

立法會
Legislative Council

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Tel : 2869 9205

Date : 27 February 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 March 2009

**Proposed resolution under
the Matrimonial Causes Ordinance**

I forward for Members' consideration a proposed resolution which the Chief Secretary for Administration will move at the Council meeting of 18 March 2009 under the Matrimonial Causes Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Chief Secretary for Administration will deliver when moving the proposed resolution, is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

MATRIMONIAL CAUSES ORDINANCE

RESOLUTION

(Under section 54 of the Matrimonial Causes Ordinance (Cap. 179))

RESOLVED that the Matrimonial Causes (Fees) (Amendment) Rules 2009,
made by the Chief Judge on 24 February 2009, be approved.

MATRIMONIAL CAUSES (FEES) (AMENDMENT) RULES 2009

(Made by the Chief Judge under section 54 of the Matrimonial Causes Ordinance (Cap. 179) with the approval of the Legislative Council)

1. Commencement

These Rules 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 Matrimonial Causes (Fees) Rules (Cap. 179 sub. leg. B) are amended by adding –

“4. Transitional provision relating to the Matrimonial Causes (Fees) (Amendment) Rules 2009

Where a party entitled to require any costs to be taxed has obtained an appointment to tax before the commencement of rule 3(*b*) and (*c*) (“the amending rule”) of the Matrimonial Causes (Fees) (Amendment) Rules 2009 (L.N. of 2009) –

- (*a*) nothing in the amending rule applies in relation to the taxation; and
- (*b*) item 13 in the Schedule as in force immediately before the commencement of the amending rule continues to apply in relation to the taxation as if it had not been amended by the amending rule.”.

3. Schedule amended

The Schedule is amended –

- (*a*) by repealing “[r. 2]” and substituting “[rr. 2 & 4]”;

- (b) in item 13, by repealing everything from “On” to “allowed” and substituting –

“On filing 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 Order 62, rule 21(1) of the Rules of the District Court (Cap. 336 sub. leg. H), for every \$100 or fraction of \$100 of the amount claimed”;

- (c) by adding –

“13A. 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) or 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 \$ 5

13B. 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) or Order 62, rule 21A(1) of the Rules of the District Court (Cap. 336 sub. leg. H) is made 10% of the

taxing fee
which would
be payable if
the bill was
to be allowed
in full or
\$1,000,
whichever is
the less”.

Chief Judge

24 February 2009

Explanatory Note

These Rules amend the Matrimonial Causes (Fees) Rules (Cap. 179 sub. leg. B) (“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 the Schedule to the principal Rules, effected by rule 3 of these Rules.
3. Rule 3(a) consequentially amends the Schedule to the principal Rules upon the addition of new rule 4.
4. Rule 3(b) amends item 13 in the Schedule to the principal Rules to provide that the fee specified in that item is payable on filing a notice of commencement of taxation instead of on the taxation of a bill of costs.

5. Rule 3(c) adds new items 13A and 13B to the Schedule to the principal Rules. New item 13A specifies the fee payable on any assessment or determination of costs pursuant to any court order or Ordinance. The specified fee is however not payable on summary assessment of costs. New item 13B specifies the fee payable where a bill of costs is withdrawn within 7 days after the application for setting down the taxation is made.

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council on 18 March 2009**

**Matrimonial Causes Ordinance (Cap. 179)
Matrimonial Causes (Fees) (Amendment) Rules 2009**

Mr President,

I move that the resolution standing in my name on the agenda be passed. This motion aims to seek the approval of the Legislative Council for the Matrimonial Causes (Fees) (Amendment) Rules 2009 made by the Chief Judge of High Court under the Matrimonial Causes Ordinance.

2. At present, the taxation procedure under the Rules of the High Court and Rules of the District Court shall apply to matrimonial proceedings. Under the Civil Justice Reform, the taxation procedure was revised in 2008 to facilitate early settlement and to deter inflation of the amount claimed under a bill of costs. The Matrimonial Causes (Fees) (Amendment) Rules 2009, which are consequential legislative amendments in nature, aim to prescribe the relevant fees required for the application of the revised taxation procedure to matrimonial proceedings.

3. I invite Members to approve the resolution. Thank you.
