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1 November 2017

Mr Lemuel WOO
Clerk to Panel on Administration of Justice and Legal Services
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr Woo,

**Response to Item 2 of the List of Follow-up Actions of the
Panel on Administration of Justice and Legal Services**

At the meeting of the Panel on Administration of Justice and Legal Services (“the Panel”) on 19 December 2016, Members requested the Government to provide a written response on whether a comprehensive review of the criminal legal aid fees and the duty lawyer fees would be conducted. Our response is set out as follows.

Criminal Legal Aid Fees

The Home Affairs Bureau (HAB) set up a Working Group in March 2014 to review the rates of criminal legal aid fees payable to lawyers in private practice engaged to undertake litigation work on behalf of the Legal Aid Department (“LAD”). Members of the Working Group included representatives from the Hong Kong Bar Association and the

Law Society of Hong Kong, as well as government representatives from LAD and the Department of Justice (“DoJ”). The Working Group recommended a package of increases in criminal legal aid fees¹ and the introduction of a new category of fee rates for Solicitor Advocates for the higher courts. We obtained the support of the Panel in February 2016 and the proposed package of increases in criminal legal aid fees was approved by the Legislative Council in June 2016. The new fees came into effect on 14 November 2016. We will keep in view the implementation of the new fees, which have come into effect only since November 2016, and consider the need for another review as and when necessary.

Duty Lawyer Fees

As reported to the Panel at the meeting on 30 October 2017, the Government has decided to conduct a review of duty lawyer fees and will set up a working group for the purpose. We have invited the two legal professional bodies, the Duty Lawyer Service (“DLS”) and relevant government departments, namely DoJ and LAD, to join the working group. Upon completion of the review, the Government will report the outcome to the Panel.

We shall be grateful if you would circulate the above information to Members of the Panel.

Yours sincerely,



(Karyn CHAN)

for Secretary for Home Affairs

c.c. Director of Legal Aid (Attn: Mr Chris CHONG)

¹ The criminal legal aid fees were proposed to be increased by the following percentages –
(a) 50% for counsel;
(b) 25% for instructing solicitors; and
(c) 40% for solicitors acting as both advocate and instructing solicitor in the District Court.