

《律政人員 (費用及訟費) 規則》
(第 87 章，附屬法例 A)
Legal Officers (Fees and Costs) Rules
(Cap. 87 sub. leg. A)

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經核證文本
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(《法例發布條例》(第 614 章) 第 5 條)
 (Legislation Publication Ordinance (Cap. 614), section 5)

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尚未實施的條文 / 修訂 —

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

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制定史

本為 1953 年 A131 號政府公告 —— 1959 年 A3 號政府公告，1977 年編正版，1995 年第 (C)84 號法律公告 (中文真確本)，1997 年第 94 號，1997 年第 362 號法律公告，1998 年第 25 號，2007 年第 7 號法律公告，2021 年第 5 號編輯修訂紀錄

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《律政人員（費用及訟費）規則》

（第 87 章，附屬法例 A）

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Legal Officers (Fees and Costs) Rules

(Cap. 87 sub. leg. A)

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《律政人員 (費用及訟費) 規則》

(第 87 章第 10 條)

[1953 年 10 月 9 日]

(格式變更——2021 年第 5 號編輯修訂紀錄)

1. 引稱

本規則可引稱為《律政人員 (費用及訟費) 規則》。

2. 爭訟性法律程序中的費用及訟費

(1) 就本條例第 4(1) 條所提述的事宜而在任何法庭或審裁處進行的任何法律程序中，進行該等法律程序以及任何律政人員出席聆訊的費用及訟費以及附帶費用及訟費，須由《高等法院規則》(第 4 章，附屬法例 A) 第 62 號命令規限。(2021 年第 5 號編輯修訂紀錄)

(2) 為施行《高等法院規則》(第 4 章，附屬法例 A)，以及在應用與費用及訟費有關的任何其他法例條文或慣例時，律政人員須當作具有根據《法律執業者條例》(第 159 章) 獲妥為認許的大律師及律師的地位：(2007 年第 7 號法律公告；2021 年第 5 號編輯修訂紀錄)

但在考慮任何項目時，若該項目是載於由私人開出或對私人開出的帳單中則會——

- (a) 包括純粹為延聘大律師而准予支付給律師的訟費；或
- (b) 包括純粹為大律師被律師延聘而須支付給該名大律師的費用；或
- (c) 涉及就同一事件而向律師及大律師付給酬金，

Legal Officers (Fees and Costs) Rules

(Cap. 87, section 10)

[9 October 1953]

(Format changes—E.R. 5 of 2021)

1. Citation

These rules may be cited as the Legal Officers (Fees and Costs) Rules.

2. Fees and costs in contentious proceedings

(1) In any proceedings before any court or tribunal with regard to the matters referred to in section 4(1) of the Ordinance the fees and costs of and incidental to the conduct of such proceedings and the appearance of any legal officer shall be governed by Order 62 of the Rules of the High Court (Cap. 4 sub. leg. A). (E.R. 5 of 2021)

(2) For the purpose of the Rules of the High Court (Cap. 4 sub. leg. A), and in the application of any other legislative provision as to fees and costs or the practice relating thereto, a legal officer shall be deemed to have the status of a barrister and solicitor duly admitted under the Legal Practitioners Ordinance (Cap. 159): (E.R. 5 of 2021)

Provided that, in consideration of an item which in a bill rendered by or against a private party would—

- (a) consist of costs allowable to a solicitor solely in relation to employment of counsel; or
- (b) consist of fees payable to counsel solely in relation to his instruction by a solicitor; or

司法常務官或司法常務主任在評定訟費時，須獲通知在該案件的準備工作或聆訊上是有一名或多於一名律政人員參予，並須將此事列入考慮範圍。

- (3) 在任何上述法律程序中，如當其時正執行律政司司長或法律政策專員職責的律政人員在任何法庭或審裁處席前出席，則不論該律政人員是否資深大律師，該法庭或審裁處，或司法常務官或司法常務主任在評定訟費時，可按首席大律師出席聆訊所引致的收費而規定費用及訟費。*(1997 年第 94 號第 16 條；1997 年第 362 號法律公告)*
(1998 年第 25 號第 2 條)

3. 非爭訟性法律程序

就任何關於支付非爭訟事宜中的費用及訟費的協議而言，律政人員須當作具有根據《法律執業者條例》(第 159 章)獲妥為認許的大律師及律師的地位。

(2007 年第 7 號法律公告)

- (c) involve remuneration to both solicitor and counsel in respect of the same event,

the Registrar upon taxation shall be informed and shall take into consideration whether one or more legal officers were engaged upon preparation or upon hearing of the case.

- (3) If in any such proceedings the legal officer for the time being carrying out the duties of Secretary for Justice or Solicitor General appears before any court or tribunal, whether or not that legal officer is a Senior Counsel, the court or tribunal, or the Registrar upon taxation, may provide for such fees and costs as are consequent upon the appearance of leading counsel. *(94 of 1997 s. 16; L.N. 362 of 1997)*

(25 of 1998 s. 2)

3. Non-contentious proceedings

For the purpose of any agreement for the payment of fees and costs in non-contentious matters a legal officer shall be deemed to have the status of a barrister and solicitor duly admitted under the Legal Practitioners Ordinance (Cap. 159).