



THE
LAW SOCIETY
OF HONG KONG
香港律師會

3/F WING ON HOUSE - 71 DES VOEUX ROAD
CENTRAL - HONG KONG DX-009100 Central 1
香港中環德輔道中71號
永安集團大廈3字樓

TELEPHONE (電話): (852) 2846 0500
FACSIMILE (傳真): (852) 2845 0387
E-MAIL (電子郵件): sg@hklawsoc.org.hk
WEBSITE (網頁): www.hklawsoc.org.hk

Our Ref :
Your Ref :
Direct Line :

Criminal

BY FAX (25099055) AND BY POST

27 February 2008

The Hon. Margaret Ng
Chairman of the LegCo Panel on
Administration of Justice & Legal Services
Legislative Council
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong.

President
會長

Lester G. Huang
黃嘉純

Vice-Presidents
副會長

Wong Kwai Huen
王桂壘

Junius K.Y. Ho
何君堯

Council Members
理事

Peter C.L. Lo

羅志力

Michael J. Lintern-Smith

史密夫

Ip Shing Hing

葉成鏗

Billy W.Y. Ma

馬奎潤

Sylvia W.Y. Siu

蕭詠儀

Cecilia K.W. Wong

黃吳潔華

Alex T.H. Lai

黎庭振

Kenneth S.Y. Ng

伍成業

Andrew Jeffries

謝偉思

Stephen W.S. Hung

熊運信

Dieter L.T. Yih

葉禮德

Ambrose S.K. Lam

林新強

Joseph C.W. Li

李超華

Amirali B. Nasir

黎雅明

Melissa K. Pang

彭雪輝

Thomas S.T. So

蘇紹聰

James E. Jamison

李明晉

Secretary General

秘書長

Raymond C.K. Ho

何志強

Dear Margaret,

REVIEW OF CRIMINAL LEGAL AID FEES

The LegCo Panel on Administration of Justice and Legal Services ("LegCo Panel") discussed the above subject on 25 February 2008.

The Administration claimed at the meeting that they only became aware of the Society's position at the meeting and thus the lack of progress on their part on the fee review exercise. We would like to point out that in fact, the Law Society has put forward its position to the Administration that the civil party and party taxation rates should be adopted for criminal legal aid work as early as in July 2007.

I attach a letter from our President to the Secretary for Home Affairs of even date for your kind information and shall appreciate if the LegCo Panel can keep the progress of the fee review exercise under close scrutiny.

Yours sincerely,

Christine W. S. Chu
Assistant Director of Practitioners Affairs

Encl.

c.c.: Mr. Lester Huang, President
Mr. Stephen Hung, Chairman of the Criminal Law & Procedure Committee
Mr. Raymond Ho, Secretary General

P.105

I: No.103153



THE
LAW SOCIETY
 OF HONG KONG
 香 港 律 師 會



3/F WING ON HOUSE · 71 DES VOEUX ROAD
 CENTRAL · HONG KONG DX-009100 Central 1
 香港中環德輔道中71號
 永安集團大廈3字樓

TELEPHONE (電話): (852) 2846 0500
 FACSIMILE (傳真): (852) 2845 0387
 E-MAIL (電子郵件): sg@hklawsoc.org.hk
 WEBSITE (網頁): www.hklawsoc.org.hk

From the President

Our Ref: Criminal
 Your Ref: S/F (1) to HAB/CR/19/1/7 Pt.11

27 February 2008

BY FAX (25916002) AND BY POST

Mr. Tsang Tak-sing
 Secretary for Home Affairs
 Home Affairs Bureau
 31/F., Southorn Centre,
 130 Hennessy Road,
 Wanchai, Hong Kong.

Dear Mr. Tsang,

REVIEW OF CRIMINAL LEGAL AID FEES

We refer to the discussion on the captioned matter at the meeting of the LegCo Panel on Administration of Justice and Legal Services on 25 February 2008.

LegCo Panel members noted with concern the lack of progress on the criminal legal aid fee review as there is no consensus between the Government and the Law Society on the level of fees to be paid under the revised scheme. We noted with surprise the claim by the Administration's representatives that they only became aware of the Society's position at the LegCo Panel Meeting and would need further time to discuss this internally.

We wish to point out that our records reveal the Government had proposed hourly rates at HK\$425 and HK\$300 for High Court and District Court cases respectively to apply under the new system in March 2007. In response, we indicated our stance in July 2007 that "*the level of remuneration in legal aid criminal cases should reflect the level paid on party and party taxation to a 5-6 years' experienced solicitor in civil proceedings*"; this was reiterated in December 2007. (Copies of our letters to you dated 3 July and 4 December 2007 are attached for easy reference).

I. No.103153

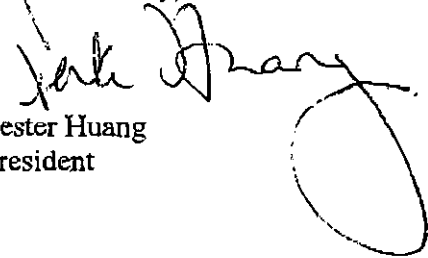
The Law Society of Hong Kong*From the President*

- 2 -

The need for a comprehensive review of the criminal legal aid fee system is now long overdue. The Government owes a constitutional duty to its citizens to uphold the Rule of Law and enable the underprivileged to exercise their basic legal rights. We cannot see any justification why there should be a huge discrepancy in the remuneration for practitioners undertaking civil and criminal legal aid work, particularly when legal representation in the criminal work should be all the more important as the liberty of a person is at stake.

The Government has in fact had sufficient time to consider our proposal as outlined in our letter dated 3 July 2007 and we hope to receive an early response from you. As "fee rates" remains the major outstanding issue of the present fee review exercise, to expedite the discussion process, we suggest that a meeting between representatives of the Home Affairs Bureau and the Law Society should be convened without further delay to discuss the fee levels to apply under the revised system. Once there is consensus on this, the Joint Working Group could be reconvened to finalize the fee review process.

Yours sincerely,



Lester Huang
President

P.102

I: No.103153