

立法會  
*Legislative Council*

LC Paper No. LS137/02-03

**Paper for the House Committee Meeting  
on 20 June 2003**

**Legal Service Division Report on  
proposed resolution under section 9A of the  
Criminal Procedure Ordinance (Cap. 221)**

The Chief Secretary for Administration has given notice to move a motion on 2 July 2003 to seek the Legislative Council's approval of the Legal Aid in Criminal Cases (Amendment) Rules 2003 (the Amendment Rules) as made by the Criminal Procedure Rules Committee on 12 June 2003.

2. The Amendment Rules reduce the amounts of fees set out in the scale of maximum fees payable to lawyers in private practice engaged to undertake litigation work in criminal cases on behalf of the Legal Aid Department.

3. The Administration has explained that the reduction is the result of the latest biennial review conducted in 2002 of the fees to take account inter alia of changes in consumer prices. The reduction represents a 4.3% downward adjustment in accordance with the decrease in the Consumer Price Index (C) (CPI(C)) during the reference period from April 2000 to March 2002. This proposed fees adjustment has been approved by the Finance Committee at its meeting on 13 June 2003.

4. The Panel on Administration of Justice and Legal Services was briefed on the proposed reduction at its meeting on 26 May 2003. Some members questioned the need for a uniform cut on the fees, pointing out that duty lawyers and lawyers undertaking litigation work on behalf of the Legal Aid Department took up the job as a service to the community. They considered that the current fees payable to lawyers for some of the items were already set at exceptionally low levels. To further reduce the fees from the existing levels could be perceived by the lawyers as the Administration's failure to recognise their service and contribution to the community, and might have an adverse impact on the

services provided and, in the end, litigants who were in need of the legal assistance would suffer. As the Administration did not increase the fees by 10% following the 1998 review, and had decided to freeze the fee levels in the 2000 review even though the CPI(C) had decreased by 8.8%, some members opined that in future fee adjustments, the Administration should adhere to the established mechanism based on movements in CPI(C) to avoid arguments and disputes.

5. Members may wish to refer to, in addition to the draft speech of the Secretary, the discussion paper on the "Biennial Review of Criminal Legal Aid Fees, Prosecution Fees and Duty Lawyer Fees" issued by the Administration Wing, Chief Secretary for Administration's Office to the said Panel (LC Paper No. CB(2) 2181/02-03(05)) for more details.

6. No legal or drafting issues have been detected in the draft resolution.

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