

L.N. 156 of 2008**DISTRICT COURT CIVIL PROCEDURE (FEES)
(AMENDMENT) RULES 2008**

(Made by the District Court Rules Committee under section 72
of the District Court Ordinance (Cap. 336))

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 District Court Civil Procedure (Fees) Rules (Cap. 336 sub. leg. C) are amended by adding—

**“8. Transitional provision relating to
the District Court Civil Procedure
(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 District Court Civil Procedure (Fees) (Amendment) Rules 2008 (L.N. 156 of 2008)—

- (a) nothing in the amending rule applies in relation to the taxation; and
- (b) items 20 and 20a in the 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. Schedule amended

The Schedule is amended—

- (a) in item 20, 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 District Court (Cap. 336 sub. leg. H) 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 District Court (Cap. 336 sub. leg. H)), for every \$100 or fraction of \$100 of the amount claimed”;
- (b) in item 20*a*, 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 District Court (Cap. 336 sub. leg. H) is made”.

Made this 4th day of June 2008.

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

H. H. Judge CARLSON

H. H. Judge LOK

Mr. P. Y. LO

Mr. Thomas SO

Mr. Siu-tung POON
Secretary

Explanatory Note

These Rules amend the District Court Civil Procedure (Fees) Rules (Cap. 336 sub. leg. C) (“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 20 and 20*a* in the Schedule to the principal Rules, effected by rule 3 of these Rules.

3. Rule 3(*a*) amends item 20 in the 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 District Court (Cap. 336 sub. leg. H). 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.

4. Rule 3(*b*) amends item 20*a* in the 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.