

L.N. 154 of 2008**HIGH COURT FEES (AMENDMENT) RULES 2008**

(Made by the Rules Committee of the High Court under section 54 of the High Court Ordinance (Cap. 4))

1. Commencement

These Rules shall come into operation on the day appointed for the commencement of the Civil Justice (Miscellaneous Amendments) Ordinance 2008 (3 of 2008).

2. Rule added

The High Court Fees Rules (Cap. 4 sub. leg. D) are amended by adding—

“5. Transitional provision relating to the High Court Fees (Amendment) Rules 2008

Where a party entitled to require any costs to be taxed has obtained an appointment to tax before the commencement of rule 3(a) and (b) (“the amending rule”) of the High Court Fees (Amendment) Rules 2008 (L.N. 154 of 2008)—

- (a) nothing in the amending rule applies in relation to the taxation; and
- (b) items 19 and 19a in the First Schedule as in force immediately before the commencement of the amending rule continue to apply in relation to the taxation as if they had not been amended by the amending rule.”.

3. First Schedule amended

The First Schedule is amended—

- (a) in item 1, by repealing “\$1,045.00” and substituting—
“\$1,045.00
(but no fee is payable on sealing of an originating document by which proceedings are instituted pursuant to leave granted under section 27A of the Ordinance)”;

- (b) in item 19, by repealing everything from “On” to “allowed” and substituting—
 “On the filing of a notice of commencement of taxation under Order 62, rule 21(1) of the Rules of the High Court (Cap. 4 sub. leg. A) 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 Rules of the High Court (Cap. 4 sub. leg. A)), for every \$100 or fraction of \$100 of the amount claimed”;
- (c) in item 19a, by repealing everything from “Processing” to “taxation” and substituting—
 “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 Rules of the High Court (Cap. 4 sub. leg. A) is made”;
- (d) in item 23, by adding “or of an order made under section 21M of the Ordinance” after “a cause”;
- (e) by adding—
 “25. Filing a notice of application for leave to institute or continue proceedings under Order 32A, rule 2 of the Rules of the High Court (Cap. 4 sub. leg. A) \$1,045.00”.

Made this 4th day of June 2008.

The Hon. Mr. Justice MA
Chief Judge of the High Court

The Hon. Mr. Justice A. CHEUNG

The Hon. Mr. Justice REYES

Mr. MOK Yeuk-chi

Mr. Godfrey LAM

Mr. Andrew JEFFRIES

Mr. Thomas SO

Mr. Wesley WONG

Mr. Kim-wan LUNG
Secretary

Explanatory Note

These Rules amend the High Court Fees Rules (Cap. 4 sub. leg. D) (“the principal Rules”).

2. Rule 2 adds a new rule to the principal Rules to provide for the transitional arrangement relating to the amendments to items 19 and 19a in the First Schedule to the principal Rules, effected by rule 3 of these Rules.

3. Rule 3(a) amends item 1 in the First Schedule to the principal Rules to provide that the fee prescribed in that item is not payable on sealing of an originating document by which proceedings are instituted pursuant to leave to institute proceedings by a person who is subject to a vexatious litigant order.

4. Rule 3(b) amends item 19 in the First Schedule to the principal Rules to provide that the fee prescribed in that item is payable on the filing of a notice of commencement of taxation or on any assessment or determination of costs pursuant to any court order or Ordinance. The prescribed fee is however not payable on the summary assessment of costs under Order 62, rule 9 or 9A of the Rules of the High Court (Cap. 4 sub. leg. A). It should also be noted that amount of the fee is determined on the basis of the amount claimed instead of on the basis of the amount allowed.

5. Rule 3(c) amends item 19a in the First Schedule to the principal Rules to provide that the fee prescribed in that item is payable where a bill of costs is withdrawn within 7 days after the application for setting down the taxation is made.

6. Rule 3(d) amends item 23 in the First Schedule to the principal Rules to provide that the fee prescribed in that item is also payable on sealing of an order made under section 21M (Interim relief in the absence of substantive proceedings) of the High Court Ordinance (Cap. 4).

7. Rule 3(e) adds a new item 25 to the First Schedule to the principal Rules to prescribe the fee payable for applying for leave to institute or continue proceedings by a person who is subject to a vexatious litigant order.