

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2006-07**

**Controlling Officer : Director of Administration/Director of Legal Aid
Session No. : 7**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
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Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO01

Question Serial No.

S24

Head: 142 – Government Subhead (No. & title):
Secretariat: Offices of the
Chief Secretary for
Administration and the
Financial Secretary

Programme: (3) CSO – Administration Wing

Controlling Officer: Director of Administration

Director of Bureau: Director of Administration

Question :

As indicated in item (c) of reply no. CSO003, transport subsidy will be granted in the form of either allowance or interest-free loan. Would the Administration advise this Committee :

- (a) What is the reason for granting the subsidy in the form of either allowance or interest-free loan?
- (b) What is the criteria for deciding on whether allowance or interest-free loan be granted to the retrainees?
- (c) For the interest-free loan, what is the period and terms of repayment?

Asked by: Hon. WONG Kwok-hing

Reply:

For (a), the Travel Support Scheme (the Scheme) aims to provide short-term financial relief for job-seeking retrainees to attend job interviews and/or to commute to work during their initial period of employment. The financial support may be in the form of an allowance or an interest free loan, depending on the economic needs of the applicants to be assessed by the participating training bodies concerned. The main reason for the provision of two kinds of financial aid is to make good use of available resources to benefit the most needy ones. The loan repayments will be ploughed back to the Scheme and may benefit more people in need of such assistance.

For (b), basically the form of financial assistance offered to successful applicants of the Scheme depends on the usage of the travel support. As a rule of thumb, support granted for the purpose of attending job interviews will be in the form of an allowance without the need for repayment, while that for commuting to work upon successful placement will be in the form of an interest free loan. The financial position of the applicants will also be taken into account in deciding whether to provide a loan or allowance. For example, if the wage level is not high and the person is the only bread-winner, then an allowance may be considered. But if the wage level is relatively high and the applicant's household has other sources of income, then a loan may be more appropriate. During the pilot stage, the discretion will be given to the training bodies commissioned by the Employees Retraining Board.

For (c), as a rule of thumb, during the pilot stage, we are inclined to go for a repayment period of ten months or less, assuming that the repayment sum is only around \$100 to \$150 per month, an amount which is affordable by retrainees placed into jobs.

Signature _____

Name in block letters _____ Mrs Susan Mak

Post Title _____ Acting Director of Administration

Date _____ 17 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO02

Question Serial No.

S26

Head: 142 – Government Subhead(No. & title):

Secretariat: Offices of the
Chief Secretary for
Administration and the
Financial Secretary

Programme: (3) CSO – Administration Wing

Controlling Officer: Director of Administration

Director of Bureau: Director of Administration

Question:

As indicated in item (c) of reply no. CSO002, the number of people to be benefited under My Step project is not available. In this regard, would the Administration advise this Committee of the criteria for working out a provision of \$3 million?

Asked by: Hon. WONG Kwok-hing

Reply:

As a trial project, My STEP does not aim to maximise the number of beneficiaries, but to explore more targeted measures in tackling long-term unemployed youth. If proved effective, the project would be further promoted and integrated into existing employment assistance programmes for youths. We are liaising with a number of non-governmental organisations (NGOs) experienced in youth unemployment and motivation work in designing tailor-made programmes for the purpose. The exact number of projects to be tested, the number of beneficiaries and thus the precise total costs would depend on programme design and the NGOs' capacity. Since discussions with interested NGOs on the possible modes of delivery of the service are still ongoing, we base our estimates on informal discussions with a number of parties experienced in related fields. The estimated cost ceiling of \$3 million for 50 – 100 participants includes no more than \$1.6 million for the provision of structured residential adventure-based/disciplinary training, pre-training counselling and intensive post-training support. Around \$1 million would be earmarked for the evaluation study on the effectiveness of the trial project and \$0.2 million for the provision of temporary financial aid to support employment-related expenses. In addition, \$0.2 million would be set for contingency.

Signature _____

Name in block letters _____ Mrs Susan Mak

Post Title _____ Acting Director of Administration

Date _____ 17 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO03

Question Serial No.

S49

Head: 142 – Government Subhead(No. & title):
Secretariat: Offices of the
Chief Secretary for
Administration and the
Financial Secretary

Programme: (3) CSO – Administration Wing

Controlling Officer: Director of Administration

Director of Bureau: Director of Administration

Question:

At the special meeting on 15 March, the Secretary for Health, Welfare and Food failed to respond to my question concerning social enterprises mentioned in paragraph 65 of the Budget Speech. Could the Government advise this Committee of :

- (a) the details of the principles of transparency, fairness and value for money?
- (b) the details of the initiatives to facilitate participation by social enterprises in tenders for government contracts? Which government departments will be involved? Please list the contracts that allow participation by social enterprises.

Asked by: Hon. CHAN Yuen-han

Reply:

For (a), the principles of transparency, fairness and value for money have been our core Government procurement principles. To achieve best value for money, procuring departments should take into account in their evaluation not only the competitiveness in price, but also quality superiority, reliability of performance, compliance with user requirements, etc. The initiative in the Budget is not intended to give social enterprise (SE) preferential treatment – instead, we will promote a more facilitating environment, and a holistic assessment of value for money by factoring in additional social benefits brought by SEs which are consistent with our overall policy objectives e.g. in combating unemployment including enhancing workers' capacity. This is also in line with the practice in the United Kingdom and European Union.

For (b), during the pilot stage, member bureaux of the CoP and their respective departments would -

- (i) consider appropriate facilitating measures, e.g. provision of procurement information, including interested parties in their contractor lists, and removing any obstacle in the procurement procedures not necessitated by the nature of the contract and which are specific to voluntary and community sector (VCS) and their subsidiaries (e.g. obstacles specific to SE given their short track records and relatively small capital base); and
- (ii) invite optional proposals relevant to the contracts to help the Government combat unemployment, and give additional weighting in the marking scheme for those bids which can help address unemployment, e.g. offer jobs to the unemployed and include elements to enhance capacity of the unemployed. The exact weighting would depend on the nature of the contracts and the type of services required.

We are liaising with the relevant bureaux/departments on the implementation details.

Although SE are allowed to bid for all Government contracts, given that the present range of services provided by SE/VCS in Hong Kong is relatively limited and their capacity is relatively small at this stage, pilot bureaux and departments would give more attention to small value contracts and those services which SE are capable of delivering (e.g. cleansing contracts and other miscellaneous low-skilled jobs). We believe this is a small step but nevertheless a step towards the right direction.

Signature _____

Name in block letters _____ Mrs Susan Mak

Post Title _____ Acting Director of Administration

Date _____ 17 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO04

Question Serial No.

SV10

Head: 94 Legal Aid Department Subhead (No. & title): 000 Operational Expenses
Programme:

Controlling Officer: Director of Legal Aid

Director of Bureau: Director of Administration

Question: Details of the work process re-engineering in the Department in the light of its Manpower Plan in 2006-07.

Asked by: Hon. NG Margaret

Reply: The followings are details of the work process re-engineering undertaken by the Department in the light of its Manpower Plan in 2006-07:

- (a) To facilitate the gathering of information, legal aid applicants are provided with guidance notes on the relevant supporting documents that should be produced when applying for legal aid. Simple and easy-to-fill-in questionnaires for different types of cases are devised to obtain from legal aid applicants all relevant information relating to the case;
- (b) For in-house cases, data captured during the processing stage are transferred automatically to the Litigation Division upon assignment through the computerised system to save data inputting time; and
- (c) The referral process with the Labour Department is streamlined. The Labour Department will no longer refer employees of insolvent employers to apply for legal aid to commence bankruptcy or winding-up proceedings in certain types of cases, for instance, cases where the number of employees is less than 20 and where the employer is a limited company undergoing voluntary liquidation.

Signature _____

Name in block letters _____ Benjamin CHEUNG

Post Title _____ Director of Legal Aid

Date _____ 17 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO05

Question Serial No.

SV11

Head: 94 Legal Aid Department Subhead (No. & title):

Programme: (2) Litigation Services

Controlling Officer: Director of Legal Aid

Director of Bureau: Director of Administration

Question: Details of the maximum caseload for each counsel in the Department.

Asked by: Hon. NG Margaret

Reply: It is difficult to set a maximum number of cases a Legal Aid Counsel (LAC) conducting civil litigation should handle. This is because the amount of litigation work required differs from case to case depending on factors such as:

- (a) nature of the case;
 - (b) whether complicated issues of facts are in dispute;
 - (c) whether important or novel points of law are involved;
 - (d) whether expert evidence is required to substantiate the claim;
 - (e) the number of witnesses involved and whether efforts have to be made to trace them; and
 - (f) the willingness or otherwise of the opposite party to settle and the timing of the settlement.

The Litigation Division of the Department handles civil litigation relating to personal injury, matrimonial and insolvency claims, and the actual caseload of the LAC engaged in these three types of civil litigation is as follows (as at the end of February 2006):

LAC handling personal injuries cases	67-88 cases per LAC
LAC handling matrimonial and/ or insolvency cases	157-213 cases per LAC

Signature

Name in block letters Benjamin CHEUNG

Post Title Director of Legal Aid

Date 17 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
 SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO06

Question Serial No.

SV12

Head: 94 Legal Aid Department Subhead (No. & title):

Programme: (2) Litigation Services

Controlling Officer: Director of Legal Aid

Director of Bureau: Director of Administration

Question: For cases in which the costs have not been recovered for the past three years, an annual breakdown of such cases by:

- (i) their nature (e.g. matrimonial, bankruptcy and insolvency cases, etc);
- (ii) the number of cases in which applicants have to bear the costs; and
- (iii) the number of cases subject to first charge.

Asked by: Hon. NG Margaret

Reply: Annual breakdown of cases the accounts of which were finalized in the past three years and where costs have not been recovered (i.e. cases referred to in the Reply Serial No. CSO038) is as follows:

- (i) Breakdown By nature:

	<u>2003/04</u>	<u>2004/05</u>	<u>2005/06(up to February)</u>
Matrimonial	1 429	1 384	889
Insolvency (Bankruptcy & Winding-up)	626	919	412
Employees' Compensation	2	1	-
Personal Injury	2	4	-
Running Down	2	1	-
Miscellaneous *	63	44	25
TOTAL	2 124	2 353	1 326

* Cases falling within the Miscellaneous category are cases such as claims for damages for assault, contract of employment and land/tenancy dispute.

- (ii) Among (i), the number of cases in which the aided persons have to bear some of the costs not recovered is as follows:

<u>Year</u>	<u>No. of cases</u>
2003/2004	191
2004/2005	335
2005/2006 (up to February)	243

(iii) Among (ii), the number of cases subject to first charge is as follows:

<u>Year</u>	<u>No. of cases</u>
2003/2004	6
2004/2005	6
2005/2006 (up to February)	0

Signature _____

Name in block letters _____ Benjamin CHEUNG

Post Title _____ Director of Legal Aid

Date _____ 17 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO07

Question Serial No.

SV13

Head: 94 Legal Aid Department Subhead (No. & title):

Programme: (1) Processing of Legal Aid Applications

Controlling Officer: Director of Legal Aid

Director of Bureau: Director of Administration

Question: Details of how the Department would process urgent applications (such as application for injunction order by domestic violence victims) within a shorter timeframe than the normal three months from the date of application, and how the Department has publicized/would publicize this service to the public.

Asked by: Hon. NG Margaret

Reply: The Department processes all urgent applications immediately on the day the application is made. Frontline staff at the Application and Processing Division is trained and given guidelines on how to proactively identify applications that require urgent processing, for example, cases with imminent bar date and those involving domestic violence. If an applicant passes both the means and merits tests, legal aid will be offered straightaway. For urgent cases where the applicants are unable to provide readily all the relevant information to enable the Director of Legal Aid to fully process the application, an emergency certificate will be issued, provided that certain statutory criteria are met. During the period 2003-05, the Department has issued eight emergency legal aid certificates.

The Department, through the leaflet on "How to Apply – Legal Aid in Civil Cases" and the telephone hotline enquiry service on family disputes, informs prospective applicants that the Department will accord priority to urgent applications such as cases of domestic violence or suspected sale of matrimonial home/asset. Moreover, the Police, Social Welfare Department and non-governmental organizations involved in the provision of temporary shelter for battered spouses such as Harmony House are aware of the urgent application procedure and they often refer clients to make urgent application for legal aid.

Signature _____

Name in block letters _____ **Benjamin CHEUNG**

Post Title _____ **Director of Legal Aid**

Date _____ **17 March 2006**