

律政司
法律政策科
香港金鐘道66號
金鐘道政府合署高座1樓
圖文傳真：852-2180 9928
網址：www.doj.gov.hk



DEPARTMENT OF JUSTICE
Legal Policy Division
1/F., High Block
Queensway Government Offices
66 Queensway, Hong Kong
Fax : 852-2180 9928
Web Site : www.doj.gov.hk

本司檔號 **Our Ref.:** LP 3/00/9C
來函檔號 **Your Ref.:**
電話號碼 **Tel. No.:** 2867 2157

Urgent by fax : 2869 0189

2 June 2005

Mr Rimsky Yuen, SC,
Vice Chairman,
Hong Kong Bar Association
LG2, High Court,
38 Queensway,
Hong Kong.

Dear Mr Yuen,

**Bills Committee on
Statute Law (Miscellaneous Provisions) Bill 2005
Follow-up on issues raised at the meeting on 24 May 2005**

Further to the above meeting, the Bills Committee requested the Administration to write to the Bar Association regarding certain matters raised by the Bar in its helpful submissions on the Bill (18 May 2005).

Justification of clause 9 of the Bill

The Judiciary's detailed response regarding these matters was set out in a paper attached to a letter dated 2 June 2005 from the Judiciary Administrator to the Clerk to the Bills Committee. The letter and the paper were copied to you. A copy of the paper is attached for ease of reference.

Proposals to amend the Costs in Criminal Cases Ordinance (Clauses 37 and 38)

The purpose of the proposed amendments, arising from the judgment of the Court of Appeal in *HKSAR v Wong Wah-ye* [2001] 3 HKC 1, is to save court time and resources by discouraging wholly unmeritorious appeals. For this reason, the Administration has agreed to an amendment proposed by the Bills Committee to introduce a "without merit" criterion in the proposed sections 9B and 13B of the Costs in Criminal Cases Ordinance (Cap. 492) in line with section 13 of the Ordinance.

If the Court of Final Appeal eventually allows an appeal, the appellant can apply to that court to get his costs back. The proposed power of the lower court to award costs is considered necessary since if the applicant does not proceed to the Appeal Committee the decision of the lower court will be final.

Professional qualifications of special magistrates (clause 134)

Court Interpreters and Judicial Clerks are among civil servants who provide administrative support to the Judiciary.

Yours sincerely,

(Michael Scott)
Senior Assistant Solicitor General
(General Legal Policy)

c.c. Clerk to Bills Committee 2509 9055) w/o enc.
Judiciary Administrator (Attn: Miss Vega Wong) 2501 4636)

#317414