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Court Proceedings (Electronic Technology) (District Court) (Electronic Fees) Rules

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Court Proceedings (Electronic Technology) (District Court) (Electronic Fees) Rules

(Made by the Chief Justice under section 29 of the Court Proceedings (Electronic Technology) Ordinance (Cap. 638))

Part 1

Preliminary

1. Commencement

These Rules come into operation on 1 October 2021.

2. Interpretation

In these Rules—

concessionary period (寬減期) means the period of 5 years beginning on 1 October 2021;

court-related matter (法院相關事宜) means—

- (a) an act or matter that relates to a proceeding in the District Court; or
- (b) a service, or other matter, made available or provided by the District Court, the Registry or an office of the District Court;

DC Fees Rules (《區院費用規則》) means the District Court (Fees) Rules (Cap. 336 sub. leg. C);

EA Regulation (《地產代理規例》) means the Estate Agents (Registration of Determination and Appeal) Regulation (Cap. 511 sub. leg. E);

e-fee (電子費用) means a fee that is payable under these Rules for a court-related matter that is carried out by means of an e-system;

LT Fees Rules (《審裁處費用規則》) means the Labour Tribunal (Fees) Rules (Cap. 25 sub. leg. B);

RDC (《區院規則》) means the Rules of the District Court (Cap. 336 sub. leg. H);

Registrar (司法常務官) has the meaning given by section 2 of the District Court Ordinance (Cap. 336);

Registry (登記處) means the registry of the District Court.

Part 2

Application

3. Application

These Rules apply in relation to a court-related matter that is carried out by means of an e-system.

Part 3

e-fees Payable for Certain Proceedings in District Court

4. e-fees payable for District Court civil proceedings

- (1) Subject to subrule (2), the following e-fee is payable for a court-related matter described in column 2 (*relevant matter*)—
 - (a) during a period other than the concessionary period—the DC civil fee for the item that bears the item number specified in column 3 opposite to the relevant matter;
 - (b) during the concessionary period—a fee of an amount equivalent to 80% of the DC civil fee for the item that bears the item number specified in column 3 opposite to the relevant matter.
- (2) No e-fee is payable for item 4(a) of Part 1 of the Schedule.
- (3) In this rule, a reference to a column is a reference to a column of Part 1 of the Schedule.
- (4) In this rule—

DC civil fee (區院民事費用), in relation to an item, means a fee specified or described for the item in Part 1 of the Schedule to the DC Fees Rules.

5. e-fees payable for District Court criminal proceedings

- (1) Subject to subrule (2), the following e-fee is payable for a court-related matter described in column 2 (*relevant matter*)—

- (a) during a period other than the concessionary period—the DC criminal fee for the item that bears the item number specified in column 3 opposite to the relevant matter;
 - (b) during the concessionary period—a fee of an amount equivalent to 80% of the DC criminal fee for the item that bears the item number specified in column 3 opposite to the relevant matter.
- (2) No e-fee is payable for item 2(a) of Part 2 of the Schedule.
 - (3) In this rule, a reference to a column is a reference to a column of Part 2 of the Schedule.
 - (4) In this rule—

DC criminal fee (區院刑事費用), in relation to an item, means a fee specified for the item in Part 2 of the Schedule to the DC Fees Rules.

6. e-fees payable for proceedings under Part III of Cap. 7

- (1) The following e-fee is payable for distraint for rent under Part III of Cap. 7—
 - (a) during a period other than the concessionary period—the distraint fee specified for the sum sued for;
 - (b) during the concessionary period—a fee of an amount equivalent to 80% of the distraint fee specified for the sum sued for.
- (2) In this rule—

Cap. 7 (《第7章》) means the Landlord and Tenant (Consolidation) Ordinance (Cap. 7);

distrain fee (財物扣押費) means a fee specified under the column headed “Fee for every affidavit, warrant to distrain, notice or other document” in the Fourth Schedule to Cap. 7.

7. e-fees in relation to Labour Tribunal proceedings

- (1) The following e-fee is payable for a court-related matter described in column 2 (*relevant matter*)—
 - (a) during a period other than the concessionary period—the LT fee for the item that bears the item number specified in column 3 opposite to the relevant matter;
 - (b) during the concessionary period—a fee of an amount equivalent to 80% of the LT fee for the item that bears the item number specified in column 3 opposite to the relevant matter.
- (2) In this rule, a reference to a column is a reference to a column in Part 3 of the Schedule.
- (3) In this rule—

LT fee (審裁處費用), in relation to an item, means a fee specified for the item in the Schedule to the LT Fees Rules.

8. e-fees in relation to proceedings under EA Regulation

- (1) The following e-fee is payable for a court-related matter described in column 2 (*relevant matter*)—
 - (a) during a period other than the concessionary period—the EA fee for the item that bears the item number specified in column 3 opposite to the relevant matter;

- (b) during the concessionary period—a fee of an amount equivalent to 80% of the EA fee for the item that bears the item number specified in column 3 opposite to the relevant matter.
- (2) In this rule, a reference to a column is a reference to a column in Part 4 of the Schedule.
- (3) In this rule—
- EA fee* (地產代理費用), in relation to an item, means a fee specified for the item in Schedule 2 to the EA Regulation.
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Part 4

Miscellaneous

9. Rounding rule for e-fees payable during concessionary period

- (1) A concessionary fee that is less than \$5 must be rounded to the nearest 10 cents.
- (2) A concessionary fee that is \$5 or more but less than \$10 must be rounded to the nearest 50 cents.
- (3) A concessionary fee that is \$10 or more but less than \$100 must be rounded to the nearest whole dollar.
- (4) A concessionary fee that is \$100 or more but less than \$1,000 and is not a multiplier of \$5 must be rounded to the nearest multiplier of \$5.
- (5) A concessionary fee that is \$1,000 or more but less than \$10,000 and is not a multiplier of \$10 must be rounded to the nearest multiplier of \$10.
- (6) A concessionary fee that is \$10,000 or more but less than \$100,000 and is not a multiplier of \$50 must be rounded to the nearest multiplier of \$50.
- (7) A concessionary fee that is \$100,000 or more and is not a multiplier of \$100 must be rounded to the nearest multiplier of \$100.
- (8) In this rule—

concessionary fee (寬減費用) means the e-fee payable under rule 4(1)(b), 5(1)(b), 6(1)(b), 7(1)(b) or 8(1)(b).

10. Specific fee payable instead of general fee

If an e-fee is specified specifically for a court-related matter, that fee is payable in substitution for and not in addition to any other general e-fee that is also payable for the matter.

11. Power of Registrar

- (1) The Registrar may reduce, remit or defer payment of an e-fee as the Registrar considers appropriate in a particular case.
 - (2) If the Registrar exercises the power under subrule (1), the Registrar must endorse on the relevant document a note of the reduction, remission or deferment and the reason for it.
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Schedule

[rr. 4, 5, 7 & 8]

e-fees

Part 1

Fees Specified or Described in Part 1 of Schedule to DC Fees Rules

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Part 1 of Schedule to DC Fees Rules
1.	On sealing—	
	(a) a writ of summons (except a concurrent, renewed or amended writ), per writ	1(a)
	(b) an originating summons, per summons	1(b)
	(c) an originating ex parte application, per application	1(c)
	(d) any other originating document, per document	1(d)
2.	(a) Setting down a cause or issue for hearing	2(a)

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Part 1 of Schedule to DC Fees Rules
	(b) Setting down a civil appeal, motion or summons for hearing	2(b)
	(c) Entering a reference for hearing of an assessment of damages by a judge or the Registrar	2(c)
3.	Copy of a document typed in the Registry and certifying same, per page	8(a)
4.	(a) Copy of a document obtained from an e-system	9(a)
	(b) Copy of a document made in the Registry and certification, per page	9(b)
5.	(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)

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Part 1 of Schedule to DC Fees Rules
6.	(a) Certifying translation made outside the Registry from Chinese into English, or vice versa, per page	11(a)
	(b) Certifying transcription made outside the Registry from Chinese into English, or vice versa, of a tape or recording, per page	11(b)
7.	Search in the Registry, for each document or file referred to or required	12
8.	On sealing—	
	(a) a warrant for arrest of a defendant or for the attachment of property before judgment, per warrant	16(a)
	(b) a writ of execution or writ of possession, per writ	16(b)
	(c) a prohibitory order, per order	16(c)
	(d) an order for the examination of a judgment debtor (or an officer of a judgment debtor), per order	16(d)

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Part 1 of Schedule to DC Fees Rules
	(e) a prohibition order, per order	16(e)
9.	On the filing of a notice of commencement of taxation under Order 62, rule 21(1) of the RDC or on any assessment or determination of costs pursuant to any court order or Ordinance (except assessment under Order 62, rule 9 or 9A of the RDC), for every \$100 or fraction of \$100 of the amount claimed	20
10.	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 RDC is made	20a
11.	Authentication of a document by the Registrar	21
12.	On sealing a notice in Form No. 80 under Order 50, rule 11(2) of the RDC, per notice	22
13.	On sealing an injunction order undertaken before commencement of a cause, per order	23

Part 2

Fees Specified in Part 2 of Schedule to DC Fees Rules

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Part 2 of Schedule to DC Fees Rules
1.	Copy of a document typed in the Registry and certifying same, per page	1(a)
2.	(a) Copy of a document obtained from an e-system	2(a)
	(b) Copy of a document made in the Registry and certification, per page	2(b)
3.	Search in the Registry, for each document or file referred to or required	3
4.	Authentication of a document by the Registrar	4

Part 3

Fees Specified in Schedule to LT Fees Rules

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Schedule to LT Fees Rules
1.	Registration of an award or order with the District Court	6

Part 4

Fees Specified in Schedule 2 to EA Regulation

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Schedule 2 to EA Regulation
1.	Registration of a determination with the District Court	2
2.	Filing of notice of appeal in the District Court	3
3.	Copy of document in the register and certification for each page or portion of a page	4

Andrew CHEUNG
Chief Justice

25 May 2021

Explanatory Note

Under section 29 of the Court Proceedings (Electronic Technology) Ordinance (Cap. 638), the Chief Justice is empowered to make rules, among other purposes, to—

- (a) provide for fees payable in respect of court-related matters that are carried out by an electronic mode and specified in the rules; and
 - (b) provide for fee concessions in respect of particular court-related matters for a specified period.

2. These Rules provide for the fees payable in respect of court-related matters carried out by means of an e-system in relation to the following proceedings in the District Court (*e-fees*)—
 - (a) District Court civil proceedings;
 - (b) District Court criminal proceedings;
 - (c) proceedings under Part III of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7);
 - (d) Labour Tribunal proceedings; and
 - (e) proceedings under the Estate Agents (Registration and Appeal) Regulation (Cap. 511 sub. leg. E).

3. The Rules also provide for matters relating to the concessions for e-fees, including—
 - (a) a concession of 20% for certain e-fees;
 - (b) a concessionary period of 5 years; and
 - (c) the rounding rules for the concessionary e-fees.