

L.N. 110 of 2015**Competition Tribunal Fees Rules**

(Made by the Chief Judge under section 158 of the Competition Ordinance (Cap. 619) after consulting the President of the Competition Tribunal)

1. Commencement

These Rules come into operation on a day to be appointed by the Chief Judge by notice published in the Gazette.

2. Interpretation

(1) In these Rules—

CTR (《審裁處規則》) means the Competition Tribunal Rules;
proceedings (法律程序) means any proceedings before the Tribunal;

Registrar (司法常務官) means the Registrar of the Tribunal;

Registry (登記處) means the Registry of the Tribunal;

RHC (《高院規則》) means the Rules of the High Court (Cap. 4 sub. leg. A).

(2) A reference in Schedule 1 or 2 to a provision of the RHC is a reference to the provision as applied under the CTR.

3. Fees payable in Tribunal

(1) A fee of the amount specified in the First Schedule to the High Court Fees Rules (Cap. 4 sub. leg. D) for the item that bears the item number specified in column 3 of Schedule 1 is payable to the Registrar in connection with any proceedings for the matter described in column 2 of that Schedule opposite that item number.

- (2) A fee of the amount specified or described in column 3 of Schedule 2 is payable to the Registrar in connection with any proceedings for the matter described in column 2 of that Schedule opposite that amount.

4. Power of Registrar

- (1) The Registrar may reduce, remit or defer payment of a fee payable under these Rules as he or she thinks fit in a particular case.
- (2) If the Registrar exercises the power under subrule (1), he or she must endorse on the relevant document a note of the reduction, remission or deferment and the reason for it.

5. Proof of payment of fees

A fee paid under these Rules is evidenced by causing the relevant document to be franked with the amount of the fee.

Schedule 1

[rr. 2 & 3(1)]

Matters for which Fees Equivalent to those Fees Specified in High Court Fees Rules (Cap. 4 sub. leg. D) are Payable

Column 1	Column 2	Column 3
Item	Description	Corresponding item in First Schedule to the High Court Fees Rules
1.	Taking evidence, etc.	
	(a) For every witness examined for taking evidence for future use by a member of the Tribunal or the Registrar, per day or part of a day	3
	(b) Attendance of a public officer to produce or prove in the Tribunal a record or document, per hour or part of an hour	4
	(c) Attendance by the Registrar or officer of the Tribunal outside the Tribunal, per occasion	7
2.	Copies	
	(a) Copy of documents typed in the Registry and certifying it—	

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Schedule 1

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in First Schedule to the High Court Fees Rules
	(i) for the first copy, per page	8(a)
	(ii) for each additional copy, per page	8(b)
	(b) Photostatic copy of a document made in the Registry, per page	9(a)
	(c) Photostatic copy and certification, per page	9(b)
	(d) Photostatic copy of a library book, per page	9(c)
3.	Translations and transcriptions	
	(a) Translation made in the Registry of a document from Chinese into English, or vice versa including certificate, per page	10(a)
	(b) Transcription and translation made in the Registry, from Chinese into English, or vice versa, of a tape or recording including certificate, per page	10(b)

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Schedule 1

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in First Schedule to the High Court Fees Rules
(c)	Certifying translations made outside the Registry, from Chinese into English, and vice versa, per page	11(a)
(d)	Certifying transcription made outside the Registry, from Chinese into English, and vice versa, of a tape or recording, per page	11(b)
4.	Searches Search in the Registry, for each document or file referred to or required	12
5.	Service Service of a document by a bailiff, per document	13
6.	Execution (a) Arresting any person (b) Execution of writ of possession, per writ	14 15

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Schedule 1

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in First Schedule to the High Court Fees Rules
7.	Bailiff's expenses Watchman's fee, per day or part of a day	17(a)
8.	Miscellaneous fees (a) Authentication of document by the Registrar, per document (b) Sealing a notice in Form No. 80 under Order 50, rule 11(2) of the RHC, per notice (c) Sealing an injunction order made before the commencement of proceedings, per order	21 22 23

Schedule 2

[rr. 2 & 3(2)]

Matters for which Specified Fees are Payable

Column 1	Column 2	Column 3
Item	Description	Fees
1.	Commencement of proceedings	
	(a) Sealing an originating notice of application mentioned in rule 7, 74, 83 or 94 of the CTR, per notice	\$1,045.00
	(b) Sealing a notice of application for leave to apply for review of a reviewable determination mentioned in rule 60 of the CTR, per notice	\$1,045.00
	(c) Sealing an originating notice of claim mentioned in rule 93 of the CTR, per notice	\$1,045.00
2.	Setting down for trial or entry for hearing in the Tribunal	
	(a) Setting down an application, action, matter or issue for trial, for each application, action, matter or issue	\$1,045.00
	(b) Entering a reference for hearing of an assessment of damages by the Registrar, for each case	\$1,045.00

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Schedule 2

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B1985

Column 1	Column 2	Column 3
Item	Description	Fees
3.	Taking evidence, etc.	
	(a) Attendance of a public officer to give evidence as an expert witness, per hour or part of an hour	The amount as assessed by the member of the Tribunal or the Registrar or, if no such amount is assessed, \$440.00
	(b) Attendance of a public officer to give evidence other than as an expert witness—	
	(i) for the first 2 hour or part of it	\$440.00
	(ii) for each subsequent hour or part of it	\$220.00
4.	Bailiff's expenses	
	(a) Caretaker's fee, per day or part of a day	An amount equal to the actual expenditure
	(b) Caretaker or watchman's transportation expenses	An amount equal to the actual expenditure plus 20% of that expenditure

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Schedule 2

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B1987

Column 1	Column 2	Column 3
Item	Description	Fees
5.	Taxation of costs	
	(a) Filing of a notice of commencement of taxation under Order 62, rule 21(1) of the RHC or on any assessment or determination of costs under an order made by the Tribunal or the Court of First Instance or an Ordinance (except assessment under Order 62, rule 9 or 9A of the RHC), for every \$100 or fraction of \$100 of the amount claimed—	
	(i) for the first \$100,000	\$6.00
	(ii) for the next \$150,000	\$4.00
	(iii) for the next \$250,000	\$3.00
	(iv) for the remainder	\$1.00
	(b) Withdrawal of a bill of costs within 7 days after the application for setting down the taxation under Order 62, rule 21A(1) of the RHC is made	An amount equal to 10% of the taxing fee which would be payable if the bill was to be allowed in full or \$1,000, whichever is the lesser

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Schedule 2

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B1989

Column 1	Column 2	Column 3
Item	Description	Fees
6.	Execution	
	(a) Sealing a warrant for arrest of a respondent or defendant, or for the attachment of property before judgment, per warrant	\$1,045.00
	(b) Sealing a writ of execution or writ of possession, per writ	\$1,045.00
	(c) Sealing a prohibitory order, per order	\$1,045.00
	(d) Sealing an order for the examination of a judgment debtor (or an officer of the judgment debtor), per order	\$1,045.00
	(e) Sealing a prohibition order, per order	\$1,045.00
	(f) Sealing an order imposing a pecuniary penalty under section 93 of the Ordinance, per order	\$1,045.00
	(g) Sealing an order imposing a financial penalty under section 169 of the Ordinance, per order	\$1,045.00
	(h) Sealing an order of declaration made under the Ordinance, per order	\$1,045.00

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Andrew CHEUNG
Chief Judge

26 May 2015

Explanatory Note

These Rules are made under section 158 of the Competition Ordinance (Cap. 619) for prescribing fees payable in connection with the applications to the Competition Tribunal (*Tribunal*) and proceedings in the Tribunal.

2. Rule 2 defines the terms used in the Rules.
3. Rule 3(1) read together with Schedule 1 specifies the fees payable to the Registrar of the Tribunal (*Registrar*) by reference to the corresponding fees specified in the High Court Fees Rules (Cap. 4 sub. leg. D). As a result, the fees for similar matters in the High Court and the Tribunal can be standardized. The matters covered are taking evidence, copies of documents, translations, searches, service of documents, execution of orders and bailiff's expenses.
4. Rule 3(2) read together with Schedule 2 specifies the fees payable to the Registrar in relation to other items such as commencement of proceedings, setting down for trial, taxation of costs, sealing an order imposing a financial penalty or order of declaration, etc.
5. Rule 4 empowers the Registrar to reduce, remit or defer payment of the fees.
6. Rule 5 specifies the method of evidencing the payment of the fees.