



Our Ref: 1819/CAT/2021

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BY HAND

Legal Assistance Scheme for
Non-refoulement Claimants
The Duty Lawyer Service
Unit 2503, 25/F., Skyline Tower
No. 39 Wang Kwong Road
Kowloon Bay
Kowloon

Dear Sir/Madam

November 2021

Assigned Lawyer

I write to confirm that you have been assigned as Duty Lawyer for the Non-refoulement claim of the following-named claimant:-

Case No.:
Claimant/Minor:
Remarks:

I enclose herewith a set of the case papers for your perusal and preparation. In accordance with the Duty Lawyer Service rules, the fees payable to duty lawyers handling Non-refoulement claim cases are as follows:-

1. The Immigration (Amendment) Ordinance 2021 ("Amendment Ordinance") will come into operation on 1 August 2021 ("commencement date"). All amendments made to the Immigration Ordinance, Cap. 115 ("Ordinance") will also take effect on the same date.
2. As advised by the Security Bureau, the current 21 days' administrative arrangement to return the completed Non-refoulement Claim Form ("NCF") will also be cancelled on 1 August 2021. All Non-refoulement Claimants will have 28 days for returning the completed NCF, while further extension will only be considered on a case-by-case basis.
3. Where the case involves minor(s) and the consideration of individual circumstances is warranted, your attention is to be drawn to the recent Court of Appeal Decision in Fabio and others [2020] HKCA 971 (27 November 2020) and in particular paragraph 34, 48, 49 and 53.
4. For attending screening interview or petition hearing with the claimant, the fee payable is on half day or whole day basis. The rate of which currently stands at \$12,160 per whole day and \$6,040 per half day. Please note that if the screening interview/ petition is set down for one day, a full day's fee will be payable unless the interview/ petition is clearly set down for half day only.

5. For any other works done in connection with the case, such as conference with the claimant, perusal of documents, relevant research and preparing documents, the fees are payable on hourly basis which currently stands at \$1,450 per hour. Time spent on traveling reasonably incurred for attending conferences with claimants in our office and/or in various institutions of the Correctional Services Department is also allowed. The charging of such hourly fee will be subject to the assessment by the Administrator upon reviewing the Fees Claim form which is attached herewith in this letter for your completion.
6. As there is a high probability that the Duty Lawyer Service's Legal Assistance Scheme for Non-refoulement Claimants will not be renewed after the expiry of the Memorandum of Administrative Arrangements on 30 June 2022 and as all legal expenses are met by the Duty Lawyer Service's annual public subvention which has a cut-off date, all Claim Forms therefore have to be submitted within one month after completion of each stage of the claim or after such fees were incurred irrespective of whether such stage has been completed or not whichever is the earlier for our assessment. Any bill not submitted in time would be considered as waived and will be written off if they are not submitted within three months upon completion of cases since we may not have the necessary funding from the Government to settle such fees.
7. All arrangements of conferences with claimants must be made through our Office. Conferences with claimants on recognizance can only be conducted either at the chambers/office of the assigned Duty Lawyer or at our Office. Requests that conferences be conducted (i) at short notice (ii) beyond the normal office hours and/or on Saturdays will usually not be entertained in the absence of cogent reasons and the prior approval of the officer-in-charge of our Office. In case of any urgency, please contact the Assignment Officer of our Office at [REDACTED] (mobile phone).
8. You are also required to advise urgently whether you consider it necessary that you should appear at the screening interview.
9. Please note that all documents given to you by the Non-refoulement claimant in the course of a conference must be kept in our case file irrespective of whether you consider them useful or not. The filing of such additional documents would ensure that should another lawyer hold a different view concerning its significance, the documents would be readily available. This would also avoid any complaint that useful materials had been given to the duty lawyer but were not used.
10. Please note that apart from the first two conferences, all subsequent conferences with the claimant as far as practicable will have to be held at the assigned duty lawyer's chambers or office unless the assigned duty lawyer is agreeable to waive the claim for travelling time.

11. With immediate effect, the Country of Information (COI) will not be provided to the duty lawyer by our Office. For those who claim for any research done should provide detailed (including the title/web-site and page number of the research) for the research.

Yours faithfully,

Chief Court Liaison Officer

Encls.

(Version.8.10.2021)