

L.N. 113 of 2024

Court Proceedings (Electronic Technology) (Small Claims Tribunal) (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 31 October 2024.

2. Interpretation

In these Rules—

concessionary period (寬減期) means the period of 3 years beginning on the earliest date specified under section 32(2) of the Ordinance in relation to the Tribunal;

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

Fees Rules (《費用規則》) means the Small Claims Tribunal (Fees) Rules (Cap. 338 sub. leg. B);

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 Tribunal;

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SCT-related matter (審裁處相關事宜) means—

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

Tribunal (審裁處) means the Small Claims Tribunal established by section 3 of the Small Claims Tribunal Ordinance (Cap. 338).

Part 2

Application

3. Application

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

Part 3

e-fees Payable for Certain Proceedings in Tribunal

4. e-fees payable for Tribunal proceedings

- (1) Subject to subrule (2), the following e-fee is payable for an SCT-related matter described in column 2 (*relevant matter*)—
 - (a) during a period other than the concessionary period—the SCT 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 SCT 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 9 of the Schedule.
- (3) In this rule, a reference to a column is a reference to a column of the Schedule.
- (4) In this rule—

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

5. e-fees payable for applications for certified copies of Hong Kong Judgments

The following e-fee is payable for an application under section 33(1) of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Ordinance (Cap. 645)—

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- (a) during a period other than the concessionary period—the prescribed fee mentioned in section 33(2)(b) of that Ordinance;
 - (b) during the concessionary period—a fee of an amount equivalent to 80% of that prescribed fee.
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Part 4

Miscellaneous

6. 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) In this rule—

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

7. Specific fee payable instead of general fee

If an e-fee is specified specifically for an SCT-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.

8. 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.

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- (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

[r. 4]

Fees Specified or Described in Schedule to Fees Rules

Column 1	Column 2	Column 3
Item	Description	Corresponding item in Schedule to Fees Rules
1.	Filing of a claim or counterclaim where the amount claimed—	
	(a) does not exceed \$5,000	1(a)
	(b) exceeds \$5,000 but does not exceed \$25,000	1(b)
	(c) exceeds \$25,000 but does not exceed \$50,000	1(c)
	(d) exceeds \$50,000 but does not exceed \$75,000	1(d)
2.	Filing and service of an inter-partes summons, each summons	1A
3.	Filing and service of a summons, each witness	2
4.	Filing of an amended document	2A
5.	Filing of a writ of execution	2B

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in Schedule to Fees Rules
6.	Application to set aside an award or order	2C
7.	Application for review	3
8.	Application for leave to appeal	4
9.	Copy of a document obtained from an e-system	5
10.	Copy of a document made in the Registry and certification, for each page or portion of a page	6(a)
11.	Translation of any document made in the Registry and certificate, per page	7
12.	Certifying translation made elsewhere, per page	8
13.	Transcription made in the Registry—	
	(a) per English word	8A(a)
	(b) per Chinese character	8A(b)
14.	Authentication of documents by the Registrar	8B

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Column 1	Column 2	Column 3
Item	Description	Corresponding item in Schedule to Fees Rules
15.	Every search in the Registry for each register, file or document	9
16.	Filing any affidavit or declaration (other than affidavit or declaration of a bailiff of court), not including administering any oath or taking any declaration in the Registry	14
17.	Filing any notice or document mentioned in item 16 of the Schedule to the Fees Rules in the Tribunal (other than a notice or document expressing an intention not to proceed with a claim, counterclaim or defence)	16
18.	Sealing any document mentioned in item 17 of the Schedule to the Fees Rules in connection with proceedings in the Tribunal	17

Andrew CHEUNG
Chief Justice

27 June 2024

Explanatory Note

Under section 29 of the Court Proceedings (Electronic Technology) Ordinance (Cap. 638), the Chief Justice may 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 certain matters carried out by means of a designated information system in relation to proceedings in the Small Claims Tribunal (*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 3 years; and
 - (c) the rounding rules for the concessionary e-fees.