

THE LEGISLATIVE COUNCIL

PANEL ON ADMINISTRATION OF JUSTICE AND LEGAL SERVICES

MEETING ON 28TH April, 2003

SUBMISSIONS BY THE LAW SOCIETY OF HONG KONG ON PAYMENT OF COMPENSATION TO PERSONS WRONGFULLY IMPRISONED

The Law Society of Hong Kong has the following submissions for the consideration of the Panel :-

- (1) Payment of compensation to persons wrongfully imprisoned should be extended to those persons who were charged and their bail applications were refused by the Court but subsequently the Prosecution dropped the charge against them before or at the trial. Such persons have spent a period of time in custody but were not convicted. Payment of compensation to such category of persons would be in line with the practice in England to pay ex-gratia compensation by the Home Secretary to persons who have spent a period in custody following a wrongful conviction or charge.
- (2) Compensation should also be payable to those persons whose bail were refused by the Court because of objections by the Prosecution but subsequently they were found by the Judge to have no case to answer to the charges preferred against them in their trial.

- (3) The amount of ex gratia compensation payable to persons wrongfully imprisoned should be assessed by an independent assessor instead of the Department of Justice and any recommendation as to the amount of compensation by the independent assessor should be binding upon the Deputy Financial Secretary.

The Law Society of Hong Kong

26th April, 2003.