

Government proposal to increase rates for criminal legal aid solicitors

The Home Affairs Bureau has written to the Legal Aid Services Council to report progress on the discussion with the Law Society of Hong Kong on the increase of rates for criminal legal aid solicitors. The discussion has been ongoing for more than two years.

A Home Affairs Bureau spokesman said the Government had proposed to the Law Society that a further increase would be made to the remuneration for solicitors who take up criminal legal aid cases.

The latest change the Government offered last month (April) is that, the Instructing Solicitors who take up the assigned legal aid cases will be remunerated from the present \$300 per hour to \$620 per hour. Depending on the level of courts and the individual cases, remuneration for solicitors would increase by about one to four times under the new rates. The Legal Aid Department has earmarked an additional \$100 million to cater for the new criminal legal aid fee expenditure.

The spokesman said that in the review of the new criminal legal aid fees for solicitors, the Government had taken into account a basket of factors, including consideration of division of labour of counsel and solicitors in criminal legal aid cases, and the Law Society's wish to raise the fees to attract more solicitors to take up criminal legal aid work.

"The Government has adopted the principle of prudent utilisation of public funds, and considered from the perspective of taxpayers public affordability in determining the appropriate increase in criminal legal aid fees for solicitors," the spokesman said.

"On the question of whether the Government has made reference to remuneration for other practitioners, the Government confirmed that reference had been made to remuneration for government lawyers handling criminal legal aid cases.

"We welcome continual discussion with the Law Society on the remuneration package for solicitors, and are prepared to review the rates in two years' time upon the effective implementation of the new rates.

“We hope to get support from the Law Society on the matter, with a view to reporting the proposal to the Legislative Council as soon as practicable. If agreed, the preparatory legislative work can begin this summer for implementation of the new criminal legal aid fee structure and fees,” the spokesman said.

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