

立法會
Legislative Council

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Date : 17 June 2003

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 July 2003

**Proposed resolution under
the Criminal Procedure Ordinance**

I forward for Members' consideration a proposed resolution which the Chief Secretary for Administration will move at the Council meeting of 2 July 2003 under the Criminal Procedure 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 the English version, which the Chief Secretary for Administration will deliver when moving the proposed resolution, is also attached. The Chinese version of the speech will be issued as soon as it is available.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

CRIMINAL PROCEDURE ORDINANCE

RESOLUTION

(Under section 9A of the Criminal Procedure
Ordinance (Cap. 221))

RESOLVED that the Legal Aid in Criminal Cases (Amendment)
Rules 2003, made by the Criminal Procedure Rules
Committee on 12 June 2003, be approved.

LEGAL AID IN CRIMINAL CASES (AMENDMENT) RULES 2003

(Made by the Criminal Procedure Rules Committee under section 9A of the Criminal Procedure Ordinance (Cap. 221) with the approval of the Legislative Council)

1. Solicitor and counsel fees

Rule 21(1) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) is amended -

- (a) in subparagraph (a), by repealing "\$7,100", "\$870" and "\$4,620" and substituting "\$6,790", "\$830" and "\$4,420" respectively;
- (b) in subparagraph (aa), by repealing "\$9,570", "\$1,200" and "\$6,180" and substituting "\$9,160", "\$1,150" and "\$5,910" respectively;
- (c) in subparagraph (ab), by repealing "\$7,660", "\$950" and "\$4,970" and substituting "\$7,330", "\$910" and "\$4,760" respectively;
- (d) in subparagraph (b), by repealing "\$5,060", "\$1,210" and "\$3,030" and substituting "\$4,840", "\$1,160" and "\$2,900" respectively;
- (e) in subparagraph (c), by repealing "\$17,560" and "\$9,730" and substituting "\$16,800" and "\$9,310" respectively;
- (f) in subparagraph (d), by repealing "\$21,330" and substituting "\$20,410";
- (g) in subparagraph (da), by repealing "\$28,430" and substituting "\$27,210";
- (h) in subparagraph (db), by repealing "\$22,740" and substituting "\$21,760";
- (i) in subparagraph (e), by repealing "\$14,210" and substituting "\$13,600";

- (j) in subparagraph (g), by repealing "\$1,130" and substituting "\$1,080";
- (k) in subparagraph (h), by repealing "\$920" and substituting "\$880";
- (l) in subparagraph (l), by repealing "\$8,530" and substituting "\$8,160";
- (m) in subparagraph (m), by repealing "\$2,310" and "\$1,890" and substituting "\$2,210" and "\$1,810" respectively;
- (n) in subparagraph (n), by repealing "\$8,530" and "\$4,260" and substituting "\$8,160" and "\$4,080" respectively;
- (o) in subparagraph (o), by repealing "\$2,830" and substituting "\$2,710".

Made this 12th day of June 2003.

Explanatory Note

These Rules reduce the scale of fees payable to solicitors and counsel assigned under the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) to represent persons receiving legal aid.

**Speech made by the Chief Secretary for Administration
The Honourable Donald TSANG, GBM, JP
in the Legislative Council on 2 July 2003**

Legal Aid in Criminal Cases (Amendment) Rules 2003

Madam President,

I move the resolution standing in my name on the agenda.

2. Rule 21(1) of the Legal Aid in Criminal Cases Rules, made under section 9A of the Criminal Procedure Ordinance (Cap. 221), sets out a scale of maximum fees payable to lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of the Legal Aid Department. The Department of Justice uses the same scale of fees to engage counsel in private practice to appear for the HKSAR in criminal cases. Fees payable to duty lawyers providing legal assistance under the Duty Lawyer Scheme follow the same scale.

3. As agreed by the Finance Committee in October 1992, the fees are reviewed by the Administration on a biennial basis to take account inter-alia of changes in consumer prices. We have recently completed the 2002 review and concluded that the fees should be adjusted downward by 4.3% in accordance with the decrease in the CPI(C) during the reference period (i.e. April 2000 to March 2002). This proposed fees adjustment was subsequently approved by the Finance Committee of this Council on 13 June 2003 and shall become effective

after the necessary legislative amendments to the Rules have been made.

4. Under section 9A of the Ordinance, the Criminal Procedure Rules Committee has made the Legal Aid in Criminal Cases (Amendment) Rules 2003 in order to bring the new fees into operation. The amendment Rules now require the approval of this Council by resolution.

5. I invite Members to approve the amendment Rules.