals, the Judiciary Administration (JA) agreed to review the level and charging mechanism of these fees. In December 2005, JA briefed the Panel on its proposal on how such fees should be set and administered -

*Policy considerations*

- (a) the Judiciary did not object to adopting a cost recovery approach in setting the level of fees for transcript and record of proceedings, provided that adequate safeguards were in place to ensure that access to justice would not be prejudiced as a result of insufficient means to pay the fees;
- (b) as a matter of principle, these fees should be prescribed in the form of subsidiary legislation;
- (c) the Court should be given a general power to waive, reduce or defer these fees in deserving appeal cases;

*Transcript fees*

- (d) the fee of transcripts produced from DARTS should be standardized. It should comprise two components, namely the charges actually paid by JA to the DARTS contractors selected through open tender, plus the administrative costs incurred by JA in processing applications for transcripts;
- (e) the charging basis for transcripts would be changed from "per page" to "per English word and per Chinese character", and fees would be charged separately for English and Chinese transcripts;
- (f) by adopting the cost recovery approach, the transcript fees would be set at \$0.14 per English word and \$0.10 per Chinese character. The proposed fees would translate into about \$46.2 per page of English transcript (an average of 330 words per page) and \$86 per page of Chinese transcript

(an average of 860 characters per page). Making reference to the ratio of English transcript pages produced against Chinese transcript pages (which was 1.8 to 1 in 2005), it was expected that the proposed charging mechanism should bring about substantial benefits to litigants;

*Record of proceedings*

- (g) the existing fee at \$105 per hour of audio tape produced from DARTS would be revised to \$80 per hour; and
- (h) record of proceedings on Compact Disc (CD) and Digital Versatile Disc (DVD) would be introduced at the proposed new fees of \$315 for CD (about 14 hours of recording) and \$570 for DVD (about 98 hours of recording) respectively.

7. JA also proposed that the person provided with the transcript or its copy might reproduce the transcript or its copy for the purposes of pursuing the relevant legal proceedings. Such reproduction was hitherto not allowed, and parties were charged at the full fee of \$85 per page irrespective of whether the DARTS transcript had already been produced.

8. Members noted that the proposed fees would not apply to transcripts in respect of criminal appeals, the fee of which was currently prescribed at \$17 per page. The prescribed fee of \$17 per page, which covered many other documents in the appeal bundle other than relevant transcripts, would remain unchanged until the fee was revised by way of legislative amendment.

9. When the Panel was further briefed on the JA's proposal on fees for transcript and record of proceedings at its meeting on 22 January 2007, some members pointed out that transcription service was not involved in the production of DARTS recording on CD or DVD, and the burning of CD/DVDs involved very little cost and time. The member suggested that in addition to administrative costs, a standard fee should be adopted for audio tape/CD/DVD irrespective of the length of the recording. JA, however, advised that revision of fees for record of proceedings, which were administrative fees, required the approval of the Secretary for Financial Services and the Treasury.

10. In order to allow litigants to benefit from a more equitable fee charging basis and more affordable fees as soon as possible, the Panel agreed that the proposed fees for transcript and record of proceedings should be implemented with effect from 1 February 2007, to be followed by a review of the fees for DARTS recording on audio tape/CD/DVD as soon as practicable.

11. At the meeting on 28 April 2008, members were informed that during the 12-month period after the implementation of the new fees on 1 February 2007, the estimated notional savings to court users requesting Chinese and English transcripts

were 14% and 38% respectively, while the estimated notional savings for record of proceedings ranged from 20% to 75%.

### **Fee waiver mechanism**

12. A major concern of members and the legal profession was the effect of the transcript fee on the litigant's ability to institute appeals. JA was requested to put in place a clear mechanism for waiving the transcript fees in appeal cases to ensure that a litigant's ability to pursue appeals would not be prejudiced as a result of insufficient means to pay the transcript fees.

13. Members were advised that it was the Judiciary's policy that all written judgments, decisions, verdicts and reasons for sentence would be distributed to the parties free of charge, both in civil and criminal proceedings. A table prepared by JA in January 2007 setting out information on the waiver mechanism for transcripts of proceedings other than judgment of lower court is in **Appendix I** for members' reference.

### Criminal appeals

14. Under the existing waiver mechanism pursuant to rule 63(2) of the Criminal Appeal Rules, transcripts are supplied free of charge to legally aided appellants and unrepresented appellants. 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 transcripts in the appeal bundle. The Law Society considered that as a matter of principle, fees for all transcripts included in criminal appeal bundles should be waived, including cases where the appellant was not legally aided but was represented.

15. JA advised that in practice, cases where the appellants were legally aided or unrepresented in which transcripts were supplied free of charge made up about 90% of all criminal appeals. For the remaining 10% of the criminal appeal cases, i.e. where the appellant was not legally aided but was represented, the court already had discretion to waive and reduce the transcript fees in deserving cases pursuant to rule 63(3) of the Criminal Appeal Rules. It was also pointed out that where the appellant obtained an order for costs in his favour, the transcript fees were part of his costs which were recoverable from the prosecution subject to taxation. Having regard to these considerations, the Judiciary considered that the existing waiver mechanism for transcripts in criminal appeal bundles was adequate and satisfactory, and no change would be recommended.

## Civil appeals

16. As regards civil appeals, members considered the current situation unsatisfactory as the court had very restricted power to waive the fees for transcript and record of proceedings in certain types of civil appeals. In the interest of enhancing access to justice, the Judiciary proposed that consideration should be given to introducing a waiver mechanism, which would necessitate legislative amendments. JA was requested to take the opportunity to rationalize the situation where the power and criteria for courts to waive transcript fees were prescribed in different statutory provisions.

### **Relevant legislative amendments**

17. When the subject was last discussed at the Panel meeting on 28 April 2008, members were advised that JA was consulting the Administration on the legislative amendments required to -

- (a) revise the prescribed fees for transcript which are currently stipulated in subsidiary legislation, i.e. \$17 per page in the Criminal Appeal Rules and \$36 per page in the Coroners (Fees) Rules, to reflect the rate under the new charging method;
- (b) prescribe the directed /authorized /administrative fees for transcript and records of proceedings in the relevant subsidiary legislation applicable to the respective levels of court;
- (c) provide a general power for the Court to waive, reduce or defer the fees for transcript and record of proceedings; and
- (d) make provisions for items (a) to (c) above more easily accessible for reference by court users, and simplify the scale of amendments required following fee reviews in future.

According to the Judiciary, amendments to 12 sets of subsidiary legislation would be required.

### **Latest position**

18. JA is scheduled to report progress on the following matters at the upcoming meeting on 22 February 2010 -

- (a) outcome of the overall costing review conducted by JA in the end of 2008; and

(b) progress of the legislative amendments referred to in paragraph 17 above.

**Relevant papers**

19. A list of relevant papers which are available on the LegCo website is in **Appendix II**.

Council Business Division 2  
Legislative Council Secretariat  
12 February 2010

**Fees for Transcripts and Records of Proceedings**  
**(other than judgment/reasons for sentence and verdict which are supplied without charges)**

| <b>Level of Court</b> | <b>Purpose</b>  | <b>Level of Fees</b>                    | <b>Fees Proposed</b>  | <b>Existing Waiver Mechanism</b>   | <b>Supplied to Parties Without Charge</b>  |
|-----------------------|---|---|---|--|--|
| 1. High Court (“HC”)  | (a) <u>Rule 63(1)(b), Cap. 221A</u><br>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><br>\$17 per page. | <u>No change</u><br>Pending the revision of fees in the subsidiary legislation. | <u>R.63(2) and (3), Cap. 221A</u><br>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><br>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.<br><br><u>Current Practice</u><br>All legally aided appellants or unrepresented appellants are provided with the transcript without charge.<br><br>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><br>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><br>\$85 per page for both Chinese and English.   | <input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page);<br><input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page). | <u>Rule 13, Cap. 221A</u><br>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><br>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.<br><br><u>Current Practice</u><br>All legally aided accused persons or unrepresented accused persons are provided with the transcript without charge. |
|                | (c) <u>Order 68, Cap. 4A</u><br>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><br>\$85 per page for both Chinese and English. | <input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page);<br><input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page). | <u>Order 68, Cap. 4A</u><br>A judge or the Court of Appeal or the Registrar of Civil Appeals has a discretion to waive the transcript fees under prescribed conditions. <sup>(Note 1)</sup>          | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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. | <ul style="list-style-type: none"> <li>□ \$0.14 per <u>English</u> word (about \$46.20 per page);</li> <li>□ \$0.10 per <u>Chinese</u> character (about \$86 per page).</li> </ul> | The court has no power to waive administrative fees. <sup>(Note 2)</sup> | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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. |

<sup>(Note 2)</sup> 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<br>(cont'd) | (e) <u>S.79(2)(g) and (h), Cap.221</u><br>For criminal proceedings in the HC – a copy of the <b>DARTS</b> recording of the proceedings on audio tape.                          | <u>Prescribed Fee</u><br>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 <b>DARTS</b> recording of the proceedings on audio tape provided to parties concerned. | <u>Administrative Fee</u><br>\$105 per hour of audio tape              | <input type="checkbox"/> \$80 per 60-minute audio tape or part thereof;<br><input type="checkbox"/> \$315 per CD of no less than 700MB with full recording or part thereof;<br><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.<br>(Note 3) | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>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><br>\$85 per page for both Chinese and English.   | <ul style="list-style-type: none"> <li>❑ \$0.14 per <u>English</u> word (about \$46.20 per full page);</li> <li>❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page).</li> </ul> | <u>Rule 13, Cap. 221A</u><br>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><br>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.<br><br><u>Current Practice</u><br>All legally aided accused persons or unrepresented accused persons are provided with the transcript without charge. |
|                          | (b) <u>Order 68, Cap. 336H</u><br>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><br>\$85 per page for both Chinese and English. | <ul style="list-style-type: none"> <li>❑ \$0.14 per <u>English</u> word (about \$46.20 per full page);</li> <li>❑ \$0.10 per <u>Chinese</u> character (about \$86 per</li> </ul>             | <u>Order 68, Cap. 336H</u><br>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) &amp; 16B(d), Cap. 91</u><br>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 <sup>(Note 4)</sup>   | charge.  |
|                | (c) <u>Order 68, Cap. 4A</u><br>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><br>\$85 per page for both Chinese and English. | <input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page);<br><input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page). | <u>Order 68, Cap. 4A</u><br>A judge or the Court of Appeal or the Registrar of Civil Appeals has a discretion to waive the transcript fees. <sup>(Note 4)</sup> | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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. |

<sup>(Note 4)</sup> 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><br>\$85 per page for both Chinese and English. | <input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page);<br><input type="checkbox"/> \$0.10 per <u>Chinese</u> character (about \$86 per full page). | The Court has no power to waive administrative fees.<br>(Note 5) | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>For criminal proceedings in the DC – a copy of the <b>DARTS</b> recording of the proceedings on audio tape.   | <u>Prescribed Fee</u><br>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<br>(cont'd) | (f) For civil proceedings in the DC - a copy of the <b>DARTS</b> recording of the proceedings on audio tape provided to parties concerned. | <u>Administrative Fee</u><br>\$105 per hour of audio tape | <input type="checkbox"/> \$80 per 60-minute audio tape or part thereof;<br><input type="checkbox"/> \$315 per CD of no less than 700MB with full recording or part thereof;<br><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) &amp; 16B(d), Cap. 91</u><br>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 | <p>(a) <u>Item 34, Schedule to Cap. 17B</u><br/>A transcript of the whole or of any part of the proceedings provided to any party to the proceedings.</p>          | <p><u>Directed Fee</u><br/>\$85 per page for both Chinese and English.</p> | <ul style="list-style-type: none"> <li>❑ \$0.14 per <u>English</u> word (about \$46.20 per full page);</li> <li>❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page).</li> </ul>  | <p><u>Rule 4, Cap. 17B</u><br/>The Registrar, Lands Tribunal may reduce, remit or defer transcript fees.</p> | <p><u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br/>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.</p> |
|                   | <p>(b) <u>Item 34, Schedule to Cap.17B</u><br/>A copy of the <b>DARTS</b> recording of the proceedings on audio tape provided to any party to the proceedings.</p> | <p><u>Directed Fee</u><br/>\$105 per hour of audio tape</p>                | <ul style="list-style-type: none"> <li>❑ \$80 per 60-minute audio tape or part thereof;</li> <li>❑ \$315 per CD of no less than 700MB with full recording or part thereof;</li> <li>❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof.</li> </ul> | <p><u>Rule 4, Cap.17B</u><br/>The Registrar, Lands Tribunal may reduce, remit or defer fees.</p>             | <p><u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br/>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.</p> |

| 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><br>A transcript of the whole or of any part of the proceedings provided to any party to the proceedings.           | <u>Directed Fee</u><br>\$85 per page for both Chinese and English. | <ul style="list-style-type: none"> <li>❑ \$0.14 per <u>English</u> word (about \$46.20 per page);</li> <li>❑ \$0.10 per <u>Chinese</u> character (about \$86 per page).</li> </ul>  | <u>Rule 4, Cap.25B</u><br>The Registrar, LabT may reduce, remit or defer transcript fees. | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>A copy of the <b>DARTS</b> recording of the proceedings on audio tape provided to any party to the proceedings. | <u>Directed Fee</u><br>\$105 per hour of audio tape                | <ul style="list-style-type: none"> <li>❑ \$80 per 60-minute audio tape or part thereof;</li> <li>❑ \$315 per CD of no less than 700MB with full recording or part thereof;</li> <li>❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof.</li> </ul> | <u>Rule 4, Cap.25B</u><br>The Registrar, LabT may reduce, remit or defer fees.            | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>A transcript of the whole or of any part of the proceedings provided to any party to the proceedings.           | <u>Directed Fee</u><br>\$85 per page for both Chinese and English. | <ul style="list-style-type: none"> <li>❑ \$0.14 per <u>English</u> word (about \$46.20 per full page);</li> <li>❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page).</li> </ul>  | <u>Rule 4, Cap.338B</u><br>The Registrar, SCT may reduce, remit or defer transcript fees. | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>A copy of the <b>DARTS</b> recording of the proceedings on audio tape provided to any party to the proceedings. | <u>Directed Fee</u><br>\$105 per hour of audio tape                | <ul style="list-style-type: none"> <li>❑ \$80 per 60-minute audio tape or part thereof;</li> <li>❑ \$315 per CD of no less than 700MB with full recording or part thereof;</li> <li>❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof.</li> </ul> | <u>Rule 4, Cap.338B</u><br>The Registrar, SCT may reduce, remit or defer fees.            | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>\$85 per page for both Chinese and English. | <ul style="list-style-type: none"> <li>❑ \$0.14 per <u>English</u> word (about \$46.20 per full page);</li> <li>❑ \$0.10 per <u>Chinese</u> character (about \$86 per full page).</li> </ul>  | The Court has no power to waive administrative fees. | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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 <b>DARTS</b> recording of the proceedings on audio tape provided to any party to the proceedings, irrespective of any further proceedings. | <u>Administrative Fee</u><br>\$105 per hour of audio tape                 | <ul style="list-style-type: none"> <li>❑ \$80 per 60-minute audio tape or part thereof;</li> <li>❑ \$315 per CD of no less than 700MB with full recording or part thereof;</li> <li>❑ \$570 per DVD of no less than 4.7GB with full recording or part thereof.</li> </ul> | The court has no power to waive administrative fees. | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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><br>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><br>\$36 per page                    | No change<br>Pending the revisions of fees in the subsidiary legislation.  | No express provision for waiver. <sup>(Note 6)</sup> | <u>Section 9(a)(ii) &amp; 16B(d), Cap. 91</u><br>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 <b>DARTS</b> recording of the proceedings on audio tape provided to any party to the proceedings, irrespective of any further proceedings.   | <u>Administrative Fee</u><br>\$105 per hour of audio tape | <input type="checkbox"/> \$80 per 60-minute audio tape or part thereof;<br><input type="checkbox"/> \$315 per CD of no less than 700MB with full recording or part thereof;<br><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) &amp; 16B(d), Cap. 91</u><br>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. |

<sup>(Note 6)</sup> 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><br>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><br>\$85 per page for both Chinese and English. | <input type="checkbox"/> \$0.14 per <u>English</u> word (about \$46.20 per full page);<br><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) &amp; 16B(d), Cap. 91</u><br>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>Level of Court</b>           | <b>Purpose</b>   | <b>Level of Fees</b>                          | <b>Fees Proposed</b> | <b>Existing Waiver Mechanism</b> | <b>Supplied to Parties Without Charge</b> |
|---------------------------------|--|---|----------------------|----------------------------------|---|
| 8. Magistrates' Courts (cont'd) | (c) <u>S.35A(1)(g), (h) and (i), Cap.227</u><br>A copy of the <b>DARTS</b> 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.                           |

## Fees for transcript and record of proceedings

## Relevant documents

| <u>Meeting</u>  | <u>Meeting Date</u> | <u>Paper</u>  |
|---|---------------------|---|
| Panel on Administration of Justice and Legal Services | 23 June 2003        | <p>Letter dated 4 April 2001 from the Law Society of Hong Kong to the Chairman enclosing its correspondence with the Judiciary concerning "Transcription Charges for Notes for Proceedings"<br/>[LC Paper No. CB(2)1383/00-01(01)]<br/><i>(English version only)</i><br/><a href="http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-1383-1e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-1383-1e.pdf</a></p> <p>Judiciary Administration's paper on "Transcript Fees"<br/>[LC Paper No. CB(2)2584/02-03(03)]<br/><a href="http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2584-3e.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2584-3e.pdf</a></p> <p>Minutes of meeting<br/>[LC Paper No. CB(2)3051/02-03]<br/><a href="http://www.legco.gov.hk/yr02-03/english/panels/ajls/minutes/aj030623.pdf">http://www.legco.gov.hk/yr02-03/english/panels/ajls/minutes/aj030623.pdf</a></p> |
|   | 28 June 2004        | <p>Judiciary Administration's paper on "Transcript Fees"<br/>[LC Paper No. CB(2)2918/03-04(02)]<br/><a href="http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0628cb2-2918-2e.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0628cb2-2918-2e.pdf</a></p> <p>Minutes of meeting<br/>[LC Paper No. CB(2)3322/03-04]<br/><a href="http://www.legco.gov.hk/yr03-04/english/panels/ajls/minutes/aj040628.pdf">http://www.legco.gov.hk/yr03-04/english/panels/ajls/minutes/aj040628.pdf</a></p>  |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u>  |
|----------------|---------------------|---|
|                | 15 December 2005    | <p>Background brief prepared by the LegCo Secretariat on "Transcript fees" [LC Paper No. CB(2)684/05-06(03)]<br/><a href="http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj1215cb2-684-3e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj1215cb2-684-3e.pdf</a></p> <p>Judiciary Administration's paper on "Fees for Transcript and Record of Proceedings" [LC Paper No. CB(2)684/05-06(04)]<br/><a href="http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj1215cb2-684-4e.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj1215cb2-684-4e.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(2)1198/05-06]<br/><a href="http://www.legco.gov.hk/yr05-06/english/panels/ajls/minutes/aj051215.pdf">http://www.legco.gov.hk/yr05-06/english/panels/ajls/minutes/aj051215.pdf</a></p>  |
|                | 22 January 2007     | <p>Background brief prepared by the LegCo Secretariat on "Fees for transcripts and records of proceedings" [LC Paper No. CB(2)875/06-07(01)]<br/><a href="http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0122cb2-875-1-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0122cb2-875-1-e.pdf</a></p> <p>Letter dated 15 January 2007 from the Judiciary Administration in response to a question raised by Hon Audrey EU at the meeting on 23 October 2006 [LC Paper No. CB(2)875/06-07(02)]<br/><a href="http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0122cb2-875-2-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0122cb2-875-2-e.pdf</a></p> <p>Judiciary Administration's paper on "Fees for transcript and record of proceedings" [LC Paper No. CB(2)875/06-07(03)]<br/><a href="http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0122cb2-875-3-e.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0122cb2-875-3-e.pdf</a></p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u>  |
|----------------|---------------------|---|
|                |                     | Minutes of meeting<br>[LC Paper No. CB(2)1125/06-07]<br><a href="http://www.legco.gov.hk/yr06-07/english/panels/ajls/minutes/aj070122.pdf">http://www.legco.gov.hk/yr06-07/english/panels/ajls/minutes/aj070122.pdf</a>   |
|                | 28 April 2008       | Background brief prepared by the LegCo Secretariat on "Fees for transcript and record of proceedings"<br>[LC Paper No. CB(2)1699/07-08(08)]<br><a href="http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0428cb2-1699-8-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0428cb2-1699-8-e.pdf</a><br><br>Judiciary Administration's paper on "Fees for Transcript and Record of Proceedings"<br>[LC Paper No. CB(2)1699/07-08(09)]<br><a href="http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0428cb2-1699-9-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0428cb2-1699-9-e.pdf</a><br><br>Minutes of meeting<br>[LC Paper No. CB(2)2325/07-08]<br><a href="http://www.legco.gov.hk/yr07-08/english/panels/ajls/minutes/aj080428.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ajls/minutes/aj080428.pdf</a><br><br><u>Follow-up paper</u><br><br>Letter dated 25 April 2008 from the Law Society of Hong Kong concerning transcript fees<br>[LC Paper No. CB(2)1769/07-08(01)]<br><a href="http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0526cb2-1769-1-e.pdf">http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0526cb2-1769-1-e.pdf</a> |