

立法會
Legislative Council

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Tel : 2869 9205

Date : 21 October 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 November 2009

**Proposed resolution under
the Criminal Procedure Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Home Affairs will move at the Council meeting of 11 November 2009 under the Criminal Procedure Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary will deliver when moving the proposed resolution is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

CRIMINAL PROCEDURE ORDINANCE

RESOLUTION

(Under section 9A of the Criminal Procedure Ordinance (Cap. 221))

RESOLVED that the Legal Aid in Criminal Cases (Amendment) Rules 2009, made by the Criminal Procedure Rules Committee on 13 October 2009, be approved.

LEGAL AID IN CRIMINAL CASES (AMENDMENT) RULES 2009

(Made by the Criminal Procedure Rules Committee under section 9A of
the Criminal Procedure Ordinance (Cap. 221) with the approval of the
Legislative Council)

1. Solicitor and counsel fees

Rule 21(1) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D)
is amended –

- (a) in subparagraph (a), by repealing “\$6,790”, “\$830” and “\$4,420” and substituting “\$7,350”, “\$890” and “\$4,780” respectively;
- (b) in subparagraph (aa), by repealing “\$9,160”, “\$1,150” and “\$5,910” and substituting “\$9,920”, “\$1,240” and “\$6,400” respectively;
- (c) in subparagraph (ab), by repealing “\$7,330”, “\$910” and “\$4,760” and substituting “\$7,930”, “\$980” and “\$5,150” respectively;
- (d) in subparagraph (b), by repealing “\$4,840”, “\$1,160” and “\$2,900” and substituting “\$5,240”, “\$1,250” and “\$3,140” respectively;
- (e) in subparagraph (c), by repealing “\$16,800” and “\$9,310” and substituting “\$18,190” and “\$10,080” respectively;
- (f) in subparagraph (d), by repealing “\$20,410” and substituting “\$22,100”;
- (g) in subparagraph (da), by repealing “\$27,210” and substituting “\$29,460”;
- (h) in subparagraph (db), by repealing “\$21,760” and substituting “\$23,560”;

- (i) in subparagraph (e), by repealing “\$13,600” and substituting “\$14,720”;
- (j) in subparagraph (g), by repealing “\$1,080” and substituting “\$1,160”;
- (k) in subparagraph (h), by repealing “\$880” and substituting “\$950”;
- (l) in subparagraph (l), by repealing “\$8,160” and substituting “\$8,830”;
- (m) in subparagraph (m), by repealing “\$2,210” and “\$1,810” and substituting “\$2,390” and “\$1,960” respectively;
- (n) in subparagraph (n), by repealing “\$8,160” and “\$4,080” and substituting “\$8,830” and “\$4,410” respectively;
- (o) in subparagraph (o), by repealing “\$2,710” and substituting “\$2,930”.

Made this 13th day of October 2009.

The Hon. Mr. Justice MA
Chief Judge of the High Court

The Hon. Mr. Justice STOCK, VP

The Hon. Mr. Justice TONG

Mr. Selwyn YU

Mr. Stephen HUNG

Mr. William TAM Yiu-ho

Mr. Thomas E KWONG

Mr. HUI Ka-ho
Secretary

Explanatory Note

These Rules increase the scale of fees payable to solicitors and counsel assigned under the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) to represent persons receiving legal aid.

**Speech made by the Secretary for Home Affairs
in the Legislative Council on 11 November 2009**

Legal Aid in Criminal Cases (Amendment) Rules 2009

President,

I move the resolution standing in my name on the agenda.

2. Rule 21(1) of the Legal Aid in Criminal Cases Rules, made under section 9A of the Criminal Procedure Ordinance (Cap. 221), sets out a scale of maximum fees payable to lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of the Legal Aid Department. The Department of Justice uses the same scale of fees to engage counsel in private practice to appear for the HKSARG in criminal cases. Fees payable to duty lawyers providing legal assistance under the Duty Lawyer Scheme follow the same scale.

3. As agreed by the Finance Committee in October 1992, the fees are reviewed by the Administration on a biennial basis to take account of, inter-alia, changes in consumer prices. We have recently completed the review and concluded that the fees should be adjusted upward by 8.3% in accordance with the increase in the CPI(C) during the reference period (i.e. July 2006 to July 2008).

4. We have notified the Legislative Council Panel on Administration of Justice and Legal Services the proposed adjustments to the fees at the Panel meeting held in June 2009. Under section 9A of the Ordinance, the Criminal Procedure Rules Committee has made the Legal Aid in Criminal Cases (Amendment) Rules 2009 in order to bring the new fees into operation. The amendment Rules now require the approval of this Council by resolution.

5. I invite Members to approve the amendment Rules.