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**Urgent by fax : 2869 0189**

2 June 2005

Mr Rimsky Yuen, SC,  
Vice Chairman,  
Hong Kong Bar Association  
LG2, High Court,  
38 Queensway,  
Hong Kong.

Dear Mr Yuen,

**Bills Committee on  
Statute Law (Miscellaneous Provisions) Bill 2005  
Follow-up on issues raised at the meeting on 24 May 2005**

Further to the above meeting, the Bills Committee requested the Administration to write to the Bar Association regarding certain matters raised by the Bar in its helpful submissions on the Bill (18 May 2005).

**Justification of clause 9 of the Bill**

The Judiciary's detailed response regarding these matters was set out in a paper attached to a letter dated 2 June 2005 from the Judiciary Administrator to the Clerk to the Bills Committee. The letter and the paper were copied to you. A copy of the paper is attached for ease of reference.

**Proposals to amend the Costs in Criminal Cases Ordinance (Clauses 37 and 38)**

The purpose of the proposed amendments, arising from the judgment of the Court of Appeal in *HKSAR v Wong Wah-ye* [2001] 3 HKC 1, is to save court time and resources by discouraging wholly unmeritorious appeals. For this reason, the Administration has agreed to an amendment proposed by the Bills Committee to introduce a "without merit" criterion in the proposed sections 9B and 13B of the Costs in Criminal Cases Ordinance (Cap. 492) in line with section 13 of the Ordinance.

If the Court of Final Appeal eventually allows an appeal, the appellant can apply to that court to get his costs back. The proposed power of the lower court to award costs is considered necessary since if the applicant does not proceed to the Appeal Committee the decision of the lower court will be final.

**Professional qualifications of special magistrates (clause 134)**

Court Interpreters and Judicial Clerks are among civil servants who provide administrative support to the Judiciary.

Yours sincerely,

(Michael Scott)  
Senior Assistant Solicitor General  
(General Legal Policy)

c.c. Clerk to Bills Committee 2509 9055 ) w/o enc.  
Judiciary Administrator (Attn: Miss Vega Wong) 2501 4636 )

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