

LegCo Panel on Administration of Justice and Legal Services

**Policy Initiatives of the Administration Wing,
Chief Secretary for Administration's Office**

Introduction

The 2004 Policy Agenda just issued lists the Government's new and on-going initiatives over the next three and a half years. This note elaborates on the initiatives affecting the Administration Wing in the 2004 Policy Agenda. It also gives an account on the position reached on our initiative in the 2003 Policy Agenda, and the review of legal aid services.

2004 Policy Agenda

Effective Governance

Initiative

Continuing discussions with the Mainland in reciprocal enforcement of judgments (REJ) in civil matters

2. As part of the Government's initiative to facilitate the development of the HKSAR into a centre for the resolution of international trade disputes and to develop the HKSAR's legal services, we are exploring with the Mainland authorities a mechanism for REJ in commercial disputes between the Mainland and the HKSAR courts.

3. We consulted the legal professions, chambers of commerce and the trade associations during March and April 2002 on a proposed scheme. Following discussion with this Panel on 27 May 2002 on the proposed scope and safeguards of the scheme, we have commenced exploratory discussion with the Mainland authorities on the proposed arrangement. We will continue our discussion with the Mainland authorities and report to this Panel when there is any major development.

Environmentally Responsible Development

Initiative

Promoting the integration of sustainability in the Government and the community

4. This is an on-going initiative. The position we have reached on this initiative is reported in the *2003 Policy Agenda* section.

5. In 2004, we would continue to work with the Council for Sustainable Development to develop a sustainable development strategy for Hong Kong in partnership with stakeholders in the community. In addition, we would allocate grants from the Sustainable

Development Fund for community-based projects to raise public awareness of the concept of sustainable development.

6. Reviews of the operation of the sustainability assessment system would be conducted from time to time to ensure it is effective and up-to-date.

2003 Policy Agenda

Environmentally Responsible Development

Initiative

Promoting the integration of sustainability in the Government and the community and setting up the Council for Sustainable Development

Progress Made/Present Position

7. The Council for Sustainable Development was established in March 2003 to advise the Government on matters related to sustainable development. We have been developing with the Council a process for engaging stakeholders in the formulation of a sustainable development strategy for Hong Kong. The \$100 million Sustainable Development Fund was launched in September 2003 to promote the understanding of sustainable development in the community. We are now processing the applications received during the first round in December 2003.

8. The sustainability assessment system has been put in place within Government since December 2001 to facilitate the integration of sustainability considerations into the decision-making process. We have completed a review and further refined the operation of the system, and put in place new arrangements in December 2003.

Others

Review of Legal Aid Services

9. During the past year, we completed three reviews of legal aid services, including the annual review of the financial eligibility limits of legal aid applicants to take account of inflation; the biennial review of the limits to take account also of changes in litigation costs; and the five-yearly review of the criteria used to assess the financial eligibility of legal aid applicants. We have discussed with the Legal Aid Services Council (LASC) and this Panel the findings of these reviews, and our recommendations.

10. As noted from the findings of the three annual reviews for 2001 to 2003, there has been a significant and persistent decrease in consumer prices. Accordingly, we propose to implement shortly, through necessary legislative amendments, a downward adjustment of 8.2% to the financial eligibility limits of legal aid applicants, in line with the decrease in consumer prices during the period, so as to maintain the real values of those limits.

11. Following the 2002 biennial review, we note that hard evidence of litigation cost is difficult to come by. On the basis of the review findings, we do not see a case of recommending adjustments to the financial eligibility limits to reflect changes in litigation costs over the period from 2000 to 2002. We will however be ready to re-examine the case, on receipt of legal cost statistics from relevant parties, notably the two legal professional bodies.

12. In the five-yearly review of the criteria used to assess the financial eligibility of legal aid applicants, we have identified a number of improvements to the existing arrangements and are discussing them with the LASC and this Panel. The improvements represent further expansion in the scope of “deductibles” in the calculation of disposable income and disposable capital of legal aid applicants; and a reduction in the rate of contributions of aided persons under the Supplementary Legal Aid Scheme. We hope that with the support of the LASC and this Panel, we would be in a position to put in place these improvement measures as soon as possible.

Review of criminal legal aid fees

13. Over the past year, we have also completed the biennial review of criminal legal aid fees to take account of the changes in consumer prices during the reference period. The revised fee levels were implemented in July 2003.

14. We will consider the views of the two legal professional bodies on the system of criminal legal aid fees upon receipt of the report of their joint working party.

Administration Wing
Chief Secretary for Administration's Office
8 January 2004