

政府總部
香港下亞厘畢道



LC Paper No. CB(2) 2058/05-06(01)

GOVERNMENT SECRETARIAT
LOWER ALBERT ROAD
HONG KONG

本函檔號 Our Ref.: CSO/ADM/CR 1/7/3221/89
來函檔號 Your Ref.: CB2/PL/AJLS

Room 522
Central Government Offices
(East Wing)

Tel No. 2810 2576
Fax No. 2501 5779

15 May 2006

By Fax: 2509 9055

Mrs Percy Ma
Clerk to the Panel on Administration
of Justice and Legal Services
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Mrs Ma,

Panel on Administration of Justice and Legal Services
Review of Criminal Legal Aid Fee System

We write to report the progress of the review as requested by the Panel at its meeting held on 15 December 2005.

The Administration Wing and the Legal Aid Department (LAD) have engaged stakeholders, that is, the Judiciary, the two legal professional bodies and the Department of Justice (DOJ), in the review. Two meetings have so far been held. The discussions, which were very useful, covered –

- (a) the principles of the review –
- (i) general compatibility of the criminal legal aid fees system with the prosecution fees regime. The review should not result in a further widening of the gap between the two regimes;
 - (ii) rectification of inconsistency between policy on payment to solicitors and counsel; and
 - (iii) reasonable and effective remuneration for legal aid lawyers within the remits of public affordability;

- (b) a general overview of various alternatives to improve the LAD's system, including adding new payment items under the existing framework, introducing a "marked brief" system, and adopting a taxation system; and
- (c) detailed arrangements of a possible "marked brief" system, based on a paper prepared by the Hong Kong Bar Association and the DOJ's existing system.

We are arranging for the next meeting to be held in end May, for discussion of the Law Society of Hong Kong's proposal, which is now under preparation.

It has been our wish to reach a common proposal around the middle of this year, but it will of course have to depend on the progress of the discussions. We note the Panel's wish to be kept informed of the progress of the matter. As active discussion among stakeholders is on-going, a discussion at a Panel meeting may not be mature at this stage. We will report to the Panel again on further developments as soon as practicable.

Yours sincerely,



(Mrs Alice Cheung)
for Director of Administration

c.c. DLA