

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 591/15-16

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 13 May 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 1 June 2016**

**Proposed resolution under  
the Criminal Procedure Ordinance**

The Secretary for Home Affairs will move, at the Council meeting of 1 June 2016, a proposed resolution under section 9A of the Criminal Procedure Ordinance (Cap. 221). The proposed resolution (**Appendix 1**) is attached for Members' consideration. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

## **Criminal Procedure Ordinance**

---

### **Resolution**

(Under section 9A of the Criminal Procedure Ordinance (Cap. 221))

---

**Resolved** that the Legal Aid in Criminal Cases (Amendment) Rules 2016, made by the Criminal Procedure Rules Committee on 4 May 2016, be approved.

## Legal Aid in Criminal Cases (Amendment) Rules 2016

### Contents

Rule	Page
1. Commencement.....	1
2. Legal Aid in Criminal Cases Rules amended .....	1
3. Rule 2 amended (interpretation) .....	1
4. Rule 3 amended (panels of counsel and solicitors) .....	1
5. Rule 6 amended (consideration of application for legal aid).....	1
6. Rule 7 amended (grant of legal aid certificate) .....	2
7. Rule 8 amended (refusal to grant legal aid).....	2
8. Rule 10 amended (legal aid for appellants).....	2
9. Rule 11 amended (grant of appeal aid certificate).....	2
10. Rule 12 amended (refusal to grant legal aid to appeal) .....	3
11. Rule 13 amended (legal aid in capital cases).....	3
12. Rule 21 amended (solicitor and counsel fees).....	4
13. Rule 22 added.....	6
22. Transitional provision—Legal Aid in Criminal Cases (Amendment) Rules 2016 .....	6
14. Schedule amended (solicitor and counsel fees).....	6

## Legal Aid in Criminal Cases (Amendment) Rules 2016

(Made by the Criminal Procedure Rules Committee under section 9A of the Criminal Procedure Ordinance (Cap. 221) with the approval of the Legislative Council)

### 1. Commencement

These Rules come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.

### 2. Legal Aid in Criminal Cases Rules amended

The Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) are amended as set out in rules 3 to 14.

### 3. Rule 2 amended (interpretation)

Rule 2(3)(b)(iii), after “items 1”—

**Add**

“, 5A”.

### 4. Rule 3 amended (panels of counsel and solicitors)

Rule 3(6), after “item”—

**Add**

“5A, 5B, 5C, 5D,”.

### 5. Rule 6 amended (consideration of application for legal aid)

Rule 6—

**Repeal**

“in the case of a capital charge”.

**6. Rule 7 amended (grant of legal aid certificate)**

Rule 7(1)(b)—

**Repeal**

everything after “assign” and before “as the Director”

**Substitute**

“1 solicitor or counsel, or 1 solicitor and 1 counsel, or 1 solicitor and 2 counsel (one of whom may be leading counsel),”.

**7. Rule 8 amended (refusal to grant legal aid)**

Rule 8(3)—

**Repeal**

everything after “assign” and before “as the Director”

**Substitute**

“1 solicitor or counsel, or 1 solicitor and 1 counsel, or 1 solicitor and 2 counsel (one of whom may be leading counsel),”.

**8. Rule 10 amended (legal aid for appellants)**

Rule 10—

**Repeal**

“in the case of an appellant convicted of a capital charge”.

**9. Rule 11 amended (grant of appeal aid certificate)**

Rule 11(1)(b)—

**Repeal**

everything after “assign” and before “to represent him”

**Substitute**

“1 solicitor or counsel, or 1 solicitor and 1 counsel, or 1 solicitor and 2 counsel (one of whom may be leading counsel), as the Director thinks fit,”.

**10. Rule 12 amended (refusal to grant legal aid to appeal)**

Rule 12(3)—

**Repeal**

everything after “assign” and before “to represent the appellant”

**Substitute**

“1 solicitor or counsel, or 1 solicitor and 1 counsel, or 1 solicitor and 2 counsel (one of whom may be leading counsel), as the Director thinks fit,”.

**11. Rule 13 amended (legal aid in capital cases)**

(1) Rule 13, heading—

**Repeal**

“capital”

**Substitute**

“certain”.

(2) Rule 13(2)—

**Repeal**

“by the court or a judge thereof, and the court or judge, if it or he thinks fit,”

**Substitute**

“by the Court or a judge of the Court; and, if the Court or the judge thinks fit, the Court or the judge”.

(3) Rule 13(3)—

**Repeal**

everything after “assign” and before “to represent the accused person”

**Substitute**

“1 solicitor or counsel, or 1 solicitor and 1 counsel, or 1 solicitor and 2 counsel (one of whom may be leading counsel), as the Court, the judge or the Director thinks fit.”.

**12. Rule 21 amended (solicitor and counsel fees)**

- (1) Rule 21(8), after “5(a) and (b)(i) and (ii),”—

**Add**

“5A(a)(i) and (ii), 5B(a)(i) and (ii), 5C(a)(i) and (ii), 5D(a)(i) and (ii),”.

- (2) Rule 21(8)(a)(i)—

**Repeal**

“\$670”

**Substitute**

“\$840”.

- (3) Rule 21(8)(a)(ii)—

**Repeal**

“\$1,250”

**Substitute**

“\$1,760”.

- (4) Rule 21(8)(a)(iii)—

**Repeal**

“\$1,040”

**Substitute**

“\$1,560”.

- (5) Rule 21(8)(b)(i)—

**Repeal**

everything after “instructing solicitor,”

**Substitute**

“\$1,000 per hour in the case of item 1(a) and (b)(i) and (ii) or 2(a) and (b)(i) and (ii) in that Table;”.

- (6) After rule 21(8)(b)(i)—

**Add**

“(ia) for a solicitor with higher rights of audience acting as an advocate as well as an instructing solicitor, \$2,150 per hour in the case of item 5A(a)(i) and (ii) or 5B(a)(i) and (ii) in that Table; and”.

- (7) Rule 21(8)(b)(ii)—

**Repeal**

“\$1,270”

**Substitute**

“\$1,910”.

- (8) Rule 21(8)(c)(i)—

**Repeal**

everything after “instructing solicitor,”

**Substitute**

“\$1,360 per hour in the case of item 3(a) and (b)(i) and (ii) or 4(a) and (b)(i) and (ii) in that Table;”.

- (9) After rule 21(8)(c)(i)—

**Add**

“(ia) for a solicitor with higher rights of audience acting as an advocate as well as an instructing solicitor, \$2,150 per

hour in the case of item 5C(a)(i) and (ii) or 5D(a)(i) and (ii) in that Table; and”.

- (10) Rule 21(8)(c)(ii)—

**Repeal**

“\$1,270”

**Substitute**

“\$1,910”.

**13. Rule 22 added**

After rule 21—

**Add**

**“22. Transitional provision—Legal Aid in Criminal Cases (Amendment) Rules 2016**

- (1) In this rule—

*amending Rules* (《修訂規則》) means the Legal Aid in Criminal Cases (Amendment) Rules 2016;

*commencement date* (生效日期) means the date on which the amending Rules come into operation.

- (2) If a solicitor or counsel is assigned to an aided person under these rules before the commencement date, these rules as in force immediately before the commencement date continue to apply to the solicitor or counsel in respect of the assignment as if the amending Rules had not been made.”.

**14. Schedule amended (solicitor and counsel fees)**

- (1) The Schedule, Part 1, after section 3(e)—

**Add**

“(ea) item 5A(b)(i) and (ii) and (c);

(eb) item 5B(b)(i) and (ii) and (c);

(ec) item 5C(b)(i) and (ii) and (c);

(ed) item 5D(b)(i) and (ii) and (c);”.

- (2) The Schedule, Part 2, item 1(a)—

**Repeal**

“\$800”

**Substitute**

“\$1,000”.

- (3) The Schedule, Part 2, item 1(b)(i)—

**Repeal**

“\$3,230”

**Substitute**

“\$4,040”.

- (4) The Schedule, Part 2, item 1(b)(ii)—

**Repeal**

“\$3,230”

**Substitute**

“\$4,040”.

- (5) The Schedule, Part 2, item 1(c)—

**Repeal**

“\$800”

**Substitute**

“\$1,000”.

- (6) The Schedule, Part 2, item 1(d)—

**Repeal**

“\$6,480”

**Substitute**

“\$8,100”.

- (7) The Schedule, Part 2, item 2(a)—

**Repeal**

“\$800”

**Substitute**

“\$1,000”.

- (8) The Schedule, Part 2, item 2(b)(i)—

**Repeal**

“\$3,230”

**Substitute**

“\$4,040”.

- (9) The Schedule, Part 2, item 2(b)(ii)—

**Repeal**

“\$3,230”

**Substitute**

“\$4,040”.

- (10) The Schedule, Part 2, item 2(c)—

**Repeal**

“\$800”

**Substitute**

“\$1,000”.

- (11) The Schedule, Part 2, item 2(d)—

**Repeal**

“\$6,480”

**Substitute**

“\$8,100”.

- (12) The Schedule, Part 2, item 3(a)—

**Repeal**

“\$1,090”

**Substitute**

“\$1,360”.

- (13) The Schedule, Part 2, item 3(b)(i)—

**Repeal**

“\$4,390”

**Substitute**

“\$5,490”.

- (14) The Schedule, Part 2, item 3(b)(ii)—

**Repeal**

“\$4,390”

**Substitute**

“\$5,490”.

- (15) The Schedule, Part 2, item 3(c)—

**Repeal**

“\$1,090”

**Substitute**

“\$1,360”.

- (16) The Schedule, Part 2, item 3(d)—

**Repeal**

“\$8,780”

**Substitute**

“\$10,980”.

- (17) The Schedule, Part 2, item 4(a)—  
**Repeal**  
 “\$1,090”  
**Substitute**  
 “\$1,360”.
- (18) The Schedule, Part 2, item 4(b)(i)—  
**Repeal**  
 “\$4,390”  
**Substitute**  
 “\$5,490”.
- (19) The Schedule, Part 2, item 4(b)(ii)—  
**Repeal**  
 “\$4,390”  
**Substitute**  
 “\$5,490”.
- (20) The Schedule, Part 2, item 4(c)—  
**Repeal**  
 “\$1,090”  
**Substitute**  
 “\$1,360”.
- (21) The Schedule, Part 2, item 4(d)—  
**Repeal**  
 “\$8,780”  
**Substitute**  
 “\$10,980”.
- (22) The Schedule, Part 2, item 5(a)—

- Repeal**  
 “\$670”  
**Substitute**  
 “\$840”.
- (23) The Schedule, Part 2, item 5(b)(i)—  
**Repeal**  
 “\$2,740”  
**Substitute**  
 “\$3,430”.
- (24) The Schedule, Part 2, item 5(b)(ii)—  
**Repeal**  
 “\$2,740”  
**Substitute**  
 “\$3,430”.
- (25) The Schedule, Part 2, item 5(c)—  
**Repeal**  
 “\$670”  
**Substitute**  
 “\$840”.
- (26) The Schedule, Part 2, item 5(d)—  
**Repeal**  
 “\$5,490”  
**Substitute**  
 “\$6,860”.
- (27) The Schedule, Part 2, after item 5—  
**Add**



- 5A. Solicitor with higher rights of audience assigned under a legal aid certificate to act as an advocate as well as an instructing solicitor in respect of proceedings in the Court of First Instance
- (a) (i) A fee not exceeding \$21,240 for preparation (other than the work described in paragraph (c)) that appears to the Director to be reasonable and proper.
  - (ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$8,600 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.
  - (b) Irrespective of the duration of the hearing on any day—
    - (i) a fee not exceeding \$21,240 for attendance at the Court of First Instance for the trial, plea or sentence that

- appears to the Director to be reasonable and proper; and
  - (ii) additionally, if the trial, plea or sentence is not concluded on the day on which it started, a fee not exceeding \$23,540 for every subsequent day that appears to the Director to be reasonable and proper.
  - (c) A fee for attendance at the Court of First Instance (other than for the trial, plea or sentence) at a rate that appears to the Director to be reasonable and proper.
- 5B. Solicitor with higher rights of audience assigned under an appeal aid certificate to act as an advocate as well as an instructing solicitor in respect of an appeal from
- (a) (i) A fee not exceeding \$21,240 for preparation (other than the work described in paragraph (c)) that appears to the

a magistrate to the Court of First Instance

Director to be reasonable and proper.

(ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$8,600 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.

- (b) Irrespective of the duration of the appeal hearing on any day—
- (i) a fee not exceeding \$21,240 for attendance at the Court of First Instance for the appeal hearing that appears to the Director to be reasonable and proper; and
  - (ii) additionally, if the appeal hearing is not concluded on the day on which

it started, a fee not exceeding \$23,540 for every subsequent day that appears to the Director to be reasonable and proper.

(c) A fee for attendance at the Court of First Instance (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.

5C. Solicitor with higher rights of audience assigned under an appeal aid certificate to act as an advocate as well as an instructing solicitor in respect of an appeal from the Court of First Instance to the Court of Appeal

- (a) (i) A fee not exceeding \$28,320 for preparation (other than the work described in paragraph (c)) that appears to the Director to be reasonable and proper.
- (ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$8,600 per unit for every

- additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.
- (b) Irrespective of the duration of the appeal hearing on any day—
    - (i) a fee not exceeding \$28,320 for attendance at the Court of Appeal for the appeal hearing that appears to the Director to be reasonable and proper; and
    - (ii) additionally, if the appeal hearing is not concluded on the day on which it started, a fee not exceeding \$31,400 for every subsequent day that appears to the Director to be reasonable and proper.
  - (c) A fee for attendance at the Court of Appeal

- (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.
- 5D. Solicitor with higher rights of audience assigned under an appeal aid certificate to act as an advocate as well as an instructing solicitor in respect of an appeal from the District Court to the Court of Appeal
    - (a) (i) A fee not exceeding \$22,640 for preparation (other than the work described in paragraph (c)) that appears to the Director to be reasonable and proper.
    - (ii) Additionally, if more than 8 hours are required for the preparation, a fee at a rate not exceeding \$8,600 per unit for every additional 4-hour unit (or part of it) that appears to the Director to be reasonable and proper.
    - (b) Irrespective of the duration of the appeal hearing on any day—
      - (i) a fee not

- exceeding \$22,640 for attendance at the Court of Appeal for the appeal hearing that appears to the Director to be reasonable and proper; and
- (ii) additionally, if the appeal hearing is not concluded on the day on which it started, a fee not exceeding \$25,100 for every subsequent day that appears to the Director to be reasonable and proper.
- (c) A fee for attendance at the Court of Appeal (other than for the appeal hearing) at a rate that appears to the Director to be reasonable and proper.”.
- (28) The Schedule, Part 2, item 6(a)(i)—  
**Repeal**  
 “\$10,095”

- Substitute**  
 “\$14,130”.
- (29) The Schedule, Part 2, item 6(a)(ii)—  
**Repeal**  
 “\$5,030”  
**Substitute**  
 “\$7,040”.
- (30) The Schedule, Part 2, item 6(b)(i)—  
**Repeal**  
 “\$10,095”  
**Substitute**  
 “\$14,130”.
- (31) The Schedule, Part 2, item 6(b)(ii)—  
**Repeal**  
 “\$11,190”  
**Substitute**  
 “\$15,670”.
- (32) The Schedule, Part 2, item 7(a)(i)—  
**Repeal**  
 “\$12,260”  
**Substitute**  
 “\$18,390”.
- (33) The Schedule, Part 2, item 7(a)(ii)—  
**Repeal**  
 “\$5,140”  
**Substitute**

- “\$7,710”.
- (34) The Schedule, Part 2, item 7(b)—  
**Repeal**  
 “\$12,260”  
**Substitute**  
 “\$18,390”.
- (35) The Schedule, Part 2, item 8(a)(i)—  
**Repeal**  
 “\$12,260”  
**Substitute**  
 “\$18,390”.
- (36) The Schedule, Part 2, item 8(a)(ii)—  
**Repeal**  
 “\$5,140”  
**Substitute**  
 “\$7,710”.
- (37) The Schedule, Part 2, item 8(b)—  
**Repeal**  
 “\$12,260”  
**Substitute**  
 “\$18,390”.
- (38) The Schedule, Part 2, item 9(a)(i)—  
**Repeal**  
 “\$16,350”  
**Substitute**  
 “\$24,530”.

- (39) The Schedule, Part 2, item 9(a)(ii)—  
**Repeal**  
 “\$5,140”  
**Substitute**  
 “\$7,710”.
- (40) The Schedule, Part 2, item 9(b)—  
**Repeal**  
 “\$16,350”  
**Substitute**  
 “\$24,530”.
- (41) The Schedule, Part 2, item 10(a)(i)—  
**Repeal**  
 “\$13,070”  
**Substitute**  
 “\$19,610”.
- (42) The Schedule, Part 2, item 10(a)(ii)—  
**Repeal**  
 “\$5,140”  
**Substitute**  
 “\$7,710”.
- (43) The Schedule, Part 2, item 10(b)—  
**Repeal**  
 “\$13,070”  
**Substitute**  
 “\$19,610”.
- (44) The Schedule, Part 2, item 11(a)(i)—

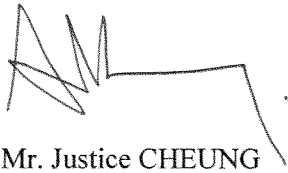
- Repeal**  
“\$8,160”
- Substitute**  
“\$12,240”.
- (45) The Schedule, Part 2, item 11(a)(ii)—
- Repeal**  
“\$4,210”
- Substitute**  
“\$6,320”.
- (46) The Schedule, Part 2, item 11(b)—
- Repeal**  
“\$8,160”
- Substitute**  
“\$12,240”.
- (47) The Schedule, Part 2, item 13—
- Repeal**  
“\$1,270”
- Substitute**  
“\$1,910”.
- (48) The Schedule, Part 2, item 14—
- Repeal**  
“\$1,040”
- Substitute**  
“\$1,560”.
- (49) The Schedule, Part 2, item 17(a)—
- Repeal**

- “\$9,800”
- Substitute**  
“\$14,700”.
- (50) The Schedule, Part 2, item 18(a)—
- Repeal**  
“\$2,640”
- Substitute**  
“\$3,300”.
- (51) The Schedule, Part 2, item 18(b)—
- Repeal**  
“\$2,170”
- Substitute**  
“\$2,710”.
- (52) The Schedule, Part 2, item 19(a)—
- Repeal**  
“\$9,800”
- Substitute**  
“\$14,700”.
- (53) The Schedule, Part 2, item 19(b)—
- Repeal**  
“\$4,890”
- Substitute**  
“\$7,340”.
- (54) The Schedule, Part 2, item 20—
- Repeal**  
“\$3,240”

**Substitute**

“\$4,860”.

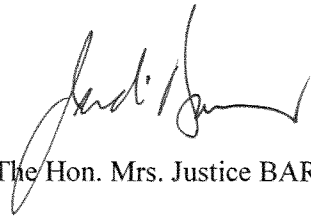
Made this 4<sup>th</sup> day of May 2016.



The Hon. Mr. Justice CHEUNG  
Chief Judge of the High Court



The Hon. Mr. Justice LUNN, V.P.



The Hon. Mrs. Justice BARNES



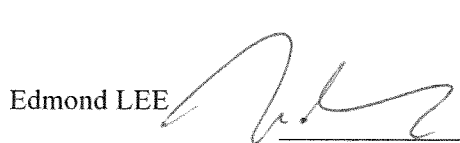
Andy HO  
Senior Deputy Registrar, High Court



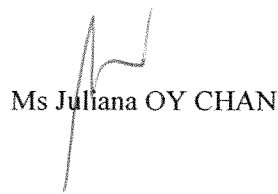
Ms Charlotte DRAYCOTT, S.C.



Kenneth NG



Edmond LEE



Ms Juliana OY CHAN

**Explanatory Note**

Solicitors or counsel assigned under the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) (*principal Rules*) to represent legally aided persons are remunerated according to the Table of Fees in the Schedule to the principal Rules. The Director of Legal Aid—

- (a) may re-determine the fees in certain circumstances under rule 21(8) of the principal Rules; and
  - (b) may increase the fees in certain circumstances in accordance with section 3 of Part 1 of the Schedule to the principal Rules.
2. Rules 12 and 14 respectively amend rule 21(8) of, and the Schedule to, the principal Rules—
    - (a) to adjust the fees payable under rule 21(8) and the Table of Fees; and
    - (b) to allow fees to be paid under rule 21(8) and the Schedule to solicitors with higher rights of audience acting as an advocate as well as an instructing solicitor in respect of proceedings and appeals in the High Court.
  3. Rules 6, 7, 9, 10 and 11(2) respectively amend rules 7(1)(b), 8(3), 11(1)(b), 12(3) and 13(2) of the principal Rules to improve the presentation of those provisions.
  4. Rules 5, 8 and 11(1) respectively amend rules 6, 10 and 13 of the principal Rules to remove obsolete references to capital charges and cases.
  5. Rules 3, 4 and 11(3) respectively contain consequential amendments to rules 2(3)(b)(iii), 3(6) and 13(3) of the principal Rules.
  6. Rule 13 provides for transitional arrangements.

**(Translation)**  
**Speech by the Secretary for Home Affairs**  
**in the Legislative Council on 1 June 2016**

**Legal Aid in Criminal Cases (Amendment) Rules 2016**

President,

I move the Resolution standing in my name on the agenda.

2. Legal aid is an integral part of the legal system in Hong Kong. The policy objective of legal aid is to ensure that no person with reasonable grounds for initiating or defending lawsuits in the courts of Hong Kong is prevented from seeking justice because of the lack of financial means.

3. The Legal Aid in Criminal Cases Rules (“LACCR”) (Cap. 221 sub. leg. D), made by the Criminal Procedure Rules Committee under section 9A of the Criminal Procedure Ordinance (Cap. 221), prescribe the fees payable to solicitors and counsel in private practice engaged acting for legally aided persons in criminal cases. The Department of Justice (“DoJ”) draws reference to the relevant amounts as set out in the abovementioned LACCR when engaging fiat counsel in private practice to appear for the Government in criminal cases according to the standard procedure.

4. In March 2012, with the Legislative Council’s (“LegCo”) support and the collaborative efforts of the two legal professional bodies, we enhanced the payment structure of the criminal legal aid fees system. We also undertook to review the level of criminal legal aid fees in two years’ time upon the implementation of the relevant enhancement measures.



## Review of criminal legal aid fees

5. The Home Affairs Bureau set up a working group in March 2014 to conduct the review. Members of the Working Group include representatives from the Hong Kong Bar Association and the Law Society of Hong Kong, as well as government representatives from Legal Aid Department (“LAD”) and DoJ. The Working Group completed the review in mid-2015 and made the following recommendations regarding the level of criminal legal aid fees –

- (a) increase the criminal legal aid fees by 50% for counsel;
- (b) increase the criminal legal aid fees by 25% for instructing solicitors; and
- (c) increase the criminal legal aid fees by 40% for solicitors acting as both advocate and instructing solicitor (“Solicitor Advocates”) in the District Court.

The Working Group also recommended introducing a new category of criminal legal aid fees for Solicitor Advocates with higher rights of audience for High Court cases.

6. The Government has also completed the biennial review of the criminal legal aid fees, prosecution fees and duty lawyer fees. The fees are proposed to be raised by 7.7% in accordance with the movement in Consumer Price Index (C) during the reference period from July 2012 to July 2014. The proposed increase in the level of criminal legal aid fees is inclusive of the 7.7% increase attributable to inflation.

7. The proposed increase of criminal legal aid fees is agreeable to the two legal professional bodies. The Legal Aid Services Council and LegCo Panel on Administration of Justice and Legal Services also support the proposal.

8. We hope that the 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. In the long run, increasing the criminal legal aid fees would also help attract more talented legal professionals to undertake criminal legal aid work, which can enhance the quality of criminal law practitioners in Hong Kong.

### Proposed adjustments to prosecution fees

9. In light of the increase in the level of criminal legal aid fees, DoJ would simultaneously through administrative means adjust its scale of fees for standard briefing-out criminal cases so that the relevant fees are on par with criminal legal aid fees. This is to ensure that neither DoJ nor LAD would have unfair advantage in competing for the same pool of lawyers for prosecution and defence.

### Financial implications

10. The proposal to increase criminal legal aid fees is estimated to incur an additional recurrent expenditure of around \$48 million by LAD in a full year. LAD has included the necessary provision in the 2016-17 Estimates and will absorb the workload in effecting the fee changes. As for the proposed increase in prosecution fees, DoJ has also included the required funding provision in the 2016-17 Estimates.

11. Subject to LegCo's approval of the Resolution, we will submit the Commencement Notice specifying the implementation date of the revised fees as soon as possible. May I invite Members to support the Resolution. Thank you, President.

– End –