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8 July 2005

Mr Philip Dykes, S. C.
Chairman
Hong Kong Bar Association
LG2 Floor
High Court
38 Queensway
Hong Kong

Dear Mr Dykes,

**2004 Biennial Review of Criminal Legal Aid Fees,
Prosecution Fees and Duty Lawyer Fees**

As you would recall, pursuant to the 2004 biennial review, the Administration revealed in July 2004 that following the corresponding decrease in CPI(C) since 2002, the criminal legal aid fees, prosecution fees and duty lawyer fees (the fees) should be adjusted downward by 4.4%. The Bar Association provided its comments on the Administration's proposal in its letter of 30 August 2004.

Amidst the recent reverse movement of the CPI(C) since the conclusion of the 2004 biennial review, and having carefully considered the views of the Legal Aid Services Council, as well as that of the Bar Association and other bodies, the Administration has decided not to adjust the fee level now, but would reserve the 4.4% reduction and consider it together with the findings of the next biennial review, due in mid 2006.

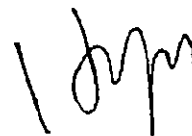
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On the Bar Association's remark about the established criteria for determining the adjustments to the fees, the Administration remains of the view that CPI(C) provides the appropriate and objective benchmark to help ensure that the fees keep up with the economic conditions. After all, we do not rely on one single factor but would also take into account relevant factors such as the feasibility to continue to engage counsel and solicitors and changes in office rental.

Separately, in light of the Bar Association and the Law Society's separate submissions on the criminal legal aid fee system made available to the Administration in April and June 2005 respectively, we would examine the views of the legal professional bodies in considering the need and basis for a review of the criminal legal aid fee system.

I understand that the Bar Association has kept the LegCo Panel on Administration of Justice and Legal Services informed of developments on this subject. I am hence copying this letter to the Clerk.

Yours sincerely,



(Mrs Alice Cheung)
for Director of Administration

c.c. Director of Legal Aid
Clerk to the LegCo Panel on Administration of Justice and Legal
Services 2509 9055