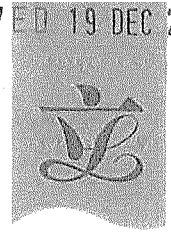


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郭榮鏗立法會議員辦事處  
Legislative Council Office of the Hon. Dennis Kwok

17 December 2013

Dr Priscilla Leung, SBS, JP  
Chairman of the AJLS Panel  
Legislative Council

Dear Madam Chairman,

**Compensation for Wrongful Conviction**

The basis for the recovery of the defendant's legal costs under the existing system is civil party and party rates, which are rightly challenged as being too low and unjust for criminal proceedings, where the liberty of individuals are often at risk. Moreover, although the Government may make an *ex gratia* payment in certain exceptional cases, such as where a person has spent time in custody following a wrongful conviction or charge resulting from serious default by the police, the existence of such a scheme is hardly known within the community. The current arrangement of having the Department of Justice offer advice in respect of *ex gratia* payments also raises concerns of clear and substantial conflict and interests, especially since unlike in the United Kingdom, there is no legislative scheme for an independent assessor to review the merits and amounts of the claims.

Given the importance of the abovementioned matters, I am writing to respectfully ask you to include in the list of outstanding items for discussion by the Panel a review of the current arrangements for the recovery of criminal defence costs and the compensation for wrongful conviction or charge.

Yours sincerely,

Dennis Kwok  
Deputy Chairman of the AJLS Panel

cc: Mr Ambrose Lam, President of the Law Society of Hong Kong  
Mr Huen Wong, Chairman of WP on the Shanghai Land Case  
Mr Brian Gilchrist, Clifford Chance