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來函檔號 Your Ref.: Criminal CB2/PL/AJLS
電話號碼 Tel. No.: 2867 4900

9 January 2003

By Fax (2845 0387)

Ms Christine W S Chu,
Assistant Director of Practitioners Affairs,
The Law Society of Hong Kong,
3/F Wing On House,
71 Des Voeux Road,
Central,
Hong Kong.

via Mr Michael Scott, SASG(GLP)

Dear Ms Chu,

Law Amendment and Reform (Miscellaneous Provisions) Bill
Part IV: Costs in Criminal Cases Ordinance

I refer to your letter of 12 December 2002 to Mrs Percy Ma and our subsequent telephone conversation of 8 January 2003 regarding rule 6 of the Costs in Criminal Cases Rules (“the Rules”).

You pointed out that there were practical difficulties in complying with the time limit stipulated in rule 6 of the Rules and that the extension of time limit under rule 9 of the Rules would only be granted in exceptional circumstances.

Rule 6 was modelled on the UK’s Costs in Criminal Cases (General) Regulations 1986, regulation 6(1). To us, since there is a right to

apply for an extension of the time limit under rule 9, it does not appear that there is a need to review the time limit. You have pointed out that an application for an extension of time will only be granted in exceptional circumstances. However, our Prosecutions Division does not have such experience and it is difficult for us to fully assess the situation. I would be grateful if you would provide more information, such as instances where applications for extension under rule 9 were rejected.

Yours sincerely,

(Miss Selina Lau)
Government Counsel
Legal Policy Division

c.c. LegCo AJLS Panel (Attn: Mrs Percy Ma) 2509 9055

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