

**立法會**  
**Legislative Council**

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**Panel on Administration of Justice and Legal Services**

**Background brief for the meeting on 25 February 2008**

**Criminal legal aid fees system**

**Purpose**

This paper provides information on the past discussions of Members of the Legislative Council (LegCo) on the criminal legal aid fees system (i.e. the system of payment of fees to lawyers in private practice engaged by the Legal Aid Department (LAD) to act as defence lawyers in criminal legal aid cases).

**Background**

2. The request for a comprehensive review of the current remuneration system for lawyers engaging in criminal legal aid work was made by the two legal professional bodies in 2003. The review was supported by the Panel on Administration of Justice and Legal Services (AJLS Panel), the Legal Aid Services Council (LASC) and the Chief Justice. The Administration also agreed that there was room for improvement in the current system.

3. As the subject involves important policy and financial implication for legal aid services, the subject of quality of justice and possible read-across implications for the Department of Justice (DoJ), the Administration Wing of the Office of the Chief Secretary for Administration and the LAD have since March 2006 engaged stakeholders, namely, the Judiciary, the two legal professional bodies and the DoJ, in a comprehensive review.

**Mechanism for review of criminal legal aid fees**

4. Since 1992, the Administration has been reviewing the following fees on a biennial basis -

- (a) lawyers in private practice engaged by the LAD to act as defence lawyers in criminal legal aid cases (criminal legal aid fees);

- (b) lawyers in private practice engaged by the DoJ to prosecute in criminal cases on behalf of the Government (prosecution fees); and
- (c) duty lawyers providing legal representation under the Duty Lawyer Scheme (DLS fees).

The Finance Committee delegated in June 2003 the authority to approve adjustments to the above fees (the fees) to the Director of Administration, provided that the extent of adjustment is no greater than the movement of consumer prices as measured by the Consumer Price Index (C) during the reference period. In conducting the biennial reviews, the Administration takes into account mainly changes in consumer prices during the reference period, actual or anticipated difficulties in engaging the services of private counsel and solicitors, and other factors such as the state of the economy and office rentals.

5. The criminal legal aid fees are prescribed in Rule 21 of the Legal Aid in Criminal Cases Rules (LACCR), a subsidiary legislation of the Criminal Procedure Ordinance (Cap. 221). Any change proposed by the Administration needs to be prescribed by the Criminal Procedure Rules Committee and endorsed by the LegCo through a positive resolution.

6. The Administration has advised the Panel that the prosecution fees follow the same scale administratively. This is to ensure that neither the LAD nor DoJ would have any advantage in competing for lawyers. For the same reason, the DLS fees are also based on the brief fee payable by DoJ to engage counsel in place of a court prosecutor.

7. The fees were last reviewed in December 2006. The Administration informed the Panel that while the CPI(C) had increased since the previous review in 2002, the cumulative change in CPI(C) from April 2002 to July 2006 (i.e. taking into account the 4.4% held in reserve) recorded a decrease of 1%. As regards the assignment of cases to private legal practitioners, both the LAD and the DoJ had no difficulties in engaging suitable private legal practitioners at the current rates. On the other hand, the Administration appreciated that the economy was picking up and that office rental in Grade A and Grade B offices had increased by 57% and 29% respectively. Balancing the considerations, the Administration decided that it would be appropriate to freeze the rates of the fees. The current rates of fees are set out in **Appendix I**.

### **Scale of fees applicable to prosecution and defence lawyers**

8. Hon Margaret NG raised an oral question at the Council meeting on 11 May 2005 concerning amendments to the LACCR to make provisions for appropriate payment for preparation work undertaken by counsel in criminal legal aid cases. An extract from the Record of Proceedings of the Council meeting on 11 May 2005 is in **Appendix II**.

9. In response to the Panel, the Administration has explained the differences between the fees payable to lawyers in private practice engaged for criminal litigation work by the DoJ and the LAD as follows -

(a) Prescribed level of fees

The briefs of DoJ are "marked brief", i.e. fees are marked before the work is done.

For legal aid cases, the LAD could only assess the fees "having regard to the work actually and reasonably done" in accordance with Rule 21(1) of the LACCR and the maximum rates permitted under the LACCR. The current approach is for the LAD to agree with individual assigned lawyers the fees level after the conclusion of the cases. The LAD considers that if fees are to be agreed with individual lawyers beforehand for all legal aid cases, not only will it involve more administrative work, the assignment exercise will be relegated to a fee bargaining exercise and seen to be putting the interests of lawyers before the aided persons.

(b) Fees payable at a level that exceeds the statutory limits

The DoJ uses broadly similar rates as those prescribed in the LACCR for their standard briefing out work in accordance with the complexity and length of each case. The DoJ may pay an additional fee called "reading in refresher" calculated at daily refresher fee if the pre-trial preparation work required as assessed by counsel is substantially over and above that required for normal cases.

The LAD could increase the brief fee and refresher fee payable to an assigned lawyer beyond the maximum rates if the assigned solicitor or counsel obtains from the Court a certificate of exceptional complexity/length.

(c) Cases of exceptional complexity and/or length

For non-standard briefing out work involving more complex and lengthy cases, the DoJ adopts a "tender" system whereby quotations (including quotation for preparation work) are sought from practitioners and critically examined by a Selection Board.

For legal aid cases of exceptional complexity and/or length, an assigned counsel or solicitor may apply to a judge for a certificate of exceptional complexity and/or length which, if obtained, would provide authority to the LAD to increase the brief fee and refresher fee beyond the maximum rates permitted under the LACCR. The LAD has explained that it cannot adopt a tender system partly because the fees have to be assessed on "work actually and reasonably done" basis, and partly because of time

constraint. The LAD has no control over when a legal aid applicant may come forward for assistance. He may lodge his application for legal aid shortly before hearing, and the urgency simply precludes the possibility of selecting counsel through a tender process. Where senior counsel are assigned nonetheless, their fees are subject to negotiation and are paid at non-standard rates.

### **Views received by the Panel**

10. The Panel has received written submissions concerning criminal legal aid fees system from the Bar Association and the Law Society in May and June 2005 respectively (LC Paper Nos. CB(2)1588/04-05(01) and 1793/04-05(01)). The legal professional bodies point out that the current system is unsatisfactory in that -

- (a) the Director of Legal Aid (DLA) has no discretion to pay more than the maximum fees stipulated in the LACCR. The fees stipulated in the LACCR are unrealistically low and the brief fee is far from adequate to compensate preparation work in complex cases;
- (b) while the Court may grant certificates of exceptional complexity and/or length upon application by legal aid lawyers, and thus allow the DLA to award a top-up fee, this is not entirely satisfactory as there are no guidelines for the trial judge to grant the certificate and for the DLA to calculate the enhanced fee; and
- (c) the incompatibility of the criminal legal aid fees system with the prosecution fees regime would lead to "inequity of arms" between prosecution and defence, resulting in a situation whereby the legally-aided client would be represented by a far less experienced defence lawyer.

### **Review of the criminal legal aid fees system**

11. On the basis of the views of the legal professional bodies and the LASC, the Administration has proposed that the review will cover the prescribed level of fees, the flexibility to pay fees at a level that exceeds statutory limits, the fees for pre-trial preparation work, the issue of certificate of exceptional complexity or length as the basis to raise assessed fees, fee for an appeal on the basis of the level of the originating trial court and the conference fees. The Administration reported progress of the review to the Panel in May and September 2006, and February and June 2007.

12. At the Panel meeting on 26 February 2007, the Administration reported that a broad consensus had been reached with the two legal professional bodies on the proposed structure of the criminal legal aid fee system (the proposed fee structure), which would operate on a marked-brief basis. Details of the proposed fee structure are

set out in the Administration's paper in **Appendix III**. The major improvements over the current fee system are set out in paragraphs 8 to 14 of the Appendix. At the Panel meeting on 25 June 2007, the Administration reported on the further changes to the proposed fee structure. The Administration advised that it had offered to the two legal professional bodies the proposed rates for the various items applicable to different levels of court in March 2007.

13. The Administration has advised that the estimated increase in criminal legal aid expenditure arising from the proposed change in the fee structure is about 30%, or roughly \$30 million per annum, on the basis of current rates. The estimate is based on the criminal legal aid fee expenditure in the financial year 2004-2005 (about \$91 million). The criminal legal aid fee expenditure has since 2004-2005 increased to about \$105 million in 2006-2007 and is projected to increase further.

### **Discussion of the AJLS Panel on the proposed fee structure**

#### Remuneration for legal aid lawyers

14. The Bar Association is in general content with the proposed fee structure, as its concerns regarding brief fee and refresher fee have been addressed. The Law Society, however, considers that the proposed fee structure unreasonable. Despite the estimated 30% increase in the overall expenditure of criminal legal aid fees, the rates offered are still unacceptable, especially for the more experienced lawyers. The Law Society has expressed concern that the low fee rates will discourage experienced lawyers from participating in criminal legal aid work and hence affect the quality of justice. The Law Society has hoped that the proposed fee structure will uphold the principle of equal pay for equal work and properly reflect the responsibilities of solicitors in criminal legal aid work. It is particularly disappointed at the Administration's refusal to deviate from the basis of the statutory rates prescribed in Rule 21 of the LACCR. The two professional legal bodies also hold the view that there should be no distinction in the rates between Court of First Instance and District Court cases, and that the Administration should be mindful that the proposed fee system might have implications on the way fees are calculated by the DoJ and the DLS.

15. Some members share the Law Society's concern that the proposed fee structure would mean that lawyers undertaking criminal legal aid work would continue to be remunerated at a small fraction of the market rates. A member has suggested that the seniority of lawyers should be considered in setting the rates for criminal legal aid fees.

16. Addressing the Law Society's concerns, the Administration has explained that the overall 30% increase on legal aid fee expenditure does not represent any cap on the payment items under the proposed fee structure. The actual increase in pay in individual cases can be greater, depending on the level of court involved and the complexity and length of a case. The Administration has further explained that the difference in fees proposed for barristers and solicitors reflects the different nature of

work engaged by the respective practitioners in a criminal case. As for the suggestion to introduce the criterion of seniority in the setting of fees, stakeholders generally preferred not to consider seniority in the determination of fees. The Administration has stressed that in working out an improved criminal legal aid fee system, it has to balance the need to provide reasonable remuneration to assigned lawyers, and the duty to be prudent in public money spending.

17. The Panel notes that the Law Society and the Administration hold divergent views on the proposed fee rates. The Panel urges the Administration to continue discussion with the legal professional bodies and other stakeholders in order to reach a mutually acceptable solution, and report to the Panel in due course.

### Taxation

18. The Law Society objects to the DLA being the final arbitrator on fee disputes between assigned lawyers and the LAD, having regard to the principles of natural justice, and insists that taxation is the best way to resolve disputes on criminal legal aid fees. Alternatively, the jurisdiction of the Legal Aid Review Committee (a committee established under section 26A(1) of the Legal Aid Ordinance (Cap.91) can be expanded or a statutory body should be set up to adjudicate on fee disputes. The Bar Association and some members of the Panel concur. A member has pointed out that the civil legal aid fee system also adopted a taxation system. As there are very few disputes on civil legal aid fees being resolved by taxation, the same is envisaged for criminal legal aid fees.

19. The Administration has responded that for the civil legal aid system, the LAD and assigned lawyer have no prior agreement on the fees; hence taxation at the end of a case would be appropriate. However, under the proposed marked brief system for criminal legal aid cases, fees are agreed beforehand which renders taxation unnecessary. In addition, assigned lawyers can seek the LAD's re-determination of fees both during and at the end of the case. The Administration has also relayed the concerns of Mr Justice STOCK over the resource implications on the Judiciary if a taxation system is adopted.

20. The Panel has requested the Administration to consult the LASC on the Law Society's suggestion in paragraph 18 and inform the Panel accordingly.

### **Latest developments**

21. The Administration will brief the Panel on the latest developments of the review and the proposed way forward at the coming meeting on 25 February 2008.

### **Relevant papers**

22. A list of the relevant papers available on the LegCo website (<http://www.legco.gov.hk>) is in **Appendix IV**.

Council Business Division 2  
Legislative Council Secretariat  
20 February 2008

**Criminal Legal Aid Fees,  
Prosecution Fees and Duty Lawyer Fees**

<u>Nature of fee</u>	<u>Department/ Service</u>	Current Maximum w.e.f. <u>4 July 03</u> (\$)
<b>1. <u>Court of First Instance Cases</u></b>		
(a) Counsel		
(i) brief fee	LAD/DOJ*	20,410
(ii) refresher fee per day	LAD/DOJ*	10,210
(b) Solicitor		
(i) brief fee	LAD^	6,790
(ii) refresher fee per day	LAD^	830 to 4,420
(c) Conference per hour (counsel)	LAD/DOJ	1,080
(d) Pre-trial review (per review)	DOJ	2,030
<b>2. <u>District Court Cases</u></b>		
(a) Counsel		
(i) brief fee	LAD/DOJ*	13,600
(ii) refresher fee per day	LAD/DOJ*	6,800
(b) Solicitor (acting as instructing solicitor)		
(i) brief fee	LAD^	4,840
(ii) refresher fee per day	LAD^	1,160 to 2,900
(c) Solicitor (acting as advocate as well as instructing solicitor)		
(i) brief fee	LAD*	16,800
(ii) refresher fee per day	LAD*	9,310
(d) Conference per hour (counsel)	LAD/DOJ	880
(e) Brief fee for mention/sentence	DOJ	2,710
<b>3. <u>Magistrates' Court Cases</u></b>		
(a) Counsel		
(i) brief fee	DOJ	8,160
(ii) refresher fee per day	DOJ	4,080
(b) Counsel or solicitor (acting as advocate) in committal proceedings		
(i) brief fee	LAD	8,160
(ii) refresher fee per day	LAD	4,080



<u>Nature of fee</u>	<u>Department/ Service</u>	<u>Current Maximum w.e.f. 4 July 03 (\$)</u>	
(c) Solicitor for instructing counsel in committal proceedings			
(i) brief fee	LAD	2,210	
(ii) refresher fee per day	LAD	1,810	
(d) Counsel or solicitor acting as advocate in preliminary inquiry			
(i) brief fee	LAD	8,160	
(ii) refresher fee per day	LAD	4,080	
(e) Brief in place of court prosecutor per day	DOJ	5,430	
(f) Duty Lawyer Fee	DLS	5,430	a day
		2,710	half day
(g) Pre-trial fee per hour	DLS	670	
<b>4. <u>Appeals</u></b>			
(a) Settling notice of appeal	LAD	2,710	
(b) Instructing solicitors for appeals to the Court of Appeal			
(i) from the Court of First Instance	LAD	9,160	first day
		1,150 to 5,910	per subsequent day
(ii) from the District Court	LAD	7,330	first day
		910 to 4,760	per subsequent day
(c) Counsel for appeals to the Court of Appeal			
(i) from the Court of First Instance	LAD/DOJ	27,210	first day
		13,610	per subsequent day
(ii) from the District Court	LAD/DOJ	21,760	first day
		10,880	per subsequent day
(d) Conference per hour (counsel)	LAD/DOJ	1,080	

Note :

LAD Legal Aid Department

DOJ Department of Justice

DLS Duty Lawyer Service

\* Subject to an increase of 10% on the base figures for each of the second to sixth defendant or appellant.

^ Subject to an increase of such amount as appears to the Director of Legal Aid to be proper in the circumstances.

Extract from the Official Record of  
Proceedings of the Council meeting on 11 May 2005

~~MR PATRICK LAU (in Cantonese): I want to follow up. Will an open competition be held?~~

~~SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, we can certainly consider holding an open competition. However, sometimes an open competition may not be the best way to initiate this project as it may delay or even postpone the development of the entire project.~~

PRESIDENT (in Cantonese): Second question.

**Amendments to Legal Aid in Criminal Cases Rules**

2. **MS MARGARET NG:** *Madam President, there is no provision in the Legal Aid in Criminal Cases Rules which authorizes the Director of Legal Aid to pay fee, other than a fixed brief fee, to the counsel in criminal cases for his work in preparing for a trial or an appeal, irrespective of how much work he has done. In his speech at the Opening of the Legal Year 2005, the Chairman of the Hong Kong Bar Association (the Bar) pointed out that the rules governing counsel fees in criminal legal aid cases were outmoded and would not attract enough barristers to practise criminal law. As thorough preparation may save a great deal of court time and is in the public interest, will the Government inform this Council whether it plans to amend existing legislation to make provisions for appropriate payment for preparation work undertaken by counsel in criminal legal aid cases; if so, of the details of the plan; if not, the reasons for this?*

**CHIEF SECRETARY FOR ADMINISTRATION:** Madam President, at present, the Legal Aid in Criminal Cases Rules prescribe the maximum fees payable to counsel and solicitors for undertaking criminal litigation work for the Legal Aid Department (LAD). It has long been the Administration's policy to review the fees on a biennial basis, to take account of changes in consumer prices and other related factors. We last adjusted the fees in the middle of 2003

following approval by the Finance Committee and a resolution passed by the Legislative Council.

The Honourable Member refers in her question to remuneration for preparation work undertaken by the defence counsel in particular. Before I address the specific question, let me briefly explain the criminal legal aid fee system enshrined in the Legal Aid in Criminal Cases Rules, as applied to both defence counsel and defence solicitors.

According to the Rules, the Director of Legal Aid pays to an assigned defence counsel, and solicitor for that matter, a "brief fee", generally equivalent to two days' court fee, to cover the preparation work undertaken by the counsel and his attendance for the first day of trial of the criminal case. From the second day of trial onwards, the assigned counsel receives a *per diem* court fee or "refresher fee", calculated as a fixed rate at half the brief fee.

Notwithstanding the prescription of the brief fee in the Rules, if the counsel considers that the assigned criminal case is exceptionally long or complex, he may, in accordance with the Rules, apply to the Court and the Court may so certify. With the certificate issued by the Court, the Director of Legal Aid is empowered to increase the fees payable to the counsel by such amount which the Director considers proper in the circumstances.

The Administration keeps an open mind to proposals which may further improve the cost-effectiveness of the criminal legal aid fee system. Indeed, in the context of the Finance Committee's approval of the last fee adjustments in mid-2003, the Bar and The Law Society of Hong Kong (The Law Society) stated that they would study the fee system and put forward a joint submission with improvement proposals. The Administration undertook to consider the joint submission when it is available. In the event, the Bar wrote to the Administration last month on a number of matters, including its views on the remuneration for the preparation work undertaken by the defence counsel. We will examine these views together with those which The Law Society will provide us, as part of the Administration's comprehensive review of the criminal legal aid fee system.

**MS MARGARET NG** (in Cantonese): *Madam President, the adjustment mentioned by the Chief Secretary for Administration is in fact made according to*

*the consumer price index, the rate of which is very small, only a few percentage points, and it can also be increased or decreased. It was said in the fourth paragraph of the main reply that if the case was exceptional, the counsel would have to make his own application. According to existing legislation, the normal fee ceiling is only \$13,600. No matter how many case-related documents the counsel has to read, he cannot charge additional fees. As regards service of notice for appeal, even though the counsel may have read a lot of documents, summarized everything and saved court time, the normal fee ceiling is only \$2,710 — even if the Director of Legal Aid wishes to give the counsel more, this normal ceiling cannot be altered. My supplementary question is: Has the Government considered revising these normal ceilings? My question is really about time spent. Would the Chief Secretary for Administration revise the normal fees for legal aid with the same efficiency as he is presently trying to boost the remuneration of the Chief Executive? Would he accomplish this task with the same efficiency, before his term as the Chief Executive for Administration expires?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): At present, fees payable to counsels are approved by the Legislative Council and the Finance Committee. In arriving at the amounts, we have applied the fees charged by counsels with the same experience in handling such cases for the general public as the standard. In addition, we have also applied the principle of prudent financial management. Just as I said earlier, we would make adjustments according to market condition on a biennial basis. Of course, these adjustments must be compatible with market changes and cannot deviate from them completely. Besides, we also have to consider a number of other factors. If such fees cannot attract sufficient counsels to join the list of counsels of the LAD, we then would have to review but for the time being, we have not discovered any problem. Notwithstanding this, I have made it very clear in the main reply earlier that we would keep an open mind. If the Bar or The Law Society considers that there are specific problems which we must handle, we should of course critically examine if there are any problems with the system.

I have also said earlier that if a certain case requires a long preparation period, or requires the counsel to read a lot of documents, I think the Court would make special arrangements. Just as I said earlier, if the counsel tells the Court that he has to spend much time on preparation and do a lot of preparation work, there should be special treatment under such circumstances. If the Court

is also convinced that much time is needed and the case is complicated, the LAD would make special arrangements and pay additional fees.

I believe the Government has to strike a balance between deploying resources of the LAD and encouraging counsels to participate in this scheme. With regard to the present system, I think it is feasible. However, just as I said earlier, we would keep an open mind. Besides, I can assure Ms Margaret NG that if the Bar and The Law Society think that there are particular problems in this respect and give us their opinions, we would handle them as soon as possible. I said earlier that I had received the opinions of the Bar one month ago, and I also hope to have the opinions of The Law Society so that we could address this issue soon.

**MS AUDREY EU** (in Cantonese): *Madam President, may I ask the Chief Secretary if he agrees that the better and more thoroughly we do our preparation, the shorter the hearing time will be? Ms Margaret NG earlier asked about appeal. Most of the times, before lodging an appeal, a counsel has to refer to trial records — this may mean the records for 20 or 30 days. Even if he is only talking about obtaining the faired records of the hearings, several hundred thousand dollars have to be spent — this sum is paid to the Court and not charged by the counsel. Having studied all the documents, the counsel understands the reason for appeal and he has to write it on the notice for appeal. This process may take the counsel several days, but the fee for preparing the appeal notice is only \$2,710. Therefore, may I ask the Chief Secretary if he agrees that this is not a matter of making adjustments in accordance with consumer prices, but rather a matter of the structure itself? That is, does he agree that there is a shortcoming with the formula stipulated by existing legislation: regardless of how much effort we have put into the preparation, everything has been provided by law, thus the cart is put before the horse which is not cost-effective?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): I think Ms Audrey EU has a point there. We would examine if the system has to be refined. If this can shorten the Court's hearing time and save government spending in this respect, I am sure we can consider this. I would pay special attention to this, and study the issue further with colleagues of the LAD.

**MR RONNY TONG** (in Cantonese): *Madam President, I would like to raise a supplementary question on the fourth paragraph of the main reply. In the fourth paragraph, the Chief Secretary said that the Court is empowered to increase the fee payable, but does the Chief Secretary in fact know that upon receiving a case, there is no way for the counsel to be sure that the Court will definitely accept his application? Besides, even if the Court approves the application, it is only asking the Director of Legal Aid to handle the application; it is still unknown as to how the application will be handled. On the contrary, if the counsel is working for the prosecution, these shackles would not exist. Therefore, we can see that the prosecution and the defence may be receiving different treatment, and this may have a direct impact on quality. May I ask the Chief Secretary here if he would consider lifting these rigid stipulations and fee ceilings which are out of touch with the reality, and switch to using the time spent as the criterion in determining the fees payable to counsels? I hope the Chief Secretary can say whether he would consider changing this criterion, unlike the present practice where, regardless of the complexity of the cases, a rigid amount is prescribed as fee payable to the counsel no matter he has to work for three weeks or two days. I hope the Chief Secretary can consider using the time spent as the criterion for calculating fees.*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): This argument has been put forward many times. Just as I said earlier, the present brief fee is calculated on the basis of two working days. Generally speaking, everybody seems to be happy with it. Granting special circumstances and the counsel feels that the fee is not enough, I have said that the Court can issue certificates to handle it with flexibility, and the LAD will adjust the fee for the preparation period in accordance with the certificate. Judging from the records I have seen, if the LAD receives such certificates issued by the Court, approval will be given under normal circumstances, and the LAD also has clear guidelines on this.

If counsels with the LAD consider that preparation work will really take a long time, they should point it out to the Court. However, in order to safeguard the expenditure of taxpayers in legal aid, the authorities will lay down some criteria on the premise that discretion would not be exercised too frequently. I think there are advantages to this. At present, generally speaking, our criterion is to calculate the initial brief fee on the basis of two working days. I have said

earlier that if for a certain case, the difference is too big, I hope individual counsel would point it out. I think this is also a fair way to handle the matter. However, if we have to handle it in another way, I believe we have to take a look at the relevant expenses and whether this would result in higher administrative cost. This is a matter with the system. In this regard, I said earlier that the Bar had given us some opinions a month ago. Although I have not read those opinions and do not know whether this point is included, I very much believe that they have included it. If so, we will study this further to see if adjustments can be made.

**MR LI KWOK-YING** (in Cantonese): *Madam President, I am very glad to hear the Chief Secretary say earlier that he would keep an open mind in handling this and I welcome him saying so. Ms Margaret NG's main question is mainly about fees for counsels but the few colleagues who have asked supplementary questions earlier seem to have made a mistake, thinking that it is only looking at counsel fees. However, we all know that at present, the judicial system is made up of barristers and solicitors, and the philosophy behind this is when the two different kinds of lawyers are handling the same case, it is hoped that the objective factor will not come in, so that the lawyers can accurately grasp the information and enforce the law impartially. If this is the reason, we all know that when barristers handle complicated cases and have relatively spent more time, the same applies to solicitors. Therefore, if barristers can charge according to the time they have spent on the cases, may I ask the Chief Secretary if the same applies to solicitors too?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): *Madam President, I have said that we are waiting for solicitors to give us their opinions in this regard. If The Law Society considers that adjustments are necessary, I would consider them. However, we do have a common goal with the Legislative Council, that is, to ensure the proper spending of public money. If there is a way which is fair, and which can improve the entire legal aid system to the satisfaction of every party, I will definitely strike a balance.*

**MR CHIM PUI-CHUNG** (in Cantonese): *Madam President, may I ask the Chief Secretary if it is required by law that barristers or solicitors must take up*

cases of the LAD? If not, this is something which they take upon themselves voluntarily. The reason for lawyers to serve society in this way is perhaps they have made more than enough money from the fees they charge in handling other cases. Therefore, may I ask the Chief Secretary if barristers are required to take up cases of the LAD? If not, this is a matter of free will.

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): There is no mandatory obligation.

~~**PRESIDENT** (in Cantonese): Third question.~~

### **Tenants Purchase Scheme Phase 6B**

3. **MR WONG KWOK-HING** (in Cantonese): *Madam President, regarding the Tenants Purchase Scheme (TPS) Phase 6B, will the Government inform this Council if it knows:*

- (a) *the reasons for re-introducing the TPS this year, whether it has assessed the impact of the TPS on the property market before re-introducing the TPS concerned, and considered extending the TPS phase to other public housing estates or introducing a new TPS phase in the light of market changes;*
- (b) *as the public areas adjacent to TPS estates will be designated as public areas and subject to the Deed of Mutual Covenant (DMC) for TPS estates, the criteria for delineating the areas to be included; and whether the authorities will consult the residents of TPS estates before making the relevant DMC; if so, of the details of such consultation; if not, the reasons for that; and*
- (c) *given that the Housing Department (HD), in response to the outbreak of Severe Acute Respiratory Syndrome (SARS) in the community in 2003, decided to defer the sale of flats under the TPS Phase 6B pending the inspection and maintenance of sewage systems of the estates concerned, the reasons for the authorities' repeated refusal to carry out comprehensive replacement works to the sewer*



**For information on  
26 February 2007**

## **LegCo Panel on Administration of Justice and Legal Services**

### **Review of Criminal Legal Aid Fees System**

#### **PURPOSE**

This paper reports on the progress of the review of the criminal legal aid fee system.

#### **BACKGROUND**

2. The Legal Aid Department (LAD) engages counsel and solicitors in the private practice as defence lawyers in criminal legal aid cases. The scale of fees payable to these assigned lawyers as well as the fee assessment mechanism are set out in the Legal Aid in Criminal Cases Rules (“the Rules”), a subsidiary legislation of the Criminal Procedure Ordinance. While legally the Rules only bind LAD, the Department of Justice (DoJ) adopts the same fee scale on an administrative basis in engaging its Prosecution counsel. Relevant extracts of the Rules are at Annex A.

3. The two legal professional bodies have called for a change in the criminal legal aid fee system. They note that the systems of DoJ and LAD have diverged over the years and in particular have expressed the following concerns –

- (a) LAD’s system cannot sufficiently reflect pre-trial preparation done because it is heavily tilted towards paying for days with court hearings;
- (b) LAD has little flexibility to pay higher fees even where the case so warrants, and
- (c) the arrangements for assigned lawyers to seek a raise in fees are rigid.

They consider that, compared with the relatively more flexible arrangements adopted by the DoJ, the current system is not conducive to the principle of equality of arms.

4. The Administration recognizes that there is indeed room for improvement in the current system. As the subject involves important policy and financial implications for legal aid services, the subject of quality of justice and possible read-across implications for the DoJ, the Administration Wing of the Office of the Chief Secretary and LAD have since March 2006 engaged stakeholders, namely, the Judiciary (represented by the Hon Mr Justice Stock JA), the Hong Kong Bar Association (represented by Mr Philip Dykes, S.C. and Ms Audrey Campbell-Moffat), the Law Society of Hong Kong (represented by Mr Stephen Hung and Mr Anthony Upham) and the DoJ, in a comprehensive review.

5. The Administration Wing has agreed with stakeholders to apply the following principles in taking forward the review –

- (a) general compatibility of the fee system with the prosecution fees regime. The review should not result in a further widening of the gap between the regimes under LAD and DoJ;
- (b) rectification of inconsistency between policy on payment to solicitors and counsel; and
- (c) reasonable and effective remuneration for legal aid lawyers within the remits of public affordability.

6. Submissions from the two legal professional bodies were reported to the Panel at its meeting in December 2005 (Annex A and B of CB(2)658/0506(02)).

## **PROGRESS**

7. Six meetings have so far been held since March 2006 and all stakeholders have contributed in positive and constructive ways. Different specific proposals were floated and discussed. At the meeting held on 15 December 2006, we reached broad consensus on the proposed structure of the criminal legal aid fee system that will operate on a

marked-brief basis.

8. The proposed fee structure is an overhaul of the current system. A summary table is at Annex B. The major improvements are set out below –

(A) Proper recognition for preparation or pre-trial work

9. Under the current system, solicitors and counsel alike are paid a “flat” fee for pre-trial preparation, irrespective of the hours put in. We accept that this does not fully recognize the preparation and effort put in pre-trial work.

10. Under the proposed system, pre-trial work will be remunerated according to the time required. In gist, for counsel, there will be a “brief fee” to cover the first day of pre-trial work and the first day of court hearing. A new “additional preparation fee” will be payable for each subsequent half day of pre-trial work and a “refresher fee” for each subsequent court hearing day. As for solicitors, there will be a “reading fee” to be payable every hour, depending on the volume of material to be read, a “preparation fee” for each stretch of hours (to be specified) of other pre-trial preparation, and a “court hearing day fee” for each court hearing day.

(B) Rationalisation of fee items

11. At present, where a conference has taken place among the assigned lawyers and the legally aided defendant, the counsel, but not the solicitor, is eligible for a “conference fee”. Under the proposed structure, conference fee will also be payable to solicitors.

12. Under the proposed system, there will also be transparent criteria for classification of cases where necessary and the applicable rates will be clearly set out. Also, the nomenclature of payment items will better reflect the different nature of work of counsel and solicitors.

(C) Enhanced transparency for the fee setting and re-determination basis

13. Under the current system, the fee payable to an assigned lawyer is assessed **after** the work is done and the case concluded. Under the proposed system, the classification of a particular case and hence the rates, as well as the required preparation time will be assessed

beforehand and marked on the brief when making the assignment. Also, lawyers will be allowed to view bundle **before** accepting assignments whenever circumstances permit, to facilitate their consideration. These measures will greatly enhance the transparency of the fee system.

14. At present, an increase in the fee payable is only allowed if the case is exceptionally lengthy or complex, in which case the assigned lawyer has to first apply to the court and granted with for certificates of exceptionalities **after** the trial. Under the proposed system, assigned lawyers may seek LAD's re-determination both during and at the end of the case. For transparency, the circumstances that may require re-determination will be set out. For instance, where there is voluminous amount of additional evidence provided by prosecution after the case is assigned; where research on special/peculiar legal issues that are not identified at the time of assignment is required; where the legally aided defendant withdraws legal aid or requests for re-assignment of lawyer, etc.

#### Payment for individual cases

15. The improvements mentioned in paragraphs 9 to 14 above will directly increase the payment for individual cases. The estimated increase in criminal legal aid expenditure arising from the proposed change in the fee structure is about 30%, or roughly \$30 million per annum, on the basis of current rates. The actual extent of increase may be more and will vary among cases, largely depending on how much pre-trial work the lawyers devoted to the case, and, in the case of solicitors, also the number of hours of conference taken place.

#### **WAY FORWARD**

16. While there is already a broad consensus on the fee structure, there are still some structural issues regarding payment to instructing solicitors and solicitor advocates that need to be worked out. We aim to iron out these outstanding issues as soon as possible. Meanwhile, we also need to settle the rates for the various payment items. We are mindful that in working out an improved criminal legal aid fee system, we have to balance the need to provide reasonable and effective remuneration to assigned lawyers, and the duty to be prudent in public money spending.

17. The details of the current fee system, including the structure and the rates, are set out in the Rules. As the proposed fee system will be an overhaul of the current one, the Rules will essentially have to be re-written. We will, in consultation with stakeholders, take the opportunity to consider whether there is room to streamline the level of details to be included in the Rules. Finance Committee's approval will then be sought and the Rules will be submitted to the Criminal Procedure Rules Committee for endorsement and Legislative Council (LegCo) for approval through a positive resolution.

Administration Wing  
Chief Secretary for Administration's Office

Legal Aid Department

February 2007

Chapter: 221D Title: LEGAL AID IN CRIMINAL Gazette Number: L.N. 174 of  
CASES RULES 2003  
Rule: 21 Heading: Solicitor and counsel fees Version Date: 04/07/2003

(1) The fees payable to a solicitor or counsel assigned under these rules to represent an aided person shall be determined by the Director having regard to the work actually and reasonably done and, subject to this rule, in accordance with the following- (L.N. 414 of 1981; L.N. 115 of 1985)

(a) to a solicitor assigned under a legal aid certificate in respect of proceedings in the Court of First Instance a fee of \$6790 and additionally if the trial is not concluded on the day on which it started, a daily fee of not less than \$830 and not exceeding \$4420 in respect of the second and every subsequent day; (L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; 25 of 1998 s. 2; L.N. 174 of 2003)

(aa) to a solicitor assigned under an appeal aid certificate in respect of an appeal from the Court of First Instance to the Court of Appeal a fee of \$9160 and additionally if the appeal is not concluded on the day on which it started, a daily fee of not less than \$1150 and not exceeding \$5910 in respect of the second and every subsequent day; (L.N. 101 of 1991; L.N. 119 of 1995; L.N. 235 of 1997; 25 of 1998 s. 2; L.N. 174 of 2003)

(ab) to a solicitor assigned under an appeal aid certificate in respect of an appeal from the District Court to the Court of Appeal a fee of \$7330 and additionally if the appeal is not concluded on the day on which it started, a daily fee of not less than \$910 and not exceeding \$4760 in respect of the second and every subsequent day; (L.N. 101 of 1991; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(b) to a solicitor assigned under a legal aid certificate in respect of proceedings in the District Court a fee of \$4840; and additionally, if the trial is not concluded on the day on which it started, a daily fee of not less than \$1160 and not exceeding \$2900 in respect of the second and every subsequent day; (L.N. 70 of 1973; L.N. 289 of 1979; L.N. 83 of 1987; L.N. 87 of 1990; L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(c) to a solicitor assigned under a legal aid certificate to act as advocate as well as instructing solicitor in respect of proceedings in the District Court a fee not exceeding \$16800 and additionally if the trial is not concluded on the day on which it started, a daily fee not exceeding \$9310 in respect of the second and every subsequent day; (L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(d) to counsel assigned under a legal aid certificate in respect of proceedings in the Court of First Instance a fee not exceeding \$20410 or in the case of Senior Counsel, such fee as appears to the Director to be proper in the circumstances and additionally if the trial is not concluded on the day on which it started, such daily fee not exceeding one half of the fee allowed under this sub-paragraph in respect of the second and every subsequent day as appears to be proper in the circumstances; (L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; 94 of 1997 s. 20; 25 of 1998 s. 2; L.N. 174 of 2003)

(da) to counsel assigned under an appeal aid certificate in respect of an appeal from the Court of First Instance to the Court of Appeal a fee not exceeding \$27210 or in the case of Senior Counsel, such fee as appears to the Director to be proper in the circumstances and additionally if the appeal is not concluded on the day on which it started, such daily fee not exceeding one half of the fee allowed under this sub-paragraph in respect of the second and every subsequent day as appears to be proper in the circumstances; (L.N. 101 of 1991; L.N. 119 of 1995; L.N. 235 of 1997; 94 of 1997 s. 20; 25 of 1998 s. 2; L.N. 174 of 2003)

(db) to counsel assigned under an appeal aid certificate in respect of an appeal from the District Court to the Court of Appeal a fee not exceeding

\$21760 or in the case of Senior Counsel, such fee as appears to the Director to be proper in the circumstances and additionally if the appeal is not concluded on the day on which it started, such daily fee not exceeding one half of the fee allowed under this sub-paragraph as appears to be proper in the circumstances; (L.N. 101 of 1991; L.N. 119 of 1995; L.N. 235 of 1997; 94 of 1997 s. 20; L.N. 174 of 2003)

(e) to counsel assigned under a legal aid certificate in respect of proceedings in the District Court, a fee not exceeding \$13600 or, in the case of Senior Counsel, such fee as appears to the Director to be proper in the circumstances; and additionally, if the trial is not concluded on the day on which it started, a daily fee not exceeding one half of the fee allowed under this sub-paragraph in respect of the second and every subsequent day as appears to be proper in the circumstances; (L.N. 83 of 1987; L.N. 87 of 1990; L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; 94 of 1997 s. 20; L.N. 174 of 2003)

(f) to Senior Counsel assigned under a legal aid certificate in respect of proceedings in the Court of First Instance, District Court or an appeal aid certificate, fees for such consultations approved by the Director at such hourly rate as appears to the Director to be proper in the circumstances; (94 of 1997 s. 20; 25 of 1998 s. 2)

(g) to counsel, other than Senior Counsel, assigned under a legal aid certificate in respect of proceedings in the Court of First Instance, or an appeal aid certificate, fees for such conferences approved by the Director at such hourly rate, not exceeding \$1080 per hour, as appears to the Director to be proper in the circumstances; (L.N. 83 of 1987; L.N. 87 of 1990; L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; 94 of 1997 s. 20; 25 of 1998 s. 2; L.N. 174 of 2003)

(h) to counsel, other than Senior Counsel, assigned under a legal aid certificate in respect of proceedings in the District Court, fees for such conferences approved by the Director at such hourly rate, not exceeding \$880 per hour, as appears to the Director to be proper in the circumstances; (L.N. 83 of 1987; L.N. 87 of 1990; L.N. 101 of 1991; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; 94 of 1997 s. 20; L.N. 174 of 2003)

(i) to counsel and solicitors assigned under an appeal aid certificate in respect of appeals to, or applications for leave to appeal to, the Court of Final Appeal, such fees as appear to the Director to be proper in the circumstances; (L.N. 122 of 1982; 39 of 1999 s. 3)

(j) (Repealed L.N. 182 of 1993)

(k) to counsel and solicitors to whom an application or matter has been referred under rule 13A, such fees as appear to the Director to be proper in the circumstances; (L.N. 122 of 1982)

(l) to counsel or a solicitor assigned under a legal aid certificate to act as advocate in respect of a preliminary inquiry, a fee not exceeding \$8160 and additionally, if the inquiry is not concluded on the day on which it started, a daily fee not exceeding one half of the fee allowed under this sub-paragraph in respect of the second and every subsequent day as appears to be proper in the circumstances; (48 of 1983 s. 5; L.N. 83 of 1987; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(m) to a solicitor assigned under a legal aid certificate to instruct counsel in respect of committal proceedings (including a preliminary inquiry), a fee of \$2210 and additionally, if such proceedings are not concluded on the day on which they started, a daily fee not exceeding \$1810 in respect of the second and every subsequent day as appears to be proper in the circumstances; (48 of 1983 s. 5; L.N. 83 of 1987; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(n) to counsel or a solicitor assigned under a legal aid certificate to act as advocate in committal proceedings otherwise than by way of a preliminary inquiry, a fee not exceeding \$8160 and additionally, if such proceedings are not concluded on the day on which they started, a daily fee not exceeding

\$4080 in respect of the second and every subsequent day as appears to be proper in the circumstances; (48 of 1983 s. 5; L.N. 83 of 1987; L.N. 87 of 1990; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(o) to counsel or a solicitor settling a notice of appeal, other than grounds of appeal settled under rule 9(a), such fee not exceeding \$2710 as appears to the Director to be proper in the circumstances; (L.N. 204 of 1984; L.N. 83 of 1987; L.N. 351 of 1992; L.N. 154 of 1994; L.N. 119 of 1995; L.N. 235 of 1997; L.N. 174 of 2003)

(p) to any lawyer engaged under rule 7(1A), such fees as appear to the Director to be proper in the circumstances. (L.N. 157 of 1986)

(2) If in the opinion of a judge before whom a trial or appeal is heard the case is of exceptional length or complexity, the judge may so certify and thereupon-

(a) the fee payable to counsel under paragraph (1)(d); and

(b) the fee payable to a solicitor under paragraph (1)(a),

may be increased by such amount as appears to the Director to be proper in the circumstances, and the daily fee provided for in paragraph (1)(a) or (d), as the case may be, may be increased proportionately. (L.N. 115 of 1985)

(3) If in the opinion of a District Judge before whom a trial is heard the case is of exceptional length or complexity, the judge may so certify and thereupon-

(a) the fee payable to counsel under paragraph (1)(e) or to a solicitor in respect of his advocacy under paragraph (1)(c); and

(b) the fee payable to a solicitor under paragraph (1)(b),

may be increased by such amount as appears to the Director to be proper in the circumstances, and the daily fee provided for in paragraph (1)(b), (c) or (e), as the case may be, may be increased proportionately. (L.N. 115 of 1985)

(4) In addition to the fees payable under paragraph (1), there shall be payable to a solicitor-

(a) expenses actually and reasonably incurred by himself and his clerk in travelling to or from the court and to and from any place visited for the purpose of preparing or conducting any trial or appeal; and

(b) any other out-of-pocket expenses actually and reasonably incurred.

(5) Where a solicitor or counsel (other than Senior Counsel) represents 2 or more accused persons or 2 or more appellants to whom he has been assigned by the Director and who are tried together or whose appeals are heard together- (94 of 1997 s. 20)

(a) the fee, including the daily fee, payable to a solicitor under paragraph (1)(a) or (b), may be increased by such amount as appears to the Director to be proper in the circumstances;

(b) the fee, including the daily fee, payable to-

(i) a solicitor under paragraph (1)(c) in respect of his advocacy;

(ii) counsel (other than Senior Counsel) under paragraph (1) (d) or (e), (94 of 1997 s. 20)

may be increased by 10% for each additional accused person or appellant so represented up to a maximum of 50% where 6 or more accused persons or appellants are so represented. (L.N. 414 of 1981)

(6) Where in the Court of First Instance counsel represents 2 or more appellants to whom he has been assigned by the Director and whose appeals are heard on the same day, there shall be payable to counsel, in respect of all the appeals, such fee in accordance with paragraph (1)(d) as appears to the Director to be proper in the circumstances. (L.N. 83 of 1987; L.N. 87 of 1990; 25 of 1998 s. 2)

(7) A claim for fees shall be submitted to the Director in such form and manner as he shall require. (L.N. 87 of 1990)



## SUMMARY OF PROPOSED CHANGES IN FEE STRUCTURE

The proposed criminal legal aid fee structure will bring about the following major improvements – (a) proper recognition for preparation or pre-trial work; (b) rationalisation of fee items; and (c) enhanced transparency for the fee setting and re-determination basis. A comparison is set out below.

### Fee Structure

	Types of fees payable	Existing Structure		Proposed Structure	
		Solicitor	Counsel and solicitor advocate	Solicitor	Counsel and solicitor advocate
1	Brief fee	= refresher fee for 2 days		Retitled as – - “Reading fee” payable on an hourly basis, to cover reading of bundle; and	Brief fee. To cover 1 <sup>st</sup> 8 hrs of preparation + 1 <sup>st</sup> day of court hearing
2	Additional preparation fee	x		- “Preparation fee”, to cover pre-trial preparation after reading <sup>1</sup> .	✓  (assessment: ½ day basis; re-determination : hourly basis)
3	Refresher fee	✓ (full day / half day / short)		Retitled as “court hearing day fee”. To cover 1 <sup>st</sup> day of court hearing and onward (full day basis)	Refresher fee. To cover 2 <sup>nd</sup> court hearing day and onward (full day basis)
4	Pre-trial review fee (per review)	✓		✓	
5	Mention hearing fee (per hearing)	✓		✓	
6	Conference fee (per hour)	x	✓	✓	✓
7	Uplift per defendant (10% increase to brief fee, refresher fee / court hearing day fee and other court attendance related fees for each additional aided client, up to a max of 50% where 6 or more aided clients are represented).	✓ (not for Magistrates Court)	✓ (not for Magistrates Court)	✓ (including Magistrates Court)	✓ (including Magistrates Court)

<sup>1</sup> To be paid for each stretch of hours to be specified.

**Operational: Assignment**

<b>Existing Structure</b>	<b>Proposed Structure</b>
<ul style="list-style-type: none"><li>- Legal Aid Department (LAD) verbally advises basic particulars of case.</li></ul>	<ul style="list-style-type: none"><li>- To facilitate lawyers' consideration and to enhance transparency, lawyers will be allowed to view bundle before accepting assignment, whenever circumstances permit. In any case, LAD will advise the lawyers particulars of the case verbally.</li></ul>

**Operational: Re-determination**

<b>Existing Structure</b>	<b>Proposed Structure</b>
<ul style="list-style-type: none"><li>- If the assigned lawyer considers that the case is of exceptional length or are exceptionally complex, they may, in accordance with the Legal Aid in Criminal Cases Rules, apply to court at the conclusion of the case and the court may so certify.</li><li>- With the certificates, (LAD) may pay additional fees to the lawyers.</li></ul>	<ul style="list-style-type: none"><li>- No need to apply to court for certificates of exceptionality.</li><li>- Re-determination allowed before the conclusion of the case.</li><li>- For transparency, circumstances that may require re-determination will be spelt out in more detail. For instance, where there is voluminous amount of additional evidence provided by prosecution after case is assigned; where research on special / peculiar legal issues that are not identified at the time of assignment is required; where the legally aided defendant withdraws legal aid or requests for re-assignment of lawyers, etc.</li></ul>

## Criminal legal aid fees system

## Relevant documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
Panel on Administration of Justice and Legal Services	27 October 2003	Director of Administration's letter dated 20 October 2003 responding to the issues raised by the Panel at the meetings on 23 June and 29 July 2003 [LC Paper No. CB(2)159/03-04(03)]  Minutes of meeting [LC Paper No. CB(2)387/03-04]
Legislative Council	11 May 2005	Official Record of Proceedings of the Council on an oral question raised by Hon Margaret NG on "Payment of fee to the defence counsel in criminal legal aid cases in respect of preparation work"
Panel on Administration of Justice and Legal Services	--	An Executive Summary and the submission on "Review of legal aid in criminal cases" from the Special Committee on Legal Aid Reform of the Hong Kong Bar Association to the Legal Aid Services Council [LC Paper No. CB(2)1588/04-05(01)] ( <i>English version only</i> )  Law Society of Hong Kong's letter dated 1 June 2005 and a position paper on "The System of Remuneration of Solicitors for Conducting Criminal Legal Aid Work" to the Director of Administration (Annex 7 to the position paper is confidential) [LC Paper No. CB(2)1793/04-05(01)] ( <i>English version only</i> )

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
		<p>Administration's letter dated 8 July 2005 to the Hong Kong Bar Association on "2004 Biennial Review of Criminal Legal Aid Fees, Prosecution Fees and Duty Lawyer Fees"  <a href="#">[LC Paper No. CB(2)2268/04-05(01)]</a>  <i>(English version only)</i></p> <p>Chairman of LASC's letter dated 26 October 2005 to the Director of Administration on "Review of criminal legal aid fees"  <a href="#">[LC Paper No. CB(2)260/05-06(01)]</a>  <i>(English version only)</i></p> <p>Panel Chairman's letter dated 27 October 2005 to the Director of Administration on "Review of criminal legal aid fees"  <a href="#">[LC Paper No. CB(2)260/05-06(02)]</a>  <i>(English version only)</i></p>
	15 December 2005	<p>An extract from the Official Record of Proceedings of the Council meeting on 11 May 2005 on an oral question raised by Hon Margaret NG on "Amendments to Legal Aid in Criminal Cases Rules"  <a href="#">[LC Paper No. CB(2)658/05-06(01)]</a></p> <p>Administration's paper on "Criminal legal aid fees system"  <a href="#">[LC Paper No. CB(2)658/05-06(02)]</a></p> <p>Minutes of meeting  <a href="#">[LC Paper No. CB(2)1198/05-06]</a></p>
	--	<p>Director of Administration's letter dated 15 May 2006 concerning the progress of the review of criminal legal aid fees system  <a href="#">[LC Paper No. CB(2)2058/05-06(01)]</a></p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
		<p>Administration's paper on "2006 Biennial Review of Criminal Legal Aid Fees, Prosecution Fees and Duty Lawyer Fees" [LC Paper No. CB(2)563/06-07(01)]</p>
	<p>26 February 2007</p>	<p>Background brief prepared by the LegCo Secretariat on "Criminal legal aid fees system" [LC Paper No. CB(2)1127/06-07(01)]</p> <p>Administration's paper on "Review of criminal legal fees system" [LC Paper No. CB(2)1127/06-07(02)]</p> <p>Law Society's paper on "Review of criminal legal aid fees" [LC Paper No. CB(2)1127/06-07(03)] <i>(English version only)</i></p> <p>Draft minutes provided by the Law Society of a meeting held between the Administration and the legal professional bodies on 21 December 2006 [LC Paper No. CB(2)1127/06-07(04)] <i>(English version only)</i></p> <p>Law Society's letter dated 16 February 2007 to the Administration [LC Paper No. CB(2)1127/06-07(05)] <i>(English version only)</i></p> <p>Minutes of meeting [LC Paper No. CB(2)1393/06-07]</p>
	<p>25 June 2007</p>	<p>Administration's paper on "Review of criminal legal aid fee system" [LC Paper No. CB(2)2221/06-07(05)]</p> <p>Law Society's submission on "Criminal legal aid fees system" [LC Paper No. CB(2)2264/06-07(01)] <i>(English version only)</i></p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Question</u>
		Minutes of meeting <a href="#">[LC Paper No. CB(2)2654/06-07]</a>