

L.N. 81 of 2021

Court Proceedings (Electronic Technology) (Magistrates' 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 a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Interpretation

In these Rules—

concessionary period (寬減期) means the period of 5 years beginning on the day on which these Rules come into operation;

court-related matter (法院相關事宜) means—

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

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;

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Fees Regulations (《費用規例》) means the Magistrates (Fees) Regulations (Cap. 227 sub. leg. B);

magistrate (裁判官) has the meaning given by section 2 of the MO;

MO (《裁判官條例》) means the Magistrates Ordinance (Cap. 227).

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 Proceedings in Magistrates' Court

4. e-fees payable for Magistrates' Court 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 MC 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 MC 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 3(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—

MC fee (裁判法院費用), in relation to an item, means a fee specified for the item in the scale of fees in regulation 2 of the Fees Regulations.

5. e-fees payable for appeal by way of case stated

- (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 MO 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 MO 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 of Part 2 of the Schedule.

(3) In this rule—

MO fee (裁判官條例費用), in relation to an item, means a fee specified for the item in section 110(4) of the MO.

6. e-fees payable for certificate of refusal to state a case

(1) The following e-fee is payable for a certificate of refusal to state a case under section 111 of the MO—

(a) during a period other than the concessionary period—a fee of an amount equivalent to the MO sum;

(b) during the concessionary period—a fee of an amount equivalent to 80% of the MO sum.

(2) In this rule—

MO sum (裁判官條例款項) means the sum specified in section 111 of the MO.

Part 4

Miscellaneous

7. 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) or 6(1)(b).

8. 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.

Schedule

[rr. 4 & 5]

e-fees

Part 1

Fees Specified in Scale of Fees in Regulation 2 of Fees Regulations

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Scale of Fees in regulation 2 of Fees Regulations
1.	For affixing the signature of a magistrate, with or without the magistrate's seal, to any statutory declaration or other document made or required for a purpose other than in or for a magisterial proceeding or matter exclusively within the duties of the office of a magistrate	1
2.	Typed copy of depositions, charges or documentary exhibits in summary cases, per page	2(a)

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in Scale of Fees in regulation 2 of Fees Regulations
3.	(a) Copy of a document obtained from an e-system	3(a)
	(b) Copy and certification, per page	3(b)
4.	(a) Translation made in the magistracy of a document from Chinese into English, or vice versa, including certificate, per page	4(a)
	(b) Transcription and translation made in the magistracy, from Chinese into English, or vice versa, of a tape or recording including certificate, per page	4(b)
5.	(a) Certifying translation made outside the magistracy, from Chinese into English, or vice versa, per page	5(a)
	(b) Certifying transcription made outside the magistracy, from Chinese into English, or vice versa, of a tape or recording, per page	5(b)

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in Scale of Fees in regulation 2 of Fees Regulations
6.	Search in the magistracy, for each document or file referred to or required	6

Part 2

Fees Specified in Section 110(4) of MO

Column 1	Column 2	Column 3
Item	Description	Corresponding item in section 110(4) of MO
1.	Recognizance	1

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 proceedings in the Magistrates' Court (*e-fees*).
3. These 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.