

法律政策專員辦公室
律政司
法律政策科



Office of the Solicitor-General
Department of Justice
Legal Policy Division

香港金鐘道政府合署
圖文傳真：852-2501 0371

Queensway Government Offices
Hong Kong

Fax: 852-2501 0371

電話號碼：852-2867 2003

Tel.: 852-2867 2003

網址：www.doj.gov.hk

Web site: www.doj.gov.hk

本司檔號 Our Ref.: LP 3/00/10C Pt. 27
來函檔號 Your Ref.: CB2/BC/8/06

LC Paper No. CB(2)1593/07-08(01)

11 April 2008

By fax : 2185 7845 & by post
Total No. of pages : 2

Miss Betty Ma
Clerk to Bills Committee
Legislative Council
3/F Citibank Tower
3 Garden Road, Central
Hong Kong

Dear Miss Ma,

**Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2007
Part 7 – “Wasted Costs” Provisions of
Costs in Criminal Cases Ordinance Cap 492**

I refer to the meeting of the Bills Committee on 11 April 2008.

We have noted the Committee's further views on the definition of “wasted costs” in Part 7 of the Bill and agree that, for consistency, the word “serious” should be inserted before “misconduct” in sub-paragraph (a)(ii) of the definition. The Secretary for Justice will move an amendment to reflect that further refinement.

The definition of “wasted costs” would then be as follows :

“ “wasted costs” means any costs incurred by a party to the proceedings –

(a) as a result of –

- 2 -

- (i) any seriously improper ~~or unreasonable~~ act or omission; or
 - (ii) any undue delay or any other serious misconduct on the part of any representative, or any employee of a representative; or
- (b) which, in the light of any such act, omission, delay or misconduct ~~or default~~ occurring after they were incurred, the court considers it is unreasonable to expect that party to the proceedings to pay."

We shall write in due course to give formal notification of the proposed Committee Stage Amendments and to give notice of the resumption of the Second Reading Debate. We propose that the resumption should be on 30 April 2008. We shall seek the views of the House Committee in the usual way.

Yours sincerely,


(Ian Wingfield)
Solicitor General

#340634