

Government proposes significant increase in criminal legal aid fees

In response to the press conference held by the Hong Kong Law Society today (September 16), a spokesman from the Home Affairs Bureau said that the Government has undertaken to increase the expenses on assigned-out criminal legal aid cases from \$90 million to \$190 million to facilitate a significant increase in the fees.

The spokesman said that the remuneration of solicitors engaged would be increased by 120% to 400%, depending on individual cases. Amid the financial tsunami, the proposed increase represents the best possible level the Government could strive for. The Government appeals to the Law Society for understanding.

In considering the new rates, the Government, in addition to adopting the principles of prudent utilisation of public funds, has to take into account other relevant factors including the Law Society's demand to attract more solicitors to take up criminal legal aid work, division of labour between counsel and solicitors in criminal aid cases and remuneration of Government lawyers.

In response to media enquiries on whether the boycott would affect the provision of services to the public, the spokesman said that in addition to assigning criminal legal aid cases to assigned solicitors, the Legal Aid Department also arranges for in-house lawyers to handle the cases. As such, it is believed that the boycott would not affect the provision of services.

The spokesman said that the Government would continue to maintain a dialogue with the Law Society and calls for early termination of the boycott by the Law Society.

A comparison of the current and proposed rates (simplified as hourly rates) is provided as follows:

	Current rates -----	Proposed rates under new structure and news rates for solicitors -----
District Court Instructing Solicitor	\$300	\$620 (Original proposal: \$520)
Court of First Instance Instructing Solicitor	\$425	\$730
Court of Appeal Instructing Solicitor	\$570	\$990

Ends/Wednesday, September 16, 2009

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