

Hong Kong Law Costs Draftsmen Association

香港訟費員協會

Room 1104, 11th Floor, 69 Jervois Street, Sheung Wan, Hong Kong.

香港上環蘇杭街六十九號十一樓一零四室

Tel: 2234 9212 Fax: 2234 9213

電話：二二三四九二一二 傳真：二二三四九二一三

Our Ref : CJR080227
Your Ref : CB2/HS/107

Date : 27th February 2008

Clerk to Subcommittee
Legislative Council Secretariat
3/F., Citibank Tower
3 Garden Road
Central
Hong Kong

URGENT

By Fax (No.2509-9055) and Hand

Dear Mrs. Percy Ma,

Re : Subcommittee on Draft Subsidiary Legislation
Relating to the Civil Justice Reform
Meeting on 29th February 2008

I thank you for your letter dated 26th February 2008 and the enclosure therewith and sorry for this late reply to you.

As I have recently informed you that Ms. Tang, our Chairlady, is presently residing in the United Kingdom and I have the members' mandate to respond to your kind invitation to attend the Legislative Council meeting on 29 February 2008 via your letter addressed to our Chairlady dated 5th February 2008.

You would recall that we have submitted our views on the proposed amendments to the Rules of the High Court (Cap.4A), Orders 62 and 62A, on 6 June 2007 and 5 July 2007, as LC Papers Nos. CB(2)2111/06-07(03) and CB(2)2429/06-07(02) respectively.

Having scrutinized the latest Marked-up Version of both Orders 62 and 62A, the Association has no particular further comments to be advanced on top of those already submitted, save and except that we do have grave concern over the newly proposed amendments to Part I of the First Schedule of Order 62, namely, intended replacements of the existing Scales 1.(a) and (b) by the proposed new Scales 1. and 1A. By way of further written submission, hereunder is the

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14/F., Chiyu Bank Building,
No.78, Des Vex Road Central, Hong Kong.
香港德輔道中七十八號 集友銀行大廈十四樓
Tel: 2234 9212 Fax: 2234 9213
電話：二二三四 九二一二 傳真：二二三四 九二一三

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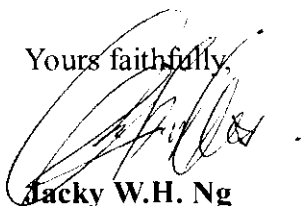
Association's view on the latter proposed amendments/replacements:-

“Our internal statistics shows that mechanical preparation of documents allowed on taxation amounts to roughly 5 to 8 percentage of the whole bill. As the usual Party & Party hourly rates of legal practitioners have remained static for over 10 years since July 1997 notwithstanding that the costs of running a business as well as the costs of living are much higher these days than 1997, the intended replacements of the existing Scale 1.(a) and (b) do suggest a real reduction to the profit costs to legal practitioners. Such a reduction is detrimental to the interest of the receiving party, cutting into the already imperfect indemnity the winning party can recover. In our view, justice requires that a good case be made before such a move be implemented and the public should also be consulted, not just the legal practitioners, because taxed costs are recovered for the benefit of the litigants instead of the solicitors, save and except in legal aid cases.”

Regarding Ms. Vega Wong's letter of 27 October 2007 addressed to our Chairlady, I regret that it was inadvertently mislaid and unattended to until yesterday upon receiving your letter. If you would like to know our members' view on or response to it I should certainly consult them and make due submissions.

We feel that we could offer no further valuable assistance to the Subcommittee on this occasion but would be pleased to continue offering our further assistances/giving our views on the relevant parts of the draft subsidiary legislation, where necessary. Accordingly, we do ask to be excused to attend the forthcoming meeting on 29th February 2008 and a copy of the Reply Slip is enclosed for your record and information

Yours faithfully,



Jacky W.H. Ng
Vice-Chairman

Enc.