

**For discussion
on 22 February 2016**

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

Proposed Increase of Criminal Legal Aid Fees

INTRODUCTION

This paper briefs members on the Government's proposed package of increases in fees payable to counsel and solicitors undertaking criminal litigation work on behalf of the Legal Aid Department ("LAD") (i.e. criminal legal aid fees).

PROPOSAL

2. We propose to amend the Schedule to the Legal Aid in Criminal Cases Rules ("LACCR") (Cap. 221 sub. leg. D) so that –
 - (a) the criminal legal aid fees would be increased by the following percentages –
 - (i) 50% for counsel;
 - (ii) 25% for instructing solicitors; and
 - (iii) 40% for solicitors acting as both advocate and instructing solicitor in the District Court; and
 - (b) a new category of criminal legal aid fees for High Court cases be introduced for Solicitor Advocates with higher rights of audience ("HRA").

The proposed maximum fees for different categories of criminal litigation work at various levels of Court are set out in **Annex A**. For the avoidance of doubt, the proposed increases in sub-paragraphs 2(a)(i) – (iii) above are inclusive of a 7.7% increase required under the prevailing practice to reflect the accumulated change in the Consumer Price Index (C) ("CPI(C)") recorded between July 2012 and July 2014.

JUSTIFICATIONS

Difference in the criminal and civil legal aid fees structure

3. At present, lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of LAD are remunerated in accordance with the LACCR, which specifies the fees payable to counsel and solicitors for criminal cases in different levels of Court. As a reference, the current fees payable for Court of First Instance (“CFI”) cases, simplified as hourly rates, are roughly in the region of \$800 for instructing solicitors and \$1,530 for counsel¹. Meanwhile, the hourly rates payable by LAD to assigned-out lawyers undertaking civil legal aid cases are not bound by the LACCR – instead, the fees payable are determined by Court on a case-by-case basis depending on the seniority of the counsel and solicitors involved and shall in general be such as may be allowed on taxation². At present, the hourly rate generally allowed for civil cases litigated in the CFI is around \$4,000 for a solicitor or counsel with 10 years’ post-qualification experience, and around \$2,000 for a newly admitted solicitor. In other words, the hourly rate for lawyers with 10 years’ post-qualification experience engaged in criminal legal aid cases is on average 60% to 80% lower than that for civil cases litigated in the CFI. Enhanced criminal legal aid fees would enable defendants to have better access to more experienced criminal lawyers and criminal justice for the defence of liberty.

4. Noting the difference between the hourly rates payable to civil lawyers and those payable to criminal lawyers in private practice undertaking legal aid work, the legal profession is concerned that the criminal law field would lose its competitive edge to its civil law counterpart in attracting legal talents and retaining experienced practitioners, which may in turn affect the quality of legal representation for the accused persons whose liberty is at stake. In the long run, the legal profession is concerned that this development may have an adverse impact on the Judiciary in sourcing experienced and well-qualified criminal law practitioners for appointment as judges.

¹ For instructing solicitors engaged for CFI cases, the specified “reading” and “conference” fees are \$800 per hour, while the “preparation” (\$3,230 per four-hour unit) and “court hearing” (\$6,480 per day, generally regarded as eight hours when formulating the relevant rates) fees can be divided into around \$800 per hour. For counsel engaged for CFI cases, the “preparation” (\$12,260, covering the first eight hours of preparation) and “court hearing” fees (\$12,260 per day) can be divided into around \$1,530 per hour.

² The determination by Court of the amount payable by a party in respect of costs in a legal action or suit.

5. In the previous review of criminal legal aid fees implemented in March 2012, the payment structure of the criminal legal aid fees system was enhanced with the introduction of a “marked brief system”. Under the enhanced structure, the classification of a particular case and hence the rates, as well as the required preparation time are assessed by LAD beforehand and marked on the brief when making the assignment³. Where circumstances permit, solicitors and counsel are allowed to view the bundles before accepting assignments so that they may agree on the fees to be paid. They may also seek a re-determination of the agreed fees to reflect more accurately the actual preparation time spent. As regards the hourly rates for CFI cases, the percentage increases effected for instructing solicitors and counsel in the 2012 review were about 60% (i.e. from \$460 to \$740) and 1.6% (i.e. from \$1,380 to \$1,400) respectively⁴.

6. Pursuant to the report to the Legislative Council (“LegCo”) Finance Committee in October 1992, criminal legal aid fees are subject to review by the Government on a biennial basis to take into account changes in the CPI(C) during the reference period. In the previous CPI(C) review implemented in November 2013, criminal legal aid fees were increased by 9.3% to the present hourly rates of \$800 and \$1,530 for instructing solicitors and counsel respectively⁵. For the next CPI(C) reference period from July 2012 to July 2014, the increase in CPI(C) is 7.7%.

Proposed adjustments to criminal legal aid fees

7. The Home Affairs Bureau (“HAB”) set up a Working Group in March 2014 to review the rates of criminal legal aid fees. Members of the Working Group include representatives from the Hong Kong Bar Association and the Law Society of Hong Kong (“Law Society”), as well as government representatives from LAD and the Department of Justice (“DoJ”). The Working Group reckons that there is a general need to revisit the criminal legal aid fee rates to ensure that assigned solicitors and

³ Under the original fees structure, payable items mainly consisted of the fixed brief fee which covered preparation (regardless of duration) and the first day of attendance in Court. Under the revised fees structure implemented in March 2012, the duration for preparation covered under the initial brief fee is specified (i.e. eight hours for counsel or four hours for instructing solicitors), with additional four-hour units of preparation fees payable as applicable. As such, lawyers can be paid more if additional preparation work is required.

⁴ The adjustments made in 2012 were inclusive of the 1.6% increase to reflect the change in CPI(C) recorded from July 2008 to July 2010.

⁵ The hourly rates for CFI cases were adjusted from \$740 to \$800 for instructing solicitors, and from \$1,400 to \$1,530 for counsel to reflect the increase in CPI(C) from July 2010 to July 2012.

counsel in private practice are properly remunerated. Meanwhile, noting that the first batch of Solicitor Advocates was granted HRA in March 2013, the Government agrees to the Law Society's proposal to introduce a new category of fee rates for Solicitor Advocates for the higher courts. After several rounds of meeting, the Working Group has agreed to recommend the proposed package of increases in criminal legal aid fees as elaborated in the ensuing paragraphs.

(a) *A 50% increase for counsel*

8. Having regard to the nature of work and professional duties to be discharged by counsel, and the fact that the legal aid fees payable to counsel were not substantively increased in the 2012 review, the Working Group has proposed a 50% increase in criminal legal aid fees for counsel (which will include the 7.7% CPI(C) increase for the reference period from July 2012 to July 2014). Under our proposal, the hourly rate for counsel appearing before the CFI for criminal legal aid cases will be increased from the current \$1,530 to \$2,300.

(b) *A 25% increase for instructing solicitors*

9. The fees payable to instructing solicitors were increased by about 60% (from \$460 to \$740) in the 2012 review. After deliberation, the Working Group has proposed a 25% increase in the criminal legal aid fees for instructing solicitors (which is also inclusive of the 7.7% CPI(C) increase for the reference period from July 2012 to July 2014). Under our proposal, the hourly rate for instructing solicitors handling criminal legal aid cases at the CFI will be increased from the current \$800 to \$1,000.

(c) *A 40% increase for solicitors acting as both advocate and instructing solicitor in the District Court*

10. The existing LACCR also specifies fees payable to solicitors acting as both advocate and instructing solicitor ("solicitor advocates") in the District Court. Similar to the rates for counsel, the rates for solicitor advocates in the District Court were not substantively revised in the 2012 review. Noting the proposed 50% increase in counsel fees and 25% increase for instructing solicitors' fees, the Working Group has proposed a 40% increase in the criminal legal aid fees for solicitor advocates in the District Court, from the current hourly rate of \$1,260 to \$1,770. We believe this is a reasonable level of remuneration commensurate with the heavier job responsibilities of solicitor advocates handling legal aid cases, while maintaining the relativity with the increased fees for counsel and

instructing solicitors.

(d) *New fee items for Solicitor Advocates with HRA*

11. As regards the new category of fees for solicitor advocates with HRA, they would be calculated based on the proposed new fees payable to counsel at the higher courts, and adjusted further upwards according to the percentage difference between the fees payable to counsel and solicitor advocates in District Court (i.e. 15.48% higher for preparation or first day Court hearing, 11.48% higher for additional preparation and 28.02% higher for refresher⁶). For illustration, the proposed preparation fee payable to a solicitor advocate with HRA in the CFI would be the existing preparation fee payable to counsel in CFI first adjusted upwards by 50%, then further increased by 15.48%. Accordingly, the proposed preparation fee payable to counsel and solicitor advocates for CFI cases would be \$18,390 and \$21,240 respectively⁷. We believe this is a reasonable level of remuneration for solicitor advocates as they perform the dual roles of advocate and instructing solicitor.

Proposed adjustments to prosecution fees

12. When adjusting the level of criminal legal aid fees, the issue of parity between the defendant and the prosecution should also be taken into account. Currently, DoJ adopts the same fee scale as that of LAD under the LACCR when engaging lawyers in private practice on a standard briefing-out basis to prosecute criminal cases on fiat⁸, so as to ensure that neither LAD nor DoJ would have unfair advantage in competing for the same pool of lawyers. DoJ would administratively adjust its scale of fees for the prosecution of criminal cases accordingly upon LAD's implementation of the increased criminal legal aid fees.

Biennial review of criminal legal aid fees, prosecution fees and duty lawyer fees

13. The Government has also completed the biennial review of the criminal legal aid fees, prosecution fees and duty lawyer fees. Details of

⁶ Refresher fees cover additional day(s) of attendance in Court subsequent to the first day of Court hearing.

⁷ The preparation fee covers the first eight hours of preparation. In other words, the hourly rates for preparation for CFI cases would be \$2,300 and \$2,660 for counsel and solicitor advocates respectively.

⁸ While by operation of law, the scale of fees under the Schedule to the LACCR binds only LAD, DoJ adopts the same fee scale when engaging lawyers in private practice on a standard briefing-out basis to prosecute criminal cases on fiat.

the review are set out at **Annex B**. The fees are proposed to be raised by 7.7% in accordance with the movement in CPI(C) during the reference period from July 2012 to July 2014. The proposed 7.7% adjustment in the revised criminal legal aid fees will be incorporated in the proposed increases set out in sub-paragraphs 2(a)(i) – (iii) above and the Amendment Rules in one go.

Other deliberations of the Working Group

14. In the course of deliberation by the Working Group, we have examined the legal aid fees in some relevant overseas jurisdictions. Due to structural differences, the use of caps and much lower civil legal aid rates payable in some overseas jurisdictions, we find it difficult to compare the Hong Kong legal aid fees system with those of overseas jurisdictions. For example, in the United Kingdom, most civil cases are no longer covered under the legal aid scope, save for limited types of cases, for example those involving children. In New South Wales of Australia, the rate payable to civil assigned-out lawyers is lower if the case is lost and the costs are paid by the Government. In Ontario of Canada, whilst in some cases the hourly rates for criminal legal aid cases may seem to be higher than those paid in Hong Kong, the payments are however capped by the number of hours payable. Besides, in some overseas jurisdictions where the civil and criminal legal aid fee rates may seem to be on par, very often it is because they are paying rather low rates for civil cases.

15. As explained to the two legal professional bodies, since the systems for civil and criminal cases are different, we are of the view that differences between the rates for remunerating lawyers in different practices are justifiable and should continue to be allowed. Hence, the Working Group has focused on working out reasonable fee rates for lawyers undertaking criminal legal aid cases and fostering a consensus on the proposed increases with the two legal professional bodies.

CONSULTATION

16. The proposed increase of criminal legal aid fees are generally agreeable to the two legal professional bodies represented on the Working Group. We have briefed and obtained the Legal Aid Services Council's support at its meeting on 2 February 2016.

FINANCIAL IMPLICATIONS

17. The proposals on criminal legal aid fees and prosecution fees are estimated to incur an additional recurrent expenditure of roughly \$48 million and \$50 million in a full year respectively. LAD and DoJ have included necessary provision in the draft 2016-17 Estimates to meet the costs of the proposed fee increases. The two departments will absorb the workload in effecting the changes in criminal legal aid fees and prosecution fees with their existing manpower resources.

WAY FORWARD

18. We will submit the Amendment Rules to the Criminal Procedure Rules Committee⁹ (“Rules Committee”) chaired by the Chief Judge of the High Court for approval. Subject to the Rules Committee’s approval, we will move a resolution in LegCo to effect the legislative changes in the second quarter of 2016 and appoint the commencement date as soon as possible upon LegCo’s approval.

BACKGROUND

19. The LACCR is made under section 9A(1) of the Criminal Procedure Ordinance (Cap. 221). Rule 21 of the LACCR sets out the fees payable to lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of LAD.

20. With LegCo’s support and the collaborative efforts of the Government and the two legal professional bodies, the payment structure of the criminal legal aid fees system was enhanced in March 2012 with the introduction of a “marked brief system” with a view to, inter alia, aligning the fees system between DoJ and LAD. The Government has undertaken to review the revised rates of criminal legal aid fees in two years’ time upon the implementation of the enhanced system. A working group was formed by HAB in March 2014 to review the rates of criminal legal aid fees as pledged.

⁹ Section 9(1) of the Criminal Procedure Ordinance (Cap. 221) provides that “Rules and orders regulating the practice and procedure under this Ordinance shall be made by the Criminal Procedure Rules Committee, which shall consist of- (a) the Chief Judge, who shall be chairman; (b) a Justice of Appeal appointed by the Chief Judge; (c) a judge of the Court of First Instance appointed by the Chief Judge; (d) the Secretary for Justice or a legal officer nominated by him; (e) the Director of Legal Aid or a legal aid officer nominated by him; (f) a barrister nominated by the Hong Kong Bar Association; (g) a solicitor nominated by The Law Society of Hong Kong; (h) the Registrar, or a Senior Deputy Registrar or Deputy Registrar of the High Court appointed by the Chief Judge, who shall be secretary.”

ADVICE SOUGHT

21. Members are invited to note the proposed package of increases in criminal legal aid fees as set out in the paper.

**Home Affairs Bureau
Legal Aid Department
February 2016**

Comparison of Current and Proposed Criminal Legal Aid Fees

(Current fees in force since 29 November 2013)

Fee item	Current maximum fee (\$)	Proposed maximum fee (\$)
1. Magistrates' Courts		
(a) <u>Counsel or solicitor acting as advocate in committal proceedings</u>		
(i) Brief ¹	9,800	14,700
(ii) Refresher ²	4,890 per day	7,340 per day
(b) <u>Counsel or solicitor acting as advocate in preliminary inquiry</u>		
(i) Brief ¹	9,800	14,700
(ii) Refresher ²	4,900 per day	7,350 per day
(c) <u>Instructing solicitor in committal proceedings (including preliminary inquiry)</u>		
(i) Brief ¹	2,640	3,300
(ii) Refresher ²	2,170 per day	2,710 per day
2. District Court ("DC")		
(a) <u>Counsel</u>		
(i) Preparation ³	8,160	12,240
(ii) Additional preparation	4,210 per 4-hour unit	6,320 per 4-hour unit
(iii) Court hearing	8,160 per day	12,240 per day
(iv) Conference	1,040 per hour	1,560 per hour

Fee item	Current maximum fee (\$)	Proposed maximum fee (\$)
(b) <u>Instructing solicitor</u>		
(i) Reading	670 per hour	840 per hour
(ii) Preparation	2,740 per 4-hour unit	3,430 per 4-hour unit
(iii) Court hearing	5,490 per day	6,860 per day
(iv) Conference	670 per hour	840 per hour
(c) <u>Solicitor acting as both advocate and instructing solicitor</u>		
(i) Preparation ³	10,095	14,130
(ii) Additional preparation	5,030 per 4-hour unit	7,040 per 4-hour unit
(iii) First day Court hearing	10,095 per day	14,130 per day
(iv) Refresher ⁴	11,190 per day	15,670 per day
(d) <u>Attendance at DC (other than for the trial, plea or sentence)</u>		
	At a rate that appears to the Director of Legal Aid ("DLA") to be reasonable and proper	At a rate that appears to DLA to be reasonable and proper

Fee item	Current maximum fee (\$)	Proposed maximum fee (\$)
3. Court of First Instance (“CFI”)		
(a) <u>Counsel</u>		
(i) Preparation ³	12,260	18,390
(ii) Additional preparation	5,140 per 4-hour unit	7,710 per 4-hour unit
(iii) Court hearing	12,260 per day	18,390 per day
(iv) Conference	1,270 per hour	1,910 per hour
(b) <u>Solicitor advocate with higher rights of audience (“HRA”) acting as both advocate and instructing solicitor</u>		
(i) Preparation ³	-	21,240
(ii) Additional preparation	-	8,600 per 4-hour unit
(iii) First day Court hearing	-	21,240 per day
(iv) Refresher ⁴	-	23,540 per day
(c) <u>Instructing solicitor</u>		
(i) Reading	800 per hour	1,000 per hour
(ii) Preparation	3,230 per 4-hour unit	4,040 per 4-hour unit
(iii) Court hearing	6,480 per day	8,100 per day
(iv) Conference	800	1,000

Fee item	Current maximum fee (\$)	Proposed maximum fee (\$)
	per hour	per hour
(d) <u>Attendance at CFI (other than for the trial, plea or sentence)</u>	At a rate that appears to DLA to be reasonable and proper	At a rate that appears to DLA to be reasonable and proper

4. Appeals from a magistrate to CFI

Rates for counsel and solicitors (including new rates for solicitor advocates with HRA) are the same as those applicable to proceedings in CFI as set out in (3) above.

5. Appeals to the Court of Appeal (CA)

(a) Counsel (appeals from magistrates⁵ or CFI)

(i) Preparation ³	16,350	24,530
(ii) Additional preparation	5,140	7,710
	per 4-hour unit	per 4-hour unit
(iii) Court hearing	16,350	24,530
	per day	per day
(iv) Conference	1,270	1,910
	per hour	per hour

(b) Counsel (appeals from DC)

(i) Preparation ³	13,070	19,610
(ii) Additional preparation	5,140	7,710
	per 4-hour unit	per 4-hour unit
(iii) Court hearing	13,070	19,610
	per day	per day
(iv) Conference	1,270	1,910
	per hour	per hour

Fee item	Current maximum fee (\$)	Proposed maximum fee (\$)
(c) <u>Solicitor advocate with HRA acting as both advocate and instructing solicitor (appeals from magistrates⁵ or CFI)</u>		
(i) Preparation ³	-	28,320
(ii) Additional preparation	-	8,600 per 4-hour unit
(iii) First day Court hearing	-	28,320 per day
(iv) Refresher ⁴	-	31,400 per day
(d) <u>Solicitor advocate with HRA acting as both advocate and instructing solicitor (appeals from DC)</u>		
(i) Preparation ³	-	22,640
(ii) Additional preparation	-	8,600 per 4-hour unit
(iii) First day Court hearing	-	22,640 per day
(iv) Refresher ⁴	-	25,100 per day
(e) <u>Instructing solicitor</u>		
(i) Reading	1,090 per hour	1,360 per hour
(ii) Preparation	4,390 per 4-hour unit	5,490 per 4-hour unit
(iii) Court hearing	8,780 per day	10,980 per day
(iv) Conference	1,090	1,360

Fee item	Current maximum fee (\$)	Proposed maximum fee (\$)
	per hour	per hour
(f) <u>Attendance at CA (other than for the appeal hearing)</u>	At a rate that appears to DLA to be reasonable and proper	At a rate that appears to DLA to be reasonable and proper
(g) <u>Counsel or solicitor settling notice of appeal⁶</u>	3,240	4,860

6. Appeals (or applications for leave to appeal) to the Court of Final Appeal

<u>Counsel and solicitor</u>	Fees that appear to DLA to be reasonable and proper	Fees that appear to DLA to be reasonable and proper
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7. Proceedings in DC or CFI or appeals

<u>Senior Counsel</u>	Fees at an hourly rate that appears to DLA to be reasonable and proper	Fees at an hourly rate that appears to DLA to be reasonable and proper
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Remark: All figures rounded to the nearest \$10.

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- ¹ Covering preparation (regardless of duration) and the first day of attendance in Court.
- ² For additional day(s) of attendance in Court subsequent to the first day as covered under the Brief fee.
- ³ Covering the first eight hours of preparation.
- ⁴ For additional day(s) of attendance in Court subsequent to the first day of Court hearing.
- ⁵ In respect of an appeal, or any point in an appeal, reserved to be argued before CA under section 118 of the Magistrates Ordinance (Cap. 227).
- ⁶ That is, for preparing the notice of appeal for filing with the Court.

**The Biennial Review of Criminal Legal Aid Fees,
Prosecution Fees and Duty Lawyer Fees**

PURPOSE

The Government has completed the 2014 biennial review of the following fees –

- (a) Criminal Legal Aid Fees – payable to lawyers in private practice who undertake litigation work in respect of criminal cases on behalf of the Legal Aid Department (“LAD”);
- (b) Prosecution Fees – payable to lawyers in private practice engaged by the Department of Justice (“DoJ”) to appear for the Government in criminal cases; and
- (c) Duty Lawyer Fees – payable to duty lawyers providing legal assistance under the Duty Lawyer Service (“DLS”)¹.

2. This paper informs Members of the outcome of the review of the criminal legal aid fees, the prosecution fees and the duty lawyer fees (collectively referred to as “the Fees” in the rest of the paper).

BACKGROUND

3. The criminal legal aid fees are prescribed in Rule 21 of the Legal Aid in Criminal Cases Rules (“LACCR”) (Cap. 221D) under the Criminal Procedure Ordinance (Cap. 221). DoJ draws reference to the same scale of fees to engage counsel in private practice to appear for the Government in criminal cases. The duty lawyer fees are also determined with reference to the same scale of fees.

4. As reported to the Legislative Council (“LegCo”) Finance Committee (“FC”) in October 1992, the Fees are subject to review by the Government on a biennial basis. FC also delegated in June 2003 the authority to approve future adjustments to any of the Fees to the Government, provided that the extent of adjustment is no greater than the movement of the Consumer Price Index (C) (“CPI(C)”) during the reference period.

¹ DLS provides legal representation to eligible defendants who appear in Magistrates’ Courts, Juvenile Courts and the Coroners’ Court.

THE PREVIOUS AND 2014 REVIEWS

5. In conducting the biennial reviews, the Government takes into account mainly inflation/deflation during the reference period and whether there has been difficulty in engaging the services of counsel and solicitors. The last biennial review was completed in 2012.

6. The Government has completed the 2014 biennial review. Noting that the CPI(C) for the reference period (i.e. July 2012 to July 2014) has increased by 7.7%, we propose to adjust the Fees upward by 7.7% in accordance with the level of inflation during the reference period. The impact of economic changes after July 2014 will be reflected in the next biennial review.

7. The following table summarizes the adjustment to the Fees in the past five reviews and the adjustment proposed for the current review –

Year	Adjustment	CPI(C) Movement
2004 review	Nil	-4.4%
2006 review	Nil ²	+3.4%
2008 review	+8.3%	+8.3%
2010 review	+1.6%	+1.6%
2012 review	+9.3%	+9.3%
2014 review	+7.7% (proposed)	+7.7%

8. The Government will need to move a resolution in LegCo to amend the LACCR in order to adjust the criminal legal aid fees by +7.7% to reflect the change in CPI(C). The prosecution fees and the duty lawyer fees, although not specified in the LACCR, will be adjusted administratively by drawing reference to the updated set of criminal legal aid fees to reflect the +7.7% change in CPI(C).

9. Members may wish to note that the Government is now preparing amendments to the LACCR to implement the criminal legal aid fees proposal set out in paragraph 2 of the main paper. The proposed +7.7% adjustment in the revised criminal legal aid fees will be incorporated in the Amendment Rules in one go. The Amendment Rules (with

² The fees were last reduced by 4.3% pursuant to the 2002 biennial review, following the change in CPI(C). Pursuant to the 2004 biennial review, the Government decided not to reduce the fees to follow the 4.4% drop in CPI(C) and instead, reserved the 4.4% reduction and pledged to consider it together with the 2006 review. In the 2006 review, the Government reported to the Panel on Administration of Justice and Legal Services that the cumulative change in CPI(C) in the 2004 and 2006 reviews recorded a decrease of 1% (-4.4%+3.4%), and decided to freeze the fees.

incorporation of the +7.7% adjustment in the updated fees) will be submitted to the Criminal Procedure Rules Committee chaired by the Chief Judge of the High Court for approval.

ADVICE SOUGHT

10. Members are invited to note the outcome of the review.

**Home Affairs Bureau
Legal Aid Department
February 2016**