

The Chairperson
AJLS Panel
Legislative Council

PANEL on Administration of Justice and Legal Services

LC Paper NO CB(4)303/16-17(03)

BIENNIAL REVIEW OF CRIMINAL LEGAL AID FEES

Whilst grateful for the planned increases, the Bar notes with concern that the Administration intends to move “*a resolution in LegCo to effect the legislative change in the second quarter of 2017 and appoint the commencement date as soon as possible upon LegCo’s approval*” (para 11).

This presumably means that Criminal Legal Aid Fees will not be increased until after 1 April at the very earliest; whereas these for Prosecution and Duty Lawyers have been increased since 14 November 2016 (para 14).

Given that the HAB Working Group completed their Review of the rates in mid-2015 and the Panel were briefed on the Government’s proposal to amend the Schedule to the LACCR in February 2016 (see Background Brief CB(4)3030/16-17(04) paras 7, 9 and 10), and the declaration of principle that the same fee scale should apply to both LAD and DOJ “briefs” so that “*neither would have any advantage in competing for lawyers*” (para 2), it is submitted that the increases in LAD Fees should be backdated to 14 November 2016 i.e. the same date as the DOJ and DLS rates were increased administratively, no matter when the legislation is eventually passed.

We note that there seems to be no difficulty in so backdating recent increases in e.g. Civil Service and Judicial Salaries and other benefits recently announced in the Press.

We therefore respectfully ask for similar backdating.

17 December 2016

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