



THE
LAW SOCIETY
OF HONG KONG
香港律師會

REVIEW OF CRIMINAL LEGAL AID FEES - The Law Society's Proposals

Introduction

1. In seeking a fundamental review of the remuneration of solicitors who undertake legally aided criminal defence work, the Law Society of Hong Kong's objectives include:
 - a) Ensuring that persons who are suspected of committing criminal offences and/or charged with committing criminal offences are properly and competently represented both during the investigation into the alleged offence, after charge and before trial, at trial, at sentence and upon appeal;
 - b) Ensuring that any conviction is only upon admissible and cogent evidence, that all appropriate procedures are adhered to and that those who are facing allegations of crime are afforded timely protection of their rights;
 - c) Achieving an equality of arms between the prosecution and the individual defendant;
 - d) Ensuring that legally aided criminal defence work is carried out efficiently and as economically as possible consistent with the overriding interests of ensuring that defendants are properly defended and the integrity of the criminal justice system is enhanced;
 - e) Ensuring that persons facing allegations of crime have available to them the best possible representation;
 - f) Attracting back into legally aided criminal defence work, those solicitors who have the necessary skills and expertise to provide the required degree of skill but who do not presently undertake legally aided criminal defence work either at all or only do so rarely because of the totally inadequate remuneration provided by the current legal aid scheme.

The different roles of solicitors and barristers

2. Any worthwhile reform of the way in which and the rate at which solicitors undertaking legally aided criminal defence work are remunerated must be premised upon a sound appreciation and understanding of the role and responsibilities of the solicitor undertaking that work and the importance to defendants and the criminal justice system as a whole of that work being done efficiently and competently.
3. The solicitor is the first point of contact for the client. The solicitor is responsible for taking instructions from the client, advising the client and preparing the case for court.
4. The solicitor's role and responsibility is very different from the role and responsibility of the barrister. The solicitor briefs the barrister. The barrister can only be as effective as the case and his or her instructions allow.
5. The present system of remuneration seems to view the solicitor as little more than an appendage of a barrister. As an example, Rule 21(1)(a) of the Legal Aid in Criminal Cases Rules *Cap. 221D* provides that a solicitor assigned under a legal aid certificate in respect of proceedings in the Court of First Instance *shall be paid a fee of \$6,790 and additionally if the trial is not concluded on the day on which it started, a daily fee of not less than \$830 and not exceeding \$4,420 in respect of the second and every subsequent day.* Rule 21(1)(d) provides that a barrister assigned under a legal aid certificate in respect of proceedings in the Court of First Instance *shall be paid a fee not exceeding \$20,410 or in the case of Senior Counsel, such fee as appears to the Director to be proper in the circumstances and additionally if the trial is not concluded on the day on which it started, such daily fee not exceeding one half of the fee allowed under this sub-paragraph in respect of the second and every subsequent day as appears to be proper in the circumstances.*

The emphasis is therefore upon the events before the court and not upon the preparation for court.
6. A barrister from the private Bar assigned to prosecute in the Court of First Instance in a Class 1 cases (homicide and complicated cases) will receive a Brief Fee of \$20,410 and a daily refresher of \$10,210.

7. The daily fee payable to a solicitor in a Court of First Instance case after the first day of the trial ranges from \$830 to \$4420. Assuming \$830 is paid for a five hour court day that amounts to \$166 per hour. Assuming \$4420 is paid this would be just over \$880 per hour. The lower figure is grossly inadequate remuneration and appears premised on the concept the solicitor is un-necessary where a case is conducted by counsel. As the relevant professional conduct rules emphasise, the solicitor is not relieved of responsibility for the conduct of the case simply because counsel is briefed.
8. Unless there is this fundamental appreciation of the responsibilities of solicitors and an adequate reflection of those responsibilities in the way and the rate at which solicitors are remunerated, fewer solicitors will be prepared to undertake legally aided criminal defence work. That will not be in the best interests of defendants and/or the criminal justice system. Solicitors cannot be expected to undertake legally aided criminal defence work on a charitable basis. The current rates of remuneration are such that much legally aided criminal defence work is undertaken on a charitable or pro bono basis. To a great extent it is solicitors who fund legally aided criminal defence work and not the Government.
9. The solicitor undertaking legally aided criminal defence work has additional responsibilities over and above the duty owed to the private client in the sense that there is a duty to protect public funds. This means exercising prudent economy and appreciating that public funds must not be wasted. This does not mean the solicitor should not be properly remunerated for work necessarily and properly done.
10. Previous papers have included examples of the wholly inadequate remuneration for work properly and necessarily done by solicitors when representing a legally aided defendant in a criminal case. Further examples are contained in Appendix No. 1 to this paper

Similarity of approach to the remuneration of prosecuting counsel and defence counsel

11. Reference has been made at previous meetings to the desirability of keeping brief fees for barristers consistent between the defence and the prosecution. There is a similarity of remuneration for a barrister assigned under a legal aid

certificate for the Court of First Instance and a barrister from the Private Bar briefed to prosecute on a complicated case in the Court of First Instance. Whilst it is not part of this paper to address fees paid to barristers, this equality of approach may be one reason for the very poor remuneration of solicitors in that it overlooks the imbalance of resources between the prosecution and the defendant.

12. A barrister assigned to prosecute receives a brief which has been fully prepared within the Department of Justice. A criminal investigation is controlled by the Officer in the Case. The full resources of the police force or other law enforcement agency as the case may be are deployed. Before a barrister assigned to prosecute is briefed, the case will have been prepared in the Department of Justice by preparation counsel. The barrister assigned to prosecute enjoys the services of the OC. Whatever further enquiries or work the barrister considers necessary and/or appropriate will be done.
13. The solicitor assigned under a legal aid certificate has to do, from the defendant's point of view, all the investigatory and preparatory work that the law enforcement agency and preparation counsel does for the prosecution.
14. Defence counsel is entitled to expect a brief at a standard comparable to the brief received by counsel assigned to prosecute. Indeed the professional responsibility of the solicitor is to ensure both that the counsel briefed for the defence is competent and is adequately instructed.
15. The present fee of \$6790, which includes attending counsel on the first day of the trial, simply does not recognize the realities of criminal defence work. The solicitor can only expect that fee as there is no certainty of any increase however complex the case.
16. It is understandable why many firms with a criminal litigation practice do not undertake legally aided criminal defence work or if they do only occasionally do so and then from a spirit of charity.

The right to legal advice and representation

17. Reference has already been made in previous papers to Article 35 of the Basic Law but there it is appropriate to set that out again

18. The relevant part of Article 35 provides that:

Hong Kong residents shall have the right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies.

19. Article 35 recognises the right to legal advice when it is most needed. In the criminal law context legal advice is most needed from the moment of arrest. Persons arrested on suspicion of committing crime are taken to, what is for them, a hostile and uncomfortable environment: advice is then needed “*for timely protection of their lawful rights and interests*”. The disjunctive “or” in Article 35 is confirmation that “*timely protection of lawful rights and interests*” and “*representation in the court*” are not necessarily one and the same.

20. The Rules and Directions for the Questioning of Suspects and the taking of Statements promulgated on 2nd October 1992 by the Security for Security recognize:

“That every person at any stage of an investigation should be able to communicate and to consult privately with a solicitor and a barrister. This is so even if he is in custody, provided that in such case no unreasonable delay or hindrance is caused to the processes of investigation or the administration of justice by his so doing.”

There is therefore a presumption in favour of access to legal advice during the investigative stage of a criminal matter.

21. In this respect it is noteworthy that the Legal Aid Department pledged in 1996 “*to serve the community by providing sustaining and continuously seeking to improve a high quality service that is timely, professional and ethical*”.¹

22. The reality is however that only those who can afford to pay a lawyer can have access to legal advice at the stage of arrest and interrogation. The Government does not provide funding to enable those who cannot afford a lawyer to have legal advice and representation until after the criminal investigation is complete. Advice and representation through the Duty Lawyer Service is only available at the door of the magistrate’s court.

¹ Legal Aid in Hong Kong 2006 at page 69.

23. The Duty Lawyer Service as it exists today evolved from the Limited Legal Representation in Magistrates' Court Scheme which commenced in 1979. As was stated by the then Attorney General:
- "The concept of the Duty lawyer Scheme is that there should be available at a magistracy each day when courts are sitting a lawyer to whom accused people can turn to for basic legal advice when they first come to court".²*
24. From the outset therefore the Duty Lawyer Scheme has been a representation at court scheme, rather than a scheme providing for timely protection of lawful rights and interests. This is not to demean or diminish the importance of the Duty Lawyer Service or the service it provides but to highlight the restricted objectives of the Scheme. This "representation at court" approach apparently pervades the legal aid scheme at least as far as solicitors are concerned as the emphasis is upon representation at court with little or no regard being paid to pre-trial work and preparation undertaken by the solicitor.
25. It is appropriate to observe that in 1979, criminal litigation was less complicated than it now is.

Legal Aid in Criminal Cases

26. Legal Aid is available to a defendant who cannot afford to pay a lawyer once the charges or charges have been transferred to the District Court or when a magistrate is asked to appoint a Return Day for the continuation of committal proceedings in a case which either must be tried in the Court of First Instance or cases which can be tried either summarily or upon indictment and which the prosecution want to be tried in the Court of First Instance.
27. As stated by Mr. J.P. Lee, JP, OBE, Chairman, Legal Aid Services Council in his forward to Legal Aid in Hong Kong 2006, *"Legal aid is a manifestation of human rights which are universal in nature. By definition, therefore, it will be the government which has to be responsible for making legal aid available if human rights are accepted as an unalienable element to civilized society. Yet legal aid is only one of the many services a government has to fund, and is subject to resource constraints in terms of availability and allocation."*
28. The role of the Director of Legal Aid in the provision of legal aid services includes the duty to ensure public resources are used cost effectively and to

² Legal Aid in Hong Kong 2006 at page 80.

ensure that assigned lawyers are used cost effectively. *“The Director is also interested as a matter of policy to see that the administration of justice is not compromised for lack of means of an applicant/client or through poor service delivery.”*³

29. It is common ground that the Director of Legal Aid has a duty to ensure that public money is used effectively. However that must be seen in the overall context of justice not being compromised because a defendant in criminal proceedings cannot afford private representation. There is therefore an obligation upon Government to provide the necessary and appropriate resources. There is similarly a high obligation upon the Director to ensure that competent solicitors are assigned to represent legally aided defendants. The Director’s task in discharging this obligation becomes less onerous the more competent and efficient solicitors there are available to undertake legally aided criminal defence work.
30. Solicitors have a professional responsibility to instruct competent counsel. Competent does not simply mean “in practice”. It means having the necessary skill, experience and resources to represent the particular defendant in the particular case. There is concern that under the present system, particularly because of inadequate funding, solicitors who lack these qualifications are being assigned legal aid certificates.

The Administration’s proposals so far

31. Whilst it is appreciated that efforts are being made to meet the legitimate concerns of solicitors no guidelines or criteria for the assessment of work done under a Legal Aid Certificate have been indicated.
32. The proposal to allow solicitors to look at the papers before accepting an assignment is a step in the right direction in that the solicitor can form a preliminary view of the likely complexity of the case. That is however all that this would do. It must not be seen as a panacea for all the problems already alluded to.
33. Neither the present system nor any proposal advanced thus far clearly indicate that solicitors will be properly remunerated for the work that must be done if the

³ Legal Aid in Hong Kong (2006) at pages 72 and 73.

client is to be properly represented and the solicitor is to discharge the professional responsibilities attaching to criminal defence work.

Remuneration of Solicitors: the Proposals

34. Any new system of remuneration must recognise the role and responsibilities of solicitors and reward work properly and necessarily done.
35. There should not be any distinction between work done by a solicitor or, for example, a trainee during the preparation of the case. Whether or not work can be done by a trainee is a matter for the sound judgment of the solicitor having the conduct of the case. The solicitor has the responsibility for deciding how resources in his or her office can most effectively be deployed.
36. There is no justification for a different rate of remuneration where a trainee or some other person from the solicitor's office attends the barrister during the trial. The solicitor retains overall responsibility, must remain available and must ensure that the barrister is attended by a person suitably competent and sufficiently familiar with the case to assist the barrister at all times in accordance with the solicitor's professional responsibility.
37. Whilst an opportunity to see the papers before accepting a legal aid certificate allows a solicitor to form an idea of the complexity of the case, that is all it does.
38. A barrister briefed to prosecute is paid a reading in addition to the brief fee.
39. Solicitors should be paid a reading fee. Preparation work can only commence once the papers have been read and understood. This is a task for the solicitor having the conduct of the case and cannot be delegated.
40. The reading fee should be based upon the number of pages. The reading in fee must be calculated according to a reasonable hourly rate of remuneration.
41. The calculation could be to treat every 50 pages of the material to be read as equivalent to one hour's work. A calculation upon this basis would cater for different reading speeds and remove any suggestion of advantaging a slow reader.

42. The reading in fee will be additional to the basic preparation fee.
43. In calculating the rate and amount of the remuneration to be paid under a legal aid certificate in the preparation of the case no distinction should be drawn between work done by a solicitor and work done by a trainee or other person within the solicitor's office. Whether or not work can or should be done by someone other than a solicitor is a matter for the solicitor assigned under the certificate given that that solicitor has the professional responsibility for the conduct of the defence case.
44. A basic preparation fee should be paid in respect of all work from the end of the reading in up to the start of the trial other than pre-trial reviews or other preliminary court attendances which will be separately remunerated.
45. The basic preparation fee would be calculated on a banding system. No distinction should be made between Court of First Instance cases and District Court cases for this purpose.
46. Cases could be banded on the estimated hours of preparation. There could be a band for cases where the preparation is estimated to take up to 10 hours (Band 1). The next band could start where the preparation is estimated to take 15 to 25 (Band 2). There could then be successive bands of 10 hours starting at 30 hours.
47. The Director of Legal would initially band the case accordingly to its apparent complexity. If the solicitor having seen the papers considers a higher banding is appropriate that would be a matter for negotiation between the Director and the solicitor. If a higher banding cannot be agreed the solicitor can either decline the legal aid certificate or accept it upon that initial banding.
48. If during the currency of the certificate the case becomes more complex for example because the prosecution serves notice of additional evidence, discloses hitherto undisclosed material, or because of new instructions from the client or the need to instruct an expert, the solicitor could go back to the Director to seek a re-band to the next appropriate band.
49. The Director could either agree to a re-band or authorize a specified number of additional hour's preparation to take account of the additional complexity. This would enable the Director to retain a fairly close control over expenditure.

50. Conferences with counsel, attendances upon the defendant and witnesses will be included in the basic preparation fee.
51. Fees for attending preliminary court hearings will be a separately remunerated. A fee of \$2,500 for each preliminary court hearing is considered appropriate.
52. Time incurred in traveling to court and/or traveling to Correctional Services institutions will be the subject of an additional fee based upon the time taken in traveling and in waiting at the institution.
53. Remuneration for attending the trial must be paid in addition to the reading fee, the basic preparation fee and fees for attending preliminary hearings. Given that the solicitor assigned will not necessarily attend court throughout the trial a fee of \$6,790, the amount shown in Rule 21 for work up to and including the first day of trial, should be paid for the first day of the trial. Given that a normal court day will be five hours that is an hourly rate of approximately \$1360.
54. For subsequent days one half of that sum would be payable. This takes account that the solicitor may not actually be present at all times during the trial.
55. Where the solicitor considers that the complexity and/or the nature and importance of the case and/or the characteristics of the defendant justify additional remuneration the solicitor should be able to seek additional remuneration from the Director of Legal Aid after the conclusion of the case.
56. The basic preparation fee and the reading fee should be calculated at an hourly rate of \$3,000. Reference to the calculation in Annex 1 indicates an hourly rate for a partner of \$3,500 and for a trainee solicitor of \$1,400. An hourly rate of \$3000 for a solicitor of five years post qualification experience is an appropriate mid-line figure

Appeals

57. Appeals vary in complexity and/or in the work that needs to be done. The present remuneration does not reflect those considerations. Appeals could similarly be banded or a basic preparation fee could be paid based on a specified number of hours with the flexibility to go back to the Director to seek additional hours.

58. A reading fee should be paid in appeal cases in addition to the basic preparation fee. The reading fee will be calculated in the same way as the reading fee for a trial.
59. The basic preparation fee and the reading fee will be additional to the fee paid for attending the hearing of the appeal.
60. Fees for attending preliminary court hearings will be separately remunerated. A fee of \$2,500 for each preliminary court hearing is considered appropriate.
61. Rule 21(1)(aa) of the Legal Aid in Criminal Cases Rules provides that a solicitor assigned under an appeal aid certificate in respect of an appeal from the Court of First Instance to the Court of Appeal will receive a fee of \$9160 and additionally if the appeal is not concluded on the day on which it started, a daily fee of not less than \$1150 and not exceeding \$5910 in respect of the second and every subsequent day.
62. The fee of \$9160 should be paid for the first day of the appeal hearing and be in addition to the reading fee, the basic preparation fee and fees for attending preliminary hearings.
63. The second and every subsequent day of the appeal hearing should be remunerated at two thirds of \$9160 i.e. \$7108.
64. No distinction should be drawn between appeals from the Court of First Instance and appeals from the District Court.
65. Remuneration for appeals to the Court of Final Appeal would similarly be remunerated on a reading fee, a banding fee to cover basic preparation, attendance at preliminary hearings and a fee for the first day of the appeal hearing and a daily fee in respect of the second and subsequent day.
66. A suggested fee for the first day of the hearing might be \$13,740, an uplift of 50% on the suggested first day of hearing fee for appeals before the Court of Appeal.
67. The second and every subsequent day of the appeal hearing should be remunerated at two thirds of \$13,740 i.e. \$9,160.

Committal Proceedings

68. Where a solicitor is assigned under a legal aid certificate to instruct counsel in respect of committal proceedings (including a preliminary inquiry), there should similarly be a reading fee and a banding fee to cover basic preparation. The hourly rate should be the same as for a case which is proceeding in the Court of First Instance.
69. A daily fee of not less than \$3000 should be paid for each day of the committal proceedings.

Solicitors Acting as Advocates

70. Fees could again be banded to take account of basic preparation and similarly a reading fee should be paid.
71. Attending preliminary court hearings will be separately remunerated. A fee of \$4,500 for each preliminary court hearing is considered appropriate. This is an uplift of 50% on the hourly rate of remuneration for preparation work referred to earlier in this paper.
72. In addition a fee will be paid for the first and every subsequent day of the substantive hearing.
73. Assuming acceptance of the payment of a reading fee, a basic preparation fee and a fee for each preliminary court hearing, the substantive hearing fee might be taken as \$16800 and additionally if the trial is not concluded on the day on which it started, a daily fee not exceeding \$9310 in respect of the second and every subsequent day. These are the sums currently payable under Rule 21(1)(c) where a solicitor is assigned under a legal aid certificate to act as advocate as well as instructing solicitor in respect of proceedings in the District Court. Essentially therefore the proposal is that preparation should be remunerated in addition to the fees currently payable.

Return of papers

74. The solicitor should be remunerated on the hours of work done. A conflict may arise between the solicitor and the client which, though no fault of the solicitor, mandate the solicitor's return of the papers. Whatever work has been done up to that time whether reading and/or preparation must be remunerated at the hourly rate of \$3,000 as specified in paragraph 56.

Additional Defendants

75. Provided there is no actual or likely conflict or embarrassment, a solicitor can act for more than one defendant. Where a solicitor is assigned to represent additional defendants, this should be taken into account when assessing the overall length and complexity of the case for banding.

Checks and balances

76. As has been addressed in earlier papers and discussions, the Director of Legal Aid has total control of payments to solicitors under legal aid certificates in criminal cases.
77. Even though a judge may be persuaded to give a certificate of complexity, it is the Director of Legal Aid who decides how much of an increase upon the figures in Rule 21 of the Legal Aid in Criminal Cases Rules will be given.
78. Where an increased fee is paid, there does not appear to be any realistic assessment of the value of the work done. The way in which requests for an increased payment after the grant of a certificate of complexity are addressed leaves much to be desired.
79. It is in that context that the suggestion for a taxation of costs under a legal aid certificate has been advanced. Ideally there should be a realistic system of taxation of legal aid fees in criminal cases.

80. If a taxation system is seen, for whatever reasons as not viable, a mechanism along the lines of the Joint Tribunal which was set up to resolve disputes between members of the Bar Association and the Law Society relating to fees might be considered.
81. The terms of reference and the procedure of that Tribunal are attached to this Paper as Appendix No. 2.
82. Those terms and references provide an indication of the sort of mechanism that might be established, the Director of Legal Aid would be a member of that Tribunal.
83. Any such Tribunal would need to be established by statute.
84. A Joint tribunal might allay some of the concerns about “-- *leaving open too many windows for legal practitioners to argue with the Director of Legal Aid on fees payable --*” as set out in the Administration’s letter of 22nd November 2006.

Criminal Law & Procedure Committee
The Law Society of Hong Kong
15 December 2006

APPENDIX I

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Haldanes

SOLICITORS AND NOTARIES • AGENTS FOR TRADE MARKS AND PATENTS

Our Ref: [REDACTED]

[REDACTED] 2006

Legal Aid Department
Crime Section
25/F., Queensway Government Offices
66 Queensway
Hong Kong

PRIVATE & CONFIDENTIAL

By Hand

- Re: (1) HKSAR v. [REDACTED]
High Court Case No.: [REDACTED]
Case heard on [REDACTED]
Your reference: [REDACTED]
- (2) HKSAR v. [REDACTED]
Case No.: [REDACTED]
[REDACTED] case heard [REDACTED]
Your reference: [REDACTED]

I am a member of the Law Society's Criminal Law & Procedure Committee ("the Committee"). We are engaged in discussions regarding possible reform of the Rules relating to solicitors' remuneration in Legal Aid cases.

As part of this exercise, I have been asked to provide the Committee with details of any recent cases in which I have been involved, where the brief fee paid for preparation of the case does not reflect the amount of work involved.

I have in mind 2 cases, the details which are set out above. Both cases were originally listed for trial, but due to the extensive preparation and legal advice, both defendants decided to change their pleas, after plea-bargaining. The result was that a significant amount of court time and Legal Aid trial costs were saved, but the solicitors were not paid for our preparatory work, since we had actually prepared the case for trial rather than for a plea of guilty.

I am writing to ask your permission to explain more details of these two cases to the Committee. I would also like to hand over copies of the enclosed correspondence relating to these 2 cases, although I propose to blank out any details which would make the names of the defendants or the case numbers easily identifiable.

/...2

PARTNERS: Jonathan Midgley 麥至理 Geoffrey Booth 鮑富 John McLellan 馬健能 Anita Chow 周緯慧 Andrew Powner 鮑安迪 Christopher Morley 麥樂賢 Louis Fung 馮啟念 David Hoare 何大衛 Oliver Williams 奧利華 Eiste Liu 廖學思 Paul Lui 呂若博 CONSULTANTS: Stephen Terry 史泰利 Kenneth Tsang 曾國政 Tim Hancock 韓國添 ASSOCIATES: Patrick Redigan 威建其 Samuel Tsang 曾志平 Eric Seto 司徒悅 Felix Ng 伍家榮 Tracy Lau 劉翠思 Elizabeth Lam 林曉雯

WITH ASSOCIATE OFFICES IN LONDON AND SHANGHAI

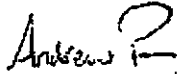
Haldanes

- 2 -

Please note that this exercise is being carried out by the Committee as part of a general review of solicitors' remuneration in Legal Aid cases. There is no criticism intended of the persons calculating the relevant fees. I appreciate that, at the moment, the Legal Aid Department is not empowered to remunerate solicitors for our preparatory work in situations where a case is prepared for trial but concludes with a plea bargain as a result of the solicitor's endeavors. The only uplift currently available is in cases of complexity, rather than the extent of pre-trial preparation. In fact, this is one of the reasons for the review.

Thank you for your consideration.

Yours sincerely,



ANDREW POWNER



法律援助署
Legal Aid Department

本署檔號 Our ref: [REDACTED]

來函檔號 Your ref: [REDACTED]

電話 Tel: 2867 3075/ 2867 3070

圖文傳真 Fax: 2537 5940

21st November 2006

M/s. Haldanes
Solicitors,
8/F Ruttonjee House
11 Duddell Street Central
Hong Kong

PRIVATE & CONFIDENTIAL

BY HAND

(Attn : Mr Andrew Powner)

Dear Sirs,

Re : (1) [REDACTED]
[REDACTED]
(2) [REDACTED]
[REDACTED]

We refer to your letter dated 8 November 2006.

We have no objection for you to explain the details of the captioned cases to the Committee provided that the aided persons' data is not disclosed.

As you may be aware, Mr Christopher Knight is representing the Law Society in the review of criminal legal aid fees exercise.

Yours faithfully,

(Margaret Cheng)
for Director of Legal Aid

MC/ii

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SOLICITORS AND NOTARIES • AGENTS FOR TRADE MARKS AND PATENTS

Our Ref: [REDACTED]
Your Ref: [REDACTED]

Legal Aid Department
Crime Section
25/F., Queensway Government Offices
66 Queensway
Hong Kong

PRIVATE & CONFIDENTIAL
By hand & by fax 2537 5940

URGENT

Attn: [REDACTED]

Dear Madam,

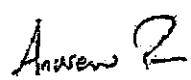
Re: HKSAR v. [REDACTED]
Case No.: [REDACTED]
Charges: (1) [REDACTED]
(2) [REDACTED]

Dates of listing hearing: [REDACTED] 2006 at [REDACTED] a.m. at the High Court [REDACTED]

Please find enclosed our firm's bill no. [REDACTED] dated [REDACTED] for your kind settlement. The Solicitor's Case Report and Solicitors' Fees Report Form have already sent to you on [REDACTED].

Please note that this case was originally being prepared for a trial.

Thank you again for your instructions in this matter.

Yours sincerely,


ANDREW POWNER

Encl.

PARTNERS: Jonathan Midgley 麥三連 Geoffrey Booth 鮑富 John McLellan 馬健龍 Anita Chow 周焯瑩 Andrew Powner 安德魯 Christopher Morley 麥樂賢 Louis Fung 馮啟傑
David Hoare 何大衛 Oliver Williams 奧利華 Elsie Liu 廖樂思 Paul Lui 呂晉傑 CONSULTANTS: Stephen Terry 史達利 Kenneth Tsang 曾國政 Tim Hancock 韓國強
ASSOCIATES: Patrick Pattigan 庇迪其 Samuel Tsang 曾志平 Eric Sato 司徒傑 Felix Ng 伍家榮 Tracy Lau 劉翠惠 Elizabeth Lam 林曉蓮

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傳真：二八四五一六三七
電郵：info@haldanes.com
網址：http://www.haldanes.com

何至理
律師行

Legal Aid Department
Crime Section
25/F., Queensway Government Offices
66 Queensway, Hong Kong
Attn: Ms. Chan

HK NO. [REDACTED]

Our Ref: [REDACTED]

Date: [REDACTED]

Re: HKSAR v. [REDACTED]

Case No.: [REDACTED]

Charges: (1) [REDACTED]
(2) [REDACTED]

To our professional services in relation to the captioned matter, including:-

1. Court Attendance

AMP and [REDACTED] attending High Court on [REDACTED] for the pre-trial review hearing; and

AMP and [REDACTED] attending High Court on [REDACTED] for plea and sentencing,

2. Out of Court Attendance

AMP and [REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED] and [REDACTED]

[REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED] and [REDACTED]

[REDACTED] attending client together with Counsel [REDACTED] at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED] and [REDACTED]

[REDACTED] attending video conference with Counsel [REDACTED] at the High Court for taking further instructions on [REDACTED] and [REDACTED]

Payment of your fee note is being arranged by this Department and it will be paid by Treasury shortly. Any enquiries on this fee note should be directed to the Legal Aid Counsel i/c of this case.

Brief : \$6,790


P.T. Review : \$5,250

Listing : \$3,500

Disbursements : \$306.1

Total fees assessed at \$15,846.1

Payment authorized


Margaret CHENG
for Director of Legal Aid
25 SEP 2006

E. & O. E.

Please make your cheque payable to 'Haldanes'

.../p.2

Haldanes

Our Ref: [REDACTED]

Invoice No: [REDACTED]

Date: [REDACTED]

Page 2

3. Other Attendance - (Telephone attendances; correspondence; research, etc.)

AMP receiving your instructions on [REDACTED] and reporting to you throughout the end of the case;

AMP writing to the High Court on [REDACTED] regarding the listing hearing and thereafter receiving their reply on the same day and forwarding the same to the solicitors for D2 and D3;

AMP writing to Mr. [REDACTED] on [REDACTED] regarding the listing hearing and requesting for his available dates;

AMP writing to the solicitors for D2 and for D3 on [REDACTED] regarding the listing hearing;

AMP attending Mr. [REDACTED] on the phone on [REDACTED] discussing the case;

Attending receipt of a letter from Mr. [REDACTED] on [REDACTED];

AMP writing to the Department of Justice ("DOJ") on [REDACTED] requesting for documents;

AMP drafting letter to DOJ on [REDACTED] regarding D1's proposal of plea bargain and thereafter forwarding the same to [REDACTED] for comments;

AMP preparing a brief to Counsel [REDACTED] on [REDACTED] and thereafter sending the same to him on [REDACTED];

.../p.3

Haldanes

Our Ref: [REDACTED]
Invoice No: [REDACTED]
Date: [REDACTED]
Page 3

KS attending D1's [REDACTED] on the phone on [REDACTED] regarding the potential defence witness and thereafter telephoning the potential defence witness on the same day;

AMP and [REDACTED] preparing the PTR Questionnaire on [REDACTED] and forwarding the same to Counsel [REDACTED] on [REDACTED] for approval;

AMP writing to DOJ on [REDACTED] regarding the plea bargain; also writing to them on [REDACTED] requesting for documents;

AMP writing to the solicitors for D2 and for D3 on [REDACTED] attaching the PTR Questionnaire;

AMP attending [REDACTED] Judge's Clerk, on the phone on [REDACTED] regarding pre-trial review hearing;

Attending receipt of a fax from the High Court on [REDACTED] regarding the pre-trial review hearing;

AMP writing to the High Court on [REDACTED] regarding the pre-trial review hearing;

Attending receipt of a letter from DOJ on [REDACTED] enclosing a list of unused materials;

Attending receipt of a letter from the solicitors for D3 on [REDACTED] with enclosures;

AMP attending Ms. [REDACTED] of DOJ on the phone on [REDACTED] regarding the plea bargain;

AMP writing to DOJ on [REDACTED]

AMP writing to Counsel [REDACTED] on [REDACTED] with enclosures;

Attending receipt of a fax from the police on [REDACTED] regarding the unused materials;

.../p.4

Haldanes

Our Ref: [REDACTED]

Invoice No: [REDACTED]

Date: [REDACTED]

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AMP writing to Counsel [REDACTED] on [REDACTED] regarding the client's plea, the Amended Summary of Facts and the mitigation hearing;

AMP writing to Counsel [REDACTED] on [REDACTED] arranging a visit to Lal Chi Kok Reception Centre;

AMP writing to the DOJ on [REDACTED] regarding the Amended Summary of Facts;

AMP attending receipt a fax from Counsel [REDACTED] on [REDACTED] with enclosures;

AMP writing to Counsel [REDACTED] on [REDACTED] enclosing an attendance note for his reference;

[REDACTED] and [REDACTED] attending on client's [REDACTED] and his previous employer [REDACTED] on the phone regarding the testimonial letters on various dates and forwarding the same to Counsel [REDACTED] on [REDACTED]

Attending receipt of a letter from Counsel [REDACTED] on [REDACTED] regarding the interview with client's wife and father;

AMP attending Ms. [REDACTED] of DOJ on the phone on [REDACTED] regarding the Amended Summary of Facts;

[REDACTED] attending client's [REDACTED] on the phone on [REDACTED] obtaining client's family background information;

Attending receipt of a testimonial letter from client's [REDACTED] on [REDACTED]

AMP writing to Counsel [REDACTED] on [REDACTED]

Haldanes

Our Ref: [REDACTED]
Invoice No: [REDACTED]
Date: [REDACTED]
Page 5

AMP and [REDACTED] perusing and considering all documents provided by the prosecution and client on various dates;

[REDACTED] translating all Chinese testimonial letters into English on various dates;

[REDACTED] and [REDACTED] preparing a mitigation statement on various dates;

AMP, [REDACTED] and [REDACTED] preparing attendance notes for various telephone attendances and court attendances; and including all case preparations, telephone attendances, conferences, research, incidental attendances and general care and attention in relation to all matters thereto.

OUR COSTS:

Andrew Powner, Partner (AMP)

Engaged: 22 hrs 12 mins @ HK\$3,500 p.h. HK\$77,700.00

[REDACTED] Trainee Solicitor [REDACTED]
Engaged: 38 hrs 24 mins @ HK\$1,400 p.h. HK\$53,760.00

[REDACTED] Trainee Solicitor [REDACTED]
Engaged: 23 hrs 54 mins @ HK\$1,400.00 p.h. HK\$33,460.00 *[To be assessed]*

Total costs incurred: HK\$164,920.00

DISBURSEMENTS:

Travelling expenses

HK\$914.30

TOTAL COSTS:

[to be assessed]

With Compliments

Haldanes

HALDANES
Solicitors, Hong Kong

SOLICITORS' FEES REPORT FORM
Legal Aid in Criminal Cases Rules, Cap. 221

The fees payable to a solicitor under the Legal Aid in Criminal Cases Rules, Cap. 221 shall be determined by the Director of Legal Aid having regard to the work actually and reasonably done.

You should complete and return this Form to us together with the following documents:
 (a) Your client's proof of evidence and copies of statements by defence witness.
 (b) Vouchers or receipts for out-of-pocket expenses incurred.

Case No. : [REDACTED]	Names of Defendant(s) / Appellant(s) represented by you: [REDACTED] - 1st Defendant [REDACTED] - Defendant [REDACTED] - Defendant [REDACTED] - Defendant
Legal Aid Reference: [REDACTED]	
Date of Legal Aid Certificate with assignment to you: [REDACTED]	
You acted as: <input checked="" type="checkbox"/> Instructing solicitor <input type="checkbox"/> Solicitor advocate	Brief description of charge(s): (1) [REDACTED] (2) [REDACTED]
Status of person who regularly sat behind Counsel in Court: Instructing solicitor & trainee solicitor	
Name of assigned counsel: Mr. [REDACTED]	This case was prepared as <input type="checkbox"/> PG <input type="checkbox"/> PNG PNG to 1st charge PG to 2nd charge

Was an application made under rule 21(2) or 21(3)?

- No
 Yes for Certificate of Exceptional Length, and granted refused
 Certificate of Complexity, and granted refused

A. COURT ATTENDANCE:

Date	Court	Actual time of Court Attendance (e.g. 9:30 am - 11:45 am)	Nature of Hearing (e.g. committal; plea and sentence; trial; appeal, etc)
[REDACTED]	HC Ct Room [REDACTED]	[REDACTED]	Plea and sentencing
[REDACTED]	HC Ct Room [REDACTED]	[REDACTED]	PTR Hearing

B. CONFERENCE:

Date	Location	Purpose	Actual time for Conference including waiting time, if any (e.g. 2:30 pm - 4:45 pm)	Travelling Time
[REDACTED]	LCK (with instructing solicitor)		11:00am - 11:20am	1 hour
[REDACTED]	LCK		9:00am - 10:15am	1 hour
[REDACTED]	LCK		10:40am - 11:15am	1 hour
[REDACTED]	LCK	collecting instructions from client	9:30am - 10:20am	1 hour
[REDACTED]	LCK	initially prepared for trial	2:30pm - 3:15pm	1 hour
[REDACTED]	HC videoconference		11:00am - 12:20pm	0.5 hour
[REDACTED]	LCK		2:00pm - 3:20pm	1 hour
[REDACTED]	HC videoconference		12:00pm - 1:00pm	0.5 hour

C. PREPARATION FOR TRIAL: (e.g. consideration of the law; correspondence; viewing video tapes; etc.)

Brief description of work done	No. of hours spent
Preparation for trial (excluding conference): Obtaining instructions, briefing Counsel, legal research Obtaining information from client's family and former employer for mitigation purpose, translation, preparing documents to court	Instructing solicitor 22 hrs 12 mins Trainee solicitors 62 hrs 18 mins

D. SPECIAL FEATURES (IF ANY):

(such as unusual complexity of the facts or law; long periods of negotiation with the prosecution and any other items justifying higher than usual payment; O.N.E. by the prosecution; change of plea; re-assignment; discharge of aid; adjournments of trial)

This case involved a charge of plea following a plea bargain with the Dept of Justice

E. DISBURSEMENTS:

(1) Travelling expenses:

Date	From	To	Purpose of the journey	Is the person taking the journey a solicitor/trainee solicitor? Yes/No.	Mode of Transport	Travelling Expenses
[REDACTED]	Central		carrying heavy files home	instructing solicitor	taxi	117.4
[REDACTED]		Central	carrying heavy files office/home	instructing solicitor	taxi	333
[REDACTED]		LCK	legal visit	instructing solicitor	taxi	59.1
[REDACTED]	Central	LCK	Legal visit	trainee solicitor	MIR	111.6 11.8
[REDACTED]	Central	LCK	Legal visit	trainee solicitor	MIR	11.8
[REDACTED]	LCK	Central	Legal visit	trainee solicitor	MIR	11.8

(2) Photocopying charges:

No. of pages of documents for copying	No. of sets of documents copied	Date when copies made	Nature and particulars of the documents	Parties to whom copies are provided
			Please see attached	

(3) Other disbursements:

Date	Particulars of Disbursements	Purpose	Amount

Name of Solicitor ANDREW POWNER of Messrs. HALDANES
(BLOCK LETTERS)

Signed Andrew Powner Date [REDACTED] 2006
(to be signed by solicitor personally)

No. of pages of documents for copying	No. of sets of documents copied	Date when copies made	Nature and particulars of the documents	Parties to whom the copies are provided
20	1	[REDACTED]	Attendance Notes	Counsel
6	1	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
2	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
2	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
5	2	[REDACTED]	Attendance Note by trainee solicitor	Counsel
7	1	[REDACTED]	Amended Summary of Facts	Instructing solicitor & Counsel
2	2	[REDACTED]	Attendance Note by trainee solicitor	Counsel & Court Instructing solicitor & Counsel
4	2	[REDACTED]	PTR Questionnaire	Instructing solicitor & Counsel
2	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
2	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
1	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel

25	2		Legal Research	Instructing solicitor & Counsel
8	2		Legal visit letters	LCK or High Court/filing
30	1		Relevant documents for Client (D1)'s reference	D1
2	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
2	2	[REDACTED]	Attendance Note by trainee solicitor	Instructing solicitor & Counsel
3	2		Proof of evidence of [REDACTED]	Instructing solicitor & Counsel
32	1	[REDACTED]	Brief to Counsel	Counsel
10	4	[REDACTED]	[REDACTED]	Court
			[REDACTED]	
140	1		All legal research/ precedents/ documents	Legal Aid Department
Total pages:		395		

8TH FLOOR RUTTONJEE HOUSE
11 DUDELL STREET
CENTRAL HONG KONG
TELEPHONE : 2868 1234
FACSIMILE : 2845 1637
WEBSITE : http://www.haldanes.com
INTERCHANGE: DX-009078 Central 1

何敏
律師
香港中環都利街十一號
德輔道大匯八號
電話：二八六八二二三四
傳真：二八四五一六三七
網址：http://www.haldanes.com

Haldanes

SOLICITORS AND NOTARIES • AGENTS FOR TRADE MARKS AND PATENTS

Our Ref: [REDACTED]
Your Ref: [REDACTED]

[REDACTED] 2006

Legal Aid Department
Crime Section
25/F., Queensway Government Offices
66 Queensway
Hong Kong

PRIVATE & CONFIDENTIAL

By Hand

URGENT

Attn: [REDACTED]

Dear Sirs,

Re: HKSAR v. [REDACTED]
High Court Case No.: [REDACTED]
Charges: (1) [REDACTED]
(2) [REDACTED]
(3) [REDACTED]
Dates of Mitigation: [REDACTED]

I refer to our enclosed bill, together with the costs claim form dated [REDACTED] 2006.

As is apparent from our bill, we have spent an enormous amount of time in preparing this case for trial. It was only in the last few weeks that the Defendant changed his plea and decided to enter a plea of guilty, after we had undertaken plea bargaining with the prosecution.

These papers include some 10 box files, including over 15 witness statements and 246 pages of cautioned interviews.

We were also responsible for instructing the expert, [REDACTED], and spent a great deal of time obtaining instructions from the client at Lai Chi Kok Reception Centre in anticipation of a 14-day trial.

With this in mind, we would respectfully request that you take into account our preparation time since we thoroughly prepared the case for trial from the outset.

Yours faithfully,

Haldanes

HALDANES
Encl.

PARTNERS: Jonathan Midgley 麥基理 Geoffrey South 鮑冠 John McLellan 吳德能 Anita Chow 周純慧 Andrew Powner 施安進 Christopher Morley 麥樂賢 Louis Fung 馮蔚倫 David Hoare 何大衛 Oliver Williams 吳利華 Elsie Lau 廖學恩 Paul Lui 呂雪博 CONSULTANTS: Stephen Tarr 史泰利 Raymond Cho 朱偉良 Keanah Tsang 曾國斌 Tim Hancock 邱國梁 ASSOCIATES: Patrick Radigan 威地其 Derek Finch 范金 Samuel Tsang 曾志平 Eric Sato 司徒悅 Felix Ng 伍家亨 Tracy Lau 劉麗思 Elizabeth Lam 林碧琪

WITH ASSOCIATE OFFICES IN LONDON AND SHANGHAI

Haldanes

SOLICITORS AND NOTARIES • AGENTS FOR TRADE MARKS AND PATENTS
 8TH FLOOR, RUTTONJEE HOUSE, 11 DUDDELL STREET, CENTRAL, HONG KONG.
 TELEPHONE: 2868 1234 FACSIMILE: 2845 1637 E-MAIL: info@haldanes.com
 WEBSITE: http://www.haldanes.com

香港中環都爹利街十一號
 律政署對面
 電話：二八六八一二三四
 傳真：二八四五一六三七
 電郵：info@haldanes.com
 網址：http://www.haldanes.com

何
 參
 理
 律
 師
 行

Legal Aid Department
 Crime Section
 25/F., Queensway Government Offices
 66 Queensway, Hong Kong

HK NO. [REDACTED]
 Our Ref: [REDACTED] 2006
 Date: [REDACTED]

Re: [REDACTED]

To our professional services in relation to the captioned matter, including:-

1. Court Attendance

AMP attending the listing hearing at the High Court on 20th February 2006 (adjourned to [REDACTED])

AMP attending the listing hearing at the High Court on [REDACTED]

AMP and [REDACTED] attending the PTR at the High Court on [REDACTED]

AMP and [REDACTED] attending the trial at the High Court on [REDACTED]

2. Out of Court Attendance

AMP attending client at the High Court Cells for taking instructions on [REDACTED]

AMP attending client at the Lai Chi Kok Reception Centre for taking instructions [REDACTED]

AMP and [REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED]

AMP and [REDACTED] attending the [REDACTED] (the crime scene) for site visit on [REDACTED] 2006;

[REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED]
 Please make your cheque payable to 'Haldanes'

Payment of your fee note is being authorized by this Department. It will be paid Treasury shortly. Any enquiries on fee note should be directed to the Legal Aid Counsel in charge of this case.

Brief : \$ 6,790.00 -
 P.T. Review: \$ 2,870.00 -
 Disbursements : \$ 1,451.00 -
 Listing : \$ 7,000.00 -

Total fees assessed at \$ 18,111.00
 Payment authorized

Margaret Cheng
 Margaret CHENG
 for Director of Legal Aid

11 JUL 2006

Haldanes

Our Ref: [REDACTED]
Invoice No: [REDACTED]
Date: [REDACTED]
Page 2

[REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED]

AMP and [REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED]

AMP and [REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED]

AMP and [REDACTED] attending client at the Lai Chi Kok Reception Centre for taking instructions on [REDACTED]

Payment of legal fees should be made by this Department of Justice and Treasury directly. Any other bills for legal fees should be directed to the Legal Aid Counsel etc of this case.

3. Other Attendance

AMP writing to the Department of Justice, Legal Aid Department, Counsel for the Defendant, the High Court, Dr. [REDACTED], the potential defence witnesses and the [REDACTED] interpreter on various dates (please see the attached List of Correspondence for details);

AMP and [REDACTED] perusing and considering all documents provided by the Department of Justice, Client and Dr. [REDACTED] on various dates;

AMP preparing the brief to Counsel with enclosures on various dates;

AMP and [REDACTED] reviewing and commenting on the transcripts of client's VIR on various dates;

[REDACTED] preparing a summary of client's VIR on various dates;

[REDACTED] preparing client's proof of evidence on various dates;

Haldanes

Our Ref: [REDACTED]

Invoice No: [REDACTED]

Date: [REDACTED]

Page 3

AMP, [REDACTED] and [REDACTED] preparing attendance notes for various telephone attendances and court attendances.

Stamp: [REDACTED]
By the Department of [REDACTED]
[REDACTED] shortly. Any enquiries or [REDACTED]
[REDACTED] should be directed to the Legal
Aid Counsel [REDACTED] of this case.

OUR COSTS:

Andrew Powner, Partner (AMP)

Engaged: 69 hrs 54 mins @ HK\$3,500 p.h. = HK\$244,650.00

[REDACTED] Trainee Solicitor (KS)

Engaged: 79 hrs 42 mins @ HK\$1,400 p.h. = HK\$111,580.00

[REDACTED] Trainee Solicitor (SC)

Engaged: 4 hours @ HK\$1,400.00 p.h. = HK\$5,600.00

[To be assessed]

TOTAL = HK\$361,830

DISBURSEMENTS:

Travelling expenses

HK\$1,296.70

Postages

HK\$50.00

Photocopying

HK\$1,713.00

HK\$3,059.70

TOTAL COSTS:

[to be assessed]

With Compliments

Haldanes

HALDANES

Solicitors, Hong Kong

SOLICITORS' FEES REPORT FORM
Legal Aid in Criminal Cases Rules, Cap. 221

Case No. : [REDACTED]	List the names of the Defendant(s) you represented :
Legal Aid Reference : [REDACTED]	a. [REDACTED] - Defendant
Date of Legal Aid Certificate assigning you : [REDACTED] 2006.	b. [REDACTED] - Defendant
	c. [REDACTED] - Defendant
	d. [REDACTED] - Defendant
	e. [REDACTED] - Defendant

Brief description of charge(s) : [REDACTED]

State whether you acted as :	Name of counsel assigned
Solicitor advocate [Yes/No]	[REDACTED]
Structuring solicitor only [Yes/No]	
Is a Certificate of Length or Complexity obtained from judge under Rule 21(2) or 21(3) [Yes/No]	Status of person who regularly sat behind counsel at Court
	PARTNER (ANDREW POWNER) & TRAINEE [REDACTED]

Was case prepared as a guilty/not guilty plea? **ORIGINALLY PNC, BUT DEFENDANT DECIDED TO CHANGE PLEA ON 16th MAY 2006.**

A. Court Attendances :

Date	Court	Length of Hearing	Nature of Hearing (see note 5 below)
[REDACTED]	COURT OF FIRST INSTANCE (HIGH COURT)	9:30 am - 10:30 am (1 hour)	LISTING HEARING (ANDREW POWNER (PARTNER) ATTENDED) (ADJOURNED)
[REDACTED]	COURT OF FIRST INSTANCE (HIGH COURT)	9:30 am - 10:30 am (1 hour)	LISTING HEARING (ANDREW POWNER (PARTNER) ATTENDED)
[REDACTED]	COURT OF FIRST INSTANCE (HIGH COURT)	9:30 am - 12:00 pm (1.5 hours)	PTR (BOTH ANDREW POWNER (PARTNER) [REDACTED] (TRAINEE) ATTENDED)
[REDACTED]	COURT OF FIRST INSTANCE (HIGH COURT)	9:30 am - 12:30 pm (2 hours)	PLEA & SENTENCE (BOTH ANDREW POWNER (PARTNER) AND [REDACTED] (TRAINEE) ATTENDED)

B. Out of Court Attendances :

Date	Location	Purpose	Time taken on conference	Travelling Time	Mode of Transport
PLEASE SEE ATTACHED.					

C. Other Attendances :- (see note 6. below)

No. of hours spent	Brief description of what was done
On preparation of the case :	PLEASE SEE ATTACHED.
In monitoring of the trial : (For instructing solicitors only)	
Special features (if any) (see note 7 below)	

Detailed List of Disbursements

(1) Travelling expenses :

Date	From	To	Purpose of the journey	Is the person taking the journey a solicitor/trainee solicitor? Yes/No.	Travelling Expenses HK\$	Mode of Transport
PLEASE SEE ATTACHED.						

(2) Photocopying charges :

No. of pages of documents	No. of copies made per page	Date when copies made	Nature and particulars of the documents	For whose use?
PLEASE SEE ATTACHED.				

(3) Other disbursements :

Date	Particulars of Disbursements	Purpose	Amount
PLEASE SEE ATTACHED.			

Signed Andrew R Date Solicitor's Name ANDREW R. GAWNER
 (to be signed by solicitor personally)

Name of Firm HALDANE'S

Explanatory Notes

- When completed you should send this form to the Legal Aid Department.
- You should forward the following with this form :
 (a) Your client's proof of evidence and copies of statements by witness.
 (b) Vouchers or receipts for out-of-pocket expenses incurred.
 The Legal Aid Department may call for the production of your complete file of papers including time sheets (if any).
- The fees which may be paid to a solicitor are prescribed by the Legal Aid in Criminal Cases Rules, Cap. 221. Reasonably incurred expenses only are payable under the Rules.
- If you find that the space on this form is insufficient for you to provide the details requested you should type the details on separate sheets and staple the separate sheets to this form.
- "Nature of hearing" should indicate whether the hearing was committal; preliminary inquiry; sentencing; trial; appeal from the Magistrates, District or Court of First Instance; application for review; bail; appeal, etc.
- "Other Attendances" should cover all work not listed under the heading "Court Attendances". Other attendance is intended to cover preparation for trial; consideration of the law correspondence; monitoring of trial; advices; setting grounds of appeal, etc.
- "Special features" should cover such items as unusual complexity of the facts or law; long periods of negotiation with the crown; O.N.R.'s by the crown; discharge of aid; absence of solicitors, counsel or judges; or any other item which in your view justifies higher than usual payment by the Legal Aid Department.
- Please ensure that this form is completed in full so that payment to you is not delayed.

DIRECTOR OF LEGAL AID

B. Out of Court Attendances

Date	Location	Purpose	Time taken on conference	Travelling Time	Mode of Transport
[REDACTED]	High Court Cells	Taking instructions from client ([REDACTED] (Partner) Attended)	9:05 am – 9:30 am	0.5 hour (15 minutes one way)	Taxi
[REDACTED]	Lai Chi Kok Reception Centre	Taking instructions from client ([REDACTED] (Partner) Attended)	9:00 am – 12:15 am	1.5 hour (45 minutes one way)	Taxi ([REDACTED])
[REDACTED]	Lai Chi Kok Reception Centre	Taking instructions from client (Both [REDACTED] (Partner) and [REDACTED] (Trainee) Attended)	9:20 am – 11:00 am	1.5 hour (45 minutes one way)	Taxi ([REDACTED]) MTR ([REDACTED])
[REDACTED]	[REDACTED]	Crime Scene site visit (Both [REDACTED] (Partner) and [REDACTED] (Trainee) Attended)	11:00 am – 12:30 pm	1 hour (30 minutes one way)	MTR (Both)
[REDACTED]	Lai Chi Kok Reception Centre	Taking instructions from client ([REDACTED] (Trainee) Attended)	9:00 am – 10:15 am	1.5 hour (45 minutes one way)	MTR
[REDACTED]	Lai Chi Kok Reception Centre	Taking instructions from client ([REDACTED] (Trainee) Attended)	9:00 am – 11:00 am	1.5 hour (45 minutes one way)	MTR
[REDACTED]	Lai Chi Kok Reception Centre	Taking instructions from client (Both [REDACTED] (Partner) and [REDACTED] (Trainee) Attended)	9:00 am – 11:00 am	1.5 hour (45 minutes one way)	Taxi ([REDACTED]) MTR ([REDACTED])
[REDACTED]	Lai Chi Kok	Taking instructions from	9:00 am – 10:50 am	1.5 hour (45 minutes one	Taxi ([REDACTED])

	Reception Centre	client (Both [redacted] (Partner) and [redacted] (Trainee) Attended)		way)	[redacted] MTR [redacted]
[redacted]	Lai Chi Kok Reception Centre	Taking instructions from client (Both [redacted] (Partner) and [redacted] (Trainee) Attended)	9:00 am – 10:00 am	1.5 hour (45 minutes one way)	Taxi [redacted] MTR [redacted]

C. Other Attendances

On preparation of the case:
 [REDACTED] (Trainee) 87.7 hours
 [REDACTED] (Trainee) 4.0 hours

In monitoring of the trial:
(For instructing solicitors only)
 [REDACTED] (Partner) 69.9 hours

List of correspondence

1.	Description	Date	Enclosures
2.	Letter to the Department of Justice	[REDACTED]	
3.	Letter to the Department of Justice	[REDACTED]	with enclosures
4.	Letter to the Department of Justice	[REDACTED]	
5.	Letter to the Department of Justice	[REDACTED]	
6.	Letter to the Department of Justice	[REDACTED]	
7.	Letter to the Department of Justice	[REDACTED]	
8.	Letter to the Department of Justice	[REDACTED]	
9.	Letter to the Department of Justice	[REDACTED]	with enclosures
10.	Letter to the Department of Justice	[REDACTED]	
11.	Letter to the Department of Justice	[REDACTED]	
12.	Letter to the Department of Justice	[REDACTED]	
13.	Letter to the Department of Justice	[REDACTED]	
14.	Letter to the Department of Justice	[REDACTED]	
15.	Letter to the Department of Justice	[REDACTED]	
16.	Letter to the Department of Justice	[REDACTED]	
17.	Letter to the Department of Justice	[REDACTED]	
18.	Letter to the Department of Justice	[REDACTED]	
19.	Letter to the Department of Justice	[REDACTED]	
20.	Letter to the Department of Justice	[REDACTED]	
21.	Letter to the Department of Justice	[REDACTED]	
22.	Letter to the Department of Justice	[REDACTED]	
23.	Letter to the Department of Justice	[REDACTED]	
24.	Letter to Legal Aid Department	[REDACTED]	with enclosures
25.	Letter to Legal Aid Department	[REDACTED]	with enclosures
26.	Letter to Legal Aid Department	[REDACTED]	with enclosures
27.	Letter to Legal Aid Department	[REDACTED]	
28.	Letter to Legal Aid Department	[REDACTED]	
29.	Letter to Legal Aid Department	[REDACTED]	with enclosures
30.	Letter to Legal Aid Department	[REDACTED]	
31.	Letter to Legal Aid Department	[REDACTED]	with enclosures
32.	Letter to Legal Aid Department	[REDACTED]	with enclosures
33.	Letter to Legal Aid Department	[REDACTED]	

34.	Letter to Legal Aid Department	[REDACTED]	with enclosures
35.	Letter to Legal Aid Department	[REDACTED]	with enclosures
36.	Letter to Legal Aid Department	[REDACTED]	with enclosures
37.	Letter to Legal Aid Department	[REDACTED]	with enclosures
38.	Letter to Legal Aid Department	[REDACTED]	with enclosures
39.	Letter to Legal Aid Department	[REDACTED]	with enclosures
40.	Letter to Legal Aid Department	[REDACTED]	with enclosures
41.	Letter to Legal Aid Department	[REDACTED]	with enclosures
42.	Letter to Legal Aid Department	[REDACTED]	with enclosures
43.	Letter to Legal Aid Department	[REDACTED]	
44.	Letter to Legal Aid Department	[REDACTED]	with enclosures
45.	Letter to Legal Aid Department	[REDACTED]	
46.	Letter to Legal Aid Department	[REDACTED]	
47.	Letter to Legal Aid Department	[REDACTED]	with enclosures
48.	Letter to Legal Aid Department	[REDACTED]	
49.	Letter to Client	[REDACTED]	with enclosures
50.	Letter to Client	[REDACTED]	
51.	Letter to Client	[REDACTED]	with enclosures
52.	Letter to Client	[REDACTED]	
53.	Letter to Client	[REDACTED]	
54.	Letter to Client	[REDACTED]	
55.	Letter to Client	[REDACTED]	
56.	Letter to [REDACTED]	[REDACTED]	with enclosures
57.	Letter to [REDACTED]	[REDACTED]	
58.	Letter to [REDACTED]	[REDACTED]	
59.	Letter to [REDACTED]	[REDACTED]	
60.	Letter to [REDACTED]	[REDACTED]	
61.	Letter to [REDACTED]	[REDACTED]	
62.	Letter to [REDACTED]	[REDACTED]	with enclosures
63.	Letter to [REDACTED]	[REDACTED]	
64.	Letter to [REDACTED]	[REDACTED]	with enclosures
65.	Letter to [REDACTED]	[REDACTED]	with enclosures
66.	Letter to [REDACTED]	[REDACTED]	
67.	Letter to [REDACTED]	[REDACTED]	
68.	Letter to [REDACTED]	[REDACTED]	with enclosures
69.	Letter to Counsel	[REDACTED]	
70.	Letter to Counsel	[REDACTED]	
71.	Letter to Counsel	[REDACTED]	with enclosures
72.	Letter to Counsel	[REDACTED]	
73.	Letter to Counsel	[REDACTED]	
74.	Letter to Counsel	[REDACTED]	
75.	Letter to Counsel	[REDACTED]	with enclosures

76.	Letter to Counsel	[REDACTED]	
77.	Letter to Counsel	[REDACTED]	
78.	Letter to Counsel	[REDACTED]	with enclosures
79.	Letter to Counsel	[REDACTED]	
80.	Letter to Counsel	[REDACTED]	with enclosures
81.	Letter to Counsel	[REDACTED]	with enclosures
82.	Letter to Counsel	[REDACTED]	with enclosures
83.	Letter to Counsel	[REDACTED]	
84.	Letter to Counsel	[REDACTED]	with enclosures
85.	Letter to Counsel	[REDACTED]	
86.	Letter to Counsel	[REDACTED]	with enclosures
87.	Letter to Counsel	[REDACTED]	with enclosures
88.	Letter to Counsel	[REDACTED]	with enclosures
89.	Letter to Counsel	[REDACTED]	with enclosures
90.	Letter to Counsel	[REDACTED]	
91.	Letter to Counsel	[REDACTED]	with enclosures
92.	Letter to Counsel	[REDACTED]	
93.	Letter to Counsel	[REDACTED]	with enclosures
94.	Letter to Counsel	[REDACTED]	
95.	Letter to Counsel	[REDACTED]	with enclosures
96.	Letter to Counsel	[REDACTED]	with enclosures
97.	Letter to Counsel	[REDACTED]	with enclosures
98.	Letter to Defence Witnesses	[REDACTED]	with enclosures
99.	Letter to Defence Witnesses	[REDACTED]	with enclosures
100.	Letter to Defence Witnesses [REDACTED]	[REDACTED]	with enclosures
101.	Letter to Defence Witnesses [REDACTED]	[REDACTED]	with enclosures
102.	Letter to Defence Witnesses [REDACTED]	[REDACTED]	with enclosures
103.	Letter to Defence Witnesses [REDACTED]	[REDACTED]	
104.	Letter to Defence Witnesses [REDACTED]	[REDACTED]	
105.	Letter to Defence Witnesses ([REDACTED])	[REDACTED]	
106.	Letter to [REDACTED] Interpreters	[REDACTED]	
107.	Letter to [REDACTED] Interpreters	[REDACTED]	with enclosures
108.	Letter to [REDACTED] Interpreters	[REDACTED]	with enclosures
109.	Letter to [REDACTED] Interpreters	[REDACTED]	with enclosures
110.	Letter to [REDACTED] Interpreters	[REDACTED]	
111.	Letter to [REDACTED] Interpreters	[REDACTED]	with enclosures
112.	Letter to [REDACTED] Interpreters	[REDACTED]	with enclosures
113.	Letter to [REDACTED] Interpreters	[REDACTED]	
114.	Letter to [REDACTED] Interpreters	[REDACTED]	with enclosures

115.	Letter to [REDACTED] interpreters	[REDACTED]	with enclosures
116.	Letter to [REDACTED] interpreters	[REDACTED]	
117.	Letter to Other parties ([REDACTED])	[REDACTED]	
118.	Letter to Other parties ([REDACTED])	[REDACTED]	
119.	Letter to Other parties ([REDACTED])	[REDACTED]	
120.	Letter to Other parties (Lai Chi Kok Reception Centre)	[REDACTED]	
121.	Letter to Other parties ([REDACTED])	[REDACTED]	
122.	Letter to Other parties (Lai Chi Kok Reception Centre)	[REDACTED]	
123.	Letter to Other parties (Lai Chi Kok Reception Centre)	[REDACTED]	

Other Attendance

Perusing Documents provided by DOJ, Client and [REDACTED] (Partner) and [REDACTED] (Trainee)
Preparing Brief to Counsel ([REDACTED])
Reviewing and Commenting on Client's VIR ([REDACTED] (Partner) and [REDACTED] (Trainee))
Preparing Summary on VIR ([REDACTED] (Partner))
Preparing Client's Proof of Evidence ([REDACTED] (Trainee))
Drafting Attendance Notes ([REDACTED] (Partner), [REDACTED] (Trainee), and [REDACTED] (Trainee))
Attending telephone calls ([REDACTED] (Partner) and [REDACTED] (Trainee))

Detailed List of Disbursements

(1) Travelling expenses:-

Date	From	To	Purpose of the journey	Is the person taking the journey a solicitor/trainee solicitor? Yes/No	Travelling Expenses HK\$	Mode of Transport
[REDACTED]	Office	Home	Taking all box files home	Yes (Partner)	\$142.40	Taxi
[REDACTED]	Home	Lai Chi Kok Reception Centre	Taking instructions from client	Yes (Partner)	\$157.80	Taxi
[REDACTED]	Office	[REDACTED] Police Station	Collecting documents	No	\$20.00	MTR
[REDACTED]	Office	Admiralty	Delivering documents	No	\$8.00	MTR
[REDACTED]	Office	[REDACTED] Police Station	Delivering documents	No	\$20.00	MTR
[REDACTED]	Office	Home	Taking all box files home	Yes (Partner)	\$177.40	Taxi
[REDACTED]	Office	Counsel	Delivering documents	No	\$8.00	MTR
[REDACTED]	Office	Lai Chi Kok Reception Centre	Taking instructions from client	Yes (Trainee)	\$23.10	MTR
[REDACTED]	Office	Admiralty	Delivering documents	No	\$8.00	MTR
[REDACTED]	Home	Lai Chi Kok Reception Centre	Taking instructions from client	Yes (Partner)	\$157.80	Taxi
[REDACTED]	Office	LAD	Delivering documents	No	\$8.00	MTR
[REDACTED]	Office	Counsel	Delivering documents	No	\$8.00	MTR
[REDACTED]	LAD	Office	Delivering documents	No	\$8.00	MTR
[REDACTED]	Office	LAD	Delivering documents	No	\$16.00	MTR
[REDACTED]	Office	Interpreter	Delivering	No	\$22.00	MTR

			documents			
	Office	Interpreter	Collecting documents	No	\$22.00	MTR
	Office	Counsel	Delivering documents	No	\$8.00	MTR
	Office	LAD	Delivering documents	No	\$16.00	MTR
	Office	Admiralty	Delivering documents	No	\$8.00	MTR
	Office	Interpreter	Delivering documents	No	\$22.00	MTR
	Office	DOJ	Delivering documents	No	\$8.00	MTR
	Office	Admiralty	Delivering documents	No	\$8.00	MTR
	Office	Home	Taking all box files home	Yes (Partner)	\$65.00	Parking fee
	Home	Lai Chi Kok Reception Centre	Taking instructions from client	Yes (Partner)	\$176.40	Taxi
	Lai Chi Kok Reception Centre	Home	Taking instructions from client	Yes (Partner)	\$178.80	Taxi
	Office	Home	Taking all box files home	Yes (Partner)	\$86.00	Taxi
	Home	Lai Chi Kok Reception Centre	Taking instructions from client	Yes (Partner)	\$133.50	Taxi
	Lai Chi Kok Reception Centre	Office	Taking instructions from client	Yes (Partner)	\$89.40	Taxi
	Home	High Court	Court Hearing	Yes (Partner)	\$44.10	Taxi
	High Court	Office	Court Hearing	Yes (Partner)	\$20.00	Taxi

(2) Photocopying charges:-

No. of pages of documents	No. of copies made per page	Date when copies made	Nature and particulars of the documents	For whose use?
159	1		Brief to Counsel	Counsel

92	1	[REDACTED]	Unused Material	Counsel
79	1	[REDACTED]	Additional Bundle	Counsel
104	1	[REDACTED]	Additional Bundle No. 2	Counsel
17	1	[REDACTED]	Bundle of correspondence	Counsel
20	1	[REDACTED]	Proof of Evidence	Counsel
78	1	[REDACTED]	Bundle of correspondence	Counsel
22	1	[REDACTED]	Additional Bundle No. 3	Counsel

(3) Other disbursements:-

Date	Particulars of Disbursements	Purpose	Amount
[REDACTED]	Speed-post	Letter to DW [REDACTED]	\$25.00
[REDACTED]	Speed-post	Letter to DW [REDACTED]	\$25.00
[REDACTED]	Entertainment Expense	Refreshment for Counsel and [REDACTED]	\$140.00

APPENDIX 2

The Joint Tribunal Terms of Reference and Procedure

1. The Joint Tribunal, (formerly known as the Grey Areas Committee) shall be a Joint Tribunal of the Bar Council and the Law Society.
2. The Membership of the Joint Tribunal shall comprise a Panel of 10 barristers appointed by the Chairman ("the Chairman") of the Bar Association and 10 solicitors appointed by the President ("the President") of the Law Society.
3. The Joint Tribunal shall resolve disputes between members of the Bar Association and the Law Society relating to fees which are referred to it by the Chairman or the President.
4. Where the Chairman or the President is of the opinion that such a dispute should be referred to the Joint Tribunal, the Chairman or the President shall each inform the other and the parties ("the parties").
5. Within one month of such notice the Chairman and the President respectively shall nominate a barrister and a solicitor from the Panel to form a Joint Tribunal to resolve the dispute and shall advise the parties of the same.
6. The party whose complaint forms the basis for the reference ("the Applicant") shall within 14 days of the Joint Tribunal's appointment supply 5 copies of the Statement of his case, all relevant fee notes, correspondence between the parties, the Bar Council and/or the Law Society, and other documents in relation to the dispute.
7. The Joint Tribunal shall within 7 days thereafter supply one copy of the Applicant's Statement of Case and supporting documents to the other party ("the Respondent") who shall prepare and supply 5 copies of his Statement of

Response within 14 days of receipt of the Applicant's case, to the Joint Tribunal.

8. Within 7 days thereafter, the Joint Tribunal shall supply a copy of the Statement of Response and supporting documents to the Applicant who shall within 14 days make a Statement of Reply, if appropriate, with any further supporting documents and supply 5 copies of the same to the Joint Tribunal.
9. The Law Society member and the Bar Association member of the Panel shall alternate as Chairman of the Panel.
10. The Joint Tribunal shall in its absolute discretion decide on the appropriate procedure to resolve the dispute subject to the provisions of paragraphs 6, 7, 8, and 12. The Joint Tribunal may within 28 days of receipt of the documents referred to above, invite the parties to:-
 - (a) make representations in respect of the conduct of the dispute;
 - (b) adduce such or additional evidence or written or oral submissions as the Joint Tribunal deems necessary.
11. The Joint Tribunal may at its discretion stipulate or extend any time limit provided for in these Terms of Reference and Procedure.
12. Upon receipt of all documents and submissions and in any event within 28 days of receipt of the Statement of Response the Joint Tribunal shall fix a time for any hearing, not later than 56 days thereafter or notify the parties that no hearing is considered appropriate.
13. The Joint Tribunal shall communicate its decision to the parties and to the Chairman and the President.
14. The Joint Tribunal shall give reasons for its decision which shall be final.
15. Payment of any sum found due shall be made within 14 days of the date of the notification in writing to the party required to make it of any award by the Joint Tribunal.

16. The Joint Tribunal shall have power to direct the payment of undisputed sums forthwith and payment shall be made within 14 days of any such interim award.
17. In the event of any failure to abide by the Joint Tribunal's decision on any award or interim award the Joint Tribunal shall refer the matter as professional misconduct to the Law Society or the Bar Council.
18. The Joint Tribunal may draft a guidance note for consideration by the Bar Council or the Law Society on the practice to be observed in similar circumstances.