

296. General rules and fees

- (1) The Chief Justice may, with the approval of the Legislative Council, make general rules for carrying into effect the objects of this Ordinance and the Companies Ordinance (Cap. 622) so far as relates to the winding up of companies. (*Amended 28 of 2012 ss. 912 & 920*)
- (2) All rules and orders made under this section shall be judicially noticed, and shall have effect as if enacted by this Ordinance.
- (2A) An answer given by a person to a question put to him in exercise of powers conferred by rules made under this section may be used in evidence against him. (*Added 72 of 1994 s. 10*)
- (3) There shall be paid in respect of the relevant proceedings, where no fee is otherwise fixed, such fees as the Chief Justice may, with the approval of the Legislative Council, by order direct, and he may direct by whom and in what manner the same are to be collected and accounted for. (*Amended 28 of 2012 ss. 912 & 920*)
- (3A) In subsection (3)—
relevant proceedings (有關法律程序) means—
 - (a) proceedings under this Ordinance (other than winding up proceedings); or
 - (b) proceedings in the winding up of companies, including those where proceedings under this Ordinance or the Companies Ordinance (Cap. 622) are taken with respect to a company which is being wound up. (*Added 28 of 2012 ss. 912 & 920*)
- (4) The amount of any fees prescribed under this section shall not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred by the Official Receiver in the winding up of companies or of any particular company. (*Added 38 of 1987 s. 5*)
- (5) Without prejudice to the generality of subsection (4), fees referred to in that subsection may be fixed by reference to a scale of fees and percentages. (*Added 38 of 1987 s. 5*)
- (6) Rules or orders made under this section may authorize the court to fix any fee or to vary the amount of any fee otherwise prescribed. (*Added 38 of 1987 s. 5*)
- (7) No fee prescribed under this section shall be invalid by reason only of the amount of that fee. (*Added 38 of 1987 s. 5*)
- (8) Fees required to be paid under rules or orders made under this section shall be recoverable as debt. (*Added 38 of 1987 s. 5. Amended L.N. 587 of 1995*)
- (9) Rules or orders made under this section before the commencement of the Companies (Amendment)(No. 2) Ordinance 1987 (38 of 1987) and in force immediately before such commencement shall have effect as from the commencement of that Ordinance as if made under this section as amended by that Ordinance. (*Added 38 of 1987 s. 5*)

(*Amended 6 of 1984 s. 208; 38 of 1987 s. 5*)

[*cf. 1929 c. 23 s. 305 U.K.*]