

L.N. 34 of 2023

Legal Aid in Criminal Cases (Amendment) Rules 2023

(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. 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 2, 3 and 4.

2. Rule 21 amended (solicitor and counsel fees)

(1) Rule 21(8)(a)(i)—

Repeal

“\$920”

Substitute

“\$940”.

(2) Rule 21(8)(a)(ii)—

Repeal

“\$1,950”

Substitute

“\$2,010”.

(3) Rule 21(8)(a)(iii)—

Repeal

“\$1,720”

Substitute

“\$1,770”.

- (4) Rule 21(8)(b)(i)—

Repeal

“\$1,100”

Substitute

“\$1,130”.

- (5) Rule 21(8)(b)(ia)—

Repeal

“\$2,370”

Substitute

“\$2,440”.

- (6) Rule 21(8)(b)(ii)—

Repeal

“\$2,100”

Substitute

“\$2,160”.

- (7) Rule 21(8)(c)(i)—

Repeal

“\$1,490”

Substitute

“\$1,530”.

- (8) Rule 21(8)(c)(ia)—

Repeal

“\$2,370”

Substitute

“\$2,440”.

(9) Rule 21(8)(c)(ii)—

Repeal

“\$2,100”

Substitute

“\$2,160”.

3. Rule 26 added

After rule 25—

Add

“26. Transitional provision—Legal Aid in Criminal Cases (Amendment) Rules 2023

If a solicitor or counsel is assigned to an aided person under these rules before the date on which the Legal Aid in Criminal Cases (Amendment) Rules 2023 (*amending Rules*) come into operation, these rules as in force immediately before that date continue to apply to the solicitor or counsel in respect of the assignment as if the amending Rules had not been made.”.

4. Schedule amended (solicitor and counsel fees)

(1) The Schedule, Part 2, item 1(a)—

Repeal

“\$1,100”

Substitute

“\$1,130”.

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

Repeal

“\$4,470”

Substitute

“\$4,600”.

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

Repeal

“\$4,470”

Substitute

“\$4,600”.

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

Repeal

“\$1,100”

Substitute

“\$1,130”.

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

Repeal

“\$8,980”

Substitute

“\$9,250”.

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

Repeal

“\$1,100”

Substitute

“\$1,130”.

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

Repeal

“\$4,470”

Substitute

“\$4,600”.

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

Repeal

“\$4,470”

Substitute

“\$4,600”.

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

Repeal

“\$1,100”

Substitute

“\$1,130”.

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

Repeal

“\$8,980”

Substitute

“\$9,250”.

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

Repeal

“\$1,490”

Substitute

“\$1,530”.

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

Repeal

“\$6,070”

Substitute

“\$6,250”.

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

Repeal

“\$6,070”

Substitute

“\$6,250”.

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

Repeal

“\$1,490”

Substitute

“\$1,530”.

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

Repeal

“\$12,180”

Substitute

“\$12,550”.

- (16) The Schedule, Part 2, item 4(a)—

Repeal

“\$1,490”

Substitute

“\$1,530”.

- (17) The Schedule, Part 2, item 4(b)(i)—

Repeal

“\$6,070”

Substitute

“\$6,250”.

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

Repeal

“\$6,070”

Substitute

“\$6,250”.

- (19) The Schedule, Part 2, item 4(c)—

Repeal

“\$1,490”

Substitute

“\$1,530”.

- (20) The Schedule, Part 2, item 4(d)—

Repeal

“\$12,180”

Substitute

“\$12,550”.

- (21) The Schedule, Part 2, item 5(a)—

Repeal

“\$920”

Substitute

“\$940”.

- (22) The Schedule, Part 2, item 5(b)(i)—

Repeal

“\$3,790”

Substitute

“\$3,900”.

- (23) The Schedule, Part 2, item 5(b)(ii)—

Repeal

“\$3,790”

Substitute

“\$3,900”.

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

Repeal

“\$920”

Substitute

“\$940”.

- (25) The Schedule, Part 2, item 5(d)—

Repeal

“\$7,610”

Substitute

“\$7,840”.

- (26) The Schedule, Part 2, item 5A(a)(i)—

Repeal

“\$23,570”

Substitute

“\$24,300”.

- (27) The Schedule, Part 2, item 5A(a)(ii)—

Repeal

“\$9,540”

Substitute

“\$9,830”.

- (28) The Schedule, Part 2, item 5A(b)(i)—

Repeal

“\$23,570”

Substitute

“\$24,300”.

- (29) The Schedule, Part 2, item 5A(b)(ii)—

Repeal

“\$26,130”

Substitute

“\$26,940”.

- (30) The Schedule, Part 2, item 5B(a)(i)—

Repeal

“\$23,570”

Substitute

“\$24,300”.

- (31) The Schedule, Part 2, item 5B(a)(ii)—

Repeal

“\$9,540”

Substitute

“\$9,830”.

- (32) The Schedule, Part 2, item 5B(b)(i)—

Repeal

“\$23,570”

Substitute

“\$24,300”.

- (33) The Schedule, Part 2, item 5B(b)(ii)—

Repeal

“\$26,130”

Substitute

“\$26,940”.

- (34) The Schedule, Part 2, item 5C(a)(i)—

Repeal

“\$31,440”

Substitute

“\$32,410”.

- (35) The Schedule, Part 2, item 5C(a)(ii)—

Repeal

“\$9,540”

Substitute

“\$9,830”.

- (36) The Schedule, Part 2, item 5C(b)(i)—

Repeal

“\$31,440”

Substitute

“\$32,410”.

- (37) The Schedule, Part 2, item 5C(b)(ii)—

Repeal

“\$34,860”

Substitute

“\$35,940”.

- (38) The Schedule, Part 2, item 5D(a)(i)—

Repeal

“\$25,140”

Substitute

“\$25,910”.

- (39) The Schedule, Part 2, item 5D(a)(ii)—

Repeal

“\$9,540”

Substitute

“\$9,830”.

- (40) The Schedule, Part 2, item 5D(b)(i)—

Repeal

“\$25,140”

Substitute

“\$25,910”.

- (41) The Schedule, Part 2, item 5D(b)(ii)—

Repeal

“\$27,870”

Substitute

“\$28,730”.

- (42) The Schedule, Part 2, item 6(a)(i)—

Repeal

“\$15,680”

Substitute

“\$16,160”.

- (43) The Schedule, Part 2, item 6(a)(ii)—

Repeal

“\$7,810”

Substitute

“\$8,050”.

- (44) The Schedule, Part 2, item 6(b)(i)—

Repeal

“\$15,680”

Substitute

“\$16,160”.

- (45) The Schedule, Part 2, item 6(b)(ii)—

Repeal

“\$17,390”

Substitute

“\$17,920”.

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

Repeal

“\$20,410”

Substitute

“\$21,040”.

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

Repeal

“\$8,550”

Substitute

“\$8,810”.

- (48) The Schedule, Part 2, item 7(b)—

Repeal

“\$20,410”

Substitute

“\$21,040”.

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

Repeal

“\$20,410”

Substitute

“\$21,040”.

- (50) The Schedule, Part 2, item 8(a)(ii)—

Repeal

“\$8,550”

Substitute

“\$8,810”.

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

Repeal

“\$20,410”

Substitute

“\$21,040”.

- (52) The Schedule, Part 2, item 9(a)(i)—

Repeal

“\$27,240”

Substitute

“\$28,080”.

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

Repeal

“\$8,550”

Substitute

“\$8,810”.

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

Repeal

“\$27,240”

Substitute

“\$28,080”.

- (55) The Schedule, Part 2, item 10(a)(i)—

Repeal

“\$21,770”

Substitute

“\$22,440”.

- (56) The Schedule, Part 2, item 10(a)(ii)—

Repeal

“\$8,550”

Substitute

“\$8,810”.

- (57) The Schedule, Part 2, item 10(b)—

Repeal

“\$21,770”

Substitute

“\$22,440”.

- (58) The Schedule, Part 2, item 11(a)(i)—

Repeal

“\$13,570”

Substitute

“\$13,990”.

- (59) The Schedule, Part 2, item 11(a)(ii)—

Repeal

“\$7,010”

Substitute

“\$7,220”.

- (60) The Schedule, Part 2, item 11(b)—

Repeal

“\$13,570”

Substitute

“\$13,990”.

- (61) The Schedule, Part 2, item 13—

Repeal

“\$2,100”

Substitute

“\$2,160”.

- (62) The Schedule, Part 2, item 14—

Repeal

“\$1,720”

Substitute

“\$1,770”.

- (63) The Schedule, Part 2, item 17(a)—

Repeal

“\$16,310”

Substitute

“\$16,810”.

- (64) The Schedule, Part 2, item 18(a)—

Repeal

“\$3,650”

Substitute

“\$3,760”.

- (65) The Schedule, Part 2, item 18(b)—

Repeal

“\$2,990”

Substitute

“\$3,080”.

- (66) The Schedule, Part 2, item 19(a)—

Repeal

“\$16,310”

Substitute

“\$16,810”.

- (67) The Schedule, Part 2, item 19(b)—

Repeal

“\$8,140”

Substitute

“\$8,390”.

(68) The Schedule, Part 2, item 20—

Repeal

“\$5,390”

Substitute

“\$5,550”.

Made this 20th day of January 2023.

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

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

The Hon. Mr. Justice LEE

Andy HO
Senior Deputy Registrar,
High Court

Derek CHAN, S.C.

Eric CHEUNG

Jonathan MAN

Ms Yuk Wah MO, J.P.

Explanatory Note

The fees payable to solicitors and counsel assigned under the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) (*principal Rules*) to represent legally aided persons are determined by the Director of Legal Aid (*Director*) according to the Table of Fees in the Schedule to the principal Rules. The Director may also re-determine some of the fees in certain circumstances under rule 21(8) of the principal Rules.

2. These Rules increase the fees payable under that rule and that Table (see rules 2 and 4). Rule 3 provides for transitional arrangements.