

HIGH COURT FEES (AMENDMENT) RULES 2008

HIGH COURT FEES RULES (Cap. 4D)

Remarks

1. Citation

These rules may be cited as the High Court Fees Rules.

2. Fees payable in the High Court

(1) The fees respectively specified in the First and Second Schedules shall be payable in respect of all proceedings in any action or matter whatsoever in the High Court, whenever commenced. (25 of 1998 s. 2)

(2) The Registrar may reduce, remit or defer payment of any fee specified in the First or Second Schedule as he may think fit in any particular case and shall in every case where he exercises this power endorse on the relevant document a note of such reduction, remission or deferment and the reason therefor.

3. Method of payment of fees

Unless otherwise in the Schedules provided, the said fees shall be payable by means of adhesive stamps, or by causing the relevant documents to be franked with the amount of fees.

4. Application to the Crown

These rules shall apply to all proceedings by or against the Crown.

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

Rule 2

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.

Remarks

Schedule 1

COMMENCEMENT OF A CAUSE OR MATTER

Fee

1. On sealing –
- (a) a writ of summons (except a concurrent, renewed or amended writ);
 - (b) an originating summons;
 - (c) an originating notice of motion;
 - (d) an originating petition;
 - (e) an originating ex parte application;
 - (f) any other originating document.

In each case
\$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)

Rule 3

ENTRY OR SETTING DOWN FOR TRIAL IN COURT

2. (a) Setting down a cause or issue for hearing;
- (b) Setting down a civil appeal, motion or summons for hearing;
- (c) Entering a reference for hearing of an assessment of damages by the Registrar.

In each case
\$1,045.00

TAKING EVIDENCE, ETC.

3. For every witness examined de bene esse by a judge or the Registrar, per day or part thereof.....

\$ 880.00

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4.	Attendance of a public officer to produce or prove in the High Court any record or document (25 of 1998 s. 2).....	\$ 440.00
5.	Attendance of a public officer to give evidence as an expert witness, per hour or part thereof	\$ 440.00 (or such other fee as is specially assessed by the judge or Registrar)
6.	Attendance of a public officer to give evidence other than as an expert witness, per hour or part thereof	\$ 220.00 (with a minimum of \$ 440.00)
7.	Attendance by the Registrar or officer outside the High Court (25 of 1998 s.2).....	\$1,045.00

COPIES, TRANSLATIONS AND SEARCHES

8.	(a) Copy of documents typed in the Registry and certifying same, per page	\$ 36.00
	(b) Additional copies, per page.....	\$ 4.00
9.	(a) Photostatic copy of a document made in the Registry, per page	\$ 4.00
	(b) Photostatic copy and certification, per page	\$ 5.50
	(c) Photostatic copy of a library book, per page.....	\$ 4.00
10.	(a) Translation made in the Registry of a document from Chinese into English, or vice versa including certificate, per page.....	\$ 72.00
	(b) Transcription and translation made in the Registry, from Chinese into English, or vice versa, of a tape or recording including certificate, per page.....	\$ 132.00
	(c) (Repealed L.N. 364 of 1992)	
11.	(a) Certifying translations made outside the Registry, from Chinese into English, and vice versa, per page	\$ 36.00
	(b) Certifying transcription made outside the Registry, from	

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Chinese into English, and vice versa, of a tape or recording, per page \$ 36.00

12. Search in the Registry, for each document or file referred to or required \$ 18.00

SERVICE

13. Service of a document by a bailiff, per document..... \$ 110.00

14. Arresting any person \$ 630.00

15. Execution of writ of possession..... \$1,045.00

EXECUTION

16. On sealing –

(a) a warrant for arrest of a defendant, for the arrest and detention of a ship or for the attachment of property before judgment;

(b) a writ of execution or writ of possession;

(c) a writ of habeas corpus;

(d) a prohibitory order;

(e) an order for the examination of a judgment debtor (or an officer thereof);

(f) a prohibition order. In each case \$1,045.00

BAILIFF’S EXPENSES

17. (a) Watchman’s fee, per day or part thereof \$ 330.00

(b) Caretaker’s fee, per day or part thereof Actual expenditure (L.N. 364 of 1992)

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18. Caretaker or watchman’s transportation expenses..... Actual expenditure plus 20% thereof being administrative charges (L.N. 364 of 1992)

TAXATION OF COSTS

19. ~~On the taxation of a bill of costs or any assessment under Order 62, rule 21(4), for every \$100 or fraction of \$100 of the amount allowed~~ Rule 3
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
- (a) for the first \$100,000 \$ 6.00
- (b) for the next \$150,000 \$ 4.00
- (c) for the next \$250,000 \$ 3.00
- (d) for the remainder \$ 1.00

- 19a. ~~Processing of a bill of costs which is withdrawn less than 7 days before the appointment for taxation~~ **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** 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 (L.N. 345 of 1989)

MISCELLANEOUS FEES

20. On the sale of a ship or goods in an admiralty case, for every \$1,500 or part thereof of the price \$ 15.00
21. Authentication of document by the Registrar \$ 125.00

Remarks

22. On sealing of a notice in Form No. 80 under Order 50, rule 11(2) (L.N. 364 of 1992)	\$1,045.00	
23. On sealing of an injunction order undertaken before commencement of a cause <u>or of an order made under section 21M of the Ordinance</u> (L.N. 364 of 1992)	\$1,045.00	Rule 3
24. Registration of an enduring power of attorney (L.N. 283 of 1997).....	\$ 440.00	

(Enacted. 1988. L.N. 364 of 1992; L.N. 141 of 1994; L.N. 337 of 2000; L.N. 25 of 2001)

<u>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)</u>	<u>\$1,045.00</u>	
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Schedule 2

PROBATE JURISDICTION

		[rule 2] Fee
1. Filing application (except an amended application) for probate or letters of administration or application for resealing of the same	\$ 265.00	
*2. (Repealed 21 of 2005 s. 30)		
3. Double or cessate probates, or cessate letters of administration or letters of administration de bonis non, or duplicate probates or letters of administration	\$ 145.00	
4. Probate of a codicil, or letters of administration with a codicil to a will already proved (L.N. 364 of 1992)	\$ 145.00	
5. Exemplification of a probate or letters of administration, in addition to the fees for engrossing	\$ 145.00	
6. Engrossing wills and other documents, per page	\$ 72.00	
7. Every search	\$ 18.00	
8. Commission of appraisalment	\$ 72.00	
9. Caveat, each	\$ 72.00	
10. Warning to caveat	\$ 145.00	
11. Service of warning	\$ 44.00	
12. Removing caveat	\$ 36.00	

Remarks

13. Approving and settling administrator's bond and filing	\$ 145.00
14. Making alteration in grant pursuant to order	\$ 72.00
15. Every citation	\$ 72.00
16. Settling citation or abstract of citation for advertisement, per page	\$ 72.00
17. Filing inventory	\$ 36.00
18-20. (Repealed L.N. 364 of 1992)	
21. Any other matter or proceeding not herein specified-the same fee as charged from time to time in the First Schedule in respect of a similar matter or proceeding. (Enacted. 1988. L.N. 364 of 1992; L.N. 141 of 1994; L.N. 337 of 2000; L.N. 25 of 2001)	

Note:

* This item is repealed by the Revenue (Abolition of Estate Duty) Ordinance 2005 (21 of 2005). For savings provision, please see section 40 of that Ordinance.