

立法會
Legislative Council

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Tel : 3919 3300

Date : 18 January 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 31 January 2018

Proposed resolution under the Legal Aid Ordinance

The Secretary for Home Affairs will move the proposed resolution in **Appendix 1** under section 7(a) of the Legal Aid Ordinance (Cap. 91) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is in **Appendix 2**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

Legal Aid Ordinance

Resolution

(Under section 7(a) of the Legal Aid Ordinance (Cap. 91))

Resolved that the Legal Aid Ordinance (Cap. 91) be amended as set out in the Schedule.

Schedule

Amendments to Legal Aid Ordinance

1. **Section 5 amended (persons eligible for legal aid)**
Section 5(1)—
Repeal
“\$290,380”
Substitute
“\$302,000”.

2. **Section 5A amended (supplementary legal aid)**
Section 5A(b)—
 - (a) **Repeal**
“\$290,380”
Substitute
“\$302,000”;
 - (b) **Repeal**
“\$1,451,900”
Substitute
“\$1,509,980”.

(Translation)

**Speech by the Secretary for Home Affairs
at the Legislative Council meeting on 31 January 2018**

Proposed Resolution under the Legal Aid Ordinance

President,

I move the Resolution standing in my name on the Agenda.

2. Legal aid services form an integral part of the legal system in Hong Kong. The policy objective of legal aid is to ensure that all those who comply with the regulations of the Legal Aid Ordinance (Cap. 91) (“LAO”) and have reasonable grounds for pursuing or defending a legal action in the courts of Hong Kong will not be denied access to justice due to a lack of means. To qualify for legal aid, a person is required to satisfy both the means test and merits test as provided by the LAO.

3. At present, a person whose financial resources do not exceed \$290,380 is financially eligible for legal aid under the Ordinary Legal Aid Scheme (“OLAS”) which covers civil proceedings in the District Court or higher courts as set out in section 5 of the LAO. The same limit is also applicable to criminal legal aid. The financial eligibility limit (“FEL”) for the Supplementary Legal Aid Scheme (“SLAS”) is \$1,451,900 as specified in section 5A of the LAO.

Review of financial eligibility limits

4. Pursuant to the Government’s report to the Legislative Council (“LegCo”) in September 1999, the Government will review the relevant limits annually to take into account general price movement and biennially to take into account changes in private litigation costs and other relevant factors.

5. The previous adjustment to the FELs was implemented in July 2015, reflecting the 7.7% increase in Consumer Price Index (C) (“CPI(C)”) for the period between July 2012 and July 2014. For the current review, we propose to increase the FELs under OLAS and SLAS by 4.0% to reflect the accumulated change in CPI(C) for the period of July 2014 to July 2016.

6. I now propose moving the Resolution to increase the FEL under OLAS from \$290,380 to \$302,000, and the FEL under SLAS from \$1,451,900 to \$1,509,980, according to the recommended level of increase.

7. We have informed the Legal Aid Services Council, the Hong Kong Bar Association, the Law Society of Hong Kong and the Panel on Administration of Justice and Legal Services of the outcome of the current review.

8. The proposed resolution has been scrutinised by the relevant Subcommittee. Under the chairmanship of Hon Holden CHOW Ho-ding, the Subcommittee held two meetings on 14 July and 7 November 2017 to examine the proposed resolution. The subcommittee has completed its work and supports the proposed resolution.

Financial implications

9. The proposal to increase the FELs is estimated to incur an additional recurrent expenditure of around \$1.4 million in a full year by the Legal Aid Department (LAD). LAD has included the necessary provisions in the 2017-18 Estimates to meet the costs of the proposal. The workload in effecting the changes to the FELs will be absorbed by LAD with its existing manpower resources.

10. Subject to the LegCo’s approval of the Resolution, the adjusted FELs will come into effect upon gazettal. May I invite Members to support the Resolution. Thank you, Mr President.